

The Biological Weapons Convention Seventh Review Conference: A Modest Outcome

The Seventh Review Conference of the Biological and Toxin Weapons Convention (BWC) was held in Geneva from Monday 5 December to Thursday 22 December 2011 – the Review Conference had to finish by 6 pm on Thursday 22 December 2011 as the United Nations in Geneva was closing then for the Christmas break and this meant that there was **no** flexibility at all in when the Conference might finish. This followed the Preparatory Committee meeting held in Geneva on Wednesday to Thursday 13 to 14 April 2011 (see *Report from Geneva Review no 34*) which had agreed a provisional agenda, draft rules of procedure, and a recommended distribution among the three regional groups of the posts of Chairmen and Vice-Chairmen of the subsidiary bodies (the Committee of the Whole, the Drafting Committee and the Credentials Committee).

On the opening day of the Review Conference, Ambassador Paul van den IJssel of The Netherlands was elected President of the Review Conference, Ambassador Desra Percaya of Indonesia elected as Chairman of the Committee of the Whole, Ms Judit Körömi of Hungary as Chairman of the Drafting Committee and Mr Mário Duarte of Portugal as Chairman of the Credentials Committee. The provisional agenda was also adopted with its three substantive items:

10. *Review of the operation of the Convention as provided for in its Article XII*
 - (a) *General debate*
 - (b) *Articles I - XV*
 - (c) *Preambular paragraphs and purposes of the Convention*
11. *Consideration of issues identified in the review of the operation of the Convention as provided for in its Article XII and any possible consensus follow-up action*
12. *Follow-up to the recommendations and decisions of the Sixth Review Conference and the question of future review of the Convention*

The three week Review Conference was structured so as to commence with two days of general debate in which statements were made by representatives of fifty-four States Parties and one Signatory State (Egypt), the European Union, seven specialized agencies and other international organizations (the International Committee of the Red Cross (ICRC), the International Criminal Police Organization (INTERPOL), the North Atlantic Treaty Organisation (NATO), the World Organisation for Animal Health (OIE),

the Organisation for the Prohibition of Chemical Weapons (OPCW), the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the World Health Organization (WHO)). This was then followed by the Committee of the Whole which met between Wednesday 7 December and Friday 16 December and carried out an Article by Article review of the Convention, producing a report containing language proposed by individual States Parties or groups of States Parties for the Final Declaration. It presented this report on Friday 16 December. Interposed with the meetings of the Committee of the Whole, the President held informal plenaries on cross-cutting issues from Wednesday 7 December through to Tuesday 13 December 2011. Following the conclusion of the informal plenaries, the President conducted a series of informal consultations, in which he was aided by Facilitators, which focussed on finding consensus language for the Article by Article *Final Declaration* and for *Part III: Decisions and Recommendations* of the Final Document.

104 States Parties participated in the Review Conference as follows: Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of Congo, Denmark, Dominican Republic, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Madagascar, Malaysia, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), and Yemen. This was one more than the 103 States Parties who participated at the Sixth Review Conference in 2006: Armenia, Brunei Darussalam, Burundi, Democratic Republic of Congo, Dominican Republic, Ethiopia, Fiji, Kazakhstan, Lao Peoples Democratic Republic, Lesotho, Liechtenstein, Madagascar, Mozambique, Tajikistan, Uganda, United Arab Emirates, and Uruguay all participated in 2011 whilst Bahrain, Benin, Ecuador, El Salvador, Honduras, Jamaica, Kyrgyzstan,

Mali, Malta, Monaco, Oman, Rwanda, Sudan, Swaziland, Viet Nam, and Zimbabwe, who had participated in 2006, did not do so in 2011.

Five Signatory States participated: Côte d'Ivoire, Egypt, Haiti, Myanmar and the United Republic of Tanzania, which was five less than in 2006 (Burundi, Madagascar, Nepal, Syrian Arab Republic and United Arab Emirates – of these Burundi, Madagascar and the United Arab Emirates have become States Parties since 2006). Two States, neither party nor signatory, Cameroon and Israel, were granted Observer status in 2011, one more than in 2006 when only Israel was accorded Observer status. The Convention now has 165 States Parties and 12 Signatory States. 19 States have neither signed or ratified (BWC/CONF.VI/INF.7/Add.1 dated 12 January 2012).

The Secretariat prepared eight background documents in 2011, instead of the previous six such documents. Considering the background papers in sequence the following observations can be made:

BWC/CONF.VII/INF.1. History and operation of the Confidence Building Measures. This is an updated version of the background document provided at previous Review Conferences. INF.1 contains 8 pages of background and introduction, an Annex reproducing in 17 pages the Annex to the Third Review Conference that sets out the agreed forms, and then 6 pages indicating which States Parties have submitted Confidence-Building Measures (CBMs) in each year since they were first agreed in 1987. This is similar to the background paper on CBMs in 2006 which presented comparable information. It should be noted that the annual report of the Implementation Support Unit (ISU) (BWC/CONF.VII/3 dated 23 November 2011) provides a report indicating which States Parties had responded to each individual CBM in the year to date.

BWC/CONF.VII/INF.2 and Add.1 Compliance by States Parties. This is closely similar to the background paper prepared prior to previous Review Conferences, in that it is compiled from the information submitted by the States Parties with no added material, comment or analysis. Information was provided by 36 States Parties: Argentina, Australia, Brazil, Bulgaria, Canada, China, Cuba, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Kazakhstan, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Qatar, Republic of Moldova, Russian Federation, South Africa, Sweden, Switzerland, Ukraine, United Kingdom, and United States of America. This was sixteen more than in 2006 as Brazil, Bulgaria, Canada, Cyprus, Denmark, Georgia, Greece, India, Iran (Islamic Republic of), Ireland, Kazakhstan, New Zealand, Norway, Pakistan, Poland, Qatar, Republic of Moldova, South Africa, Sweden and Ukraine all provided information in 2011 whilst Estonia, Hungary, Nigeria, Serbia, Switzerland and the Ukraine did not.

BWC/CONF.VII/INF.3 New scientific and technological developments. This is a document which contains an overview of developments prepared by the ISU based on submissions from States Parties and other sources, and in Annex I an overview of developments prepared by IAP: the Global Network of Science Academies. In a welcome change from

the corresponding document in 2006, in which the individual submissions from States Parties were not included, in 2011 an annex comprising the individual submissions from States Parties was issued separately as an addendum (BWC/CONF.VII/INF.3/Add.1, Add.2 and Add.3). Individual submissions were provided by ten individual States Parties: Australia, China, Czech Republic, Germany, Netherlands, Portugal, South Africa, Sweden, United Kingdom, and United States of America. This was the same number as in 2006 although in 2011 Germany, and South Africa made contributions, whereas Argentina and the Russian Federation did not. It is regretted that the third co-depositary did not make a contribution as it has done hitherto.

BWC/CONF.VI/INF.4 Developments in other international organizations relevant to the Convention. This document reviews developments in regard to twelve UN and specialized agencies: 1540 Committee, Economic and Social Council (ECOSOC), Food and Agriculture Organization (FAO), International Civil Aviation Organization (ICAO), International Maritime Organization (IMO), Office for the Coordination of Humanitarian Affairs (OCHA), Secretary-General of the United Nations, United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Environment Programme (UNEP), World Health Organization (WHO), and United Nations Interregional Crime and Justice Research Institute (UNICRI). This is similar to 2006 although in 2011 ICAO and UNICRI are included. The document then considers six other international intergovernmental organizations: International Centre for Genetic Engineering and Biotechnology (ICGEB), International Committee of the Red Cross (ICRC), INTERPOL, Organisation for Economic Cooperation and Development (OECD), Organisation for the Prohibition of Chemical Weapons (OPCW), and World Customs Organization (WCO). Finally it considers three International commercial and scientific organizations: IAP – the Global Network of Science Academies, International Air Transport Association (IATA), and International Federation of Biosafety Associations (IFBA). Unlike in 2006, this 2011 background paper has no summary table showing which organizations are active in which particular areas. Nevertheless, it is still a helpful document that helps to set the BWC in the wider international context.

BWC/CONF.VII/INF.5 Additional understandings. This is an updated version of the background document provided at previous Review Conferences that provides a summary of the additional understandings and agreements reached by previous Review Conferences. The approach taken is first to provide the language in the Convention and then secondly provide the additional understandings. This is done in turn for the Preamble and then for each of the Articles. As in the document prepared for the Sixth Review Conference, the document prepared for the Seventh Review Conference does not, however, show how these extended understandings have developed over the years, as successive Review Conferences have frequently amended the language and these amendments are not necessarily of equal merit nor are they always progressive. Although it would have been a longer document, the development of the language over the years is significant and important in considering language at the Seventh Review Conference.

BWC/CONF.VII/INF.6 Common understandings reached by the Meetings of States Parties during the intersessional programme held from 2007 to 2010. This is a new background document that reproduces the substantive paragraphs from the respective reports adopted by the Meetings of States Parties in 2007, 2008, 2009 and 2010. This is a useful document as it puts together the substantive outcome of the annual Meetings of States Parties, and it should have facilitated the preparation of States Parties' proposals for language for the Article by Article Final Declaration to be considered by the Committee of the Whole. However, as reported later, the consideration by the Committee of the Whole of proposals for the Final Declaration was less effective than at previous Review Conferences.

BWC/CONF.VII/INF.7 and Add.1 Status of universalization of the Convention. This background document outlines the results to date of the activities to promote universalization of the Convention undertaken by the President-designate of the Review Conference and the ISU in 2011. It also includes information from States Parties and other organizations, where that information has been provided to the President-designate or the ISU. The Convention currently has 165 States Parties (listed in the Annex to Add.1), with 12 signatories and 19 states having neither signed nor ratified. A total of 31 states are not party to the Convention.

BWC/CONF.VII/INF.8 and Add.1 Implementation of Article X of the Convention. This is a new background document that is compiled from the information submitted by the States Parties with no added material, comment or analysis. It should be noted that the Sixth Review Conference in paragraph 54 of its Final Declaration in regard to Article X stated that:

54. The Conference encourages States Parties to provide appropriate information on how this Article is being implemented to the United Nations Department for Disarmament Affairs, and requests the Department to collate such information for the information of States Parties.

Information was provided by 27 States Parties: Australia, Belgium, Bulgaria, Canada, China, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, India, Iran (Islamic Republic of), Japan, Netherlands, New Zealand, Norway, Poland, Qatar, Republic of Moldova, Russian Federation, Sweden, Switzerland, Ukraine, United Kingdom and United States of America.

[Although **not** one of the background documents, it is noted that BWC/CONF.VII/INF.10 dated 13 December 2011 is entitled *Implementation of Article X of the BTWC – some illustrative contributions*. This provides some specific but not comprehensive examples of Article X cooperation activities carried out by EU Member States and EU Institutions. Indicative projects are listed for 14 EU Member States: Belgium, Bulgaria, Czech Republic, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Poland, Spain, Sweden, and the United Kingdom. It is noted that three of these – Ireland, Italy and Spain – did not contribute to the official background document (BWC/CONF.VII/INF.8) on the Implementation of Article X of the Convention even though

all States Parties had been encouraged to do so by paragraph 54 of the Final Declaration of the Sixth Review Conference.]

Two of these background information documents were new for the Seventh Review Conference: one on the common understandings reached by the intersessional programme from 2007 to 2010 and the other on the implementation of Article X to be compiled from information submitted by the States Parties.

Thirty Working Papers – nine fewer than at the Sixth Review Conference in 2006 – were submitted by States Parties or Groups of States Parties to the Review Conference: four by South Africa, three by United Kingdom, two each by Belgium, Germany and France and one each by Canada, China, Cuba (on behalf of the NAM), Finland, India, Iran, Iraq, Japan, Poland and the USA. In addition, members of the JACKSNNZ group submitted Working Papers either as the group or as part of the group: one by the JACKSNNZ group together with Kenya, Sweden, Ukraine, the United Kingdom and the USA, three by Australia, Japan and New Zealand, one by Norway, Switzerland and New Zealand, and one by Germany, Norway and Switzerland and one by Canada and Switzerland – this is a Working Paper by Canada and Switzerland entitled *National Implementation of the BTWC: Compliance Assessment* which was available as an advance document on the unog.ch/bwc website but as of March 2012 it has yet to appear as a WP, although this is intended.

In contrast, in 2006 the thirty-six Working Papers were submitted as follows: eight by the EU, five by the Latin American Group, four by NAM, three by Australia and by Iran, two by Canada, Japan, South Africa, Switzerland and the US and one each by Germany, New Zealand, Norway, Republic of Korea, Ukraine and the UK. The big difference in 2011 was in regard to Working Papers by the recognised Groups – one by Cuba on behalf of the NAM and one by the JACKSNNZ group (together with other states) with **no** Working Papers submitted by the EU, or by the Latin American Group. A welcome step forward is the commitment shown by the JACKSNNZ group of States Parties whose members submitted some nine Working Papers. It is notable that the initiative shown by the JACKSNNZ group included deliberate variations in the configuration, sometimes forming trios or duos within their group (Australia, New Zealand, Japan; Norway, Switzerland, New Zealand; Canada, Switzerland) and sometimes co-sponsoring working papers with members of the Western Group outside the JACKSNNZ (Germany, Norway, Switzerland) or members of the Western and East European Groups and the NAM (Ukraine and Kenya, as well as Sweden, UK and USA). It is noted that WP.20 when first issued was submitted by Australia, Canada, Japan, New Zealand, Republic of Korea and Switzerland (on behalf of the JACKSNNZ), Kenya, Pakistan, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America – but when reissued as WP.20 Rev.1, Pakistan was no longer a co-sponsor.

There was again the welcome provision of daily reports on the Review Conference written by Richard Guthrie for the BioWeapons Prevention Project (BWPP). These reports were distributed in hard copies to the delegates as well as by listserv and on the BWPP website (at <http://www.bwpp.org/reports.html>).

Opening of the Review Conference

The Seventh Review Conference opened with Jarmo Sareva, Director of the Geneva Branch, Office for Disarmament Affairs in the chair. In his opening remarks, he said that the Convention was the legal embodiment of the international community's determination to exclude forever the possibility of disease being used as a weapon. It was one of the three pillars against weapons of mass destruction. He noted that there were three short weeks in which to carry out the Review Conference to review all aspects of the operation of the Convention and to decide on what must be done to maintain and strengthen its effectiveness, and thus reduce the risk of biological agents and toxins being used as weapons. It was an important and challenging task, and there was no time to waste.

Then following the provisional agenda (BWC/CONF.VII/1) he moved on to agenda item 2. Election of the President of the Review Conference and Ambassador Paul van den IJssel was elected by acclamation. Ambassador van den IJssel then took the chair and thanked the delegations for his election. He said that he had spent the last year preparing for the Review Conference both in Geneva and around the world. He very much saw this as a common enterprise. He said the coming three weeks would be busy as a number of important topics were to be considered. He said that his aim was to lead the discussions in an open and transparent manner, and to ensure that all opinions were heard. He said he was confident that this would lead to an ambitious and realistic document that could be agreed by all at the end of this Review Conference.

Ambassador van den IJssel then outlined the programme for the rest of the opening morning. He said attention would first be given to the various procedural matters that required attention, starting with the adoption of the Agenda. Once these had been completed, there would be a message from the Secretary-General of the United Nations, and then brief addresses from two special guest speakers, before moving on to the General Debate.

The President then went on to consider the items of the Agenda. Under agenda item 3, the provisional agenda as set out in BWC/CONF.VII/1 was adopted. Then under agenda item 4, the report of the Preparatory Committee (BWC/CONF.VII/PC.2 dated 26 April 2011) was considered. The President noted that the ISU had prepared eight background documents. He said that these papers were meant only to provide a variety of background information to help delegations in their preparations, and that these background documents had no official status as an input to the Review Conference. The report of the Preparatory Committee was adopted.

It is unfortunate that it was said that the background information documents had no official status as inputs to the Conference. This is because it is a fact that some of the information documents are immensely important in helping the States Parties to carry out their mandate as set out in the Article XII section of the *Final Declaration* of the Sixth Review Conference that states:

61. The Conference decides that the Seventh Review Conference shall be held in Geneva not later than 2011 and should review the operation of the Convention, taking into account, inter alia:

(i) new scientific and technological developments relevant

to the Convention;

(ii) the progress made by States Parties on the implementation of the obligations under the Convention;

(iii) progress of the implementation of the decisions and recommendations agreed upon at the Sixth Review Conference.

The information submitted by the States Parties on compliance for BWC/CONF.VII/INF.2 (Compliance by States Parties), on new scientific and technological developments for INF.3 (New Scientific and Technological Developments) and on the implementation of Article X for INF.8 (Implementation of Article X of the Convention) are central to carrying out the mandated function of the Review Conference to *review the operation of the Convention* and all States Parties are to be encouraged to submit information for these three documents. In addition, it can be argued that the information provided in INF.6 (Common understandings reached by the Meetings of States Parties during the intersessional programme held from 2007 to 2010) is vital to assist the States Parties to judge the adequacy of the extended understandings in the Article by Article *Final Declarations* of previous Review Conferences and to develop ideas for *Part III: Decisions and Recommendations*. For future Review Conferences, there is much to be said for recognising the importance of the information in these documents in enabling the States Parties to carry out their mandated function to *review the operation of the Convention* at the Review Conference.

The rules of procedure set out in Annex II to BWC/CONF.VII/PC.2 were then considered. The President noted that the Preparatory Committee had recommended certain adjustments to Rule 5, Rule 8 and Rule 43 (2) respectively. Specifically, the Preparatory Committee recommended that with respect to Rule 5, the Conference should elect two (rather than one) Vice-chairmen for the Drafting Committee. With respect to Rule 8, the General Committee should be composed of the President, the 20 Vice-presidents, the Chairmen and Vice-chairmen from the three Committees, the three regional coordinators, and the three Depositaries. And with respect to Rule 43 (2), the Committees may decide to hold certain meetings in public. The rules of procedure, as recommended by the Preparatory Committee, were adopted under agenda item 5.

Consideration was then given to the request of two States not party – Cameroon and Israel – to be granted observer status. This was agreed. In addition, consideration was given to the requests of specialized agencies and regional intergovernmental organizations – The African Union, the European Union, the International Committee of the Red Cross (ICRC), the International Criminal Police Organization (INTERPOL), the North Atlantic Treaty Organisation (NATO), the Organisation for the Prohibition of Chemical Weapons (OPCW), the World Health Organization (WHO), and the World Organisation for Animal Health (OIE) – to be granted observer status. This was agreed.

Then under agenda item 6, the meeting went on to elect the Vice-Presidents of the Conference and the Chairmen and Vice-Chairmen of the Committee of the Whole, the Drafting Committee and the Credentials Committee. For the Committee of the Whole, Ambassador Desra Percaya of Indonesia was elected as Chairman of the Committee, Ms Judit Körömi,

Special Envoy of the Minister of Foreign Affairs of Hungary, was elected as Chairman of the Drafting Committee, and Mr Mário Duarte of Portugal was elected as Chairman of the Credentials Committee. Under agenda item 8, the meeting went on to formally confirm Richard Lennane as the Secretary-General of the Review Conference.

The indicative programme circulated as BWC/CONF.VII/2 was then considered under agenda item 9. The President noted that this included a suspension of the formal programme at 4.30 pm on the afternoon of Tuesday 6 December 2011 to enable NGOs to make statements. Then on Thursday, there would be an informal session for a discussion panel of industry representatives in the morning, and the poster session in the afternoon. The indicative programme was agreed.

Before starting on the General Debate under agenda item 10 (a), the Conference heard a video-statement from the **UN Secretary-General**, Ban Ki-Moon, in which he said that *The Biological Weapons Convention is central to the global disarmament and non-proliferation framework. Over the past five years, States parties have developed common understandings aimed at better implementation of this critical instrument. The parties have also built a vibrant network of concerned groups and individuals. He went on: This Conference is a chance to build on these advances. You can address new developments in the field of life sciences and technology so that we can respond to emerging risks. You can also take a fresh look at how to ensure that the Convention's non-proliferation provisions are carried out in full. You can continue our efforts to make sure that all countries adhere to the Convention. Finally, you can boost cooperation on the peaceful uses of biological science and technology. This would directly support the Convention's goal of preventing the nightmare of biological warfare.*

The President then invited two special guests from the wider world of science and technology to address the Conference. He said that he had invited them to speak about the responsible conduct of science, and the role of scientists in supporting the implementation of the Convention.

The first was **Professor Indira Nath**, a specialist in the immunology of infectious disease. She said that *The BTWC is the legal embodiment of a powerful international norm against the use of disease as a weapon. As a researcher whose career has been devoted to seeking cures for infectious disease, this has great meaning for me. I also believe this norm provides a powerful connection beyond legal requirements to the fundamental social responsibilities of science in ways that can strengthen the implementation of the Convention in the future.* She went on to say *In its efforts to engage the scientific community in strengthening the BTWC, the States Parties can draw on an existing culture of responsibility in the scientific community. Certainly that culture needs to be strengthened and expanded and, as I will describe later, important efforts are being made. But we are far from starting from scratch. One important area I want to note but which I will not address is biosafety, the responsibility to protect the health of workers as well as the broader community and environment from harm. As other speakers will make*

clear, important efforts are under way to improve biosafety around the globe and to use it as a foundation to enhance security as well. It is an important part of the culture of responsibility and its capacity-building elements make it attractive for many countries.

She concluded by saying that she wished to bring a message that there is an opportunity to take advantage of the growing international recognition of the importance of promoting responsible conduct of science. For most scientists, broad concerns about the social responsibility of science and scientific ethics will be the best entry point for engagement in the specific concerns of the BTWC. Then more can be done to address particular responsibilities vis-a-vis preventing the misuse of science to cause deliberate harm. The Review Conference is an important opportunity for the States Parties to reinforce and support the essential role that education and awareness raising will play in enabling the scientific community to meet its responsibilities under the Convention. It is also an opportunity to continue to build the relationships between the BTWC and the scientific community that have developed in the last decade and that will support our mutual goals of ensuring that science is used solely to support human progress.

The second special guest was **Esther Ng**, a student from Singapore studying Genomic Medicine and Statistics at the University of Oxford. She was invited to read an essay entitled *Biosecurity: The role of young scientists* with which she had won the offered in the Young Scientist Essay Contest. (The contest was run by the Implementation Support Unit in collaboration with the governments of the Netherlands, Switzerland and the United Kingdom, for graduate and undergraduate science students to write on the subject of *Responsible conduct in the life sciences, the importance of safety and security as well as the role for international collaboration.*)

In her essay, Esther Ng started by saying *The exponential growth of biomedical technology has brought about unimaginable advances in healthcare, accompanied by unprecedented threats to biosecurity. The maintenance of a safe environment is the shared responsibility of scientists, government officials and members of the public. This essay aims to outline ways in which young scientists can contribute effectively to this cause.* She then explored a number of examples and concluded by saying that *I believe that biological security is a shared responsibility with important roles even for who are not working within the field of microbiology or genomics. As scientists, we should all be aware of the dual-use dilemma and help to generate ideas on how security can be improved while minimising the hindrance on research. It is also important to be vigilant for irregular activity which may indicate potential misuse of biological agents. As junior researchers who spend a great deal of time in the laboratories, we are particularly aptly positioned for this role. To conclude, rapid advances in the life sciences have brought about countless benefits, but have also raised threats. Biological security is a shared responsibility, with specific roles for junior scientists. This essay has outlined a few of them, but it is up to each of us to consider how we can best use our knowledge or skills to further this cause.*

General Debate

The meeting then moved on into the General Debate. It was notable that the screen in the hall displayed a quotation from Goethe:

Ambitious Realism

*Knowing is not enough, we must apply
Willing is not enough, we must do.*

Goethe

The President noted that there were currently 37 names on the list of those wishing to make a statement.

Ambassador Rodolfo Benítez Versón of Cuba spoke on behalf of the **Non-Aligned Movement and Other States**, saying that at the XVI NAM Ministerial Conference held in Bali in May 2011, the NAM Ministers had considered the BWC and had reaffirmed that: *The possibility of any use of bacteriological (biological) agents and toxins as weapons should be completely excluded, and ... such use would be repugnant to the conscience of humankind. They recognized the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention. They reiterated their call to promote international cooperation for peaceful purposes, including scientific-technical exchange, and to adopt concrete actions in this regard such as those contained in the Plan of Action to implement the Article X submitted by the NAM States Parties at the Sixth Review Conference, and the additional NAM States Parties' proposal on a mechanism for the full implementation of Article X of the Convention presented more recently. They ... highlighted that the Convention on Biological and Toxin Weapons forms a whole and that, although it is possible to consider certain aspects separately, it is critical to deal with all of the issues interrelated to this Convention in a balanced and comprehensive manner.*

He went on to say that the NAM feels that there is a great necessity and urgency for the States Parties of the BWC to work towards strengthening and improving the effectiveness and implementation of this Convention so that together we can fully address this concern. He followed this by saying that *The Group stresses the particular importance of all States Parties pursuing the objectives that were set forth by the Fourth Review Conference in 1996, as we strongly believe that the only sustainable method of strengthening the Convention is through multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement, dealing with all the Articles of the Convention in a balanced and comprehensive manner. In this context, the Group recalls that the Ad Hoc Group met between 1995 and 2001 to "consider appropriate measures, including possible verification measures and draft proposals to strengthen the Convention, to be included, as appropriate, in a legally binding instrument". However, in 2001 one delegation rejected the entire approach underlying the Protocol which regrettably stalled the negotiation exercise that had reached an advanced stage.*

Ambassador Versón then said that *the universality of the Convention is of high importance, and the foremost priority should be towards the non-signatory States who have yet to display the basic political will to adhere to the Convention.* In regard to the NAM's expectations for the Seventh Review Conference he said that the NAM's view is that *the general thrust of the Review Conference should be the review of the operation and implementation of all the Articles of the Convention and its preamble, including consideration of the work of the meetings held during the inter-sessional period.* He went on to stress the importance of Article X and to say that the NAM has submitted a working paper on a mechanism to implement Article X and said that *a mechanism under Article X should provide an opportunity for States Parties to BWC to submit offers of assistance and requests for assistance in different areas under the scope of Article X through the establishment of a database to be administered by the ISU and detailed procedures to deal with the settlement of disputes arising from the lack of implementation of Article X.* He went on to reiterate the importance of verification and compliance saying that: *Verification and Compliance: A central element of the operation of any multilateral treaty is compliance by all State parties with their obligations. It is critically important for States parties to be collectively reassured that the provisions of the Convention are being realized. The BWC was established with the main objective of the total elimination of bacteriological and toxin weapons but it has yet to ascertain the achievement of this goal. This is an issue that we must revisit.*

We understand that the BWC forms a composite whole. We believe we should deal with all the inter-linked elements of the Convention – whether they relate to regulation, compliance or promotion. That is why ... the NAM and Other States Parties advocate that only a multilaterally agreed mechanism for verification of compliance can provide the assurance of compliance with treaty obligations and deter against non-compliance. The Final Declaration of this Review Conference should, hence, underscore the importance of negotiations of a legally binding mechanism to comprehensively strengthen the implementation of the Convention, including verification provisions. This is essential to strengthen the Convention and addressing compliance concerns.

He then went on to make remarks about the CBMs, about the Intersessional Programme (ISP), about scientific and technological (S & T) developments and about the ISU, on which he said *The Group considers that any decision on the future of the ISU as well as its structure, size and budget, should be commensurate with the tasks assigned to it by this Review Conference.*

[INF.1 shows that Cuba submitted its CBM each year between 2006 and 2011. In addition, Cuba made a submission in regard to compliance [INF.2] but not in regard to S & T developments [INF.3] or on Article X [INF.8]].

Although at previous Review Conferences and the annual Meetings of States Parties, a group statement – made by the EU country then in the Presidency – on behalf of the **European Union** (and the Candidate Countries Turkey, Croatia, the former Yugoslav Republic of Macedonia,

Montenegro and Iceland, the Countries of the Stabilisation and Association Process and potential candidates Albania, Serbia as well as Ukraine, and the Republic of Moldova) would have been made as one of the opening group statements in the General Debate, this did not happen at the Seventh Review Conference. Instead of Poland (which was in the Presidency of the EU in December 2011) making a statement at this point, the EU chose instead to make a statement as an international organization **after** all the States Parties and indeed Signatory States had spoken. This is a retrograde step as it **significantly reduces** the impact of the EU statement.

The next statement was made by Kairat Umarov, the Deputy Foreign Minister of **Kazakhstan**. He stressed the importance of universalization of the Convention. He then went on to say that *Kazakhstan recognizes the necessity to supplement BTWC regime with means of international control, to implement effective measures of verification and transparency, probably, within the framework of the United Nations. There remains another burning issue that of the international verification of the microbiological industries of various countries of the world to make sure that they have not been retooled for military production. Setting up of an effective verification mechanism would help strengthen mutual trust and security.* He went on to mention the importance of the right of every state to develop its biotechnologies for peaceful purposes. He noted the importance of UN SCR 1540 in regard to export controls and said that Kazakhstan had applied to join the Australia Group. He concluded by outlining various national measures in regard to biological security and urging all States Parties to submit their CBM declarations.

[Although Kazakhstan became a State Party in 2007, INF.1 shows that it submitted its CBM in 2008 and 2011. In addition, Kazakhstan made a submission in regard to compliance [INF.2] but not in regard to S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Mikhail Khvostov of Belarus then spoke on behalf of the member States of the **Collective Security Treaty Organization (CSTO)** namely Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan and Uzbekistan. He said that the Foreign Ministers of the CSTO States Parties had adopted a special statement for the Seventh Review Conference (which was circulated as BWC/CONF.VII/INF.9). In this they reaffirmed their *commitment to full compliance with all the obligations under the BTWC.* The statement went on to say that *We express hope that in the course of the Seventh Review Conference ... we can elaborate effective steps to increase the effectiveness of the Convention's regime and agree on a set of concrete measures to implement it.* In addition, the statement said: *We are confident that it is necessary to analyze in objective and comprehensive manner accumulated problems in the area of biosecurity. At the present time development of biological science and related threats and risks provide all increasing grounds for elaboration of workable measures aiming at verification of the Convention. We therefore come from understanding that elaboration of the legally binding mechanism for verification of compliance of the BTWC is the most effective way to*

strengthen the regime of prohibition of biological and toxin weapons and to raise confidence in the BTWC compliance among all the states-parties. We deem it important to continue discussion of this issue in the course of the next intersessional period of 2012-2015.

The statement also welcomed the *convening of annual intersessional meetings with the participation of expert community, constitutes solid basis for adoption of balanced and substantive final document of the Conference.* The universalization of the BWC is identified as a priority task. The importance of the submission of CBMs, of national implementation measures and the advances of science and technology are all noted, together with the desirability of considering *possible measures to improve the mechanisms of Article V (consultations) and Article VI (investigations).*

[INF.1 shows that Belarus submitted its CBM each year between 2006 and 2011. However, Belarus did not make submissions in regard to compliance [INF.2], to S & T developments [INF.3] or on Article X [INF.8]].

The next statement was made by Ambassador Pierre Claver Ndayiragije of **Burundi** which, in October 2011, had just become the newest State Party to the Convention. He said that from the international point of view, the Review Conference was a crucial twenty-first century forum because it promoted international peace and security. He noted that biological weapons could be used to destroy livestock and the economic consequences of this could be terrible. Since biological weapons could be acquired by non-state actors, it was essential that the international community work together on this issue. The Convention was critical and could protect human beings and agriculture, it was also very important for the promotion of health. He said that Burundi would welcome a regional workshop which would contribute to raising awareness regionally of all these issues. He closed by thanking the States Parties that had supported Burundi in their ratification, in particular the United Kingdom.

[Not surprisingly, Burundi as the newest State Party had not contributed to the CBMs [INF.1], to compliance [INF.2], to S & T developments [INF.3] or on Article X [INF.8]].

The next statement was made by Elias Jaime Zimba of **Mozambique** which had acceded to the Convention in March 2011. He recalled the statement of the President at the Preparatory Committee that he is *committed to working closely with all States Parties in a transparent, inclusive and constructive manner in order to secure a positive outcome to the Review Conference,* and went on to say that *the task before us is enormous and complex. It requires from all of us a spirit of openness, frankness and of compromise.* He then outlined the importance of the Convention to Mozambique and what needed to be done to counter the risks of the hostile use of biological science. He said that *we strongly believe success in the operation of the Convention rests to large extent on the effective compliance, and verification, and on comprehensive and effective universalisation.* The statement went on to acknowledge the value of the ISU and the importance of the implementation of Article X.

[Not surprisingly, Mozambique as a new State Party had not contributed to the CBMs [INF.1], to compliance [INF.2], to S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Eric Danon of **France** then spoke, saying that France fully supported *the declaration which will be made on behalf of the EU tomorrow*. He went on to say that *previous Review Conferences and intersessional meetings have helped to increase the awareness of the States Parties to the issues of the Convention and to clarify its concepts and terms. It is now time to move on to the next phase; to that of tangible and realistic decisions. The fact that ten years ago we were unable to achieve a consensus on a verification protocol should not stop us from working to preserve the authority and effectiveness of the Convention*. He then went on to emphasise the following priorities:

- 1/ *Firstly, learn lessons from successful experiences in other areas or in certain countries to enhance the effectiveness of national-level implementation measures.*
- 2/ *France's second priority is to support initiatives to build confidence between States Parties.*
- 3/ *Third priority: between Review Conferences, we should intensify our work while showing flexibility.*
- 4/ *France's fourth priority is to combine multilateral and bilateral actions to allow the BTWC to become fully universal.*

He said that it is essential that *the final document we shall adopt at the end of this Conference be as tangible as possible*. In regard to the ISU he said that *renewing the ISU and widening the scope of its mandate are vital for the effectiveness of our work*. He concluded by referring to the 1925 Geneva Protocol saying that *France encourages all States to accede to this Protocol and withdraw their reservations*. He added that in regard to the Secretary-General's mechanism in case of alleged use of biological or chemical weapons, France attaches great importance to maintaining this mechanism.

[INF.1 shows that France submitted its CBM each year between 2006 and 2011. In addition, France made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]].

Ambassador Rolf Nickel of **Germany** then spoke, saying that Germany associated itself with the common position adopted by the EU on 18 July 2011. He then went on to say *We believe that the Seventh Review Conference will help to build consensus on the need for States Parties to engage in an even broader range of activities if they are to prohibit and prevent illegitimate purposes for modern biology and that This Conference will emphasize the need to further develop the BTWC into a more robust regime*. He said that *effective national implementation of the Convention is crucial for the global success of the BTWC*. In regard to CBMs he said *We strongly encourage all States Parties who have not done so to participate in the annual exchange of CBMs. We support the idea of taking a fresh look, during this Conference, into ways to enhance the CBM process, above all to review the format of the CBMs*.

He then went on to say *We are aware that, currently, there is no consensus on the issue of verification. However, we consider this issue to be a central element of a complete and effective disarmament and non-proliferation regime. Nevertheless, we are ready to work toward options that could achieve common goals*. He noted that one of the key issues being addressed was *the question of how confidence building measures relate to compliance. ... Providing information under the Confidence Building Measures on national implementation will make a State Party's activities transparent and contribute to building confidence. Confidence Building Measures, on the other hand, do not provide tools to address compliance concerns*. He concluded with some remarks on Article X, saying that *Our activities range from university projects of cooperation in the field of biotechnology through to establishing close relations between the major German federal funded research organizations and national Academies of Science in several countries*. He added that *Germany does not interpret the requirements as set out in Article X in a narrow sense but understands cooperation and assistance in the wider perspective of Official Development Assistance (ODA), as defined by the Organisation for Economic Co-operation and Development (OECD)*.

[INF.1 shows that Germany submitted its CBM each year between 2006 and 2011. In addition, Germany made submissions in regard to compliance [INF.2], S & T developments [INF.3] and on Article X [INF.8]].

Ambassador Sujata Mehta of **India** then spoke, saying that India associated itself with the statement made by Cuba on behalf of the Non-Aligned Movement. He said *India is committed to improving the effectiveness of the BTWC and strengthening its implementation. We also support efforts for universalization. Since 1994, strengthening the Convention and its effective implementation has been the overriding imperative for States Parties*. He went on to say that *the Review Conference should underline that a central element of the operation of the Convention is compliance by all States Parties with their obligations under the Convention. ... Verification of compliance is critically important for States Parties to be collectively reassured that all the provisions of the Convention are being realized. In this context, India would like to reiterate its support for the objective of a multilaterally agreed mechanism for the verification of compliance that can provide the assurance of observance of their legal obligations by States Parties and act as a deterrent against non-compliance*.

He then addressed some issues that merit greater attention of States Parties at this Review Conference. He said that *the full and effective implementation of Article X of the Convention continues to be of great importance for India*. He added that *Whilst legitimate peaceful uses should not be hampered, India is not in favour of unregulated transfers. We believe that strengthened implementation of Article III would ensure that the cooperation envisaged under Article X is not hampered. ... India is committed to maintaining effective export controls matching the highest international standards. We*

also support assistance for States Parties seeking such support in strengthening their respective national systems for biosafety and biosecurity. He went on to address CBMs: CBMs are an important transparency measure to enhance trust in the implementation of the Convention. India will support initiatives to that would encourage participation of States Parties in the CBMs. ... CBMs are not an alternative to an effective mechanism for the verification of compliance. Then looking ahead, he said that A balanced and coherent treatment of issues under the responsibility and clear oversight of the States Parties would be essential for the success of the future inter-sessional process. We believe that the Convention vests decision making powers in the Review Conference. He concluded by noting that There is considerable convergence of views among the States Parties on the need for focused and continuous review of S & T developments that have implications for the Convention. Progress on this issue could represent significant value addition at this Conference.

[INF.1 shows that India submitted its CBM each year between 2006 and 2011 apart from 2008. In addition, India made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]].

Alistair Burt, Parliamentary Under Secretary of State at the Foreign and Commonwealth Office of the **United Kingdom** then spoke, saying the United Kingdom wishes to align itself with the statement to be made by the European Union and its three over-arching priorities for reviewing the BTWC. He went on to say As States Parties, we have much to be proud of since we last came together in 2006. The agreed intersessional work programme has served several purposes including promoting oversight, education, and awareness-raising among our national experts, including scientists. ... But now is a moment to move beyond what we have achieved already and see how we can do even better. ... We must act now to ensure that the Convention remains up to the task, not only to confront effectively the threats but also to multiply the opportunities. We must, for example, ensure we can all reap the benefits of the peaceful uses of micro-organisms, and ensure advances in the life sciences are used but not abused. With regard to universality, he went on to call on all States that have not already done so, to accede to or ratify the Convention without further delay. He then said During this Review Conference, the UK sees several opportunities to set the Convention on a much stronger footing. Our three key aims are:

- First, a new substantive programme of annual intersessional meetings;
- Second, an appropriate level of intersessional decision-making;
- Third, a regular review process for scientific and technological developments .

He then said A word about verification. The UK was a leading player during the Protocol negotiations that took place in this building and worked hard with other States Parties to secure a successful outcome. As we all know, that was not to be. We should of course discuss issues which many States Parties care about. But let us keep this in proportion and focus on the achievable. He concluded

by urging all delegations to focus on the pragmatic and achievable and avoid fighting old battles. We believe firmly there is much common ground amongst the delegations from all regions – the opportunity is there for an outcome that goes beyond what we achieved in 2002 and 2006. Let us be bold and seize that opportunity.

[INF.1 shows that the UK submitted its CBM each year between 2006 and 2011. In addition, the UK made submissions in regard to compliance [INF.2], on S & T developments [INF.3] and on Article X [INF.8]].

Mr Olexandr Aleksandrovych of the Ministry of Foreign Affairs of the **Ukraine** then spoke. The circulated statement said that the Ukraine fully supported the statement delivered by Poland on behalf of the European Union although the EU statement was actually given later in the session of the General Debate, when observers such as the EU could make statements. He said that During the Review Conference we have an important task to sum up the past five-year period of operation of the Convention, with a view to ensure the steadfast implementation of all of its provisions. It is important to assess the latest scientific and technological developments related to the Convention, to take joint efforts aimed at raising awareness amongst scientists concerning the BTWC regime and possible risks that may appear from lack of knowledge. He went on to say that Ukraine shares the idea that the Seventh Review Conference provides a unique opportunity for us to give serious consideration and adopt vital decisions on the following aspects:

- improvement of the format of the existing Confidence-Building measures (CBMs) in order to increase number and quality of submissions by reducing their complexity and removing ambiguity from CBM forms;
- defining concrete steps on universalization of the Convention;
- establishing a well-balanced format for 2012-2016 intersessional process;
- monitoring and analysis of the latest advances of biological sciences and technologies of common interest;
- establishing Action Plan on national implementation of BTWC under Article IV of the Convention;
- further development of international cooperation and technical assistance in the context of the implementation of Article X of the BTWC;
- strengthening the potential of the BTWC Implementation Support Unit.

[INF.1 shows that Ukraine submitted its CBM each year between 2006 and 2011 apart from 2009. In addition, Ukraine made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]].

Ambassador Datuk Othman Hashim of **Malaysia** then spoke, saying that Malaysia fully associated itself with the statement made by Cuba on behalf of the NAM. He went on to say that Malaysia supports the efforts by the international community to press for universal adherence to the BWC and compliance with its provisions. Nonetheless, regardless of the high possibility for misuse of these beneficial sciences, the

establishment of verification mechanism for the Convention is idled. We believe much more could be done to strengthen the effective implementation of the Convention, and Malaysia upholds the view that the only way to strengthen the Convention is through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention. Let's put back together what we have stalled in 2001 and take concrete steps in this regard. He went on to say that Malaysia is currently finalizing the Biological Weapons Bill to ensure effective implementation of the Convention in Malaysia. Furthermore, Malaysia undertakes to facilitate and will participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes as provided for under Article X of the Convention. On CBMs, Malaysia hopes that this Review Conference will be able to come out with new ideas to increase submission of CBMs by States Parties. We support proposals to amend CBMs in ensuring its practicality while at the same time increase its simplicity to ease the reporting burden on States Parties. He then went on to say that the future intersessional work should pay close attention to the development of science and technology and encompass of annual and systematic review on this issue for the benefit of our community. He concluded by saying, in regard to the ISU, that Malaysia recognizes the important role played by the ISU and supports its continued existence to support to the work of the Convention. Nevertheless, in expanding the mandate of the ISU, Malaysia believes that the ISU needs to be provided with the necessary resources in proportion to its mandated workload.

[INF.1 shows that Malaysia submitted its CBM in 2010 and 2011. However, Malaysia did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador H E Yafei of **China** then spoke, saying that *The effectiveness of the Convention needs to be improved and the non-traditional security threats such as bio-terrorism, biosafety and security are increasingly prominent. He went on to say that at the Seventh Review Conference, China hopes that States Parties will, in a pragmatic and cooperative spirit, promote the Conference to adopt practical and feasible measures to strengthen the effectiveness of the Convention and achieve a work programme fully reflecting the views of all parties. In regard to promoting the purposes and objectives of the Convention in a comprehensive manner, China considered that adopting national implementation measures constitutes basic obligations for States Parties and also an important means to strengthen the effectiveness of the Convention comprehensively. In recent years ... about 70 States Parties established national points of contact. China believes that States Parties should continue to improve national implementation measures, taking into account their domestic situation. In regard to CBMs, The low rate of submission is the most pressing challenge to CBM mechanism. ... China will engage in discussions on how to improve CBMs in an open and constructive manner. On science and technology, China*

supports efforts to enhance the monitoring and assessment of the advances of biotechnology under the framework of the Convention, with a view to preventing the hostile use of biotechnology and making it better serve the mankind. On international cooperation and assistance, China supports efforts to adopt practical measures and increase input so as to enable States Parties, especially developing countries, to truly benefit from international cooperation. In regard to the ISU, China supports the ISU to continue to play an active role in promoting universality of the Convention and international cooperation, as well as enhancing communications and trust among States Parties. He concluded by reaffirming China's support to Convention and outlining the steps that China had taken to effectively implement the Convention.

[INF.1 shows that China submitted its CBM each year between 2006 and 2011. In addition, China made submissions in regard to compliance [INF.2], on S & T developments [INF.3] and on Article X [INF.8]].

The President then closed the morning session and the Secretary-General made an announcement that there would be a side event at lunch-time hosted by Switzerland and the UK: an exhibition of glass sculpture, at which a prize would be awarded to the winner of the Young Scientist Essay Contest.

Resumption of the General Debate: Monday 5 December 2011 afternoon

The General Debate resumed at 3 pm.

Ambassador Oguz Demiralp of **Turkey** said *we are looking forward to positive outcomes in the Seventh Review Conference, notably, in the areas of universalization, Intersessional process, the advances in Science and Technology, Compliance and Verification, the continuation and strengthening of the ISU and cooperation and assistance. He then summarized the view of Turkey on several items, saying that the Geographical position of Turkey makes the issue of universality an important consideration. He went on to say that This Conference should take into account any new scientific and technological development relevant to the Convention. Awareness of the innovations in the life sciences as well as their implications for the BWC are necessary to address the complex challenges in this area. In regard to Article X, he said that Enhanced implementation of this Article will not only contribute to the development of capacities to prevent and contain epidemics, but also build confidence. On CBMs, he said CBM reports are valuable tools for mutual understandings and transparency. In this regard, Turkey has been submitting its reports regularly and this year made the CBM data publicly available on the website of the BWC Implementation Support Unit. We encourage all the States Parties to do so. He went on to say However, the Convention lacks a verification regime, which for Turkey, is a useful mechanism like the Chemical Weapons Convention. We believe a similar mechanism in the BWC will enable to strengthen the Convention's effectiveness.*

[INF.1 shows that Turkey submitted its CBM each year from 2007 to 2011 but not in 2006. However, Turkey did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Branka Latinovic of the Ministry of Foreign Affairs of **Serbia** then spoke. The circulated statement says that *Serbia has aligned itself with the Statement made by Poland on behalf of the European Union*, although the EU statement was actually given later in the session of the General Debate when observers such as the EU could make statements. She then went on to speak about the Regional Workshop for South-East Europe for the Seventh Review Conference held in Belgrade on 1-2 November 2011. Representatives from Albania, Bulgaria, Bosnia and Herzegovina, Greece, Croatia, Hungary, Montenegro, Former Yugoslav Republic of Macedonia, Slovenia and Serbia participated. In the discussions, *particular attention was given to the issues of strengthening of national implementation activities of the Convention, future enhancing of CBMs, strengthening of national capacities for elaboration of laws and regulations to implement BWC, supporting the BWC through UN Security Council 1540, role and assistance of Implementation Support Unit/ISU*. She then went on to outline various steps that had been taken by Serbia including the adoption by the Parliament of Serbia of the law on the withdrawal of the reservation to the 1925 Geneva Protocol. She noted that *Serbia continues to submit regularly the annual Declaration on CBM. We are aware that we should improve our system and instruments on CBM Declaration*. She went on to say that *An adequate attention is being given to raising the awareness of the BWC, particularly to the issue of the threat of bioterrorism. Namely, the lectures on this issue are part of the education program of the Military Academy. The intention is to include this issue in the educational programs of other academic institutions on different levels*.

[INF.1 shows that Serbia submitted its CBM each year between 2006 and 2011 apart from 2008. However, Serbia did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador D. Javier Gil Catalina of **Spain** then said that transparency and mutual confidence between States Parties was essential for an effective Biological and Toxin Weapons Convention. The Convention was critical in building an effective non-proliferation regime and for the application of applied sciences to improving health and education. Further exploration of ways to strengthen Confidence Building Measures were necessary as these measures provided a basis for transparency. An effective verification mechanism for the Convention was critical and Spain hoped there would be sufficient political will to move this mechanism forward. International cooperation and synergies in terms of the prevention of diseases and bio-security were necessary to improve safety at both the international and national levels. Spain commended the work of the Implementation Support Unit, whose efforts had strengthened the capacity of States Parties. He went on to say that universalization of the Convention should incorporate the ratification of States Parties

that had not yet done so. The main challenge of the Convention was to ensure the fulfillment of States Parties' commitments and Spain noted the importance of a protocol for verification in the long term, and the use of Confidence Building Measures in the short term. It was important to develop new avenues to improve the quality of provision while not burdening States Parties further.

[INF.1 shows that Spain submitted its CBM each year between 2006 and 2011. However, Spain did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8] although Spain made a contribution to the EU paper on Article X [INF.10]].

Gennady Gatilov, Deputy Minister of Foreign Affairs of the **Russian Federation** then spoke, saying that *Russia promotes international cooperation in the field of peaceful biology. We regularly – on the annual basis – provide information for building confidence in the biological sphere. For this Review Conference, the Russian Federation submitted two reports – on compliance with the Convention as a whole and on implementation of its Article X. We are convinced of the need to further strengthen the regime of complete prohibition of biological and toxin weapons*. He then went on to say that efforts needed to be focused on three areas:

First, Universalization of the BTWC. ... However, we are concerned that thirty countries still remain outside the BTWC. ... This implies that on the territory of thirty States the production and development of biological weapons could go unpunished. We believe this situation is extremely dangerous. To make the Convention universal is our common priority. He went on to add that *It is of concern that some States Parties to the BTWC still maintain reservations to the Geneva Protocol. ... We urge all countries maintaining reservations to the Protocol to withdraw them as soon as possible*.

Second, Implementation of the BTWC. ... We regret that there are still many States Parties where laws to implement the Convention have not been put into effect or exist at all. We expect that the Review Conference will help eliminate this serious backlog.

Third, Effective international control and verification. The possibility to verify compliance by all the States with their BTWC obligations is a guarantee that the provisions of the Convention are not violated and the regime of prohibition of biological and toxin weapons is functioning effectively. It is impossible to ensure this confidence through transparency measures, no matter how important and useful they are. That is why we strongly believe that a legally binding BTWC verification mechanism should be developed. Although different approaches to this issue do not allow us to find a solution today, it is important to make maximum use of the intersessional work format to explore every way to achieve this important goal.

He then went on to speak about scientific and technological developments, saying that *As part of the intersessional process, it is necessary to examine and analyze what specific spheres at this moment need increased attention*. Then in regard to the CBMs, he said *We attach great importance to confidence-building within the BTWC. Unfortunately, we have to note once again that more than a half of the States*

Parties to the Convention still fail to comply with their obligation to annually submit information on their biological facilities and biological activities. The lack of information concerning biological activities of any country inevitably makes us question whether the Convention is being implemented in good faith ... In the context of confidence-building we urge each and every State to provide information on its biological activities. On the intersessional process, he said The next intersessional period could be focused on the discussion of such issues as verification of compliance with the BTWC, improvement of confidence-building measures, and analysis of scientific and technological advances in the field of biology. Finally, in regard to the ISU he said We highly appreciate the five-year activity of the ISU ... We are convinced that its mandate should be extended for another five years.

[INF.1 shows that the Russian Federation submitted its CBMs each year between 2006 and 2011. In addition, the Russian Federation made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]].

Ambassador Gancho Ganev of **Bulgaria** then spoke, saying Bulgaria gives its full support to the objectives, priorities and concrete proposals contained in the EU common position for the Seventh Review Conference. He went on to say that Bulgaria was looking forward to productive deliberations on the review of the BTWC operations and exploration of options to strengthen it further through building confidence in compliance, supporting national implementation and supporting universalisation. He added: *We believe confidence in compliance can be enhanced by means of information exchange and greater transparency through declarations, consultations and on-site activities, including making better use of the intersessional process for exchanges and review and of tools as is the ISU. I join previous speakers, who have stated that there is currently no consensus on verification, which remains a central element of a complete and effective disarmament regime, we could work towards pragmatic approaches, identifying options that could achieve similar goals.* In regard to the intersessional process, he said that this could be strengthened through setting up dedicated working groups to address, in particular, national implementation; universalization; further work on CBMs; assistance and cooperation under Articles VII and X; developments in science and technology. In regard to the ISU, he said *We see practical value and support the strengthening of the capacity of the ISU as a helpful tool to mitigate the deficit of an institutional structure.*

[INF.1 shows that Bulgaria submitted its CBM each year between 2006 and 2011. In addition, Bulgaria made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]].

Ambassador Elissa Golberg of Canada then spoke on behalf of the **JACKSNNZ** countries (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand). [This statement would normally have been made at the start

of the General Debate with the other group statements but this was not possible because the Ambassador of Canada was not available in the morning.] She said that *The JACKSNNZ countries have identified seven topics that we believe require action in this conference. ... :*

First, Confidence-Building Measures remain an essential element of transparency under the BWC. That said, there are opportunities to strengthen the current system. The JACKSNNZ believe that we must increase participation, refine the content of CBM forms and improve the CBM submission process. She added: We would also like to note with appreciation ... that a number of JACKSNNZ members have been submitting their CBMs on the ISU's public website.

Second, International Cooperation under Article X. ... the JACKSNNZ countries have undertaken a wide range of international cooperation activities over the past five years, including building capacity in disease surveillance, detection, diagnosis, containment, and treatment, as well as biosafety, biosecurity, and CBRNE response training ... It is essential that these efforts are coordinated, so as to avoid duplication of work and to help identify potential partner countries. In this context, JACKSNNZ support the proposal that the ISU should be available to States Parties to help facilitate their international cooperation ...

Third, ... biological sciences are advancing rapidly. ... The JACKSNNZ believes that regular and more systematic review should replace the clearly insufficient five-yearly review. ... Another use of concern is the dual-use nature of biotechnology. We note the proposal ... on behalf of JACKSNNZ ... that dual-use education should be an essential component of BWC implementation. Furthermore the JACKSNNZ support stronger ties between the BWC and civil society, especially academic and industry which both play an important role in BWC implementation. ... Accordingly, the JACKSNNZ would welcome a collective assessment and discussion on the role of civil society

Fourth, ... compliance and verification, including enhancement of States Parties' compliance with the BWC. She mentioned the Australian-Japanese-New Zealand proposal for the establishment of a working group ... to discuss and develop common understandings on BWC compliance, and also the joint Canadian-Switzerland proposal on compliance assessment, which suggests a system of showing compliance through transparent demonstration of a States Party's implementation program.

Fifth, ... the Intersessional Process The JACKSNNZ consider that the arrangement can be improved and would be more adaptable to our changing world with Working Groups, which would meet annually and work intersessionally. The JACKSNNZ also consider that the current arrangement could be strengthened by providing the Meeting of States Parties decision-making powers on specific issues in a clearly-defined manner.

Sixth, ... the Implementation Support Unit The JACKSNNZ believe the ISU mandate must be renewed, given the valuable support role it plays in helping States Parties implement all articles of the Convention. We would see merit in a measured enhancement of the ISU so that it

can undertake the activities mandated to it by States Parties at this Review Conference in a full and effective manner.

Seventh and lastly, ... BWC universality Further and more systematic work is needed to increase membership in the Convention.

[INF.1 shows that Canada submitted its CBM each year between 2006 and 2011. In addition, Canada made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]].

Ambassador Alexandre Fasel of **Switzerland** then spoke, saying that Switzerland aligned itself with the JACKSNNZ statement. He went on to say that *Switzerland is pleased to note that the Biological Weapons Convention (BWC) is in rather good shape. Over the course of the last four years, States Parties have worked together in a collegial and constructive manner and have reached much common ground. This conference can now build on what has been achieved. We should seize this opportunity and take various decisions to further strengthen the BWC's norms, their implementation and the institutional framework in which we continue our work.* He said *there are a number of issues where we consider progress to be crucial.*

Achieving universal adherence to the Convention must remain a key priority. ... At a minimum we should aim to bring into the Convention all those states that still remain outside of the BWC but are parties to the Chemical Weapons Convention. Switzerland hopes that the Review Conference can decide to strengthen and recalibrate universalization efforts, including the adoption of an action plan on universality.

Switzerland welcomes the achievements made by the past two Intersessional Processes. ... Having said that, we consider that the existing set up was not ideal to ensure "effective action" could in fact be taken. ... We believe that this process could be significantly improved in a way to make the BWC more action-oriented. In this sense, we support the creation of open-ended working groups and the restructuring of the annual Meeting of States Parties, in order to make it more flexible while ensuring topical continuity. We further suggest that the issue of providing the Meeting of States Parties with the authority to take decisions on specific, clearly-defined issues should also be addressed.

As to international cooperation, we fully endorse proposals that aim at creating concrete mechanisms that could foster international cooperation in an efficient way.

Switzerland attaches great importance to the Confidence Building Measures (CBMs). ... We believe that pragmatic changes ... could contribute to higher participation in and greater relevance of this instrument. a working group in the intersessional process could be dedicated to the consideration of issues regarding CBMs.

He then went on to say that *Switzerland strongly supports the renewal and strengthening of the BWC Implementation Support Unit's (ISU) mandate. We believe that a measured enhancement of the ISU's range of activities is a desirable and realistic goal.*

[INF.1 shows that Switzerland submitted its CBM each year between 2006 and 2011. In addition, Switzerland made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]].

Ambassador Abdul Samad Minty of **South Africa** then spoke, saying that South Africa associated itself with the statement made on behalf of the NAM and other States Parties. He went on to say that *South Africa shares the view that a legally binding instrument is necessary to strengthen the Convention and improve its implementation, and that such an instrument should remain a goal. However, South Africa does not believe that the only route to obtain such a goal is through full time negotiations. South Africa is also open to other means of strengthening the Convention, and believes that these mechanisms should not be ignored when such negotiations are not practically possible. In this regard, South Africa will make a number of proposals aimed at achieving our shared objective of strengthening the Convention and its implementation.* He went on to say, in regard to the intersessional process, that *South Africa is of the view that the utilisation of the intersessional period is crucial for the future strengthening of the Convention; therefore, this Review Conference will have to take some bold, but realistic steps. ... my delegation believes that the time is ripe for the improvement of the process in order to further strengthen the Convention and its implementation.* He added that *South Africa believes that the time has come for this Review Conference to establish a structured system of meetings with different levels of decision making.* In regard to international cooperation and assistance he said that *South Africa believes that as we continue our endeavours to strengthen the BTWC regime, it is vital that we should also focus on the developmental and co-operation features of the Convention.* He noted that South Africa has submitted a working paper setting out a proposed mechanism.

[INF.1 shows that South Africa submitted its CBM each year between 2006 and 2011. In addition, South Africa made submissions in regard to compliance [INF.2] and on S & T developments [INF.3] but not on Article X [INF.8]].

Ambassador Steffen Kongstad of **Norway** then spoke saying that *Norway has aligned itself with the JACKSNNZ statement presented by Canada.* After highlighting some issues of particular importance to Norway, he went on to say *We need to agree on a new intersessional programme that allows States Parties to address both existing and emerging challenges in the coming years. In that regard, we should also look at how the intersessional format could possibly be improved and strengthened. We must clearly make greater efforts to universalise the BTWC, and we hope that the forthcoming Conference in Finland on establishing a zone free of weapons of mass destruction in the Middle East will encourage more countries in the region to join the Convention. We also need to look at how the confidence-building measures can be refined and utilized to better reflect current needs.*

He went on to say *In addition, there is a need to take a closer look at how we can ensure that the Convention keeps pace with the rapid developments in science and technology by strengthening the practical collaboration between the scientific and disarmament communities.* He then added that *Health remains a key priority Norway therefore underlines the importance of the full implementation of Article X of the BTWC. At the same time we must recognise that efforts in promoting international cooperation and assistance in human, animal and plant health are carried out by other institutions, such as the World Health Organization, the World Organization for Animal Health and the FAO.* He concluded by saying that *The ISU and its mandate need to be confirmed and, if possible, strengthened at the forthcoming Review Conference.*

[INF.1 shows that Norway submitted its CBM each year between 2006 and 2011. In addition, Norway made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]].

Ambassador Juan José Gómez Camacho of **Mexico** then spoke, saying that he reiterated Mexico's commitment to the implementation of the Biological Weapons Convention. Universalization of the Convention would strengthen the regime. Progress of science and technology in our time had increased access to products that until recently were only in the hands of a few. Thus the Convention had to be strengthened and new approaches had to be explored. It was a multidimensional issue and Mexico regretted the lack of binding legal provisions in the Convention and verification mechanisms. The intersessional period had been very fruitful and expert meetings were very useful as well; these meetings should continue. Mexico was very open to looking at proposals to strengthen the Implementation Support Unit working on the implementation of the Convention. Detection, preparation and response were areas that needed to be better known and dealt with. Notification and Response were tasks that the World Health Organization was working on; and there had been a workshop on the issue. Training was provided on early detection. The International Health Regulations were crucial and Mexico had realized this during the H1N1 epidemics in 2009. Thus, regional and multilateral cooperation was crucial in the preparation and prevention of crises and exchange of information as well as transparency were key instruments of this.

[INF.1 shows that Mexico submitted its CBM each year between 2006 and 2011 apart from 2006. However, Mexico had not made submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Mari Amano of **Japan** then spoke, saying that *Japan associates itself with the statement made by Canada on behalf of the JACKSNNZ group.* He went on to say *I would like to highlight a number of points that are of interest to my country.* He said that *In order to strengthen the BWC, Japan has been especially active in the following three areas.*

The first is enhancing national implementation of the BWC. For national legislation it is important for each

country to introduce domestic legislation and establish system in order to safely and appropriately control high-risk pathogens. As part of our efforts in this area, Japan has submitted a working paper ... on awareness-raising among life scientists. ...

The second area is the strengthening of intersessional activities. Japan recognizes that in light of progress in life sciences it has become necessary to review annually the developments relevant to the BWC. ... We consider it desirable to establish three open-ended working groups by reorganizing the existing Meeting of Experts. We believe that the creation of three open-ended working groups ... will allow for the continual discussion of important issues such as confidence building, international cooperation and assistance, and the review of science and technology. ...

The third is confidence building measures (CBMs). Japan regards CBMs as important for transparency ... we are considering to further enhance transparency by ... also making it available to the public. Taking into account that the CBM format has not been modified since 1991, we believe that it is now high time to revise it.

[INF.1 shows that Japan submitted its CBM each year between 2006 and 2011. In addition, Japan made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]].

Ambassador Peter Woolcott of **Australia** then spoke, saying that *During the last intersessional period, States Parties have continued to collaborate on advancing effective national implementation on a practical level, with strong support from the Implementation Support Unit. There has also been much valuable direct collaboration on health-security capacity-building. As an example, Australia has been working with partners in our region to help build capacity in disease surveillance systems. The health and security benefits of such collaborations are clear.* He went on to say *our Convention continues to face significant challenges. Ten States have joined the BWC since the last Review Conference – and we welcome them to our community of BWC States Parties – but thirty-one States still remain outside. Rapid advances in life sciences and the increasing globalisation of biotechnology, which promise many benefits to humankind and to the BWC's implementation, are also changing the nature of the possible threats the BWC is required to address. Are we as States Parties keeping up with these advances in our national implementation of the Convention?* In regard to this Review Conference, Australia believed that *this Conference should:*

- *refine the intersessional process so that it provides for greater flexibility and continuity in the way in which States Parties address important implementation-related issues;*
- *mandate a conceptual discussion among States Parties to develop common understandings on compliance through the establishment of an open-ended intersessional working group on confidence building and compliance issues;*

- *mandate more frequent reviews by States Parties of relevant advances in science and technology through the establishment of an open-ended intersessional working group on science and technology and on education and awareness-raising within the scientific community; and*
- *assist in focusing States Parties' international cooperation and assistance efforts through the establishment of an open-ended intersessional working group on cooperation and assistance.*

Beyond these proposals, Australia recognises a range of other decisions this Conference should take, including on:

- *greater coordination in promoting BWC universalisation and national implementation as means to raise barriers to biological weapons proliferation (including bioterrorism) and to promote the peaceful uses of biology;*
- *strengthening the CBM process so that it encourages greater participation, offers greater transparency and is more effective in building confidence in compliance with the Convention; and*
- *renewing the Implementation Support Unit in a manner which preserves and consolidates its efficient, effective and professional operations in support of States Parties.*

[INF.1 shows that Australia submitted its CBM each year between 2006 and 2011. In addition, Australia made submissions in regard to compliance [INF.2], on S & T developments [INF.3] and on Article X [INF.8]].

Ambassador Dell Higgie of **New Zealand** then spoke, saying that she associated her delegation with the statement delivered by Canada on behalf of the JACKSNNZ group. She went on to say *In the absence of a formal compliance regime, the confidence building measures mechanism has become an important tool to promote implementation of the Convention and to share experiences and best practice in this regard. We support all efforts to increase participation in the confidence building measures process, including improvements to the reporting forms to make them more user-friendly and relevant.* In regard to the intersessional process, she said *The good work that has been undertaken in the past intersessional process has demonstrated the value of regular, targeted meetings to ensure the good health of the Convention and its implementation. There is potential for the intersessional process to better serve implementation of the Convention and we would see merit in a targeted intersessional approach – perhaps adopting a working group or standing committee mechanism – to take forward the Convention's objectives and to ensure that it remains up to date with current developments.* In regard to the ISU she said that *New Zealand supports a measured enhancement of the ISU to ensure that it can undertake the activities mandated by States Parties in a full and effective manner.*

[INF.1 shows that New Zealand submitted its CBM each year between 2006 and 2011. In addition, New Zealand made submissions in regard to compliance [INF.2], and on Article X [INF.8] but not on S & T developments [INF.3]].

Ambassador Maria Ciobanu of **Romania** then spoke saying that *Romania associates itself with the statement which will be delivered by the European Union later in the conference.* She went on to say *There is **no alternative** to this regime, but it is the one most in need of being **strengthened**, in order to prevent the misuse of science for purposes prohibited by the Convention.* [Emphasis in original]. She said that *The 7th Review Conference is an **important and timely opportunity** to revisit the Convention, after the last complete review in 2006.* and added that *Romania continues to attach high priority to the **strengthening of the Convention** as the basis of our common efforts to prevent the proliferation of biological and toxin weapons. I would like to underline that we strongly support further strengthening the **universality of the BWC membership**. But BWC universalization is not sufficient without an improvement of the process of its **implementation on regional and national levels**. ... Romania considers that the BWC **next intersessional period** should provide States Parties with a **new opportunity** to continue the dialogue **as an essential point** for the success of the BWC.* She then said that *Romania remains convinced that **confidence building measures** have an **important role** to play in enhancing transparency with respect to States Parties' compliance with the Convention. ... We are committed to working with other States Parties on **measures of strengthening the CBMs mechanism**.* She added that *We must continue to develop **preventive measures such as codes of conduct** for those involved with the life sciences.* She then concluded by saying that *we do support **the prolongation of the ISU's mandate** for five year duration. In this context, we are open to any suggestions to improve the mandate and format of the ISU in the next inter-sessional period.* [Emphasis in original].

[INF.1 shows that Romania submitted its CBM each year between 2006 and 2011. However, Romania did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Dian Triansyah Djani of **Indonesia** then spoke, saying that *Indonesia would like to associate itself with the statement delivered by ... Cuba on behalf of the Group of the Non-Aligned Movement (NAM) and Other States Parties.* He went on to say *It is our strong belief that all States Parties to the Convention should work together in achieving general and complete disarmament under strict and effective international control.* He then said *we underscore the paramount importance of international cooperation, assistance and partnership. We perceive the merit of establishing a framework for cooperation in order to narrow the gap between States Parties pertaining their resources, development and national capacity. Such framework may consist of an integrated approach to cooperation through, inter alia, the establishment of an offer/request for assistance mechanism, a venue to sustainably and transparently discuss cooperation to enhance common understanding and avoid suspicions, as well as a database to keep track the ongoing and past cooperation to provide a lesson learned and best practices for States Parties.* He continued: *We also believe in the need for a compliance and verification mechanism, which*

constitutes a challenge to the Convention, to ensure and verify States Parties adherence to the Convention. We understand the difficulty in arriving at an agreement to establish the mechanism. Therefore we are of the view that continuous discussions on the topic in the intersessional process are pertinent in order to forge common understanding. He also said However, such mechanism should not be confused with Confidence Building Measures (CBMs) which serve as a tool to provide transparency and build trust among States Parties in the implementation of the Convention. We share the view on the need to increase States' participation in CBMs submission and to review the CBMs form in order to provide clarity and useful information needed to enhance transparency and eliminate suspicions.

[INF.1 shows that Indonesia submitted its CBM each year between 2006 and 2011 apart from 2006 and 2007. However, Indonesia did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Norman Antonio Lizano Ortiz of **Costa Rica** then spoke, saying that Costa Rica highlighted the topic of universality and welcomed the new members. In addition, Costa Rica was glad to see that most countries in its region, Latin America and the Caribbean, had understood the necessity to adhere to the Biological Weapons Convention. Despite the limited resources, there had been positive results in the past few years thanks to the Implementation Support Unit. Costa Rica would like to see this Unit strengthened and hoped that this Conference would manage to reach that result. About science and technology, Articles VII and X really needed to be respected and implemented; exchanging experience was crucial along with the transfer of technology and education about the issue. Costa Rica had had contacts with countries in its region and a workshop had been organized at Lima, Peru on these issues.

[INF.1 shows that Costa Rica had not submitted a CBM between 2006 and 2011. In addition, Costa Rica had not made submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Jesus S Domingo of the **Philippines** then spoke, saying that *the Philippines associates itself with the statement of the Non-Aligned Movement (NAM). He went on to say that The Philippines wishes to express its appreciation for the progress we have made since the 6th RevCon, including, inter alia, the useful and constructive intersessional process, the activation of the ISU, advances in biological science and technology, developments in universalization and national implementation, and regional and bilateral cooperation. He went on to mention the East Asia-Pacific Conference Week held in Manila earlier in 2011: The Ministers of the ASEAN Regional Forum, in their 2011 Meeting, reaffirmed their commitment to the BWC and called on States Parties to work constructively towards strengthening the regime at the RevCon. He then said that the Philippines is of the view that regional and sub-regional cooperation is a vital element and dynamic for the advancement of the goals*

and objectives of the BWC, and should be accorded due attention in our deliberations during our RevCon. He concluded by saying We would also like to take this opportunity to call for sustained and enhanced support to our national implementation efforts, and to encourage further South-South and Triangular cooperation.

[INF.1 shows that the Philippines had submitted a CBM in 2010. However, the Philippines had not made submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Adam Ravnkilde of the Ministry of Foreign Affairs of **Denmark** then spoke, saying that *I would like to align myself with the statement to be delivered by the European Union. He went on to say that Denmark considers building confidence in compliance, supporting national implementation and promoting universalization of the BTWC as overall priorities for this Review Conference. Denmark calls upon all States not party to the BTWC to adhere to it without further delay. He then said we should use this Review Conference as a momentum to reaffirm the BTWC as one of the fundamental pillars of the international community's efforts to counter weapons of mass destruction and further strengthen it in this regard. He went on to say that An essential focus of this Conference should be ensuring that the BTWC is continuously up to date with new technological developments, so that it can effectively contribute to the challenge of reducing the threat from biological weapons. In regard to Article X, he said that Denmark is fully committed to the implementation of Article X, and shares the view that States Parties should work towards the exchange of equipment, material, and scientific and technological information for the use of biological materials for peaceful purposes.*

.... However, taking into account the dual-use problem of certain biological materials and know-how, Denmark is also of the opinion that biosecurity is an essential element that should be considered whenever biological material, know-how and technology is transferred among States. He added that The Confidence Building Measures under the BTWC and the mandatory data to be reported to the UN under Security Council Resolution 1540 are in many ways closely related. Denmark considers that it is necessary to coordinate information reported to the 1540 Committee and the CBMs under BTWC.

[INF.1 shows that Denmark submitted its CBM each year between 2006 and 2011. In addition, Denmark made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]].

Neil Giovanni Paíva Benevides of **Brazil** then spoke, saying *Brazil believes that the effective contribution of the Convention to international and regional peace and security would be enhanced through universal adherence to the Convention. He went on to say The present Conference constitutes a crucial opportunity for States Parties to send a clear signal to international community that it is possible to strengthen international security regimes through multilateral negotiations. With regard to CBMs, he said Brazil*

also supports reviewing and enhancing confidence-building measures (CBMs) in the BWC. By updating and simplifying CBMs, countries may find it easier to submit them annually. We believe that they should increasingly become a mechanism for transparency and trust. However, CBMs should not be used as a proxy-verification mechanism, nor should they become compulsory. In regard to Article X he said Brazil firmly believes that the full, effective and non discriminatory implementation of Article X is essential for the realization of the objectives and purpose of this Convention. He went on to say Brazil endorses the work carried out by the Implementation Support Unit during the intersessional period. This expertise ought not to be wasted. ...my country supports the renewal of its mandate until the VIII Review Conference in 2016. We also support the idea that has been put forward by some delegations of granting the ISU a coordinating role in matters of international cooperation, making it similar to a 'clearing house'. Brazil believes an 'enhanced ISU' can only be considered after we decide on the structure and future activities for the next intersessional period. Furthermore, we would need to better understand the implications in terms of costs for an expanded ISU. In regard to the intersessional process, he said that Brazil would favor proposals for creating 'open-ended groups' with a substantive mandate and for a fixed time-frame. These groups could discuss the improvement of practices and mechanism for implementing the BWC. We believe their recommendations could be taken for perusal at the annual Meeting of States Parties, for a final decision at the five-yearly Review Conference. He concluded by saying A key element of the operation of any multilateral treaty is compliance by all State Parties with their obligations. It is critically important for States parties to be collectively reassured that the provisions of the Convention are being realized. Brazil and other like-minded countries are willing to pursue the debate and negotiations towards the adoption of a verification protocol, but we understand that this must be a consensual decision taken by the States Parties to the BWC.

[INF.1 shows that Brazil submitted its CBM each year between 2006 and 2011 apart from 2008 and 2009. In addition, Brazil made a submission in regard to compliance [INF.2] but not on S & T developments [INF.3] or on Article X [INF.8]].

Giancarlo Leon Collazos of **Peru** then spoke, saying that this was the time to highlight the commitment of Peru to the complete disarmament of weapons of mass destruction, including of biological weapons. In the light of the importance Peru attached to this Convention, Peru had organized a workshop on the Convention for its region. Most countries as well as civil society representatives had contributed to the debate. It had allowed the participants to deal with the key features of the Convention from a regional perspective. Yet Peru was interested in developing its biological industry and thus Peru found it very important to see a more active cooperation and technology exchange. Strict compliance with the Convention was necessary and the intersessional process was very helpful to reach this better compliance. Peru had a few proposals such as on Article X. Peru supported all

initiatives that would strengthen that article through technological and scientific exchanges for peaceful purposes.

[INF.1 shows that Peru did not submit any CBMs between 2006 and 2011. In addition, Peru did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

The President then closed the afternoon session and the Secretary-General made an announcement that there would be a side event on Tuesday morning at 9.00 am entitled *Germ Gambits: Lessons for BWC Compliance Drawn from the UNSCOM Inspections in Iraq*. He also reminded all participants that there would be a Poster session on Thursday afternoon on the mezzanine floor.

Resumption of the General Debate: Tuesday 6 December 2011 morning

The General Debate resumed at 10 am on Tuesday 6 December 2011.

Ambassador Idriss Jazaïry of **Algeria** spoke, saying Algeria associated itself with the statement made by Cuba on behalf of the Non-Aligned Movement. He went on to say that the Biological Weapons Convention constituted a fundamental element for international peace and security. Although it was not perfect, it still provided a multilateral normative framework that could prevent the proliferation of biological weapons and eliminate them. Algeria had adhered to the Convention in 2001. It was a party to all instruments of disarmament and non-proliferation of weapons of mass destruction. It had a national system that corresponded to international norms of biological safety and security. Algeria had never produced, transferred or used such weapons. Biology, microbiology and their applications in various activities developed rapidly. The dual use of the material and equipment produced by this progress gave way to more possibilities of proliferation. A lack of a verification regime meant that there could be misuse of these materials. A global review was necessary. Algeria like many countries belonging to the Non-Aligned Movement believed that a multilateral, binding instrument would be the most efficient tool to make this regime efficient. In the meantime, an agreement must be reached on a minimal package. Algeria recommended a dual approach: first of all universal adherence – all States needed to be convinced, and Burundi and Mozambique were congratulated for acceding to the Convention. The creation of a zone free of weapons of mass destruction in the Middle East was crucial. To be credible and pertinent, this instrument needed to achieve total and transparent implementation. However, the national implementation measures should not serve as a pretext to introduce new forms of discrimination reducing the extent of international cooperation planned by Article X of the Convention. The Convention should not only be seen as a disarmament tool. It was also a tool for cooperation for socio-economic development. The Convention should work on security aspects, whether they were related to the military, nutrition or sanitation. The discussions held during the intersessional period had shown the inequalities between States Parties in

matters of implementation. The Conference had to take measures in order to reinforce the provisions of Article X. Algeria supported the initiative to continue discussions during the intersessional period.

[INF.1 shows that Algeria did not submit any CBMs between 2006 and 2011. In addition, Algeria did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Jüri Seilenthal of **Estonia** then spoke, saying *Estonia fully associates itself with the statement which will be delivered by the European Union later during the Conference. He went on to say that The Seventh Review Conference provides us with an opportunity to modernize and further strengthen the Convention in order to better address the changing nature of biological weapons. In this respect, Estonia is dedicated to achieve progress especially in the following areas. First, we expect the Seventh Review Conference to renew and further enhance the intersessional process. ... Estonia believes the next intersessional work programme should be more action oriented and responsive to our changing world. We are therefore ready to support the creation of more flexible meeting formats and thematic working groups... He said The prolongation of the mandate of the Implementation Support Unit is another priority. ... We pledge our full support to renewing the ISU's mandate for a further five years and a modest expanding of the ISU, if the Review Conference will decide to extend its activities.* In regard to CBMs he said *We believe that it is high time to modernize this format. We therefore fully support the idea to discuss the improvement and further development of the Confidence-Building Measures' format.* He went on to say that *National implementation of the Convention is a pivotal point for the success of the BTWC. In this regard, I would like to reaffirm that Estonia has fully implemented all obligations resulting from the BTWC into Estonian national law.*

[INF.1 shows that Estonia submitted its CBM each year between 2006 and 2011. However, Estonia did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Héctor Raúl Peláez of **Argentina** then spoke, saying that Argentina saw the universalization of adherence to the Convention and the implementation of the Convention at the national level as key aspects. The discussions during the intersessional period had been very useful. The Conference should identify ways to develop the Confidence Building Measures. Argentina believed that the different themes identified during the preparatory meetings would be helpful to guide the Conference's work. Argentina hoped that the States that were not parties would see the importance of adhering to the Convention. Argentina welcomed the last two countries that had joined the Convention. Argentina was ready to discuss possible ways to improve transparency. Adhering to the Convention also meant that there were some obligations, such as those in Article X. Argentina supported the idea of creating a database in which there were requests and

responses in the field of cooperation. Argentina would support any means to strengthen cooperation; it was crucial to this Convention. The possibility of use of biological weapons required a rapid and efficient response of States. This was only possible if States were ready for such a use, and this meant that States had to cooperate fully. Argentina hoped to see this Review Conference focus on the following fields for the next few weeks: compliance, cooperation and assistance, science and technology. Many changes had occurred since the Sixth Review Conference, and the Seventh Review Conference constituted a new opportunity in order to consolidate the basis of the future agreements that would strengthen the cornerstone of the international regime for the non-proliferation of weapons of mass destruction.

[INF.1 shows that Argentina submitted its CBM each year between 2006 and 2011. In addition, Argentina made a submission in regard to compliance [INF.2] but not on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Zeljko Jerkic of **Bosnia and Herzegovina** then spoke, saying that *The number of issues to be discussed will certainly contribute to a better understanding of the scope and implications of the full implementation of the Convention ... Each element connected with the compliance with the BTWC, cooperation and assistance as stipulated in the Convention, further enhancement of the confidence building measures and intensification of the so called intersessional process deserves our full attention.* He went on to say *we need to reaffirm the value of the Convention on Biological Weapons as an instrument for multilateral and also regional cooperation; let me reiterate this concept which is key in a multilateral system; cooperation.* He added *We therefore firmly believe that the VII RC by bringing together representatives of government, individual experts, academia, as well as NGOs presents an exceptional opportunity to further streamline our activities which certainly goes beyond the community on disarmament.* He then outlined a number of actions being taken by Bosnia and Herzegovina. He went on to say that *Smaller countries, with limited resources, skills and expertise, are even more compelled to rely on each other and to establish the closest possible cooperation and coordination mechanisms.* He concluded by saying *Allow me to express our confidence that the VII RC will result in very practical follow-up steps aimed at increasing overall security and making our planet safe place for us but also for future generations.*

[INF.1 shows that Bosnia and Herzegovina did not submit any CBMs between 2006 and 2011. In addition, Bosnia and Herzegovina did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Md. Abdul Hannan of **Bangladesh** then spoke, saying that Bangladesh associated itself with the statement made by Cuba on behalf of the Non-Aligned Movement. He said that *The additional understandings reached in several review conferences have further strengthened the effectiveness of the Convention.* In regard to universality, he

said Bangladesh supports a concerted campaign, over the next couple of years, towards making the Convention universal. We call upon all the states that are yet to sign or ratify the Convention to consider being a party to it. He went on to say that the Implementation Support Unit (ISU) has been doing a commendable job by providing administrative support to the States Parties for implementation of the provisions of the Convention. ... I believe that the States Parties will continue their funding for the ISU during the next intersessional period. He then said The success of the Convention depends on compliance by all States Parties to it with their obligations. In order to ensure this, we must develop an effective verification mechanism capable of responding to the challenges posed by new scientific and technological developments in production, use and stockpiling of biological weapons. Our ultimate goal is to ensure full and effective implementation of the Convention. Pending this goal, Bangladesh considers the Confidence Building Measures (CBMs) as important tools for ensuring transparency, and building trust and confidence among the States Parties. ... CBMs reporting format should be updated during the intersessional period. In regard to Article X, he said Bangladesh particularly underscores the importance of effective implementation of Article X of the BTWC. ... We call for enhanced international cooperation in this area, particularly in technology transfer. He added that Bangladesh stresses on the need for capacity building in the fields of disease surveillance, detection and diagnosis, and containment of infectious diseases.

[INF.1 shows that Bangladesh submitted its CBM each year between 2006 and 2011 apart from 2006, 2008 and 2011. However, Bangladesh did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Haeryong Kwon of the **Republic of Korea** then spoke, saying *my delegation attaches particular importance to this Review Conference. Following the success of the 6th Review Conference in 2006, this year's Review Conference provides us with a unique and excellent opportunity not only to assess how the Convention in its entirety has been operating for the last five years, but also to generate the political will necessary to strengthen the Convention. Through a comprehensive Article by Article review of the Convention, we should reaffirm and further elaborate upon our current understanding of the provisions of the Convention in light of new scientific and technological developments. He went on to say my delegation associates with the JACKSNNZ's statement presented by the Canadian delegation. He said First, the Republic of Korea places high priority on national implementation of the Convention. ... Penal legislation, tightened national export controls and regulations on bio-safety and bio-security are essential elements for enhancing national implementation mechanisms. He then said that biological science and technology is advancing rapidly. ... the five-yearly review seems to be insufficient to meet the challenge. He went on to say Third, the intersessional process has created a positive momentum that can and should be*

carried forward. ... Indeed, it would be even more constructive for the intersessional work to be conducted on a more regular, formal and systematic basis. Proceeding in this way would ensure greater continuity and coherence between the Review Conferences. He concluded by saying that the Korean delegation shares the opinion that the establishment of the ISU (Implementation Support Unit) is one of the success stories of the 6th Review Conference. ... In this context, we favour a measured enhancement of its mandate.

[INF.1 shows that the Republic of Korea submitted its CBM each year between 2006 and 2011. However, the Republic of Korea did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Pedro Oyarce of **Chile** then spoke, saying that Chile associated itself with the statement made by Cuba on behalf of the Non-Aligned Movement. He went on to say that this Review Conference was the conclusion of five years of work undertaken during the intersessional programme. Efforts should focus on universal adherence to the Convention which was a key priority. Global biological security could only be reached through this universal adherence. It was a joint priority and a global responsibility. Implementation was also a key priority. National implementation efforts had to be effective. Chile had specialized staff for the implementation of the Convention and for research and scientific projects. Also, transparency could not be emphasized enough. Confidence Building Measures had to be increased and improved as well. Cooperation and assistance were an additional avenue for the successful implementation of the Convention. The intersessional work should be optimized. Chile was interested in the Japanese proposal to create three groups in order to analyze the ways to increase mutual confidence and improve cooperation and assistance. The work of the Implementation Support Unit had proved itself to be essential in order to articulate the intersessional dialogue. The strengthening of its mandate was essential and Chile wanted to emphasize that the Implementation Support Unit should be a focal point in matters of cooperation.

[INF.1 shows that Chile submitted its CBM each year between 2006 and 2011. However, Chile did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Zamir Akram of **Pakistan** then spoke, saying that *Pakistan aligns itself with the statement delivered by Cuba, on behalf of the NAM and Other States Parties to the BTWC. He went on to outline the national regulatory framework in Pakistan and said that we have drafted BTWC legislation which will shortly be tabled in our parliament. He said that The Seventh Review Conference provides an opportunity to further strengthen all aspects of the Convention. In our view, this can be done in two ways. Firstly, by expanding the membership of the Convention, thereby, ensuring universalization of obligations provided by the BTWC; and Secondly, by enhancing implementation of all articles of the BTWC, in an inclusive, balanced, non-discriminatory and comprehensive manner. He then*

said he would like to highlight key aspects of our national approach towards various issues under consideration of this Review Conference:

- We believe in renewing and intensifying our efforts towards Universalization of the BWC as only 9 additional states have joined the Convention in the past five years.
- As a member of NAM and being a developing country, we accord special importance to full and effective implementation of Article X of the Convention.
- Pakistan believes that only a multilaterally agreed verification mechanism can provide the assurance of compliance with treaty obligations. The final declaration of this Review Conference should underscore this element.
- The BWC inter-sessional process has proven its utility. We should look at ways of improving it further in a manner that ensures balanced consideration of all important issues and that its scope and authority do not transgress into the domain of the Review Conference itself.
- CBMs enhance transparency and trust among States Parties. However, they cannot be a substitute for compliance measures. Proposed amendments to the CBM forms should encourage submissions by reducing the reporting burden on States Parties.
- Pakistan believes in the importance and benefits of regularly reviewing developments in science and technology related to the Convention.
- ... the BWC ISU ... should continue assisting States Parties, according to the mandate given by the Review Conference. The mandate given to the ISU should also determine its future composition, which, if expanded, should be rooted in principles of equitable geographical distribution.

[INF.1 shows that Pakistan did not submit any CBMs between 2006 and 2011. However, Pakistan did make a submission in regard to compliance [INF.2] but not on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Omar Hilale of **Morocco** then spoke, saying that his delegation aligned itself with the statement made by Cuba on behalf of the Non-Aligned Movement. He then said that the Biological Weapons Convention was one of the three pillars of the international regime for the non-proliferation of weapons of mass destruction. The Seventh Review Conference was being held in an international context of major political changes and a deep financial and economic crisis, two ingredients that favoured the exacerbation of terrorism. Also, biological and scientific advances were multiplying the risks of double use. Thus the work of this Review Conference had to be considered with particular attention. The implementation of Article X remained the best way to promote accession to the Convention. At the moment, the implementation of Article X suffered from a lack of transparency, selectivity and the mismatch between the offers and requests of cooperation means. A system of publication of offers and requests for cooperation on the website of the Implementation Support Unit, in addition to a working group on article X, would be able to fill the gaps. The introduction of

this system and the establishment of a specific group on specific questions such as science and technology and public health would be very useful. This would be an additional charge of work for the Implementation Support Unit. Thus it would require additional funds. However, being part of an international instrument gave rights but also entailed obligations, such as providing additional funds when needed. Also, there was an urgent need for all States Parties to report regularly on their activities. Morocco had put in place in 2005 a National Committee of Bio-security in charge of implementing the Cartagena Protocol on biodiversity and the control of genetically modified organisms at the national level.

[INF.1 shows that Morocco submitted its CBM each year between 2006 and 2011. However, Morocco did not make any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Jafar Huseynzade of the Ministry of Foreign Affairs of **Azerbaijan** then spoke, saying that *CBMs ... plays the crucial role in the success of the BTWC itself. In this regard, we stand ready to join the discussions on the improvement of the methods of submission of CBMs with the view of facilitation on time submission, taking into account current technical capabilities.* He went on to say that *Secondly in our view, ensuring the full implementation of BTWC can not be achieved in light of existing protracted conflicts which have created grey zones in uncontrolled and occupied territories.* He concluded by saying *Let me express our hope that this Review Conference will not only revisit the measures have been taken in implementing the provision of the Convention, but also will discuss measures to strengthen and improve its implementation.*

[INF.1 shows that Azerbaijan submitted its CBM each year between 2006 and 2011 apart from 2006 and 2007. However, Azerbaijan had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Col. Hasan Al-Nesf of the National Committee for the Prohibition of Weapons of **Qatar** then spoke, saying there were still many countries outside of the Biological Weapons Convention and this constituted an international risk. Universalization of the Convention was crucial for international security. A permanent commission had been created in Qatar in order to better implement the Convention. Qatar respected its obligations under the Convention and it did not research, produce or develop such weapons. Qatar did not store any biological or toxin agents either. The national commission for the prohibition of weapons held workshops and targeted issues concerning the armed forces as well as other sectors. The national commission was also setting up a database and training human resources on the topic. The national commission had completed a draft law to issue permits for controlled biological agents that were on the list of the Australia Group. The draft law was one of the measures taken in compliance with Security Council Resolution 1540. Qatar also implemented health regulations and had a system of notification from doctors as soon as there were signs of epidemics. Qatar was ready to fully participate in this Review Conference. Qatar also

welcomed the holding of a Conference in 2012 in Finland on the topic of the elimination of weapons of mass destruction in the Middle East.

[INF.1 shows that Qatar submitted its CBM each year between 2006 and 2011 apart from 2006 and 2007. However, Qatar had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Harifera Elisa Rabemananjara of **Madagascar** then spoke, saying the Implementation Support Unit had done excellent work since 2006 to promote the universalization of the Biological Weapons Convention. She said that Madagascar had adhered to the Convention in 2008 and was in the process of ensuring that its national legislation was in line with that of the Convention. Madagascar was committed to the Confidence Building Mechanisms as provided for in Article V. During this month a technical capacity mission from the European Union would assist the country to provide its first Confidence Building Measures submission. The Government of Madagascar was concerned about the risks of pandemics because the country lacked sufficient capacity and facilities for surveillance of pathological micro-organisms and had not been able to follow the recommendations as stipulated in the Convention regarding biological weapons. Madagascar would strive to develop these capacities and strengthen its biological security despite its lack of resources. Madagascar supported the proposal by the Non-Aligned Movement for international assistance as provided for in Articles VII and X in the Convention.

[Although Madagascar became a State Party in 2008, INF.1 shows that Madagascar had not submitted a CBM between 2009 and 2011. In addition, Madagascar had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Mohamed Al Sharaa of the Ministry of Sciences and Technology of **Iraq** then spoke, saying the Biological Weapons Convention was crucial to international peace and security. New measures for the future should be taken during this Review Conference. However great the challenges may be, progress could be made as well. This Conference reaffirmed the joint commitment of the States parties to make the Convention as efficient as possible. Disarmament was a priority for Iraq. Thus Iraq was working on this in the Middle East as it had a stabilizing role. The national constitution stipulated that Iraq shall respect its commitment to the non-proliferation of weapons of mass destruction and biological weapons. Iraq welcomed Security Council Resolution 1540; it was a useful tool in the international realm. Since the Sixth Review Conference, Iraq had created a body that made sure that all decisions taken by the Conference were being implemented. This body also created a national system to honour the international obligations of the Convention. It also governed all transfers to the Implementation Support Unit. Iraq reaffirmed the importance of the Support Unit and how crucial its role was. Iraq had received financial help from several donors for the implementation of the Convention and was very grateful for this. Article X had extreme importance for all Member States and especially for developing nations.

Strengthening capacities of developing nations would be beneficial to the international community as a whole. Early warning and identification of risks were important for everyone. Iraq called for increased multilateral cooperation in the name of international peace and security.

[INF.1 shows that Iraq submitted its CBM each year between 2006 and 2011 apart from 2006 and 2007. However, Iraq had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Luis Gallego of **Ecuador** then spoke, saying it had been difficult to fill the important gap of a verification mechanism in the Convention. Some States had championed a binding verification mechanism but to date no solution had been found. New discoveries in biotechnology had led to greater risks for the world and this required a strengthening of the Convention and its mechanisms. It was important to realize that Confidence Building Measures could not be turned into a verification mechanism because they were not binding and depended on the goodwill of each State Party. Ecuador supported the proposals made for annual meetings during the intersessional process. It was vital to strengthen the Implementation Support Unit by increasing both its capacity and budget. The fundamental mission of the Implementation Support Unit should be to provide technical capacity as many States Parties had not been able to fully implement the Convention due to their own lack of technical capacity. Ecuador also noted that a transnational working group for training and cooperation would benefit all States parties in the implementation process.

[INF.1 shows that Ecuador had submitted its CBMs in 2007 and 2008 but not in the other years between 2006 and 2011. However, Ecuador had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

The General Debate then moved on to hear a statement by a Signatory State, Egypt:

Mohamed Hatem El-Atawy of **Egypt** spoke, saying that *Egypt would also like to associate itself with the statement delivered by Cuba on behalf of the Non Aligned Movement and Others parties to the BWC*. He said Egypt looked forward to the conference to be held in Finland in 2012 and hoped that it would lead to *the establishment of the desired Middle East zone free of nuclear and all other weapons of mass destruction*. He continued: *Egypt welcomes efforts to promote the universalization of the Biological Weapons Convention provided that such efforts would be directed towards the non-signatory states ...* He went on to say that *Egypt supports the calls to promote **international cooperation**, assistance and exchange in the field of biological sciences and technology for peaceful purposes in accordance with Article X of the Convention. We encourage the consideration of specific mechanisms or other approaches that would enable greater international cooperation and assistance and in the implementation of Article X.* [Emphasis in the original]. In regard to the rapid advances in science and technology, he said *it will be pertinent for the Review Conference to consider measures*

that could further strengthen the effectiveness of the implementation of the Convention. He then said that *We believe that the role played by the ISU ... should continue* and added *We believe that the next intersessional period should also include the consideration of further topics of relevance to the Convention in order to exchange experiences and encourage information sharing that would be beneficial to all states.*

[As Egypt is a Signatory State, it is not invited to submit CBMs or to contribute to INF.2, INF.3 or INF.8]

The General Debate then moved on to hear statements from international organizations:

The first such statement was made by Ambassador Mariangela Zappia on behalf of the **European Union** and the Candidate Countries Turkey, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Iceland, the Countries of the Stabilisation and Association Process and potential candidates Albania, Serbia as well as Ukraine and the Republic of Moldova. She said that *The EU has arrived at this Conference with a strong common position. ... The EU's objectives are realistic and ambitious at the same time: together with all State Parties, we want to review the operations of the BTWC and to explore concrete options to strengthen it further. The EU has identified three priorities for reviewing the BTWC: **building confidence in compliance, supporting national implementation, and promoting universalisation.*** [Emphasis in the original]. In regard to compliance she said that *State Parties should be able to demonstrate compliance by means of information exchange and enhanced transparency about their implementation activities and intentions towards compliance. This can be achieved by means of declarations, consultations and on-site activities, representing increasing levels of transparency and scrutiny, but also by information exchange and review during the intersessional process. While recognising that there is currently no consensus on the issue of verification, which remains a central element of a complete and effective disarmament and non proliferation regime, we are willing to work towards identifying options that could achieve similar goals.* Then in regard to CBMs, she said that *Confidence Building Measures are crucial tools with regard to creating confidence in compliance. The CBMs are the politically agreed regular national declaration tool on implementation and compliance. They should be modified in order to try to increase participation in CBMs submissions.*

She added *... with regard to compliance the EU is also in favour of strengthening the UN Secretary-General's mechanism for investigation of alleged use of biological and toxin weapons. Further action could be considered and decisions taken on the provision of assistance and coordination in the context of Article VII of the BTWC with relevant organisations upon request by any State Party in the case of alleged use of biological and toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems.* In regard to national implementation she said *our common aim should be supporting and strengthening, where necessary, national enforcement measures,*

including criminal legislation, biosafety and biosecurity measures in life science institutions, control over pathogenic micro-organisms and toxins, export control for dual-use agents and technologies, the appointment of a national contact point for the BTWC, and regional and international cooperation, ... She said *We need to strive for universal adherence of all States to the BTWC, ... the EU ... therefore recommends the adoption of an action plan on universalisation evaluated during dedicated sessions during the intersessional process, and, if necessary, modified at each State Parties' Meeting.*

Concerning Article X, she said *The European Union will continue to support the concrete implementation of Article X of the BTWC ... In this regard, we would favour integrating information related to assistance in the CBMs by revising Form D or creating a new form, and mandating the ISU to compile Article X of the BTWC related information into an online database.* She concluded by saying *The European Union is also convinced that a process of more frequent assessments of relevant scientific and technological developments, which may have implications for the BTWC, such as in the rapidly developing fields of synthetic biology and nanotechnology and the increasing convergence of chemistry and biology is of the utmost importance. The ISU's mandate, whose prolongation for another five years should be guaranteed, should also include the establishment of a communication and information platform on policy, scientific and other activities relevant to the BTWC. A working group could be established for S and T assessments during the intersessional process. Furthermore, science and technology items could be included on the agenda of Meetings of State Parties.*

This was followed by a statement made by Grace Asirwatham, Deputy Director General of the **Organisation for the Prohibition of Chemical Weapons**. She said that *the BWC and the CWC have mutually reinforcing complementarities.* She went on to note four areas of common interest:

The first of these is full and effective national implementation, which is a clear prerequisite for the good functioning of both treaties. ... A robust domestic regime conveys a strong message to those who may harbour malicious intent. ... However, more than 50 percent of States Parties of the CWC still need to take action to ensure that their legislation covers all key areas of the Convention. ... Over the next year we will launch new initiatives beginning with e-learning modules for National Authorities and a cooperation and assistance activities database to facilitate information sharing between States Parties.

The second area of common interest is the impact of advances in science and technology. Both the BWC and CWC are disarmament treaties tied closely to science, and the dynamic nature of science has a direct impact on our own work. ... A topic of direct relevance to both the BWC and CWC is the growing convergence between chemistry and biology ... the Director-General recently requested the Scientific Advisory Board to study this issue and report back to him. The SAB therefore established a temporary working group on this subject ...

The third area of common interest relates to assistance and protection in the case of use of chemical or biological

weapons. ... the expectations of our States Parties emerged clearly in favour of a more pro-active OPCW role in matters of both assistance and protection as well as safety and security against chemical weapons and toxic chemicals.

The fourth and final area of common interest between our two treaties is international cooperation in the peaceful uses of science. ... Further, just last week, the Conference of States Parties adopted an agreed framework for the full implementation of Article XI [of the CWC], which will provide a new impetus to our international cooperation activities and the necessary guidance to make them more effective.

She then went on to say *Among a number of emerging issues on the OPCW's agenda, there are two which I believe are of relevance to both the BWC and CWC and, with regard to which, I think the OPCW can benefit from the experience of BWC States Parties.* She said *The first concerns issues of chemical safety and security. A broader approach to security underlines the need to focus on such issues. A related area concerns the exchange of information and sharing of best practices regarding safety and security management, and the potential role of industry standards. The second area concerns education and outreach. ... More concretely, future generations must be made fully aware of their responsibilities as scientists and engineers when dealing with materials that could present a danger to humankind.*

The President then closed the morning session of the General Debate, noting that the afternoon session would include the informal session in which NGOs would make statements. He also said that the session on the morning of Wednesday 7 December 2011 would start promptly as there would be statements in the General Debate by the Foreign Minister of the Netherlands and by the Secretary of State for the United States. Later on Wednesday morning, the Committee of the Whole would start its work on the Article by Article *Final Declaration* and then on the Wednesday afternoon, the President proposed to hold informal plenaries to consider cross-cutting issues – he envisaged starting by considering science and technology and then the intersessional process.

The Secretary-General then announced side events at lunchtime with a joint event by the Global Network of Science Academies - *Report of the Workshop on Trends in Science and Technology Relevant to the BWC* and the University of Bradford - *Key Points for the Review Conference*. A second side event would be by the Netherlands Institute of International Relations Clingendael - *The Future of Biological Weapons Revisited*.

Resumption of the General Debate: Tuesday 6 December 2011 afternoon

The General Debate resumed on the afternoon of Tuesday 6 December 2011:

Zeyad Almasha'n of **Kuwait** spoke, saying that the Review Conference was taking place at a time of considerable changes in the Middle East. The Biological Weapons Convention was key to international peace and security and hopefully the Review Conference would be successful in its

efforts. The promotion of Confidence Building Measures was one of the crucial issues of the Review Conference during the next three weeks and Kuwait supported this. Kuwait also supported continuing the intersessional meetings and discussions. Kuwait would like to call upon all States that had not yet joined the Convention to do so soon. Kuwait had never tried to acquire biological weapons and never would.

[INF.1 shows that Kuwait had not submitted any CBMs between 2006 and 2011. In addition, Kuwait had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8].

Ambassador Gerard Corr of **Ireland** then spoke, saying *Ireland fully associates itself with the Common Position adopted by the European Union on 18 July ... Ireland also fully associates itself with the statement to be delivered on behalf of the EU.* He then said *We are committed to working to identify and strengthen existing mechanisms so as to build confidence in compliance with the BTWC. We believe there is great merit in more frequent assessments of ongoing scientific and technological developments and to working to ensure that the Convention can keep pace with these rapid developments. ... We are also committed to the implementation of Article X ... we will continue to support initiatives and projects aimed at capacity building in the areas of disease detection, surveillance, diagnosis and infectious disease containment.* On universality, he said *Ireland is also committed to promoting the universality of the Convention...* He then said *Ireland is also committed to supporting effective international implementation* and went on to outline the new legislation – the Biological Weapons Act 2011 – which Ireland had adopted earlier in 2011.

[INF.1 shows that Ireland submitted its CBM each year between 2006 and 2011. In addition, Ireland had made a submission in regard to compliance [INF.2] but not on S & T developments [INF.3] or on Article X [INF.8]. However, Ireland had contributed to the EU paper on Article X [INF.10].

The General Debate then continued with two statements from international organizations before hearing a further statement by a State Party, Colombia:

Keith Hamilton of the **World Organisation for Animal Health (OIE)** spoke: saying *Animal diseases including zoonoses continue to have a significant impact on public health, animal health, food safety, food security, the environment and economies.... Biotechnological advances mean that these agents can be readily engineered to be more dangerous than they are in their natural state. OIE believes that day to day preparedness against ordinary disease outbreaks offers the best protection against unusual, deliberate and accidental releases ...* He went on to note that in 2011 the world had been declared free from rinderpest and the OIE and FAO were moving forward in implementing post-rinderpest eradication activities. He then added that *2011 also saw the development of OIE's strategy on global bio-threat reduction; strengthening global biosecurity. The OIE's strategy focuses on strengthening, enhancing, and*

developing cross-links in existing health systems. It focuses on close collaboration with OIE's international partners, including the WHO, the BWC and the Global Partnership.

Peter Herby of the **International Committee of the Red Cross** then spoke, saying the ICRC has for nearly a decade promoted a broad-based approach to preventing the hostile uses of biology, an approach we have often referred to as a "web of prevention". He went on to say that *There are three areas the ICRC would like to highlight where decisions of this Review Conference can strengthen the Convention and contribute to building an effective "web of prevention" against the hostile use of biological agents and toxins.*

Firstly, the Convention needs an improved means to review scientific and technological developments. *The Convention needs to establish a mechanism to ensure regular and structured review and to assess developments in science and technology so that the benefits to the Convention can be maximized and the risks minimized. This Review Conference provides an opportunity that must be seized to agree on such a mechanism.*

Secondly, there is a need for States Parties to increase their efforts to educate life scientists. *There is, therefore, a clear need to ensure that all universities offering curricula in the life sciences include at least one mandatory session that covers the risks, the rules of national and international law and the responsibilities of scientists. This Review Conference could call for the establishment of such a requirement by all States Parties at national level.*

Thirdly, this Review Conference presents an opportunity to re-focus attention on the core issue of monitoring and assessing compliance with the Convention, which has not been discussed as part of the annual meetings. *This Review Conference should agree on an agenda for a future process of annual meetings through which the States Parties will address monitoring and compliance challenges and strengthen the scope and implementation of the Convention's confidence building measures.*

In conclusion, he said, *it is important to recall the ultimate objective of the Convention stated in its preamble, namely to "exclude completely the possibility of biological agents and toxins being used in weapons."* A centerpiece of this Review Conference should therefore be an unambiguous reaffirmation in the final declaration of the obligation of States Parties to respect, and ensure respect for, the absolute prohibition of biological weapons. [Emphasis in original].

Lennin Hernandez Alarcon of the Ministry of Foreign Affairs of **Colombia** then spoke, saying that Colombia was committed to disarmament and the elimination of weapons of mass destruction. This Review Conference was an excellent opportunity of improving the Biological Weapons Convention. Colombia signalled the importance of the universalization of the Convention and of the implementation of the Convention at the national level. International cooperation was also key and Colombia wanted to reiterate its strong interest in contributing to this Conference.

[INF.1 shows that Colombia had not submitted any CBMs between 2006 and 2011. In addition, Colombia had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Jacek Bylica of the **North Atlantic Treaty Organisation** then spoke, saying that *The 29 Nations of the NATO-Russia Council confirm the high value of the Biological and Toxin Weapons Convention (BTWC) and the work of the BTWC Seventh Review Conference, and their intention to work to strengthen the implementation of the Convention and its universalization.*

The President then suspended the formal session of the General Debate and immediately resumed in informal session, inviting the representatives of 19 NGOs to make their statements.

Informal Session of the General Debate, Tuesday 6 December 2011 afternoon

Graham Pearson of the Division of Peace Studies of the **University of Bradford** in the UK then spoke saying *There is justifiably a great sense of optimism that under your leadership realistic ambitions will be achieved that will effectively strengthen the regime totally prohibiting biological and toxin weapons so addressing the international concern, anxiety and awareness of the dangers of the use of deliberate disease as a weapon of war or for terrorist purposes. Certainly no Review Conference has been as well prepared as this one with the series of workshops around the world at Wilton Park, Beijing, Montreux, Berlin, Manila and Clingendael, with the material available in the Think Zone, and the advance copies of documents for this Review Conference.* He said that *There are five realistic outcomes – which are entirely attainable – that we would urge the Seventh Review Conference to achieve.*

First, ... we urge that a standing working group be established to consider the application and implications of scientific and technological developments in specific areas for all the Articles of the Convention.

Second ... This Review Conference should set a target towards universality of 190 States Parties by the time of the Eighth Review Conference.

Third, the effectiveness of the Convention depends on the steps taken to achieve national implementation by the States Parties. This Review Conference should demonstrate its commitment to an effective Convention by agreeing an Action Plan to ensure that all States Parties have adopted national legislation, including penal legislation.

Fourth, the States Parties should agree a further intersessional programme between 2011 and 2016 of annual Meetings of States Parties prepared by standing working groups addressing the following three separate and distinct topics:

- *The advances in science and technology in specific areas relevant to the Convention*
- *An improved Confidence-Building Measures regime*
- *Confidence in compliance*

Fifth ... For the further effective strengthening of the Convention it is essential that the ISU is enlarged so that it can indeed carry out its mandate agreed by this Review Conference. [Emphasis in original]

Nicholas Sims of the **London School of Economics and Political Science** in the UK then spoke saying *In this statement we have chosen five areas in which to encourage you to reach agreement.*

1. Implementation Support Unit ... *States Parties need to be realistic about the tasks you allocate and the resources required for the effective fulfilment of those tasks. ... we recommend a considerably larger ISU, one whose resources will match the expanded role of implementation support which we hope this Conference will approve.*

2. Intersessional work programme: reshaping the intersessional process *We hope the Conference will decide on an annual Meeting of States Parties supported by meetings of working groups or standing expert groups, to push ahead work on several topics in parallel. Some groups may need more time than others. Allocation of time among groups is one of the types of decision that the Conference should specifically authorise the Meeting of States Parties to take by consensus, each year, in the interests of flexibility.*

3. Confidence-building measures ... *To develop a clearer, collective vision of their purpose and longer-term evolution, a CBM working group should be established by this Conference. It should enquire whether the existing CBMs provide the transparency needed for reassurance, or whether additional categories of information or different questions would be more useful.*

4. Science and technology *We share the view that scientific and technological developments of relevance to the Convention need ongoing collective assessment, and new structures designed to provide this. We hope the Conference will ensure that such assessment takes place in a working group or other forum comprising scientific advisers from academia, industry and government, with input from a wide range of sources including national academies of science and NGOs ...*

5. Compliance and the future *We encourage you to raise your sights, in the spirit of ambitious realism: look ahead to the Eighth Review Conference and identify the steps that will need to be taken before 2016 if the Convention is to emerge strengthened in operation and recognised as the cornerstone of biological disarmament. These steps will include States Parties demonstrating their compliance to one another, as treaty partners should, in an acceptable framework of accountability, and using agreed procedures to clarify and resolve any compliance concerns that may arise. [Emphasis in original]*

Kathryn Nixdorff, of the **International Network of Engineers and Scientists for Global Responsibility (INES)** said that *As scientists and engineers, we must continue to express our concerns about the need to deal more effectively with advances in science and technology in order to minimize the potential risks that they pose to the BWC. She went on to say that INES strongly supports these calls for a new annual S&T assessment mechanism*

within a continuing, improved yearly intersessional process. She said that In addition, INES recognises that all life scientists have an obligation to act responsibly in their work to help minimize the associated risks. ... It is our view that States Parties need to take steps nationally to ensure the education and awareness of all those engaged in the life sciences. Furthermore, States Parties should provide annual reports on the steps they have taken nationally to improve education and outreach as a part of their submissions under CBM E. She then concluded by saying that INES proposes that the States Parties to the Seventh Review Conference of the BWC agree to the establishment of a Working Group composed of government experts, scientists from civil society institutions and representatives of industry to carry out a structured, analytical and systematic review of S&T developments of relevance to the Convention within the framework of a new intersessional process 2012-2015.

Andrzej Gorski of the **Bio-security Working Group of the Inter-Academy Panel on International Issues: the Global Network of Science Academies** then spoke, saying that he wished to highlight two activities of IAP that are particularly relevant to the deliberations of the 7th Review Conference: first, advances in science and technology (S & T), and second, education and awareness-raising. He noted that a workshop *Trends in Science and Technology relevant to the BTWC* had been held in Beijing, China in November 2010 and that the executive summary of the report of this meeting had been included as Annex I to the ISU background paper INF.3. He said that *three major themes had emerged from the workshop:*

- *The rapid pace of change in the life sciences and related fields;*
- *The increasing diffusion of life sciences research capacity and its applications, both internationally and beyond traditional research institutions;*
- *The extent to which additional scientific and technical disciplines beyond biology are increasingly involved in life sciences research.*

The report also underscores the relevance of S & T to every major Article of the Convention and the challenges and opportunities that the advances present for implementation. He also spoke about a workshop on Promoting Education on Dual-Use Issues in the Life Sciences held in Warsaw in November 2009 to develop recommendations for the most effective approaches to educating life scientists internationally on dual use issues.

Masamichi Minehata of the **National Defense Medical College of Japan** in a joint statement with the **University of Bradford** said *It is now widely recognised that very few of those engaged in the life sciences have any knowledge of the Biological and Toxin Weapons Convention or of their responsibilities and obligations under the Convention. He added that It is recommended that the States Parties in their consideration of Article IV at this Review Conference address how best to ensure that those engaged in the life sciences within all States Parties are aware of their obligations and responsibilities under the Convention. Consideration needs to be given to what*

actions might be taken by the States Parties nationally and collectively to ensure that all those engaged in the life sciences whether in government, industry or academia are aware of the Convention. After outlining a number of initiatives, he concluded by saying that *We believe that there is much that civil society and the life science community can do to help raise the level of awareness and education of all those engaged in the life sciences, and thereby to strengthen the implementation of the Convention through the establishment of a culture of responsibility in all those engaged in the life sciences, whether in government, industry or academia. We urge that States Parties address this issue during the Review Conference and show leadership in taking effective action to ensure that the implementation of Article IV is urgently advanced amongst all those engaged in the life sciences.*

Scott Spence of **Verification Research, Training and Information Centre (VERTIC)** then spoke, saying that *VERTIC has been highly engaged in the work of the BWC for many years, and we have accelerated our contribution to the most recent intersessional process through our National Implementation Measures Programme. In regard to national implementation, he said that VERTIC calls on the Review Conference to take a strong decision on national implementation, to encourage all BWC member states to enact comprehensive legislative frameworks during the period leading up to the Eighth Review Conference in 2016 and to regularly discuss state practice, assistance needs and progress made during the next intersessional process. In regard to universality he said VERTIC calls on the Review Conference to take a strong decision on universality of the Convention, with clear steps towards substantial expansion of its membership in time for the Eighth Review Conference in 2016 and regular reviews of progress during the next intersessional process. On international cooperation and assistance, he said VERTIC advocates international co-operation and assistance under the auspices of the BWC, as an independent, international co-operation and assistance entity. Then on compliance and verification, he added that VERTIC calls on the Review Conference to take a strong decision to enhance transparency and confidence-building concerning national implementation through the next intersessional process and urges states parties to continue discussions on any other necessary mechanisms for ascertaining compliance. He concluded by saying that VERTIC calls on the Review Conference to take a strong decision in support of the Article I general purpose criterion and its role in preventing any misuse of biological agents developed using the latest advances in the life sciences and to engage in regular reviews of developments in science and technology during the next intersessional process.*

Kai Ilchmann of the **Harvard Sussex Program on Chemical and Biological Weapons** said that he would concentrate on one area we feel that States Parties should agree: to increase their efforts to stay informed about trends in the life sciences and related areas of technology. He said that understanding the implications of new developments in the life sciences and related areas of technology

was an essential task for States Parties. The prevention of the development, acquisition and use of biological and toxin weapons required a thorough understanding of the nature of disease and of the properties of the biological agents and toxins that caused it. The consideration of science and technology potentially relevant for the Convention should be explored using a holistic framework. He went on to note, in particular, *the continued convergence between the life sciences and chemistry and the implications that this is having for both the Chemical Weapons Convention and the Biological Weapons Convention. We are fully supportive of the suggestions made by the Advisory Panel on Future OPCW Priorities that “exchanges of experience and joint technical reviews could be helpful to understand how [convergence] affects the implementation of [the Chemical Weapons Convention and Biological Weapons Convention] at the interface between chemistry and biology” and that the “Technical Secretariat should establish a liaison (i.e. point of contact) with the BWC implementation process.” We hope that the States Parties to the BWC will give these suggestions due consideration during their discussions at the Seventh Review Conference and, as the Organisation for the Prohibition of Chemical Weapons is doing, examine what the convergence of chemistry and biology means in practical terms for their work. He concluded by saying We support the idea of more frequent examination of the new developments in science and technology.*

Tim Trevan of the **International Council for the Life Sciences** said that *The mission of the ICLS was to help promote and advance global public health, safety and security. To this end, we seek to safeguard opportunities to conduct research and apply advances in the life sciences for the practical benefit of society by promoting best practices, standards and codes of conduct, so ensuring the responsible pursuit of science. He went on to say that Networks can be effective in mitigating biological risks where there was a convergence of interests because they can:*

- provide access to expertise and reference data that would otherwise not be available
- be very cost efficient by being virtual and thereby removing overhead costs
- respond directly to local challenges

He noted *There are particular areas where civic networks may be able to act more effectively than governments, such as for multidisciplinary issues, international coordination and cooperation, and for issues where normal structures had reached their limits, such as when governmental infrastructure had failed due to civil war.*

Iris Hunger, speaking on behalf of the **Stockholm International Peace Research Institute**, said in regard to advances in science and technology that *It is nevertheless vital to review the main relevant trends and methods or approaches that may be employed in order to understand the implications of such activity for biological arms control. She continued: With respect to CBMs, this conference may wish to consider the desirability of revising the information-exchange format agreed by the*

Second and Third Review Conferences, including whether and how they could be modified to serve as a basis for achieving capacity-building objectives on a practical and technical level, such as for the improvement of the operation of life sciences laboratories. She then said With respect to Article X, the parties may wish to consider further the desirability and modalities for (a) exchanging operationally focused, time-limited proposals, and (b) requests or offers that support and strengthen relevant economic development and cooperation. Then in regard to compliance and verification she said The capacity of the BTWC regime to strengthen compliance and verification can be improved partly through consultation on S&T assessments and the sharing of best practices on S&T evaluation methodologies.

Gunnar Jeremias of the Research Group for Biological Arms Control at the University of Hamburg said that *We have come here with great expectations. We would like to see the BWC coming out of this important conference a stronger, more reliable treaty, having been set on a steady path towards comprehensiveness and modernization. He went on to say that we believe that the BWC most urgently needs a mechanism to assess compliance. And again, almost everyone in this room agrees. Verification of compliance with the BWC is, however, more complicated than for other arms control and disarmament treaties. He added that three elements are essential in a compliance assessment mechanism for the BWC. First, the most important element of such a mechanism would be the continuous reaffirmation through information monitoring that existing capabilities and capacities are not being used to develop biological weapons. ... Second, the BWC is in need of a reliable challenge investigation mechanism to address serious allegations of biological weapons use and development. It would be highly desirable to better connect the UN Secretary-General's mechanism for the investigation of CBW use with the BWC. A third indispensable component of a verification mechanism for the BWC is a 'mid-level element', something between the politically charged challenge investigations and day-to-day information monitoring activities. He concluded by saying that We are in the fortunate position that the initial components of all three verification elements are already in existence. If they are further developed and used judiciously in a modular approach, the BWC would become much more robust in the years to come.*

Mark Johnson of MJ Lawrence Consulting then spoke, saying that *Many States Parties lack medical countermeasures (MCMs) for responding to a bioterrorist attack. It is now widely recognized that terrorists could resort to using biological weapons. However, whilst the level of probability that such an attack will actually happen remains low, the MCMs required to respond to such an incident are expensive to develop and involve a lengthy process till they can be ready for use. If States Parties are to be prepared, they need to engage in a dialogue with industry on how to ensure that preparedness is improved and how this work can be financed. He went on to say that It is recommended that the States Parties*

should encourage the establishment of an open dialogue within States Parties between governments and industry so that bioterrorism preparedness can be improved. There is a real danger that in the absence of such dialogue, governments will rely solely on past experience gained from pandemic influenza vaccine and antibiotic preparedness. While there are some similarities to bioterrorist preparedness which can be relevant, there are also significant differences. He concluded by saying that When you consider Article VII at this Review Conference, I recommend that you include in your Final Declaration language that recognizes the importance of States Parties engaging in dialogue with industry so as to ensure that the appropriate medical countermeasures (MCMs) are indeed available when they are required to counter an outbreak of disease, whether natural, accidental or deliberate.

Christine Rohde of the Global Biological Resource Centre Network (GBRCN) spoke, saying *We especially endorse the outcome of the Meeting of States Parties in 2008 when you recognized that "biosafety and biosecurity measures contribute to preventing the development, acquisition or use of biological and toxin weapons and are an appropriate means of implementing the Convention." In order to take such measures, it is necessary to enhance awareness and create a biosecurity-conscious culture. She went on to say that As we recognize the present and future value of the effective national implementation of the BTWC with its high global relevance, and recognizing the rapid scientific and biotechnological developments, we would like to express to the States Parties that the Code of Conduct (CoC) presented here will add value to the objectives of the BTWC. The aim of the CoC is to prevent microbial resource centres from directly or indirectly contributing to malicious misuse of biological agents and toxins, including the development or production of biological weapons and shall promote a basic ethical understanding of science compliant with the BTWC. We also consider that such a generally applicable type of a Code can substantially help all States Parties because awareness raising is absolutely crucial in the scientific world. In conclusion she said our message and recommendation to the Seventh Review Conference is that States Parties should, as part of their consideration of improving the national implementation of the Convention, agree to adopt a comparable Code of Conduct for their national microbial resource collections and other institutions in the life sciences because of the awareness raising focus on biosecurity that it provides.*

Kathryn McLaughlin, speaking on behalf of the Institute for Security Studies in South Africa, said *Africa, perhaps more than any other continent, experiences the impact of naturally occurring diseases almost daily, particularly on vulnerable populations in states where health care facilities are seldom equipped to deal effectively and efficiently with disease outbreaks. Africa is also the region where more could, and should, be done with regard to improving scientific research and diagnostic facilities and where biosafety measures remain insufficient and under-resourced. She went on to say that As of November 2011,*

37 African countries are States Parties. African States that have signed the BTWC but have not yet ratified are: Central African Republic, Cote d'Ivoire, Egypt, Liberia, Malawi, Somalia and United Republic of Tanzania. We believe that universalisation in Africa is essential to strengthening the convention It is, however, evident that a more sustained and concentrated effort is needed by States Parties with respect to Africa. It is also important to recognise that any discussion about universalisation needs to address issues of assistance to states that may require it. She concluded by saying that *This 7th Review Conference provides an important opportunity to strengthen the Convention. By garnering greater political support to place the BTWC into a developmental context and highlighting the socio-economic benefits of universalisation and full implementation, it is an opportunity that should not be missed.*

Janet Phelan of **ITHACA**, a human rights agency, then spoke, saying she wished to *submit concerns to this Convention that the United States of America is engaged in an offensive biological weapons program. ... these weapons may be stockpiled at Sierra Army Depot, which is a military base in Northern California, as well as possibly at other locations.* She went on to say that *In 2001... the United States passed a piece of legislation which in itself constitutes a violation of Articles I, II and IV of the BWC. This piece of legislation, Section 817 of the US PATRIOT Act, The Expansion of the Biological Weapons Statute, gives the United States a "blank check" to stockpile biological weapons and toxins and de facto removes the U.S. from the stipulations contained in the BWC. This is accomplished by the addition of a final caveat to 817, stating that "the prohibition contained in this section shall not apply to any duly authorized United States governmental activity."* She concluded by saying that *all of these signals ... point to a future attack within the borders of the U.S. facilitated by the United States government.*

Brad Goble of the **International Federation of Bio-safety Associations (IFBA)** then spoke, saying that *The IFBA's mission statement ("safe, secure and responsible work with biological materials") highlights the need to protect and promote global health and security, and lays the foundation for the implementation of strategies to minimize the serious dangers that can arise from the failure to implement sound biosafety and biosecurity practices.* He went on to add that *Looking to the future, the IFBA and more than 50 of its members recognize the unique opportunity we have in strengthening our engagement and collaboration with BWC stakeholders as an important partner in achieving our complementary goals across the world. Our task is to help ensure that all states have the biosafety, biosecurity and biological non-proliferation knowledge and tools they require. Collaboration with international, regional and national biosafety associations provides a direct channel with those who actually run the facilities that conduct biological research.* He concluded by saying that *The biosafety community should work with states parties to build biosafety and*

biosecurity capacity in developing countries—with a particular focus on raising awareness among biosafety professionals about the convention and dual-use issues. The biosafety community can also act as a useful bridge between governments and the private sector, and become an influential partner in generating greater buy-in and encouraging closer engagement within the framework of the convention.

Graham Pearson of the **Steering Committee of the Pugwash CBW Study Group** then spoke, saying that *The points that we outline ... represent our view of what are realistically achievable at the Seventh Review Conference.*

1. *Universalization of the Convention. We recommend that the States Parties at the Seventh Review Conference should take steps to provide high level leadership and a sustained committed attention to universalization throughout the period to the Eighth Review Conference.*
2. *The Intersessional Process. ... We recommend that the States Parties at the Seventh Review Conference should agree that there should be annual Meetings of States Parties during the intersessional period that are prepared for by standing working groups and meetings of experts. These annual meetings should take decisions where appropriate on the basis of consensus.*
3. *National Implementation together with Education and Outreach. We recommend that the States Parties at the Seventh Review Conference should adopt an Action Plan with an interim target that two thirds of the States Parties to the Convention shall have adopted effective national implementation legislation by the time of the Eighth Review Conference.*
4. *Confidence-Building Measures Regime ... We recommend that the States Parties at the Seventh Review Conference should agree some modifications to the existing CBM regime at the Seventh Review Conference. And equally importantly, a standing working group should be set up to consider in the intersessional period after the Seventh Review Conference how the effectiveness of, and the participation in, the CBM regime might be further enhanced as well as to review its concept and purpose within the overall efforts to strengthen the Convention.*
5. *Advances in Science and Technology. ... we recommend that the States Parties at the Seventh Review Conference should agree to set up a standing working group of scientific and technical ... and to report on the implications for all Articles of the Convention, with a view to the strengthening of the Convention ...*
6. *International Cooperation and Assistance. We ... recommend that the States Parties ... should agree that the Implementation Support Unit should ... operate a clearing house mechanism on international cooperation and assistance ...*
7. *Compliance and demonstration of compliance. We recommend that the States Parties ... should agree to set up a standing working group to consider a conceptual discussion of what measures would demonstrate compliance, and how clarification might be obtained in respect of any queries regarding compliance*

8. *The Implementation Support Unit.... We recommend that the States Parties ... should agree to the continuation of the ISU and give it an appropriate mandate and resources*

Ali Akbar Mohammadi of the **Ferdous International Foundation (FIF) and Global Health and Security Consultants (GHSC)** then spoke, saying that *dangerous pathogens may cause risk to public health through:*

- *Natural outbreaks;*
- *Poor laboratory and clinical conditions;*
- *Careless handling of infectious materials containing dangerous pathogens and conditions;*
- *Deliberate misuse of such materials.*

He went on to say that *FIF and GHSC have given their first and foremost priority in assisting these countries to strengthen their national capacity to adequately prevent and respond to the threats caused by biological risks through implementation of a **National Biological Risk Management Programme (NBM)** which he then outlined. He went on to say that implementation of such programme in particular in the absence of a universally agreed instrument, will to a large extent facilitate the implementation of the BTWC. Moreover, we know that 194 member states of WHO are committed to implement the International Health Regulations (IHR) by 2016 the latest. Therefore implementation of such programme will also be in the line with several articles of IHR in strengthening national capacity to prevent and respond to public health event of international concern (PHEIC). He concluded by saying that *We strongly believe it is the responsibility of all member states in particular those with financial resources as well as funding agencies to help the low resource and developing countries in implementation of such programme towards establishment of national capacity to prevent and respond adequately and effectively to biological risks.**

Amy Smithson of the **James Martin Center for Nonproliferation Studies** then spoke, saying that *Conventional wisdom that predates the Biological and Toxin Weapons Convention (BWC) holds that verifying compliance with this treaty's prohibitions is not possible. She then went on to outline what the UNSCOM inspections in Iraq had achieved. She pointed out that *On closer examination, the inspection activities that enabled UNSCOM inspectors to detect Iraq's bioweapons program bear quite some resemblance to the routine inspection procedures of well-known accords such as the Chemical Weapons Convention and the Nuclear Nonproliferation Treaty. She went on to say that *Therefore, a strong collective interest in strengthening the compliance provisions of the BWC should resonate at this Review Conference. The public worldwide is depending on the States Parties of the BWC to spare no effort in making sure that the norm against biological weapons is policed and upheld. On behalf of the inspectors who did what many think is impossible, we sincerely hope that you act on that responsibility. She added that *A way must be found, however, for BWC States Parties to restart a dialogue****

about verification, to learn from applicable historical experience, and to explore options feasible in the 21st century to strengthen the compliance provisions of the BWC. A reasonable start would be the establishment a working group to consider these matters, ...

Trevor Griffiths of **Pax Christi International** then spoke, saying that *Pax Christi would like to remind the international community gathered here today that it has the "responsibility to protect" (R2P) the security of all people. He then went on to urge the States Parties to take into account the following recommendations: **Universality.** All States should sign and ratify the BTWC, prohibiting the possession or development of biological and toxin weapons. ... **The Intersessional Process** ... Pax Christi International supports continuation of annual meetings of experts and of States Parties. Proposals to install standing thematic expert groups should also be implemented. ... Annual Meetings of States Parties should be authorised to make decisions on the basis of consensus and as appropriate. **Confidence-Building Measures** Pax Christi International urges all States Parties who have not done so to submit CBMs for 2011 and all States Parties to continue submitting CBMs in the future. Pax Christi International also recommends that States Parties agree to amend the CBMs at the Seventh Review Conference ... **Science and technology** Pax Christi supports the moves to establish a body of scientists and policy makers entrusted with continuous monitoring of relevant scientific and technological progress. **The Implementation Support Unit** The mandate of the Implementation Support Unit (ISU) ... should be renewed and extended Its strength should be increased appropriately. **International cooperation and assistance** Pax Christi International welcomes initiatives for international cooperation and assistance that contribute to saving lives and minimising suffering. ... **Compliance and verification** The States Parties to this Convention should agree on a mechanism to provide increased confidence in compliance. ... During the Seventh Review Conference, a reasonable ambition is to make progress towards an effective compliance regime. The international community will lose credibility if it fails to do so, as it needs to be seen to be addressing its responsibility for ensuring that global life sciences are not misused. [Emphasis in original].*

The President then closed the informal session and resumed the formal General Debate. He said that the General Debate would continue on Wednesday morning at 10.00 am with statements from the Netherlands and the USA. The Review Conference would then move on to a meeting of the Committee of the Whole with an Informal Plenary meeting in the afternoon.

The Secretary-General then reminded participants that the General Debate would start promptly at 10.00am and that there would be a side event at 09.00 am when the Harvard-Sussex Program would make a presentation on *Results from examining the role of Science and Technology reviews in the Biological Weapons Convention.*

**Resumption of the General Debate:
Wednesday 7 December 2011 morning**

The General Debate resumed at 10.00 on Wednesday 7 December 2011.

Uri Rosenthal, the Minister of Foreign Affairs of the **Netherlands** spoke, saying that *In line with the priorities of the EU member states for this Review Conference, the Netherlands will provide its support towards supporting national implementation; enhancing compliance of the Convention and promoting universality. He then said a lot of work remains to be done and said let me stress three points:*

- *Firstly, **national implementation**. The level of national implementation, although generally improving remains patchy and inconsistent. all States Parties to the Convention should focus on supporting and strengthening national enforcement measures, like creating criminal legislation and appropriate biosafety and biosecurity measures.*
- *Secondly, **improve the Biological and Toxin Weapons Convention in order to enhance compliance**. We do not have a binding verification protocol. I urge all States Parties to play their part in shaping the future of the BTWC and taking specific effective steps to reduce the risks posed to international security by biological weapons.*
- *Thirdly, **universality of the BTWC**. We need to aim at the universal adherence to the Convention. With 165 treaty parties, we are still lagging behind most other multilateral disarmament treaties. [Emphasis in original].*

[INF.1 shows that the Netherlands submitted its CBM each year between 2006 and 2011. In addition, the Netherlands made submissions in regard to compliance [INF.2], on S & T developments [INF.3] as well as on Article X [INF.8]].

Hillary Clinton, the Secretary of State of the **United States of America** then spoke, saying that *Two years ago, the Obama Administration released our national strategy for countering biological threats, which is a whole-of-government approach designed to protect the American people and improve our global capacity. We support our partners' efforts to meet new international standards in disease preparedness, detection, and response. She went on to say But there is still more to do, and I want to briefly mention three areas. First, we need to bolster international confidence that all countries are living up to our obligations under the Convention. It is not possible, in our opinion, to create a verification regime that will achieve this goal. But we must take other steps. To begin with, we should revise the Convention's annual reporting systems to ensure that each party is answering the right questions, such as what we are each all doing to guard against the misuse of biological materials. Countries should also take their own measures to demonstrate transparency. Under our new Bio-Transparency and Openness Initiative, we will host an international forum on health and security to exchange views on biological threats and discuss the evolution of U.S. bioresearch*

programs. ... In short, we are intending and are meeting our obligations to the full letter and spirit of the treaty, and we wish to work with other nations to do so as well. She then said that Second, we must strengthen each country's ability to detect and respond to outbreaks and improve international coordination. As President Obama said earlier this year at the UN, "We must come together to prevent and detect and fight every kind of biological danger, whether it's a pandemic like H1N1, or a terrorist threat, or a terrible disease." She continued: Finally, we need thoughtful international dialogue about the ways to maximize the benefits of scientific research and minimize the risks. So how do we balance the need for scientific freedom and innovation with the necessity of guarding against such risks? There is no easy answer, but it begins with open conversations among governments, the scientific community, and other stakeholders, in this forum and elsewhere. Ambassador Kennedy and the U.S. team look forward to working with all of you for a strong set of recommendations. She concluded by saying that we know the biological threats we face today are new, but our commitment to face threats together is not. So in that same spirit, let us move forward to address the challenges we face together in the 21st century.

[INF.1 shows that the USA submitted its CBM each year between 2006 and 2011. In addition, the USA made submissions in regard to compliance [INF.2], on S & T developments [INF.3] as well as on Article X [INF.8]].

The President then suspended the General Debate for a few minutes before resuming with a statement made by Nigeria.

Syndoph Paebi Endoni of **Nigeria** said that Nigeria wished to be associated with the statement made by Cuba on behalf of the Non-Aligned Movement. He then went on to say that Nigeria hoped that at this Review Conference, *we are able to review the operations of the Convention, review relevant scientific and technological developments and their impact on society and consider the very pertinent issue of international cooperation in the field of peaceful use of biological agents and toxins, in addition to the review for another term the mandate of the ISU. In regard to Article X, he said that Nigeria would urge this Review Conference to give this issue some bite so as to encourage its full and effective implementation. He then went on to outline some actions that had been taken by Nigeria including a national sensitization workshop on the BWC to be held in 2012.*

[INF.1 shows that Nigeria submitted its CBM between 2006 and 2011 in 2007 and 2008. However, Nigeria did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Ambassador Seyed Mohammed Reza Sajjadi of the **Islamic Republic of Iran** then spoke, saying that Iran associated itself with the statement made by Cuba on behalf of the Non-Aligned Movement and other States Parties. He then said *We believe that the only sustainable way for regime building in the BWC is through the legally binding instrument to comprehensively strengthen the Convention*

therefore the multilateral negotiations should be resumed on a legally binding instrument to comprehensively strengthen the Convention including in the area of international cooperation for peaceful purposes. Piecemeal solutions or fragmented proposals are not an appropriate option. He went on to say *The Universality of the Convention is of high importance to Islamic Republic of Iran. ... We support the adoption of an action plan with targeted timelines for ensuring the universality of the Convention.* He then said *The full, effective and non-discriminatory implementation of Article X, as one of the main pillars of the Convention, is essential to achieve the object and purpose of the Convention. ... We believe that there is an urgent need for the establishment of a mechanism on Article X. The Islamic Republic of Iran supports NAM and other states' proposal on the establishment of a solid mechanism for the implementation of Article X. In this vein, we also request 7th Review Conference to adopt specific measures for submission of cases of transfer denials by States Parties to ISU.* In regard to the Intersessional Process, he said *We believe that we should keep continuity in the next intersessional process and not alter it radically. Furthermore, the decision making is the prerogative of the Review Conference and should not be delegated to the Intersessional Process. The Intersessional Process shall be directed towards the strengthening of the Convention in its entirety.... We believe that the overlooked Articles of the Convention like Articles X and Article VII shall be the core issues on this process.* Then in regard to CBMs, he said *The CBMs as a voluntary measure would lead to enhance the confidence among States Parties. However, we do share the view that CBMs shall not constitute a mechanism for verification of compliance. ... Consideration of a new CBM form on the implementation of Article X needs to be addressed by this Conference.* He concluded by saying *Any decision with regard to the continuation of the ISU and its possible mandate should be commensurate with the specific decisions that we take in this Conference for strengthening the Convention.*

[INF.1 shows that the Islamic Republic of Iran submitted its CBM each year between 2006 and 2011 apart from 2011. In addition, the Islamic Republic of Iran made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]].

The President then suspended the General Debate, saying that the Committee of the Whole would commence in a few minutes with Ambassador Desra Percaya in the Chair.

The General Debate was subsequently resumed later during the Review Conference to enable statements to be made by one more State Party, Afghanistan, and by three international organizations: INTERPOL, UNICRI and the WHO. On the morning of Friday 9 December 2011 contributions were made by INTERPOL and UNICRI.

Ali Rached of the **International Criminal Police Organization (INTERPOL)** spoke saying that *recent biological scientific advancements, especially within the*

field of synthetic biology, provide a new spectrum of dual-use technology that could be misused to serve terrorist or criminal intentions. He went on to talk about a new comprehensive approach addressing not only the bioterrorism threat, but also the Chemical, Radiological, Nuclear terrorism and the explosives (e) threat (referred to as CBRNe). He then described the Bioterrorism prevention unit which has started to develop a substantial intelligence analysis capability, with the aim of gathering comprehensive data on biological incidents, analyzing the threat and providing all INTERPOL member countries a robust analytical support helping them to prevent and address all types of Biothreat. He concluded by saying that *Bioterrorism is a multidimensional global threat that requires coordinated and harmonized international dedicated efforts. The development of partnerships involving other relevant disciplines, such as public health and the scientific community, (on the local, national, regional, and international scale) is in our view, essential for a more efficient prevention and response effort.*

Kristina Kangaspunta of UNICRI (United Nations Interregional Crime and Justice Research Institute) then spoke, saying that *This conference is also a welcomed occasion to update ourselves with the roles of different organizations, engage with one another, create synergies to avoid the duplication of efforts and orient ourselves so as to head in the most appropriate direction for addressing the bio-threat.* She went on to outline UNICRI's contribution to the common endeavour of the international community to address the threat posed by hazardous biological material and bio-weapons. *One of the major roles that UNICRI has been playing is to enhance the capabilities of Member States to fulfil their obligations under various Conventions including the Biological Weapons Convention through the "CBRN Centres of Excellence" initiative.* She added that *The initiative foresees, from the beginning of 2012, the implementation of projects on:*

- first, 'Knowledge development and transfer of best practice on biosafety/biosecurity and bio-risk management';*
- second, 'Knowledge development and transfer of best practice on biological waste management';*
- third, 'Guidelines, procedures and standardization on bio-safety/bio-security';*
- fourth, 'Sharing experience between EU and South East Asian countries on the reinforcement of legislations and regulations in the field of bio-safety and bio-security';*
- fifth, 'Strengthening laboratory bio-safety and bio-security';*
- and sixth, the establishment of an 'International Network of Universities and Institutes for raising awareness on dual-use concerns in bio-technology'.*

She went on to say that *in our enthusiasm to seek enhanced implementation of the Convention we must be cautious and well coordinated so as not to lose the momentum we have gained. This can be ensured only by preventing overlaps and through enhanced cooperation.*

The final contributions to the General Debate – by Afghanistan and the WHO – were made on the morning of Tuesday 13 December 2011.

First, Mohammed Qasim Hashemzai, Deputy Minister of the Ministry of Justice of **Afghanistan** spoke, saying that Afghanistan associated itself with the statement made by Cuba on behalf of the Non-Aligned Movement. He went on to review what Afghanistan had done in regard to several international treaties. He then said that *the Legislative Department of the Ministry of Justice is currently finalizing draft legislations aimed at helping the country meet its obligations under the BWC. He continued: We, therefore, attach great importance to the full, effective, and non-discriminatory implementation of Article X which significantly contributes to the economic and technological development of States Parties to the Convention. as we encourage that the needs and capabilities of the States Parties from developing countries be heeded, we also highlight that particular consideration be accorded to the peculiarities and special needs of the LDCs [Least Developed Countries] as the most marginalized and disadvantaged segment of the human family, for example in the areas of building infrastructure, development of human resources and national capacity building. He then said that Universalization of the Convention is very dear to Afghanistan. We encourage all those states that have not yet done so to accede to the Convention.... Nonetheless, for those countries who are States Parties to the Convention, we strongly favor the establishment of a multilateral verification mechanism. He concluded by saying in regard to the ISU We welcome the continuation of the ISU and its mandate renewed. However, we share the views ... that structural changes/expansion of the ISU, if any, should be guided by striking a balance between equitable geographic representation and maintaining the technical and professional capacity to carry out the functions as mandated to it by the Conference.*

[INF.1 shows that Afghanistan has not submitted a CBM between 2006 and 2011. In addition, Afghanistan has not made submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]].

Isabelle Nutall, Director Global Capacities, Alert and Response, of the **World Health Organization (WHO)** then spoke, saying that *The WHO has been working to strengthen global and national capacities to counter these risks. The Seventh Review Conference provides an opportunity to inform you of some of our activities of the past five years, and also to let you know about our perspective on the challenges on the horizon and how we intend to prepare for them. She went on to say that WHO has a commitment through its resolutions WHA 54.14 and WHA 55.16 to help Member States strengthen their preparedness against biological risks focusing on national and global public health systems. ... WHO's primary role in responding to the natural, accidental or intentional release of a biological agent would be to support affected Member States in detecting the occurrence of disease, to manage public health consequences, and to communicate to other*

Member States real-time public health risk assessments and recommendations. She then went on to outline many developments ... that may be pertinent to your discussions. She noted that The centerpiece of Health Security is the International Health Regulations (IHR). The IHR (2005) are legally binding and designed to support the attainment of this goal through the development of core capacities at the national level. She went on to say that In 2011, a Memorandum of Understanding was signed between the WHO and the UN Office for Disarmament Affairs to formalize WHO's operational and technical support to the UN Secretary General during investigations of alleged use of biological weapons. The Memorandum of Understanding outlines targets for harmonizing procedures as well as joint training activities as well as the provision of equipment and expertise.

This completed the General Debate.

Committee of the Whole

The Committee of the Whole commenced on the morning of Wednesday 7 December 2011, following the General Debate, with Ambassador Desra Percaya of Indonesia as the Chairman and Piers Millett as the Secretary. Ambassador Percaya started by saying that he had received requests from NGO colleagues to observe the work of the Committee of the Whole. He went on to note that according to the understandings agreed in connection with the Rules of Procedure adopted on Monday, in line with discussions at the Preparatory Committee, *Committees may decide to hold certain meetings in public.* Ambassador Percaya proposed that the work of the Committee of the Whole would open in a public session which could be reverted into a private session as it became appropriate. It was agreed that the Committee of the Whole would hold its first session in public.

Ambassador Desra Percaya then made some opening remarks, saying that he intended to work in a transparent manner and that he saw himself as the facilitator of the Committee. The aim was to produce a text for the *Final Declaration* and he sought a robust consensus text similar to that which had been agreed at the Sixth Review Conference in 2006. He noted that the President would be holding Informal Plenaries that would address cross-cutting issues that would lead to *Part III: Decisions and Recommendations.* The Committee of the Whole would be carrying out the Article by Article review. The two processes would work in tandem as there would be issues that arose in both processes – such as CBMs – which would be a cross-cutting issue and would also be considered under Article V.

He proposed to look at each Article in turn and then to consider the Preamble. His aim would be to carry out a first reading of all the Articles and then to carry out a second reading of each and every Article. Some Articles would require more time than others. He also noted that for each Article there were a number of sources to be drawn upon: the text of the Convention, the *Final Declarations* of past Review Conferences (set out in the background Information Document BWC/CONF.VII/INF.5) and the common understandings agreed at the Meetings of States Parties during the Intersessional Process (and set out in background Information

Document BWC/CONF.VII/INF.6). He also noted that other material was contained in the Working Papers as well as in the statements made in the General Debate.

Before moving on to look at Article I, Ambassador Percaya raised the question of how the outcome of the intersessional meetings should be reflected in the *Final Declaration*. He noted that the Sixth Review Conference decided that the Seventh Review Conference would consider the work and outcome of these meetings and decide on any further action. It was necessary to now take action on this point. He noted that the work undertaken during the intersessional process could be comfortably related to one, or multiple articles of the Convention and he proposed that as much of it as possible should be covered during the work of the Committee of the Whole. He also recognized that there would be overlap with the work of the informal plenaries and that there might well be opportunities to decide upon further action based upon the work of the 2007 – 2010 meetings.

He said that there were three broad ways in which the work of the intersessional process might be reflected:

- All the common understandings reached at Meetings of States Parties could be reflected wholesale in the *Final Declaration*.
- Some of the common understandings, perhaps where they expanded upon text from previous Review Conferences, could be identified and just these reflected in the *Final Declaration*.
- A reference could be included that simply endorsed the outputs of the annual Meetings of States Parties (perhaps similar in format to the approach used at the Sixth Review Conference).

Ambassador Percaya then invited views from the Committee of the Whole as to how this issue should be approached.

In the subsequent discussion, a number of States Parties – Algeria, Norway, United States and France – spoke saying that it was up to delegations to submit paragraphs for inclusion in the *Final Declaration*. The view was expressed that the third option was the simplest and the others would be very time-consuming. Ambassador Percaya said that the third option would be followed to adopt a similar approach to that at the Sixth Review Conference with delegations being free to submit proposals for the individual Articles that could contain paragraphs from the common understandings.

[It is evident from BWC/CONF.VII/5 Annex I that Algeria and Norway both submitted proposals for two Articles, the United States for eight Articles and France submitted no proposals.]

The Committee of the Whole then considered each Article of the Convention in turn. The session on Wednesday morning, 7 December 2011, saw consideration of Articles I, II and III. The Committee of the Whole continued on the Wednesday afternoon with some further consideration of Article III and then moved to on to consider Article IV. It then concluded in order to enable an Informal Plenary to be held, and noted that the Committee of the Whole would resume on Thursday morning by considering Article V.

The Committee of the Whole resumed on the morning of Thursday 8 December 2011 following an informal session in which the President chaired a panel of representatives of

industry, made up of Gary Burns (AstraZeneca), Patrick Scannon (XOMA LLC) and Huanming Yang (BGI). The Committee of the Whole then followed when consideration was given to Articles V and VI, together with a further consideration of some Article IV issues.

The Committee of the Whole then continued on the morning of Friday 9 December 2011 with consideration being given to Articles VII to X. Later the same day, the Chairman of the Committee of the Whole circulated BWC/CONF.VII/COW/INF.1 dated 9 December 2011, which was entitled *Proposals made to the Committee of the Whole (as at 15.00, 9 December 2011)*. This collated the proposals for the text of the *Final Declaration* of the Seventh Review Conference submitted during the first week of the Committee of the Whole. It had two parts:

- (a) *Part I contains text from the Final Declaration of the Sixth Review Conference corresponding to the articles considered by the 2011 Committee of the Whole until 13.00 on 9 December. A number of paragraphs in this text have been highlighted in bold to indicate that proposals have been made to alter this paragraph. The individual proposed amendments are not detailed in this document.*
- (b) *Part II contains all the textual proposals submitted to the Secretariat by 15.00 on 9 December.*

Addenda were subsequently issued to BWC/CONF.VII/COW/INF.1 as follows: Add. 1 *Proposals made to the Committee of the Whole (as at 15.00, 12 December 2011)*; Add. 2 *Proposals made to the Committee of the Whole (as at 13.00, 14 December 2011)*; and Add. 3 *Proposals made to the Committee of the Whole (as at 13.00, 16 December 2011)*.

The Committee of the Whole then resumed on the morning of Monday 12 December 2011 with consideration of the remaining Articles of the Convention: Articles XI to XV.

On the morning of Tuesday 13 December 2011, the Committee of the Whole gave consideration to the ‘Solemn Declaration’ which covers the preambular paragraphs of the Convention and which immediately precedes the Article by Article language in the *Final Declaration*.

The following day, Wednesday 14 December 2011, the Committee of the Whole started on its second consideration of all the Articles of the Convention. A further compilation of the proposals submitted to the Chairman was circulated as BWC/CONF.VII/COW/INF.2 dated 14 December 2011 which was entitled *Combined proposals made to the Committee of the Whole (as at 00.00, 14 December 2011)*. This stated that:

This document combines the proposals made during the Committee of the Whole prior to 15.00 on Monday 13 December 2011. These proposals were drawn from interventions made during meetings of the Committee as well as written proposals received by the Secretariat as contained in BWC/CONF.VII/COW/INF.1 and its addenda.

Text highlighted in bold corresponds to proposals for new text, amendments to text found in the Final Declaration of the Sixth Review Conference, or text from the Final Declaration of the Sixth Review Conference for which there are proposals pending. Normal text is drawn

directly from the Final Declaration of the Sixth Review Conference as contained in BWC/CONF.VI/6.

In his opening remarks, Ambassador Desra Percaya, the Chairman, said that he hoped that sufficient progress would be made to enable him to produce a draft report overnight, based on the Chair's best judgement of where consensus lay, in order to be able to transmit back to the Review Conference a formal report of the Committee, including the draft Article by Article *Final Declaration*. As it became evident that there were differing views on some of the paragraphs, the Chair requested the assistance of Syndoph Endoni of Nigeria and of Reto Wollenmann of Switzerland to act in an informal capacity to consult with the delegations that had expressed divergent views on particular paragraphs in order to try to reach consensus on those paragraphs. At the end of the day, a first draft of the procedural section of the report of the Committee of the Whole was circulated as BWC/CONF.VII/COW/CRP. 1 dated 14 December 2011.

On Thursday 15 December 2011, the Committee of the Whole continued its consideration of BWC/CONF.VII/COW/INF.2 by taking each Article in turn rather than each paragraph in turn, enabling better progress to be made. Even with this accelerated procedure, it was evident that the Committee of the Whole was falling behind schedule and would not reach the handover point until after the date envisaged in the indicative programme (BWC/CONF.VII/2) which showed the Committee of the Whole considering its report on the afternoon of Wednesday 14 December 2011.

The following day, Friday 16 December 2011, Ambassador Percaya presented the Committee of the Whole with a draft of the Article by Article *Final Declaration* in BWC/CONF.VII/COW/CRP. 2 dated 16 December 2011 entitled *Outline of the Draft Final Declaration of the Seventh Review Conference*. In presenting this document, Ambassador Percaya said that this was his best estimate of what would constitute a consensus text for the *Final Declaration*. Where it had been hard to identify where the consensus lay, the text from the *Final Declaration* of the Sixth Review Conference had been inserted, as this was language which had been agreed by consensus. The Committee of the Whole then went on to adopt its report, which subsequently was issued as BWC/CONF.VII/5 dated 21 December 2011 entitled *Report of the Committee of the Whole*. This records that:

5. *Based on these discussions, the Chairman of the Committee produced, under his own responsibility, an outline of the draft final declaration of the Conference, which is attached to this report as Annex II. The Committee noted that the language in this outcome was not agreed, had not been fully discussed, and had been included without prejudice to the position of any delegation. The Committee decided to transmit the outline to the plenary of the Conference for further discussion and negotiation, as appropriate, with a view to reaching consensus on a final document as soon as possible.*

The report included two Annexes – Annex I comprising *Proposed language submitted to the Committee of the Whole* and Annex II comprising *Outline of the Draft Final*

Declaration of the Seventh Review Conference Prepared by the Chair of the Committee of the Whole. Annex II did not include any language for the Solemn Declaration and a facilitator was appointed later that day to help finalize the Solemn Declaration. Immediately after the Committee of the Whole had adopted its report on Friday, 16 December 2011, the President of the Review Conference resumed a plenary session in order to take note of the report of the Committee of the Whole.

Informal Plenaries

In parallel with the meetings of the Committee of the Whole there were Informal Plenaries chaired by the President of the Review Conference, Ambassador Paul van den IJssel. The first Informal Plenary took place on the afternoon of Wednesday 7 December 2011. As this was an informal session, NGOs were present as observers throughout. The President said that the topic for the first Informal Plenary was to be a first discussion on Science and Technology. This had been chosen because the Committee of the Whole had been having a discussion on Article I of the Convention – an Article in which developments in science and technology were of particular importance. In addition, the President noted that the Sixth Review Conference in its *Final Declaration* on Article XII had decided that *the Seventh Review Conference should review the operation of the Convention, taking into account, inter alia: (i) new scientific and technological developments relevant to the Convention.*

The President recalled that in consultations in the previous month there was general agreement that there was a need to keep a better track of developments in science and technology and the implications for the Convention. He also noted that there had been several Working Papers – WP.3 from India, WP.13 from Australia, Japan and New Zealand as well as several Working Papers on the Intersessional Process which also touched on science and technology. He invited delegations to present their proposals, and then any additional thoughts, so that consideration could be given to how to bring the ideas together into a consolidated proposal.

The second Informal Plenary on the afternoon of Thursday 8 December 2011 considered the topic of the Intersessional Process, and whether its structure and organization should be different from that between the Sixth and Seventh Review Conferences. Several working papers were of direct relevance to this: those by the UK (WP.1, WP.2, WP.10), Australia, Japan and New Zealand (WP.11), Australia and Japan (WP.12), South Africa (WP.18) and the USA (WP.23). As with the Informal Plenary on Wednesday, there was a lively discussion.

The third Informal Plenary on the afternoon of Friday 9 December 2011 considered the topics of the Confidence-Building Measures regime, and of Cooperation and Assistance. In regard to the CBM regime consideration was given both to whether amendments should be agreed at the Seventh Review Conference to the existing CBMs and also to whether there should be discussion of the CBM regime during the Intersessional Process. Several working papers were of direct relevance to this: those by Belgium (WP.6), Germany, Norway and Switzerland (WP.9), Germany (WP.14), South Africa (WP.19), Norway, Switzerland and New Zealand (WP.21)

and Canada (WP.25). A start was also made on the discussion of Cooperation and Assistance which continued on the Monday afternoon. Working papers of relevance to Cooperation and Assistance were those by Cuba for the NAM (WP.26) and South Africa (WP.16). Reference was also made to the EU information paper (BWC/CONF.VII/INF.10) which contained examples of cooperation and assistance from the EU and its Member States.

The fourth Informal Plenary on the afternoon of Monday 12 December 2011 continued the discussion of Cooperation and Assistance, and then went on to consider Compliance, and subsequently Universality. The working papers of direct relevance to Compliance were the working papers by Australia, Japan and New Zealand (WP.11) and Germany (WP.14). Reference was also made to a joint working paper by Canada and Switzerland (an advance copy available on unog.ch/bwc), and the US paper on the intersessional process (WP.23). In addition, the working paper by France (WP.28) was clearly intended to assist the consideration of compliance. There were no Working Papers on Universality.

The fifth Informal Plenary was on the afternoon of Tuesday 13 December 2011 when the topics were the Implementation Support Unit and 'Any Other Issues.' The working papers of direct relevance to the ISU were those by Germany (WP.15), South Africa (WP.17) and Japan (WP.22). Under 'Any Other Issues' one topic was raised by Switzerland on dual-use education and awareness: a non-paper dated 8 December 2011 was circulated providing *Suggested language on education and awareness-raising* which was based on the JACKSNNZ and Kenya, Sweden, Ukraine, the United Kingdom and the United States of America Working Paper 20/Rev.1.

Following the completion of the Committee of the Whole on Friday 16 December 2011, the President conducted a series of informal consultations, and was assisted in his work by Facilitators in the following areas:

- Solemn Declaration: Ambassador Alexandre Fasel (Switzerland)
- Articles I-XV: Ms Judit Körömi (Hungary) and Mr. Daniel Simanjuntak (Indonesia)
- Science and technology: Mr Zahid Rastam (Malaysia)
- Assistance and cooperation: Mr Jesus Domingo (Philippines)
- Confidence-building measures (CBMs): Mr Paul Wilson (Australia)
- Intersessional programme: Ambassador Jo Adamson (United Kingdom) and Mr Ben Steyn (South Africa)

In addition, on Friday 16 December 2011, the President circulated BWC/CONF.VII/CRP.1 entitled *Elements for the draft final document*. This provided language for the following:

- A. *Outcome of the 2007–2010 intersessional programme*
- B. *Intersessional programme 2012–2015*
 1. *Meetings*
 2. *Sponsorship and fellowship programmes*
- C. *Science and technology*
- D. *Mechanism to promote cooperation and assistance*
 1. *Database system to facilitate assistance requests and offers*

2. *Open-ended working group on cooperation and assistance*

E. *Strengthening national implementation*

F. *Confidence-building measures*

G. *Promotion of universalization*

H. *Implementation Support Unit*

I. *Finances*

The Final Stages

The following week commencing on Monday 19 December 2011 saw the Review Conference entering its final phase. As at the Sixth Review Conference in 2006, the Drafting Committee did not meet, and instead, as recorded in the Final Document, *The Chairman and Vice-Chairmen of the Committee met, and decided to assist the President with his informal consultations*. The President had earlier made it clear to the States Parties that the deadline of 6pm on Thursday 22 December 2011 could not be extended as the United Nations in Geneva were shutting down then for the Christmas break. A proposal was tabled on the first day of the final week on Monday 19 December 2011 by China, India, Iran, Pakistan and Russia entitled *Draft Proposal on Structure of ISP*. This put forward two standing items – developments in science and technology and implementation of Article X – and four annual topics of which one was c). *Consideration of multilateral verification measures that would ensure compliance with the Convention (to be considered in 2014)*. It also proposed a one week duration for the Meeting of States Parties that would be preceded by a one week Meeting of Experts.

A further proposal was then tabled on the afternoon of Tuesday 20 December 2011 by the JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway, New Zealand) entitled *Draft proposal on the intersessional programme 2012-2015*. This put forward three standing topics: national implementation, international cooperation and assistance, and developments in science and technology. Later that afternoon, the President circulated a paper entitled *Possible topics for standing agenda items*. This put forward three standing agenda items – science and technology developments, international cooperation and assistance, and national implementation.

The afternoon of Tuesday 20 December 2011 also saw consideration being given to the President's text in BWC/CONF.VII/CRP.1 regarding the Implementation Support Unit. Richard Lennane, the head of the ISU, introduced the annual report of the ISU (BWC/CONF.VII/3 dated 23 November 2011) and noted how much had been achieved with limited human and financial resources. The report stated that *The main cause of restrictions on the ISU's activities has been lack of human and financial resources: the services offered by the ISU are oversubscribed, and approximately one in three invitations to the ISU to participate in an event or activity has had to be turned down either because of lack of available staff, or insufficient travel funds*. There was universal support for the activities of the ISU although there was discussion as to its size and budget. Consideration was also given to the fact that hitherto the ISU had been funded through the budget for

the annual meetings of the BWC intersessional process. Although this was a convenient arrangement, it did mean that only those States Parties which participated in the meetings in a given year paid a share of the cost of the ISU for that year.

Financial issues were considered further in an Informal Plenary on the morning of the penultimate day, Wednesday 21 December 2011. A paper (BWC/CONF.VII/4 dated 21 December 2011) entitled *Estimated costs of the intersessional programme of the Convention to be held from 2012–2015* was circulated which included a slightly enlarged ISU of 5 staff instead of 3. The estimated costs of the intersessional programme, including conference servicing and non-conference-servicing elements, amounted to US \$1,943,400 in each of the years 2012, 2013, 2014 and 2015. In addition, the Secretariat circulated a paper entitled *Budget comparison* dated 21 December 2011, which included as an Annex the assessed contribution for 2012 for each State Party to the BWC. This showed that the contribution for some States Parties such as Bhutan or Burundi would be US \$ 19 in 2012 whilst that for Portugal would be US \$ 9,989 and that for Spain US \$ 62,110 and those for the Russian Federation would be US \$ 31,308, for the United Kingdom US \$ 129,100 and for the United States US \$ 430,074.

It became evident that the estimated costs for the Intersessional Programme 2012 – 2015 in BWC/CONF.VII/4 could not be agreed and a revised estimate with no increase in the staff or the budget of the ISU was circulated as BWC/CONF.VII/4/Rev. 1 dated 22 December 2011 in which the estimated costs of this intersessional programme, including conference servicing and non-conference-servicing elements, amounted to **US\$1,387,200** in each of the years 2012, 2013, 2014 and 2015.

On the afternoon of the final day, Thursday 22 December 2011, the President circulated a draft of the Final Document (BWC/CONF.VII/CRP. 2 dated 22 December 2011) entitled *Draft Final Document of the Seventh Review Conference*. This comprised a six-page report of the work of the Conference to which was attached an eleven-page Article by Article *Final Declaration* and a seven page *Part III: Decisions and Recommendations*. A 15-page Annex I entitled *Revised forms for the submission of the Confidence Building Measures* was attached. This Final Document was eventually agreed after an amendment was made to the language in section *I. Finances* of *Part III: Decisions and Recommendations* to add the words *noting that these estimated costs were prepared on exactly the same basis as the estimated costs for the 2007–2010 intersessional programme, and therefore represent zero real growth, with any nominal increase due solely to currency and inflation factors*. This amendment was necessary to meet the concerns of Portugal and Spain who could not accept any increase in the costs of the BWC. The Review Conference successfully adopted the Final Document (BWC/CONF.VII/7) shortly after 5 pm in the afternoon, within an hour of the UN closing for the Christmas break. There were then brief remarks by the President, Ambassador Paul van den IJssel, and by Ambassador Idriss Jazaïry of Algeria, who had been chosen

to chair the intersessional meetings in 2012, and then by Cuba (for the NAM and other states group), Nigeria, Australia (for the Western group), Romania (for the Eastern Europe group), Greece, United States of America, Japan, China, Mexico, Islamic Republic of Iran, Republic of Korea, Russian Federation, France, United Kingdom, India, United Arab Emirates and Pakistan.

Analysis and Reflections

The Seventh Review Conference successfully reached agreement on its Final Document (BWC/CONF.VII/7) late on the afternoon of its final day, Thursday 22 December 2011. This achievement in itself was cause for relief as it came ten years after the Fifth Review Conference had failed to reach agreement. Whilst the Sixth Review Conference in 2006 had successfully demonstrated the will of the States Parties to work together to nurture and strengthen the Convention, there had been indications of potential difficulties at the Meeting of States Parties in 2010 when some States Parties were reluctant to accept language that had been accepted at the Meeting of States Parties the previous year in 2009, that said *The States Parties agreed on the value of ...* Nevertheless, the outcome of the Seventh Review Conference has been met with considerable disappointment because its substantive content fell so far below realistic expectations. Indeed, at the beginning of the Seventh Review Conference many States Parties appeared to have and to cherish realistic ambitions for the outcome of the Conference, which seemed to be coming to fruition in December 2011. Certainly in the opening week the optimistic tone of many contributions to the General Debate appeared to hold out the prospect of consensus on a reasonably wide range of BWC topics, even if not all. The contrast in atmosphere just two weeks later was noted with dismay. Some of this was because of political difficulties – very late in the Review Conference on the final Monday proposals were tabled by China, India, Iran, Pakistan and Russia for the Intersessional Programme which sharply curtailed expectations. By then, failure was a distinct possibility. It is much to the credit of those who persevered to get the best outcome they could, and steered the Conference through its truncated third week, that a Final Document was achieved at all.

The Final Document is the outcome on which an overall appraisal of the Conference rests. In preparing this appraisal, the process by which the Final Document was developed is examined, starting with the General Debate and the Committee of the Whole, as well as the main elements which constitute the text in both the Article by Article *Final Declaration* and *Part III: Decisions and Recommendations*. Comparisons are drawn between how the Sixth and the Seventh Review Conferences proceeded. Throughout, a conscious emphasis is laid on the process rather than the politics of the Conference, partly because the process issues are more openly documented, and partly because non-governmental commentators are better placed to contribute to improving the structures and procedures of Review Conferences than to influencing the politics of the BWC. The Seventh Review Conference revealed weaknesses in the process: weaknesses for which remedies can be prescribed that are detailed in a set of

recommendations at the end of this article.

Nevertheless, the part played by the politics of States Parties to the BWC should not be underestimated. Political differences among States Parties undoubtedly constrained the options for the Conference and reduced the chances of a more positive outcome. It is also evident that the chances of achieving a more positive outcome can be increased by **more** Groups of States Parties and States Parties making their contributions both as proposals for the Committee of the Whole and as Working Papers. Leaving it to other States Parties to make the running is really not an option.

The overall verdict is **a modest outcome**. Contributing to that overall modest outcome were distinct successes and failures in particular areas, which are addressed below.

General Debate

The General Debate sets the scene and the tone for the Review Conference at its outset. The group statements have always been presented first and have been significant in setting the tone for all that follows. Based on previous Review Conferences, the General Debate was expected to commence with statements on behalf of the European Union 'plus' States Parties and on behalf of the NAM and Other States Parties followed by statements on behalf of the JACKSNNZ group, the Latin American Group and any other groups.

Group statements. At the Seventh Review Conference, two opening group statements were made – one by Cuba on behalf of the NAM, and the other by Belarus on behalf of the member-states of the Collective Security Treaty Organization. The group statement by Canada, on behalf of JACKSNNZ (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway, New Zealand) was made late – in the middle of the Monday afternoon and consequently had a reduced impact. There was no group statement by the Latin American states (unlike at the Sixth Review Conference in 2006) and, as will be addressed below, the EU 'plus' chose, instead of having the State Party in the EU Presidency in December 2011, Poland, make its statement as on previous occasions, to speak as an international organisation after the States Parties and a Signatory State had spoken, thus greatly minimizing its impact and influence.

National and other statements. 10 national statements were made by States Parties on the Monday morning. A further 5 national statements were made by States Parties on Monday afternoon before the group statement by Canada on behalf of JACKSNNZ, which was then followed by a further 14 statements by States Parties. Tuesday morning saw a further 14 national statements by States Parties, then a statement by a Signatory State. These were then followed by two statements on behalf of international organisations. The first was the statement by the EU as an international organisation and the second by the OPCW. On Tuesday afternoon, statements were made by two States Parties, then by two international organisations (OIE and ICRC), a further State Party and then a further international organisation (NATO). The formal session was then suspended for an informal session

in which 19 NGOs made statements. The Wednesday morning saw statements from a further 4 States Parties and at a later session when the General Debate was resumed, one State Party and three international organisations made statements.

European Union. Presumably as a consequence of General Assembly resolution A/RES/65/276 dated 10 May 2011, the 'EU plus' statement was delivered by the EU as an international organization after the national statements by States Parties and a Signatory State, and this timing significantly diminished its impact. It was a good strong statement that should have been delivered first or second in the General Debate on behalf of the 'EU plus' as a group of 36 States Parties. It was also noted that two of the States Parties in their written statements referred to the EU statement delivered by Poland (which was in the Presidency in December 2011 and would have prior to A/RES/65/276 made the 'EU plus' statement). It does seem that, in negotiating A/RES/65/276, the EU was blind to the consequent **significant** reduction in impact of subsequent EU statements. Indeed, the benefits, if any, from A/RES/65/276 to the 'EU plus' States are not apparent.

Committee of the Whole

The Committee of the Whole under the chairmanship of Ambassador Desra Percaya of Indonesia commenced its work on the Article by Article *Final Declaration* on the morning of Wednesday 7 December and continued until Friday 16 December when it adopted its Report (BWC/CONF.VIII/5). The aim of the Committee of the Whole is essentially to start from the Article by Article *Final Declaration* of the Sixth Review Conference and consider Article by Article how the language should be developed so as to take into account any developments between the Sixth and Seventh Review Conferences, thus creating the extended understandings that are central to the health and direction of the Convention, as well as setting out the shared perspective of the States Parties as to where the Convention should be heading over the coming five years leading to the Eighth Review Conference.

Comparative analysis. The proposals made to the Committee of the Whole in 2011 are compared with those made to the Sixth Review Conference in 2006, and summarised in the table below. In considering the numbers of proposals made by a group of States Parties or by a single State Party, it needs to be recalled that at the **Sixth** Review Conference proposals were made for **all** 15 Articles **and** for the Solemn Declaration – so that in 2006 the number of proposals made out of 16 is indicative of the attention being given by a group of States Parties or by a single State Party to the overall strengthening of the Convention Article by Article. In contrast, in 2011 at the Seventh Review Conference, **no** proposals were made for Articles XI, XIII and XV – so the number made out of **13** is indicative of how extensive was the attention being given by a group of States Parties or by a single State Party to the overall strengthening of the Convention Article by Article.

State Party/Group	7th Rev Con Proposals	7th Rev Con Paragraphs	6th Rev Con Proposals	6th Rev Con Paragraphs
India	9	21	14	78
United States	8	23	14	70
Islamic Republic of Iran	7	15	15	64
Cuba (NAM)	6	23	2	12
Cuba	5	6	–	–
UK	5	11	–	–
Australia	3	4	–	–
Russian Federation	3	11	–	–
Algeria	2	5	–	–
Belgium	2	2	–	–
Mexico	2	8	–	–
Nigeria	2	2	–	–
Norway	2	2	–	–
Argentina	1	1	–	–
Canada	1	1	2	3
Germany	1	2	–	–
Pakistan	1	1	14	28
South Africa	1	3	–	–
Switzerland	1	5	–	–
European Union	–	–	12	44
China	–	–	6	10
Japan	–	–	6	25
Ukraine	–	–	3	6
Latin American Group	–	–	2	4
Brazil	–	–	1	1
Croatia	–	–	1	2
New Zealand	–	–	1	1
Co-depositaries	–	–	1	1
19 entities (15 entities in 2006)	62 proposals	146 paragraphs	94 proposals	349 paragraphs
Report of COW		98 paragraphs		57 paragraphs
<i>Final Declaration</i>		74 paragraphs		66 paragraphs

The **reduction** in the number of proposals in 2011 by **about a third** from the number of proposals in 2006, together with the reduction by **almost two-thirds** in the number of paragraphs submitted in these proposals suggests that there was sadly a failure by the States Parties to recognise the central importance and significance of the Article by Article *Final Declarations* and their extended understandings. The question can be asked whether the absence and paucity of proposals was indicative of ‘Didn’t care’ or of ‘Didn’t realise’?

There are also some **marked and significant differences** between the Sixth Review Conference in 2006 and the Seventh Review Conference in 2011. The **first is the complete absence** in 2011 of any proposals submitted by the European Union – or by Poland on behalf of the European Union – whereas proposals were submitted by Finland on behalf of the EU in 2006 for **12 Articles** of the Convention. The significant value of proposed language already agreed by 27 States Parties (the member states of the EU) needs to

be appreciated. **The second is that whilst the State Party (Pakistan) of the President** of the Sixth Review Conference submitted proposals for almost every Article (14) of the Convention in 2006, **no** proposals were submitted by the State Party (The Netherlands) of the President of the Seventh Review Conference. It is also noted that **whilst China and Japan** each made six proposals in 2006, neither submitted any in 2011.

It is also to be noted that at the Sixth Review Conference in 2006 the report of the Committee of the Whole showed that contributions had also been received for:

- Action Plan on Universality Latin-American, Australia, Finland (EU)
- Action Plan on National Implementation Finland (EU)
- Action Plan on Article X Cuba (NAM)
- ISU Latin-American, Finland (EU), Norway
- ISP Latin-American, Finland (EU), Cuba (NAM), New Zealand, South Africa
- CBMs Latin-American, Finland (EU)

These proposals eventually led to the language in *Part III: Decisions and Recommendations* of the Final Document. It is recognised that before the Seventh Review Conference, the President-Designate had indicated that he envisaged a similar division between the Article by Article *Final Declaration* and the *Part III: Decisions and Recommendations*. However, text was not explicitly sought in 2011 for *Part III: Decisions and Recommendations*, although some States Parties in their Working Papers made proposals that could – and should – have been used to formulate draft language for *Part III: Decisions and Recommendations*. This perceived disconnect between Working Papers and draft language is examined further in the section below on *Part III: Decisions and Recommendations*.

The Committee of the Whole process and the common understandings from the Intersessional Process. It is also evident that, in 2011, the Committee of the Whole considered at its outset how best to incorporate the outcome of the Intersessional Process, with the Chairman of the Committee of the Whole saying that there were three broad ways in which the work of the intersessional process might be reflected:

- All the common understandings reached at Meetings of States Parties could be reflected wholesale in the *Final Declaration*.
- Some of the common understandings, perhaps where they expanded upon text from previous Review Conferences,

could be identified and just these reflected in the *Final Declaration*.

- A reference could be included in the *Final Declaration* that simply endorsed the outputs of the annual Meetings of States Parties (perhaps similar in format to the approach used at the Sixth Review Conference)

In the subsequent short discussion of these proposals, a number of States Parties – Algeria, Norway, United States and France – spoke saying that it was up to delegations to submit paragraphs for inclusion in the *Final Declaration*. The view was expressed that the third option was the simplest and the others would be very time consuming. The Chairman said that the third option would be followed to adopt a similar approach to that at the Sixth Review Conference with delegations being free to submit proposals for the individual Articles that could contain paragraphs from the common understandings.

[It is evident from BWC/CONF.VII.5 Annex I that Algeria and Norway both submitted proposals for two Articles, the United States for eight Articles and France submitted no proposals.]

With the benefit of hindsight it is evident that the process adopted at the Seventh Review Conference failed to give appropriate weight to the fact that the common understandings agreed in the four years of the Intersessional Process were the product of some eight weeks of work and thus these common understandings merited a **more systematic consideration** by the Committee of the Whole. Further related recommendations as to how this might be remedied at future Review Conferences are made below.

Article by Article Final Declaration

It is evident to those considering the evolution of the Biological and Toxin Weapons Convention that the extended understandings that have been developed – which build from Review Conference to Review Conference on the language in the previous Article by Article *Final Declarations* – are **central** to the life of the Convention and are, above all, forward looking. The many positive functions of the *Final Declaration*, notably through the cumulative expression of extended understandings drawing out the latent potential of the Convention, Article by Article, and the progressive development of procedures and definitions, need to be fully recognised.

A major error at the Seventh Review Conference was its apparent failure to appreciate the value and the central importance of the Article by Article *Final Declaration* in the evolution of the Convention. This failure was disappointingly typified by the incautious and incorrect description of the Article by Article *Final Declaration* as the **backward-looking part** of the Final Document. This occurred, for example, in the President-Designate's letter to all States Parties on 17 November 2011 when, perhaps reflecting an earlier misapprehension, he said:

The programme envisages that the Committee of the Whole will conduct the article-by-article review of the Convention, developing the text of the final declaration, while informal plenaries will work on the

cross-cutting issues for which specific decisions will be recorded in the forward-looking section of the final document (for example, an intersessional process, any revisions to the CBMs, the future of the ISU, etc). There will undoubtedly be some overlap between the Committee of the Whole and the informal plenaries, but this is natural and welcome: it is entirely appropriate that reflections from the **backward-looking article-by-article review** should inform the decisions taken in the forward-looking agenda. [Emphasis added]

This was further reflected in the President-Designate's speaking notes to the Regional Group meetings on 29 November 2011 which stated that the substantive work of the Review Conference will be carried out in two main forums: the Committee of the Whole, and informal plenaries:

- *The Committee of the Whole*: will deal with the article-by-article review of the Convention (agenda items 10 (b) and (c)), looking at each article in turn, and developing text for the Final Declaration part of the final document.
- *Informal plenaries*: will deal with "cross-cutting" issues that do not fit under a single article of the Convention, and with specific issues needing decisions, e.g. because they were explicitly mandated by the Sixth Review Conference (agenda items 11-13). The informal plenaries will develop text for the "decisions and recommendations" or "forward-looking agenda" part of the final document.
- I would characterise this division of labour as follows: the Committee of the Whole produces text that records **what has happened, what the situation is, and what the States Parties think about it**. The informal plenaries produce text that specifies **what the States Parties are going to do about it**. [Emphasis in original]

This description unfortunately has the effect of **downgrading** the status of the Article by Article *Final Declaration* by taking too narrow a view of the functions it performs. It also inadvertently and incorrectly sends the message to the States Parties that the Article by Article *Final Declaration* is less important than *Part III*.

The Article by Article *Final Declaration* consequently failed to build as might have been expected on that of the Sixth Review Conference and its extended understandings. Worse, there were backward steps in that there were serious omissions in the *Final Declaration* in 2011 of material that had been agreed and appeared in 2006. A significant example is the loss from the Article IV language of the paragraph relating to education. The *Final Declaration* in 2006 stated:

14. *The Conference urges the inclusion in medical, scientific and military educational materials and programmes of information on the Convention and the 1925 Geneva Protocol. The Conference urges States Parties to promote the development of*

training and education programmes for those granted access to biological agents and toxins relevant to the Convention and for those with the knowledge or capacity to modify such agents and toxins, in order to raise awareness of the risks, as well as of the obligations of States Parties under the Convention.

This language was present in 2011 in the report of the Committee of the Whole (BWC/CONF.VII/5) in a slightly modified form as language for the Article IV section:

23. *The Conference urges the inclusion in medical, scientific and military educational materials and programmes of information on the Convention and the 1925 Geneva Protocol. The Conference urges States Parties to promote the development of training and education programmes for those granted access to biological agents and toxins relevant to the Convention and for those with the knowledge or capacity to modify such agents and toxins, taking into account the common understandings reached during the 2008 Meeting of States Parties.*

However, this was lost in the final few days and does not appear in the *Final Declaration*.

There was also a failure to take the common understandings agreed at the annual Meetings of States Parties between 2006 and 2011 and incorporate these systematically into the Article by Article *Final Declaration*. It appears from a comparison of texts that this was done for Article VII, but less so, or not at all, for other Articles. As a consequence some valuable common understandings were lost. An example of this was the common understanding regarding oversight of science that had been agreed at MSP/2008 as:

25. *Having considered the oversight of science, States Parties recognised the value of developing national frameworks to prohibit and prevent the possibility of biological agents or toxins being used as weapons, including measures to oversee relevant people, materials, knowledge and information, in the private and public sectors and throughout the scientific life cycle. Recognising the need to ensure that such measures are proportional to risk, do not cause unnecessary burdens, are practical and usable and do not unduly restrict permitted biological activities, States Parties agreed on the importance of involving national stakeholders in all stages of the design and implementation of oversight frameworks. States Parties also noted the value of harmonizing, where possible and appropriate, national, regional and international oversight efforts.*

This was carried forward to the Committee of the Whole in 2011 and appeared in the report of the Committee of the Whole (BWC/CONF.VII/5) as:

21. *The Conference recognises the value of adopting and further strengthen[ing] national measures, as*

appropriate, to oversee relevant people, materials, knowledge and information, in the private and public sectors and throughout relevant scientific and administrative activities. Recognising the need to ensure that such measures are proportional to risk, take into account national and local circumstances, do not cause unnecessary burdens, are practical and usable and do not unduly restrict permitted biological activities, the Conference affirm the importance of involving national stakeholders in all stages of the design and implementation of oversight frameworks. The Conference also notes the value of harmonizing, where possible and appropriate, national, regional and international oversight efforts.

It was then lost in the final week and did not appear in the *Final Declaration* – another retrograde step.

With the benefit of hindsight, it is evident that at future Review Conferences an attractive solution would be for the Chairman of the Committee of the Whole, on his own authority, to formulate a preparatory document for the Committee of the Whole to consider that introduces the substantive paragraphs with the common understandings from annual Meetings of the States Parties as draft language for whichever Article of the Convention is judged appropriate by the Chairman. These common understandings would then appear Article by Article in the Annex to the Final Report of the Committee of the Whole entitled *Proposed language submitted to the Committee of the Whole*. It is recommended that the common understandings language should appear as the **first** submission under the relevant Article and thus reflect that this is language already agreed by all the States Parties at the annual MSP.

As it is noted that in 2011 the Chairman of the Committee of the Whole issued a document (BWC/CONF.VII/COW/INF.1) that included a Part I which *contains text from the Final Declaration of the Sixth Review Conference corresponding to the articles considered by the 2011 Committee of the Whole until 13.00 on 9 December*, it is recommended that at a future Review Conference the Chairman of the Committee of the Whole who is nominated at the Preparatory Committee should – as part of the Bureau between the Preparatory Committee and the Review Conference – formulate a preparatory document for the Committee of the Whole that contains Article by Article the language agreed at the previous Review Conference in the Article by Article *Final Declaration* and add to this for each Article the common understandings in the consensus outcome documents of the annual Meetings of States Parties. Adopting such an approach would help to prepare the ground for the Committee of the Whole to consider how to develop the language appropriately.

The unsatisfactory handling, noted above, of text from the common understandings generated in the Intersessional Process of 2007-2010 was carried over into the failure of the Review Conference in 2011 to **endorse** the consensus outcome documents in which they were contained. Instead, in the element of *Part III: Decisions and Recommendations* that addressed A. *Outcome of the 2007-10 Intersessional Process*, the final paragraph:

4. *The Conference reiterates that common understandings were identified in the consensus outcome documents of the meetings of States Parties (BWC/MSP/2007/5, BWC/MSP/2008/5, BWC/MSP/2009/5 and BWC/MSP/2010/6), within their mandates.* [Emphasis added].

is significantly weaker than the corresponding paragraph in *Part III: Decisions and Recommendations* of the Sixth Review Conference which stated:

4. *The Conference endorses the consensus outcome documents from the Meetings of States Parties (BWC/MSP/2003/4, BWC/MSP/2004/3 and BWC/MSP/2005/3).* [Emphasis added].

The failure at the Seventh Review Conference, unlike at the Sixth Review Conference in 2006, to **endorse** the consensus outcome documents is regrettable, as the *Final Declaration* in 2011 did not – as it might have done – integrate the relevant paragraphs systematically into its Article by Article *Final Declaration* either. They are only reflected patchily and intermittently in the *Final Declaration*. Merely to **reiterate** that *common understandings were identified* is significantly weaker than endorsement of the consensus outcome documents would have been. Two improvements for future Review Conferences are outlined above which may contribute to a solution.

Part III: Decisions and Recommendations

In 2011, there was no explicit request for language for *Part III: Decisions and Recommendations* to be submitted by States Parties or by groups of States Parties. However, some States Parties made proposals in their Working Papers that could have been used to create draft language for *Part III: Decisions and Recommendations*. What appeared to be lacking was any process to take the proposals in the Working Papers and translate them into a first draft for *Part III: Decisions and Recommendations*. There was an apparent disconnect in the months immediately prior to the Review Conference which could have been remedied if there had been a much earlier appointment of Friends of the Chair or Facilitators to conduct open-ended consultations on each of the major elements and identify widely acceptable text for the start of the Review Conference. After all, it was evident by the time of the Preparatory Committee meeting in April 2011 what the major topics for the Review Conference were going to be. In the event, the language relating to elements of what became *Part III: Decisions and Recommendations* in 2011 seems to have first appeared in *Elements for the draft final document Forward-looking agenda* (BWC/CONF.VII/CRP.1 dated 16 December 2011) rather than being submitted by States Parties.

As this language only became available late – within just a week of the termination on 22 December 2011 – during the Review Conference, this necessarily meant that alternative proposals were made even later. In particular the proposal tabled by China, India, Iran, Pakistan and Russia on the first of the last four days – on Monday 19 December 2011 – entitled *Draft Proposal on Structure of ISP* came very late, and

was at variance with the President's appointment on the previous Friday 16 December of Ambassador Jo Adamson (United Kingdom) and Ben Steyn (South Africa) as Facilitators to develop language for the Intersessional Programme. The subsequent proposal made on the afternoon of Tuesday 20 December 2011 by the JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway, New Zealand) entitled *Draft proposal on the intersessional programme 2012-2015* just 48 hours before the inflexible termination deadline of 6 pm on Thursday 22 December 2011 was thus even later. Late proposals with little time for consideration are not helpful for achieving a successful outcome.

Major Elements of Part III: Decisions and Recommendations

The President-Designate, when he addressed substantive issues in the speaking notes for his meetings with the Regional Groups on 23 to 28 September 2011 – just over two months before the start of the Seventh Review Conference – said that *Over the past months I have participated in several informal seminars and workshops in various countries, and have held a considerable number of bilateral consultations, including in capitals and added that In the course of these consultations, a relatively coherent picture has emerged of the areas in which a result will be necessary if the Review Conference is to be considered a success.* [Emphasis added] *These are, very briefly:*

- *the future of the intersessional process, the confidence-building measures, and the Implementation Support Unit;*
- *the need for a means to monitor and assess developments in science and technology;*
- *strengthening international cooperation and assistance activities and the implementation of Article X;*
- *possibilities for compliance and verification; and*
- *universalization.*

Evaluation of outcomes in each of these areas in which a result will be necessary

The future of the intersessional process. The continuation of the ISP is welcomed. The inclusion of three Standing Agenda items is a good step forward in addition to the topic *How to enable fuller participation in the CBMs* for 2012 – 2013 and the topic *How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties* for 2014 – 2015. The three Standing Agenda items are first: *Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X;* second: *Review of developments in the field of science and technology related to the Convention;* and third: *Strengthening national implementation.* In addition, reports on universalization efforts, and on the ISU, are recurrent items on the agenda of annual Meetings of States Parties continued from the last Intersessional Process.

The overall agenda is thus significantly fuller than between 2002 and 2006 and between 2006 and 2011. The addition of two Vice-Chairmen, to secure a regional group balance each year and share political leadership, is also a step forward. But the absence of any explicit continuity in regard to the Standing Agenda items – such as would be helped by either a task leader or working group secretary – is regretted. It is to be hoped that in future years the Vice-Chairmen will be Chairmen and will be able thereby to bring much needed continuity. Only by organising the work programme early, and allocating agenda items among these office-holders, assisted as needed by Facilitators or Friends of the Chair on particular topics, can the necessary political leadership be exercised in the regrettable absence of working groups from the new Intersessional Process. The failure to recognise the value of taking decisions during the Intersessional Process by consensus as appropriate is regretted, but the existing rules do allow for *any conclusions or results* to be reached and this wording is likely to become more important as the new Intersessional Process develops. Much now depends on the purposefulness with which States Parties make use of the Intersessional Process and its fuller agenda.

The confidence-building measures. Some amendments were agreed at the Seventh Review Conference – but the failure to agree all the amendments emerging from the three years of discussion and subsequent e-panel is unfortunate. However, the agreement that in 2012 and 2013 as part of the intersessional programme States Parties will consider *how to enable fuller participation in the CBMs* provides an opportunity for the States Parties who are keen to improve the benefits from the CBM regime to submit substantive Working Papers well in advance of the meetings in 2012. Such papers can explore what it is that inhibits fuller participation and what might facilitate fuller participation whilst enhancing the benefits from the CBM regime. It is, after all, some two decades since the CBMs were last given serious consideration and the *further and comprehensive attention* [emphasis added] which the Sixth Review Conference decided they would merit at the Seventh Review Conference needs to be addressed through constructive and forward looking consideration in 2012 and 2013.

The Implementation Support Unit. The continuation is welcomed but the failure to allocate any additional staff and resources is regretted. The failure to allocate additional resources to the ISU – which had already demonstrated that its present resources were inadequate for its 2006 mandate – is another missed opportunity. The explicit acceptance of voluntary funds for the ISU as recorded in

33. *The Conference notes that States Parties in a position to do so may consider making voluntary contributions to the Unit to enhance its ability to carry out its mandated tasks.*

is welcomed. It will be important in future annual reports by the ISU that they show each year whether their resources were adequate – and if not, to detail the shortfall so that appropriate resources can be approved at subsequent Review Conferences.

The need for a means to monitor and assess developments in science and technology. It is encouraging that it was agreed that this should be a Standing Agenda item for the intersessional period. However, in practice it will be challenging to ensure that the seven topics specified in paragraph 22 of *Part III: Decisions and Recommendations*:

- (a) *new science and technology developments that have potential for uses contrary to the provisions of the Convention;*
- (b) *new science and technology developments that have potential benefits for the Convention, including those of special relevance to disease surveillance, diagnosis and mitigation;*
- (c) *possible measures for strengthening national biological risk management, as appropriate, in research and development involving new science and technology developments of relevance to the Convention;*
- (d) *voluntary codes of conduct and other measures to encourage responsible conduct by scientists, academia and industry;*
- (e) *education and awareness-raising about risks and benefits of life sciences and biotechnology;*
- (f) *science- and technology-related developments relevant to the activities of multilateral organizations such as the WHO, OIE, FAO, IPPC and OPCW;*
- (g) *any other science and technology developments of relevance to the Convention.*

are indeed being addressed – “*will be addressed*” – each year for the topical scientific subject for each year as detailed in paragraph 23 of *Part III: Decisions and Recommendations*:

- (a) *advances in enabling technologies, including high-throughput systems for sequencing, synthesizing and analyzing DNA; bioinformatics and computational tools; and systems biology (to be considered in 2012);*
- (b) *advances in technologies for surveillance, detection, diagnosis and mitigation of infectious diseases, and similar occurrences caused by toxins in humans, animals and plants (to be considered in 2013);*
- (c) *advances in the understanding of pathogenicity, virulence, toxicology, immunology and related issues (to be considered in 2014);*
- (d) *advances in production, dispersal and delivery technologies of biological agents and toxins (to be considered in 2015);* [Emphasis added].

There is only one week each year for the Meeting of Experts and the Meeting of States Parties. This makes it unlikely that the Standing Agenda item on advances in science and technology will have more than one day at each meeting. Furthermore, **no provision** has been made to ensure consistency and **continuity** in preparing and planning to address science and technology developments. There is no explicit continuity in either political leadership, scientific facilitation or even the secretariat function. Once again, it will be up to States Parties who are keen to see the enhance-

ment of the assessment of advances in science and technology and their implications for the Convention to submit substantive Working Papers on matters within the agenda, selected for their significance for the BWC, well in advance of the meetings in 2012.

Strengthening international cooperation and assistance activities and the implementation of Article X. This had a successful outcome in that it was not only agreed that this should be a Standing Agenda item but it was also agreed to establish a database system that is effectively a clearing house to facilitate requests for and offers of exchange of assistance and cooperation among States Parties. In addition, a sponsorship programme was agreed. This is **the only topic** on which the outcome at the Seventh Review Conference essentially met expectations prior to the Review Conference.

Universalization. This had a successful outcome in that it was addressed at the Seventh Review Conference. However, it is evident that the States Parties were **content to continue as in the previous intersessional period** even though the number of States Parties to the Biological and Toxin Weapons Convention has continued to lag behind those of other international conventions during the same period. It is regrettable that the States Parties were unable to adopt a stronger and more systematic approach than that of depending on the variable enthusiasms of the successive annual Chairmen. The States Parties appeared not to recognize that there are lessons to be learned for the BWC in the success of the sustained efforts made to achieve universalisation of the CWC.

Possibilities for compliance and verification. This is not addressed in the outcome of the Seventh Review Conference. It represents a **complete failure** to move forward even after the broad feeling from the preparatory workshops that conceptual discussions on compliance and the demonstration of compliance attracted wide support.

Weaknesses in the process leading to the Seventh Review Conference

Although it was evident that there was widespread enthusiasm for a successful outcome during the 15 months prior to the Review Conference, which consequently – and justifiably – raised expectations for a realistically ambitious outcome, in the event the Review Conference failed to achieve this, and there is consequently a sense of great disappointment. While it is recognised that political differences accounted in large part for the failure of the Review Conference to match earlier expectations, nevertheless this failure was also caused in part by weaknesses in the process. A number of elements relating to the process of the Review Conference can be identified as having contributed to its disappointing outcome:

- Failure to recognise the huge importance of the Article by Article *Final Declaration* in building extended understandings Review Conference upon Review Conference which is essential to ensure that the Convention is a thriving and valuable entity.

- Failure by the Member States of the ‘EU plus’ to recognise that the change from participating as a group of States Parties represented by its Presidency and making one of the group statements at the outset of the General Debate, to becoming an “international organization” speaking after the States Parties and the Signatory States, meant that the impact of the ‘EU plus’ statement was significantly reduced.
- Failure by the Member States of the EU to recognise that the failure to submit proposals agreed by 27 States Parties for language for the Article by Article *Final Declaration* had the consequence that much greater efforts were required by all individual Member States of the EU to submit language.
- In contrast to the situation at the 2006 Review Conference, when proposals were submitted by Pakistan, the State Party of the President, for language for 14 of the 15 Articles of the Convention in the Article by Article *Final Declaration*, in 2011 no proposals were submitted by the Netherlands for the Article by Article *Final Declaration* at the Seventh Review Conference.
- There was failure to create a specific channel enabling proposals for text for items in *Part III: Decisions and Recommendation* to be submitted by States Parties (by a separate route parallel to that in which States Parties submit proposals for text for the Article by Article *Final Declaration*).
- Unfortunate usage of incorrect language described the Article by Article *Final Declaration* as ‘backward looking’ and the *Part III: Decisions and Recommendations* as ‘forward looking’, whereas it is evident that the extended understandings in the *Final Declaration* that have been developed – and which build from Review Conference to Review Conference on the language in the previous Article by Article *Final Declarations* – are **central** to the life of the Convention and are, above all, forward looking.
- An opportunity was missed that would have helped to prepare for the topics to be considered for inclusion in *Part III: Decisions and Recommendations*: the appointment at the Preparatory Committee meeting – in informal session if necessary – of Facilitators or Friends of the Chair for each of these topics charged with developing draft text through open-ended consultations to be submitted at the start of, or prior to, the Review Conference.

In addition, it is unfortunate that undue emphasis appeared to be placed on the lack of official status of the information documents (see Annex) when it is evident that the reports provided by the States Parties – on compliance, on scientific and technological developments, and on Article X – are an integral part of the Review Conference. Ways should be devised whereby the Review Conference considers the submitted information, and records it appropriately in its Final Document. Such a process would encourage more States Parties to put the effort needed into submitting reports for these documents.

Dates

The agreement in the Article by Article *Final Declaration* for Article XII that:

65. *The Conference therefore **decides** that Review Conferences be held at least every five years.* [Emphasis added]

is a welcome step forward over the previous language in 2006 which agreed that:

60. *The Conference therefore **recommends** that Review Conferences should continue to be held at least every five years.* [Emphasis added]

As it is noted that the States Parties to the CWC at their Conference of States Parties (Report C-16/5 dated 2 December 2011) held from 28 November to 2 December 2011 approved the dates and duration for their Third Review Conference and for their subsequent Conferences of States Parties:

*21.2 The Conference at its Twelfth Session decided to hold its Seventeenth Session from 26 to 30 November 2012 (paragraph 22.2 of C-12/7). The Conference **approved** the following dates for the Third Review Conference and for the next regular sessions of the Conference:*

Third Review Conference: from 8 to 19 April 2013;

Eighteenth Session: from 2 to 6 December 2013;

Nineteenth Session: from 1 to 5 December 2014;

Twentieth Session: from 30 November to 4 December 2015;

Twenty-First Session: from 28 November to 2 December 2016; and

Twenty-Second Session: from 27 November to 1 December 2017.

it is recognized that the Depositaries could benefit the States Parties to the BWC, by taking steps **now** to agree the dates for the next five years – for both the annual MSPs and for a full three weeks conference of 15 working days from 7 to 25 November 2016 for the Eighth Review Conference. Ideally, the BWC annual Meeting of States Parties would take place in the week preceding the CWC Conference of States Parties, as this could facilitate cross-fertilization between the two Conventions.

The welcome step forward taken under Article XII has both practical and deeper significance. In practical terms it enables dates to be chosen for the Eighth Review Conference, and space booked with the United Nations, without delay because the decision taken already constitutes the necessary authority. Its deeper significance is that it finally places the BWC Review Conference process on a regular basis and

thereby reinforces the permanence of this treaty regime. This move from recommendation to decision had, accordingly, long been advocated as a way of strengthening the Convention, and it is one outcome of the Seventh Review Conference that can be **wholeheartedly** welcomed.

Further Issues

Two issues became prominent in the Conference which had, however, not been included in the President-Designate's list of *areas in which a result will be necessary*. One was financial constraints, which had not been expected to loom as large as they did: in this respect the Conference was unfortunate in its timing. The other was national implementation, which had been a surprising omission from the list, because among both governments and non-governmental supporters of the BWC it has long been seen as vital to the strengthening of the Convention. Many proposals were put forward for States Parties to consider at the Seventh Review Conference, including support for an Action Plan or similar programme, much activity from legislative assistance-providers such as VERTIC (for whose work several States Parties expressed appreciation in the General Debate) and new approaches to improving national implementation developed since the Sixth Review Conference.

Financial constraints were particularly emphasised by States Parties from southern Europe, but the climate of austerity they reflected was more widely felt. It is evident from the paper circulated by the Secretariat on 21 December 2011 that the **annual** additional resources sought from Portugal and Spain for the measured and modest augmentation of the ISU in BWC/CONF.VII/4 were \$2,869 for Portugal and \$17,775 for Spain. Given that the major participants had accepted the measured and modest augmentation of the ISU, and that the EU *Joint Action in support of the BTWC* [Council Joint Action 2008/858/CFSP of 10 November 2008] with its budget of 1.4 M Euro (\$ 1 M) was about to terminate at the end of December 2011 with some \$270,000 **unspent**, it appears that this was yet another example of the EU's fragmentation and its failure to think and plan ahead in a coordinated way. These constraints resulted in the Conference adopting, in its final hours, a budget embodying zero real growth increase subject only to variations for inflation and for currency fluctuations against the Swiss franc. This strict budgetary discipline impinged on the costs permitted to the Intersessional Process and, notably, prevented any increase of staff or resources for the Implementation Support Unit. The BWC is, in comparison with many, a very inexpensive treaty to administer, but this fact counted for nothing: its diminutive scale of assessments on States Parties was still subjected to the full force of public expenditure cash limits.

National implementation was, apart from the budget, the last issue to be resolved, with tough negotiation continuing very late in the Review Conference over the content of the third Standing Agenda item entitled *Strengthening national implementation*. The decision of the Review Conference at paragraph 24 of *Part III: Decisions and Recommendations* was that *the following topics will be addressed under the*

Standing Agenda Item on strengthening national implementation:

- (a) *a range of specific measures for the full and comprehensive implementation of the Convention, especially Articles III and IV;*
- (b) *ways and means to enhance national implementation, sharing best practices and experiences, including the voluntary exchange of information among States Parties on their national implementation, enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions;*
- (c) *regional and sub-regional cooperation that can assist national implementation of the Convention;*
- (d) *national, regional and international measures to improve laboratory biosafety and security of pathogens and toxins;*
- (e) *any potential further measures, as appropriate, relevant for implementation of the Convention.*

The detailed content of this agenda item does offer the potential for States Parties to pursue conceptual discussions extending to the nature of BWC compliance and the demonstration of such compliance. It offers this in paragraph 24(b), which includes under *ways and means to enhance national implementation: sharing best practices and experiences, including the voluntary exchange of information among States Parties on their national implementation, enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions;* and in paragraph 24(e) especially: *any potential further measures, as appropriate, relevant for implementation of the Convention*. One of the earliest tests of the resolve of States Parties to build up the BWC treaty regime through the new Intersessional Process will be the ingenuity and determination with which they make use of the possibilities that the negotiation of the Standing Agenda item *Strengthening national implementation* now offers. Once again, it will be up to States Parties to prepare and submit substantive Working Papers well in advance of the meetings to be considered under this Standing Agenda item.

Looking ahead

Given that the Seventh Review Conference achieved a modest outcome, it is now important to examine carefully what was achieved and what this outcome now makes possible in order to achieve the maximum benefits from this in the coming Intersessional Period, as well as looking ahead to the Eighth Review Conference itself.

The Intersessional Period

The Intersessional Programme has agreed three Standing Agenda items – on cooperation and assistance, on developments in the field of science and technology related to the Convention, and on strengthening national implementation. The agenda each year will also have to include two recurrent items carried forward from the last

Intersessional Period: a report on progress towards universality, and the annual report of the Implementation Support Unit (ISU). In addition, the Intersessional Programme has to consider two topics: one in 2012 and 2013 on *how to enable fuller participation in the CBMs* and one in 2014 and 2015 on *how to strengthen the implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties*. As both the annual Meeting of Experts and the annual Meeting of States Parties will last for a week – five working days, it is evident that States Parties will need to prepare appropriate substantive Working Papers and submit these well in advance of the annual Meetings.

It will be up to States Parties to address the key elements in these Working Papers – this is especially the case in regard to the Standing Agenda item on developments in science and technology as the mandate for this requires **seven** topics to be addressed for the topical subject to be considered each year. Thus in 2012 there are three topical subjects to be addressed: *advances in enabling technologies, including high-throughput systems for sequencing, synthesizing and analyzing DNA; bioinformatics and computational tools; and systems biology*. As there is unlikely to be longer than one day to consider all of this at the Meeting of Experts and again at the Meeting of States Parties, the importance of well constructed and focused Working Papers is evident. They need to be on matters within the agenda selected for their significance for the BWC.

There are also opportunities arising from the appointment of two Vice-chairs for the Intersessional Process which should facilitate progress. This is a distinct advance towards shared political responsibility on behalf of the States Parties as a whole. It will also enable the very concentrated workload to be shared – an especially important point given the allocation of only one week to the Meeting of Experts and one week to the Meeting of States Parties. It also represents a move towards a balanced political leadership, although it seems unlikely that the same individuals will be carrying out the same task throughout the Intersessional Period. Much of the value of this addition will depend on how efficiently and effectively the Chair and the two Vice-chairs divide up the work load – i.e. the agenda items – each year both among themselves and any Facilitators or Friends of the Chair they may appoint, for example on CBMs, to carry forward tasks ongoing from the Seventh Review Conference. There will be an opportunity to achieve valuable continuity – both through Vice-chairs becoming Chair in successive years, and in taking up responsibility for items such as the promotion of universality and seeing this through into successive years.

Although there was no agreement to increase the resources and the staffing of the Implementation Support Unit, there was a welcome extension enabling States Parties in a position to do to consider making voluntary contributions to the Unit in order to enhance its ability to carry out its mandated tasks. This will be especially important as the mandate of the ISU was extended by the decision that it shall, *in addition to the tasks mandated by the Sixth Review Conference*, perform the following tasks:

(a) *implement the decision to establish and administer the database for assistance requests and offers, and facilitating the associated exchange of information among States Parties;*

(b) *support, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference.*

Given the situation about resources at the Seventh Review Conference, it is expected that the annual reports of the ISU will include in future a section regarding its resources and their adequacy for carrying out the mandate.

Looking ahead to the Eighth Review Conference

While it is recognised that the success of the Eighth Review Conference will depend upon many political differences being overcome, and therefore upon the resolute determination of the States Parties as a whole to take the Convention forward, certain identified weaknesses in the Review Conference process nevertheless deserve early attention. Accordingly, in preparing for the Review Conference long before 2016, States Parties are recommended to consider addressing specific weaknesses in the process with the following remedies:

Use of time

1. The Conference should be of three full weeks' duration, with 15 working days. In practice this means from 7 to 25 November 2016 in order to avoid overlap with the already scheduled CWC Conference of States Parties at the Hague. After the CWC Conference of States Parties only 14 working days remain before (as in 2011) the UN shuts down for the Christmas break on 22 December 2016. In order to secure the period from 7 to 25 November 2016 for the Eighth Review Conference in Geneva, coordination with the First Committee in New York is required, to ensure in 2016 that the work of that Committee – insofar as it relates to biological and toxin weapons – will have been completed in time.
2. The Preparatory Committee meeting should be of three days' duration, including a third day with substantive exchanges of views on the issues that have been identified as meriting decisions at the Review Conference. This would be a valuable complement to two days devoted to procedure.

Advance documentation

3. For the vast majority of participants in the Eighth Review Conference, this will be their first BWC Review Conference. Consequently there is a real need for background papers that explain the process and the steps therein. Given that the Biological Weapons Convention Meetings Secretariat in the United Nations Department for Disarmament Affairs, the precursor to the Implementation Support Unit, produced a *BWC Sixth Review Conference Backgrounder*. The Implementation

- Support Unit should do likewise for the Eighth Review Conference and issue this no later than 12 months prior to the Eighth Review Conference.
4. The compilations of national reports from States Parties on compliance, on developments in science and technology relevant to the BWC, and on Article X should be recognized as having a different status from other information papers and should be regarded as foreground preparatory documents of the Conference to be studied in advance and to form the basis of review at the Conference itself, in accordance with Article XII.
 5. The report of the Implementation Support Unit for the Review Conference should show clearly where resources have proved inadequate to the tasks set by States Parties in fulfilment of the ISU mandate and should quantify the shortfall year by year.
 6. The information paper on *Developments since the last Review Conference in other international organizations which may be relevant to the Convention* should include longer sections on (a) The 1540 Committee, (b) The Secretary-General of the United Nations and (c) The Organisation for the Prohibition of Chemical Weapons (OPCW) as developments in all three are especially pertinent to the BWC and are key elements in preparing for the Eighth Review Conference.
 7. Working Papers should be submitted well in advance by States Parties and groups of States Parties and made available by posting on the unog.ch/bwc website.
 8. The Think Zone should again be created on the unog.ch/bwc website with similar groupings of items by subject matter as in 2011.
 12. Common understandings reached during the Intersessional Process should be integrated Article by Article with the *Final Declaration* of the Seventh Review Conference into a preparatory document for the Committee of the Whole. This could readily be done by the Chairman-designate of the Committee of the Whole or by the ISU.
 13. Common understandings reached during the Intersessional Process should in any case be placed first under each Article in the Annex of text submitted to the Committee of the Whole.
 14. The particular value of proposals for text submitted by groups of States Parties, as well as by individual States Parties, to be submitted to the Committee of the Whole for incorporation into the Article by Article *Final Declaration* needs to be recognized and consequently more proposals submitted.
 15. The greater recognition to the forward-looking functions of the Article by Article *Final Declaration* should be achieved through the submitted proposals seeking to build upon the extended understandings from previous Review Conference and focussing in particular on what the States Parties should do to strengthen the Convention over the next decade.
 16. The European Union should agree that its proposals for language to be considered by the Committee of the Whole for the Article by Article *Final Declaration* should be agreed within the EU prior to the Review Conference and submitted through the EU country in the Presidency at the time of the Eighth Review Conference on behalf of the EU member states. A parallel approach should be adopted for language to be submitted for consideration in the Informal Plenaries for *Part III: Decisions and Recommendations*. [see point 18. below]

General Debate

9. The particular value of group statements being made at the outset of the General Debate should be recognised and all groups of States Parties should be encouraged to make their statements at the outset as such group statements then have maximum impact and set the tone and the scene for the ensuing statements by the individual States Parties. In this respect, the European Union 'plus' statement should be made by the EU country in the Presidency at the time of the Eighth Review Conference on behalf of the EU 'plus' as a group of States Parties, instead of much later as an international organisation.

Article by Article Final Declaration

10. The importance of the extended understandings that have been developed which build from Review Conference to Review Conference on the language in the previous Article by Article *Final Declarations* needs to be recognised in preparing for the Eighth Review Conference, as these understandings are central to the life of the Convention and are, above all, forward-looking.
11. Common understandings reached during the four years of the Intersessional Process are the product of some eight weeks of work and these common understandings merit a **more systematic consideration** by the Committee of the Whole.

Part III: Decisions and Recommendations

17. The forward-looking functions of *Part III: Decisions and Recommendations* should be recognised as being of equal weight with those of the Article by Article *Final Declaration*.
18. The particular value of proposals for text for inclusion in *Part III: Decisions and Recommendations* submitted by groups of States Parties, as well as by individual States Parties, needs to be recognized and consequently proposals for such text needs to be specifically requested for submission prior to the start of the Review Conference.
19. Friends of the Chair or Facilitators should be appointed at the Preparatory Committee stage, if necessary in informal session, to conduct open-ended consultations on each major element likely to be considered for inclusion in *Part III: Decisions and Recommendations*, with a view to developing widely acceptable draft text prior to or at the beginning of the Conference for consideration in the Informal Plenaries.
20. Proposals for text in *Part III: Decisions and Recommendations* should in any case be submitted earlier in the Conference than in 2011 in order to encourage timely consideration and enable Facilitators or Friends of the Chair to complete their allocated tasks in full knowledge of the range of proposals put to the Conference.

All in all, it is evident that all the States Parties engaged in the Eighth Review Conference need to recognize during the twelve months leading up to the Review Conference itself the importance of preparing and submitting proposals – either to the Committee of the Whole for the Article by Article *Final Declaration* or for channeling through to the Informal Plenaries for the *Part III: Decisions and Recommendations* – are vital to achieve a further strengthening of the Biological and Toxin Weapons Convention to ensure that biological agents and toxins are not misused to cause harm. **All** the States Parties need to be involved and to ensure that their ideas and proposals are submitted **prior** to the Review Conference itself.

Further information

Commentaries on the Article by Article *Final Declaration*, on the contributions to the Committee of the Whole, on the *Part III: Decisions and Recommendations* of the Final Document and an analysis of the amendments agreed to the CBMs in Annex I to the Final Document of the Seventh Review Conference are available in the University of Bradford Review Conference Paper No. 31 *The BTWC Seventh Review Conference: A Modest Outcome* by Graham S Pearson and Nicholas A Sims, available at <http://www.brad.ac.uk/acad/sbtwc/briefing/RCPapers.htm>

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