

# THE CBW CONVENTIONS BULLETIN

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## IS THE OPCW IMPLEMENTING THE CWC DEFINITION OF CHEMICAL WEAPONS?

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The CWC Tenth Anniversary celebrations last year raised expectations of a world free of chemical weapons. Thanks to the OPCW – its Member States, its policy organs and its Technical Secretariat — that world is drawing closer. Easing its arrival is an outcome that many people are anticipating, rightly or wrongly, from the Second CWC Review Conference.

The first essential for a world free of chemical weapons is elimination of CW stockpiles and the factories once used for making them. That is happening. But it conceals a second essential: preventing resurgence of chemical weapons born out of ‘dual use’ technology. Technology that can find application for beneficial purposes as well as in chemical weapons is becoming more varied and more widespread as science-based enterprise advances within industrial economies that are becoming increasingly globalized.

Besides globalization, other pressures are pushing resurgence. Above all there are the new utilities, and therefore new value, for chemical weapons due to the changing nature of warfare and other forms of violent conflict: counterterrorist chemical weapons, for example, and terrorist ones too. These and other utilities may increase as technology advances.

Because the negotiators were far-sighted, protection against resurgence in fact exists in the terms of the Chemical Weapons Convention and therefore in the regime run by the OPCW. It comes from the provisions that set the comprehensive nature of the treaty, in particular from the way in which the Convention defines ‘chemical weapons’. In practice the protection follows from the manner in which states parties organise their implementation of the Convention around that definition. The key question now is whether the definition, in the way it is being used, is still good enough for the task.

The Convention uses two characteristics to specify the weapons to which its provisions apply: toxicity and purpose. The purpose element gives the definition its breadth and hence sets the comprehensive character of the treaty. The toxicity element sets objective bounds.

*Toxic chemicals and their precursors, except when intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes* – holdings of toxic chemicals (or of any chemical from which a toxic chemical can be made) that do not satisfy that test of purpose are thus chemical weapons in the sense of the Convention. That is Article II.1(a).

Munitions or devices that have been *specifically*

*designed to cause death or other harm through the toxic properties of such toxic chemicals when released as a result of the employment of such munitions and devices* – those too are chemical weapons in the sense of the treaty. That is Article II.1(b).

The Convention defines what it means both by *purposes not prohibited* and by *toxic chemical* in later paragraphs of Article II. So its scope is clear. That purpose-based, toxicity-bound definition of chemical weapon underlies certain of the positive obligations set forth in the treaty, which are the actions that states parties are required to undertake – to destroy their chemical weapons, for example, or to participate in the compliance-verification system, or to take certain specified “necessary measures”. And it is also used in the negative obligations: the prohibitions of activities involving chemical weapons, including development, production, stockpiling, use and the other activities identified for prohibition in Article I.

It is that test of purpose enunciated in Article II.1(a) that allows peaceful activities involving dual-use chemicals to continue unconstrained by the Convention. The same device prevents the Convention from being locked into the technology that prevailed at the time of its conception a quarter of a century ago. It is the means whereby the negative obligations – the prohibitions – are made sufficiently forward-looking to cope with novel types of chemical weapon neither anticipated by nor otherwise known to the original negotiators. Such novelties are coming along right now and more must be expected, given technological change.

Yet whether this ‘General Purpose Criterion’ (as the device is known) will actually protect, whether it can actually guard against adverse new technology, and whether it can also block malign application of duality while at the same time leaving benign applications unconstrained, all of that depends on how adequately one particular operational feature of the Convention can be made to work. That feature is the division of labour implicit in the Convention that entrusts to the OPCW

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oversight of compliance with some obligations, and oversight of other obligations to the states parties on their own.

More specifically, the challenge in the division of labour is its application to the positive obligation set out in the opening of Article VI.2 – a positive obligation that expressly incorporates the General Purpose Criterion: *Each State Party shall adopt the necessary measures to ensure that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred or used within its territory or in any other place under its jurisdiction or control for purposes not prohibited under this Convention.*

That is the place in its text where the Convention operationalizes the General Purpose Criterion. Responsibility for it is assigned not to the OPCW but to the states parties; and therefore, through Article VII.4, to their National Authorities.

In fact, however, the implementing legislation of only a minority of states parties has recognised this by conferring powers that would enable the designated National Authority to supervise this obligatory application of the General Purpose Criterion. Because so many states parties have thus failed to legislate adequately, the way in which the CWC is being implemented does not in practice serve as well as it should to suppress resurgence of chemical weapons. The derelict states parties are left without an important line of defence against adverse duality and against novel threats thrown up by new technology. The defences of the rest of us, too, are weakened. Terrorists, for instance, may in that absence find safe haven for acquisition of otherwise inaccessible chemical weapons. Here, it seems, is a gaping hole in the Action Plan on National Implementation. The Review Conference will surely attend to it.

Besides purpose, toxicity is the other main element in the definition of chemical weapons. It is this element that makes the Chemical Weapons Convention, in essence, a norm against the weaponization of toxicity. What the Convention means by it is of paramount importance.

Article II.2 says: *'Toxic Chemical' means: Any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.*

The key phrase is *chemical action on life processes*. It sounds clear and good. Yet what exactly does “chemical action” mean? Or “life process”? Their virtue to the negotiators originally perhaps lay more in their vagueness than in their precision.

Perhaps one can clarify the meaning of “toxic chemical” by looking at specific examples.

Evil-smelling substances, for instance – butyric acid, say, as used on several occasions by protestors recently against the Japanese whalers in the Southern Ocean. Its repellent smell originates in its binding to highly specific receptor proteins embedded in cell membranes. If that binding is to be regarded as a “chemical action on life processes”, then if any such malodorous fails the test of the General Purpose Criterion it is a chemical weapon in the sense of the CWC. Is that really what we want?

Or take tear gas, which works in much the same way.

Here, however, the picture seems clearer. The whole *raison d'être* of a Riot Control Agent is to produce “temporary incapacitation” unless the persons exposed flee from further exposure. Yet there are people who assert that Riot Control Agents always lie outside the category of chemical weapon – that they are not, in other words, “toxic chemicals”.

We are clearly in the presence here of words on whose meaning informed opinion can reasonably differ. And does. On RCAs in particular there is much discord even among friends of the Convention. Perhaps the opinion of the Scientific Advisory Board on what the definition of “toxic chemical” means and does not mean would be good to have.

There are two further aspects of the toxicity test that should be noted here.

First, nowhere in the definition of ‘toxic chemical’ are there *quantitative* elements – no mention of the amount of chemical that must be applied in order for any toxicity it may have to become manifest. So the definition leaves our understanding of ‘chemical weapons’ prey to the principle first stated by Paracelsus in the Sixteenth Century: pretty much any and every chemical is toxic if the dose is large enough. Moreover, the absence of quantitative criteria of toxicity means that the Convention cannot apply only to “weapons of mass destruction”. Yet there are people who regard the Convention as though it were a WMD treaty – implying, therefore, that it is not applicable to chemical weapons that are not weapons of mass destruction. That particular attitude, were it to spread through the processes of ‘creeping legitimization’ that can readily be observed in some quarters, would tend to negate the applicability to chemical weapons of fundamental principles of international humanitarian law applicable in armed conflict: the precepts requiring that weapons be neither indiscriminate in their effects nor treacherous in their nature, nor apt to cause superfluous injury.

The second aspect to note is that the definition of “toxic chemical” is devoid not only of quantitative limitations but also of *qualitative* ones. Above all, the toxicity it defines is not limited to lethal toxicity. The word “lethal” – or, for that matter, “non-lethal” – does not figure in the Convention at all, even by implication. Yet there are people who seem to believe that the Convention applies only to deadly chemical weapons. Again, the creeping legitimization of ‘non-lethal’ chemical weapons that this tendency has promoted would undoubtedly be detrimental, even to the treaty itself. A regime that allows weaponization of one form of toxicity but not another cannot, under the circumstances, be stable.

A conclusion to draw is that, at the present juncture, consultations between states parties should be set going on the proper meaning of ‘chemical weapons’, aiming to secure an authoritative interpretation that will, above all, direct properly protective application of the General Purpose Criterion. The Review Conference is place and opportunity to mandate such talks, thereby easing, if the consultations work, our progress towards the chemical-weapons-free world that is now increasingly jeopardized by duality.

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The argument of this article is elaborated in “Difficulties facing the Chemical Weapons Convention”, which is published in the March 2008 issue of *International Affairs* (London: Royal Institute of International Affairs), volume 84 number 2 pp 223-39.

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## Book Reviews

Ian Kenyon

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***Global Non-proliferation and Counter Terrorism: The impact of UNSCR 1540***, Olivia Bosch and Peter van Ham (Editors). The Hague: Clingendael Institute; London: Chatham House; Washington DC: Brookings Institution Press, 2007.

***World War 1 Gas Warfare Tactics and Equipment***, Simon Jones, (Illustrated by Richard Hook). Oxford: Osprey Publishing, 2007.

***Karl Brandt the Nazi Doctor. Medicine and power in the Third Reich***, Ulf Schmidt. London: Continuum Books, 2007.

United Nations Security Council Resolution 1540, which is intended to create a worldwide network of national legislation to prevent acquisition of weapons of mass destruction by non-state entities, established a committee to receive reports of progress. The committee's remit was initially two years, extended in April 2006 for a further two years by UNSC Resolution 1673 which in turn expires in April 2008. Further action will then be required as the job is far from complete. Those concerned with this issue will be well served by this edited collection of papers. The opening and closing chapters by the editors describe the importance of the resolution and what remains to be done. The dozen other papers include further background and descriptions of efforts to date. The authors include real expertise, for example it would be hard to find writers with more knowledge of the existing treaty regimes than those who provided the papers in *Part Two; UNSCR 1540 and system controls, organisations and treaties*. For this reviewer the most interesting contribution is Gerald L Epstein's *Law enforcement and prevention of Bio terrorism; its impact on the U.S. research community*. This demonstrates that even for a state with the commitment to non proliferation of the United States, framing effective legislation in this area is far from easy.

Simon Jones, in just 64 pages, illustrated by 50 black and white photographs and diagrams and 8 full page colour plates by Richard Hook, has produced an amazingly comprehensive

account of the use of chemical weapons during WW1. Each agent, delivery system (and each defensive measure) is tracked through its introduction and development. The results in terms of battlefield effect (or, in some cases, lack of effect), casualty rates and tactical impact are traced through the entire war. This is an invaluable guide for anyone who seeks to understand the impact of chemical weapons in the 1914/1918 war.

Karl Brandt owed the start of his rise through the medical hierarchy of Germany between 1933 and 1944, leading to his execution following trial at Nuremberg, to his wife, an Olympic swimming competitor, who had come to Hitler's attention. The young couple were invited to holiday with Hitler and Brandt, a trauma surgeon, was present when one of Hitler's staff crashed his car. Brandt gave first aid and later, in hospital, operated to save the man's life. Hitler was so impressed that he required Brandt to be in his entourage whenever he travelled. This close contact with the Führer enabled Brandt to press his ideas of medical policy and ultimately to reach the position of Reich Commissioner for Health and Sanitation, involving both military and civilian medical systems. The first mass-killing programme was initiated by him. This was the 'euthanasia' policy whereby terminally ill, disabled and mental patients were 'relieved of their suffering'. This was stepped up after the 1943 Hamburg bombing raids when all the mental hospitals of the area were emptied to provide beds for civilian casualties. It was also at this time that Brandt arranged for concentration camp victims to be used in experiments to develop treatments for phosphorous burns. His responsibilities were extended to include supervision of the chemical and biological weapon research programmes and here too he arranged for experimentation on concentration camp victims. However, he remained convinced that Germany should refrain from first use of such weapons as Allied air supremacy meant that it would be impossible to protect the civilian population from the inevitable retaliation in kind. The references to CBW are only a minor part of this horrifying story, but Ulf Schmidt paints a fascinating picture of the anarchic way Hitler and his inner circle ran the Third Reich.

## The Biological Weapons Convention Meeting of States Parties, December 2007

As reported in the *CBW Conventions Bulletin* 76+77 (September 2007), the Meeting of Experts of the States Parties to the Biological and Toxin Weapons Convention (BWC) was held in Geneva under the Chairmanship of Ambassador Masood Khan of Pakistan from Monday 20 to 24 August 2007. The purpose of the Meeting was *to discuss, and promote common understanding and effective action on:*

(i) *Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions, and*

(ii) *Regional and sub-regional cooperation on BWC implementation.*

The Meeting of Experts produced a Report, BWC/MSP/2007/MX/3 dated 3 September 2007, which consisted of a 4-page report, together with Annex I, a 21 page paper prepared by the Chairman, Ambassador Masood Khan of Pakistan, listing the considerations, lessons, perspectives, recommendations, conclusions, and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topics under discussion at the Meeting, and Annex II, a 5 page listing of the documents of the Meeting of Experts. This Report, and other official BWC documentation, is available at <http://www.opbw.org> and also at <http://www.unog.ch/bwc>. It should also be noted that, as at the Sixth Review Conference and at the Meeting of Experts, Richard Guthrie in association with the BioWeapons Prevention Project provided daily reports on the Meeting of States Parties, and these were made available in hard copy to the delegations, as well as electronically at <http://www.bwpp.org/2007MSP/MSP2007Resources.html>.

The Report, as in the report from MX/2005 two years before, stated that “It was the Chairman’s view that the paper could assist delegations in their preparations for the Meeting of States Parties in December 2007 and in its consideration of how best to ‘*discuss, and promote common understanding and effective action on*’ the topics in accordance with the decision of the Sixth Review Conference”.

This provided the States Parties with an excellent starting point from which to develop language to meet the requirement of the mandate for the Meeting of State Parties in December 2007 to ‘*discuss, and promote common understandings and effective action*’.

### Preparation for the Meeting of States Parties, 10 to 14 December 2007

The Chairman, Ambassador Masood Khan of Pakistan, wrote to the States Parties on 18 October 2004 to say that as he

foreshadowed at the close of the meeting, and as he had done in previous years, he had consolidated these proposals and ideas, removing duplications and merging similar concepts, to produce a synthesis paper. This synthesis, which was attached to Amb. Khan’s letter, was intended as food for thought, to help guide the States Parties in their preparations for the Meeting of States Parties. It contained no new material, but simply reflected the ideas put forward at the Meeting of Experts in what he hoped was a reasonably coherent, concise and accessible way. It was not intended to exclude any proposal from consideration, and States Parties were of course welcome to make additional proposals at the Meeting of States Parties. The synthesis paper was a resource for States Parties to draw upon in their preparations, and he encouraged them to use it that way.

He went on to add that as to the operation of the Meeting of States Parties, he believed *it is important that the opportunity is taken to add value to the work done at the Meeting of Experts. One particular aspect that I think could be further developed is the role of commercial industry in national implementation, and I propose to invite some industry representatives to address a special informal segment of the meeting. Another area of focus could be the development of the Implementation Support Unit’s role as a clearing-house for offers of and requests for assistance with national implementation, and as a resource for improving coordination of regional and sub-regional cooperation.*

On the outcome of the meeting, he urged that States Parties should aim for a product that genuinely promotes common understanding and that will help States Parties, including those which are not able to participate in our meetings, to take effective action on our two topics. He said that he was interested in hearing the views of delegations on how we can best achieve this, and he would be consulting widely in the coming weeks, both in Geneva and in New York.

To this letter was attached the 6 page synthesis document subsequently issued, prior to the Meeting of States Parties, as MSP/2007/L.1 dated 9 November 2007.

Ambassador Khan subsequently wrote to the group coordinators on 5 December 2007 to provide further information on the two special informal sessions planned for the Meeting of States Parties. In this he said that the special informal session for NGOs would be held from 16:30 on Monday 10 December 2007 and that the special informal session for industry representatives would be held from 10:00 on Thursday 13 December 2007. He pointed out that the arrangements for both sessions would be as follows:

- *The invited participants will take part in an interactive panel discussion with the Chairman, which will last approximately 45 minutes.*

- *The floor will then be opened for delegations to ask questions and engage in discussion with the invited participants. This will also take around 45 minutes, so that the total time for each special session will be about one and a half hours.*
- *The special sessions will be informal, and will not form part of the formal work of the Meeting of States Parties. The content of the discussions will not be reflected in the report of the meeting.*
- *The special sessions do not change in any way the formal status of participation of NGOs or anyone else in BWC meetings.*
- *The special sessions should not be taken as a precedent, and will be held without prejudice to the decision of any future meeting of experts or States Parties on whether and how to engage with civil society.*

In New York in the First Committee of the United Nations General Assembly, on 17 October 2007, Hungary introduced a draft resolution (A/C.1/62/L.37) on the BWC which in its operative paragraphs noted with satisfaction the number of States that have become Party to the Convention and reaffirmed the call upon all States not yet party to become so at an early date, welcomed the information and data provided to date, and reiterated its call upon all States Parties to participate in the exchange of information and data agreed at the Third Review Conference, and, in the fifth and sixth operative paragraphs:

5. *Recalls the decisions reached at the Sixth Review Conference, and calls upon States parties to the Convention to participate in their implementation;*
6. *Requests the Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences, including all assistance to the annual meetings of the States parties and the meetings of experts.*

Unlike previous comparable resolutions, this one did not specifically address the topics to be considered at the Meeting of States Parties in 2007 or subsequently.

As expected, the First Committee adopted this draft resolution without a vote on 31 October 2007. It was subsequently approved by the General Assembly without a vote on 5 December 2007 as A/RES/60/96.

### **Other Preparations**

During the weekend of 8-9 December 2007, before the Meeting of States Parties, there was a workshop in Geneva of the Pugwash Study Group on the Implementation of the Chemical and Biological Weapons Conventions entitled “*Moving Forward after the Sixth Review Conference*”. About 50 participants from 18 countries had a very useful and intense exchange of views which focused on the intersessional programme following the Sixth Review Conference, on universalisation, on the work of the ISU, and on Confidence-Building Measures.

### **Meeting of States Parties, 10 to 14 December 2007: Opening Plenary Session**

The Meeting of States Parties began on Monday 10 December 2007 in a plenary session when the Chairman, Masood Khan of Pakistan, welcomed the representatives from the States Parties. He also welcomed three distinguished guests: Dr. Bernard Vallat, Director-General of the World Organisation for Animal Health (OIE), Dr. David Heymann, Assistant Director-General of the World Health Organization, and Mr. José Sumpsi, Assistant Director-General of the Food and Agriculture Organization. They were to be joined on Tuesday 11 December by Mr. Ronald Noble, Secretary-General of Interpol, and Mr. Rogelio Pfirter, Director-General of the Organisation for the Prohibition of Chemical Weapons.

The Chairman then moved to business, noted that his synthesis document (BWC/MSP/2007/L.1) had been issued in all languages, and then turned to procedural matters. In regard to the adoption of the Agenda (BWC/MSP/2007/1), he noted that this had been circulated in all languages. The Agenda was adopted. The programme of work (BWC/MSP/2007/2), which had been developed from that attached to the Chairman’s letter of 18 October 2007, had likewise been circulated and was adopted. He noted that a report (BWC/MSP/2007/3) had already been circulated on the Implementation Support Unit (ISU) and said that his report on Universalization (BWC/MSP/2007/4), which would be considered under agenda item 8, would be available shortly in electronic form on the unog/bwc website. Moving on to rules of procedure, he proposed that, as in the past, these meetings should operate under the Rules of Procedure of the Sixth Review Conference applied *mutatis mutandis*. However, he pointed out that formal accreditation would not be required for the annual meetings; registration would be sufficient. These Rules of Procedure were agreed.

In regard to NGOs, the Chairman said that, as he had discussed informally in his consultations with the regional groups, he believed that constructive engagement with civil society is a vital component of effective national implementation of the BWC. With this in mind, he considered it desirable to engage civil society in a more effective manner at this meeting. In particular, he said that he would like to give States Parties the chance to hear the views of commercial industry, as this is a voice that has so far been rather lacking in our deliberations. I am therefore proposing two special informal sessions of our meeting. One will be this afternoon [Monday 10 December] when I will invite six NGO representatives to engage in a dialogue with the Chair. The second will be on Thursday morning [13 December] when four industry representatives will join me for a similar exchange. Both these sessions will begin with an interactive discussion between myself and the invited participants. This will be followed by an opportunity for delegations to ask questions of the participants. I encourage delegations to make the most of this opportunity to explore different ideas and perspectives on the topics we are considering. He emphasised that these would be informal meetings, and would not change the formal status of participation for NGOs or anyone else in the BWC meetings and conferences. The discussions would not be included in the report of the meeting. Furthermore, it would not

be setting any precedent as it will be up to future meetings to decide if and how to continue to engage civil society in our work. The NGO interactive discussion in the afternoon would be followed, subject to time constraints, by the traditional opportunity for other NGOs to make brief statements in the room where the Meeting was held.

Ninety-five States Parties participated in the Meeting of States Parties – two more than in the Meeting of Experts, as El Salvador, Malta, Monaco, Mongolia, Montenegro, Oman, Paraguay, Republic of Moldova, Senegal, and Sri Lanka participated in December, whilst Bahrain, Benin, Bolivia, Cambodia, Congo, Ghana, Rwanda and Uruguay did not. Six Signatory States participated – two more (Cote d'Ivoire, Madagascar, Myanmar and Nepal) than in August (when Haiti and the Syrian Arab Republic had participated). Two States neither Party or Signatory, Angola and Israel, were granted Observer status; one more (Angola) than in August. Nine international organizations were granted observer status: the European Commission, the Food and Agriculture Organization, the International Committee of the Red Cross, Interpol, the League of Arab States, the Organisation for the Prohibition of Chemical Weapons, the World Health Organization and the World Organization for Animal Health. This was four more than in August when the African Union Commission participated along with the ICRC, Interpol, the League of Arab States and the OPCW. The Convention now has 159 States Parties and 15 Signatory States (see BWC/MSP/2007/MX/INF.4).

There were over 510 participants at the Meeting of States Parties, of which 426 came from States Parties including some 188 participants from capitals. This was about 100 more than at the Meeting of Experts in August 2007 when there were over 410 participants including over 160 from capitals.

**The Chairman** then made his introductory remarks by noting that he wished to say *a few words about the substantive part of our work, and the outcome of this meeting*. He noted that as he had said at the Meeting of Experts, *we have the benefit this year of building not only on the productive work of the 2003-2005 meetings, but also on the successful outcome of the Sixth Review Conference. That will help us in several ways: we have a consensus final document embodying a shared vision of the Convention, we have the ISU, and we have demonstrated our common purpose and willingness to resolve our differences in constructive and creative ways. The Meeting of Experts showed that States Parties continue to approach our various challenges in a collaborative, collegial spirit, and the wealth of material presented at that meeting shows the impressive resources we can muster when we work in concert.*

He said it was necessary now *to distil the excellent work of the Meeting of Experts into a more concentrated product. We will be working on the same basis as in previous years, on the same understandings about the scope of our mandate. Our task is to “promote common understanding and effective action”, not to negotiate binding agreements. All views and perspectives are welcome. We are not trying to exclude any points of view. States Parties will have different priorities, but all these can be reflected in a fair and transparent manner. His view was that the aim should be for a product that genuinely promotes common understanding and that will help States*

*Parties, including those which are not able to participate in our meetings, to take effective action on our two topics. I think we should keep an open mind on the exact form of our outcome, and work together to find a way to reflect our common understandings in a clear and accessible product. We should always keep in mind that we are looking to improve our individual and collective capacity to reduce the risk of biological weapons being developed or used. That should be our focus when considering a potential outcome. More specifically, we should ask ourselves: “will this report be a useful, practical tool for governments wanting to improve their implementation of the BWC?”*

He went on to say that during the Meeting of Experts, after listening to State Parties, he had realized that *we needed to focus on three critical areas to change our current state of adjacency to synergy. I think this should be the theme for our meeting.... The States Parties cannot go it alone; do it alone. The three critical areas for collective efforts are: synergy, inclusiveness, and transparency.*

*First, synergy. Several international organizations are working on issues impinging directly or indirectly on the BWC regime. We need to strengthen and improve communication and cooperation with these organizations.*

*Second, inclusiveness. As I have said, it is important to bring in the knowledge and expertise of civil society, and this is what has prompted me to initiate the interactive discussion with NGOs that we will have this afternoon.*

*Third, transparency. Commercial industry is steering and witnessing exponential growth in the areas of biotechnology, which is the next global wave after Information Technology. And BWC States Parties have been busy in developing the normative and operational framework for dealing with deliberate use of the biosciences as a weapon. Therefore, it is important that States Parties and industry have more open communication and dialogue to prevent the development, acquisition or use of biological weapons. So I am pleased that we will be able to have an exchange with industry representatives later this week.*

He concluded by saying that he was *looking forward to a productive and focused meeting, and to working with you all to deliver a useful, practical and concrete outcome.* He encouraged all delegations to contribute freely to the debate, and he hoped that there would be a continuation of the very constructive and creative spirit States Parties had displayed at the Sixth Review Conference and the Meeting of Experts.

The Chairman then invited the special guests to address the meeting. He said that a particularly consistent message that emerged from the Meeting of Experts was that *effective national implementation and regional cooperation require coordinated action from a variety of actors, across different sectors, including security, public health, law enforcement, agriculture, and others.* More and more he saw *the need to work closely with organisations such as OIE, FAO and WHO, to find synergies and develop integrated approaches to interlinked problems.* He was therefore delighted that the heads of several relevant organizations had agreed to share their perspectives, from the summit of their organizations.

**José Sumpsi**, Assistant Director-General, **Food and Agriculture Organization (FAO)** spoke about current FAO Mechanisms for dealing with the deliberate release of detrimental biological agents. He noted that *although FAO does not have a specific programme dealing with biological weapons or bio- or agro-terrorism, we do have a number of processes and activities that are directly related to the possible deliberate release of detrimental biological agents. These include country, regional and global surveillance, monitoring, reporting, diagnostics and emergency response – most of this in the context of international cooperation, international standards and national and regional capacity building. There are essentially three main areas where this work is relevant: food safety, animal health and plant health.*

He went on to say that the greatest danger from biological agents used as weapons against agriculture is economic loss due to the destruction of livestock and crops, and the impact on small family operations. This would include the loss of food production and also the cost of eradicating the disease and the cost of continued surveillance. Probably the most significant loss in developed countries would be the loss of income from exports and the subsequent impact on the international economy and global food supplies. He said that it is the FAO's considered opinion that the deliberate release of detrimental biological organisms (in terms of food and agriculture) does not require any new processes to be developed that are either not in place already or in addition to those already being foreseen. However, innovative ways of approaching established processes and functions, new technologies, improved collaboration and a great deal more capacity building to build on existing national expertise and systems are required urgently.

He concluded by noting that FAO already deals with many of the processes and systems necessary to monitor, diagnose and control deliberate pest and disease introductions as part of the system that already exists for natural plant and animal pest and disease outbreaks, and food safety. However, considerable further capacity building is necessary to provide an effective and reliable international system based on national capabilities, particularly in the area of plant pests. FAO looks forward to continuing to collaborate in the area of deliberate release of detrimental biological organisms and would welcome any discussions on how national capacity can be enhanced in this regard. FAO was looking forward to increased synergies in future.

The Chairman then invited States Parties to ask any questions or make observations. There were none.

**David Heymann**, Assistant Director-General, **World Health Organization (WHO)**, then said that *it is clear in the world today that the infectious disease situation is complex, is dynamic and is ever changing. More human infections often develop from a breach in the barrier between animals and humans and a new organism infects humans and in some instances can transmit from human to human causing disease outbreaks and, in some instances, pandemics. He went on to recall that WHO set up an emerging infections programme in 1995 and one of the*

*first undertakings of this programme was to modify and to update its framework for global surveillance and response, the International Health Regulations. The International Health Regulations were developed in 1969 and these Regulations governed three infectious diseases in 1995. Those diseases were cholera, plague and yellow fever. Any country that had one of these diseases was required under the International Health Regulations to report this disease to WHO. And then a series of pre-determined measures would be undertaken by member countries, such as requiring a yellow fever vaccination card from a country where a yellow fever outbreak was occurring. This system did not work. As you know, WHO cannot legally enforce its regulations and countries did not often report diseases because it was damaging for their economies. In addition, these Regulations covered only three infectious diseases and were not up to date with all the emerging infectious diseases that are occurring today and at risk to travel internationally.*

He noted that when a decision was made to update and revise these Regulations, one of the first groups that was consulted was that of the States Parties to the Biological Weapons Convention. Two issues emerged from these discussions – first, that the systems necessary to detect and to respond to naturally occurring infectious diseases were the same as those that could and would detect a public health emergency from a deliberately caused infectious disease. The second issue was that WHO's neutrality was its strength, and that they needed, as they revised the Regulations, to be sure that that remained a neutral system. He continued by saying that *WHO then decided to revise the Regulations from a bottom-up approach, and this was first to set up a network of networks which would help WHO detect and respond to infectious disease outbreaks that were occurring in member countries and for which member countries requested support. This network of networks was set up from 120 existing institutions and networks around the world that were doing surveillance and response activities for infectious diseases. They included groups such as the Red Cross and Red Crescents; it included NGOs such as Médecins Sans Frontières; and it included many developing country and industrialized country institutions such as the Institutes Pasteur and their network, the Centres for Disease Control in the US and its network; and many other industrialized and developing country networks managed by groups such as APEC, ASEAN and others. Those networks are constantly providing information to WHO and, when a request comes from a country for a response to an outbreak, WHO, through this network of networks, mobilizes technical partners to assist in that response.*

He went to note that *after the SARS outbreak, the revision of the International Health Regulations picked up great momentum because the world understood the importance of these Regulations and the Regulation revision was completed in May of 2005. The Regulations came into effect this year, two years later, in June of 2007, and the Revised International Health Regulations consist of three different parts. The first is a requirement of all Member countries – and there are 193 Member countries of WHO – to establish core capacity in surveillance and response, the ultimate goal of the Regulations therefore*

*being that countries throughout the world can detect and respond to outbreaks rapidly so that they do not cause an international threat. The second part and the third part of the Regulations are a safety net in case national alert and response fails, and that safety net, through the mechanisms of GORN (the Global Outbreak and Response Network), will detect and respond to diseases which are not reported or picked up nationally. The second part of those Regulations therefore is continuing global surveillance through the Global Outbreak Alert and Response Network but not just limiting to those three diseases (cholera, plague and yellow fever) but to any public health emergency of international concern, decided by a decision tree which is in the International Health Regulations. So the first part of the Regulations is core capacity, the second part is a safety net to ensure collective detection and collective response worldwide to an outbreak, and the third is measures required at airports and seaports to prevent vectors that might be carrying infectious diseases from proliferating and entering countries.*

He concluded by pointing out that WHO will continue to respond to any outbreak of international importance or of national importance and we will respond in the normal way that we do to a public health emergency. Should the investigation determine that the outbreak is not being caused by a natural occurrence, that it is being caused by a deliberate occurrence, WHO would continue with the Member countries with our public health response and transfer responsibility for further investigation to the United Nations system through the Security Council. We recently established very close working relationships with OIE and the FAO. This is recognized through a tripartite agreement where we meet on a regular basis to discuss issues of importance to our three agencies and respond jointly to epidemics, such as we are doing presently to an epidemic of Rift Valley fever, a joint response from the three agencies. Of course, this tripartite arrangement and agreement has been strengthened because of the pandemic threat from avian influenza which is the major naturally occurring public health threat that we have today. We will continue working with our partners in OIE and FAO and also are grateful for the guidance which has been provided in the past from the States Parties to the Biological Weapons Convention and will continue to call on you for guidance in the future.

The Chairman again invited the States Parties to ask questions or make observations. **Germany** noted that the revised International Health Regulations should be taken into account when considering the CBM on declarations of outbreaks of disease, as an annual update could be obtained from the WHO. **Dr. Heymann** responded by noting that the IHR now requires member States to have a national focus point enabling 24 hour communications with the WHO and that effort was ongoing for capacity strengthening in regard to surveillance and response.

**Bernard Vallat**, the Director General of the **World Organisation for Animal Health (OIE)**, made a presentation of the view of OIE in support of the Biological and Toxin Weapons Convention objectives. He considered why new animal health strategies became crucial, pointing

out that in 2006, over 21 billion food animals were produced to help feed a population of over 6 billion people and that projections towards 2020 indicated that the demand for animal protein would increase by 50% especially in developing countries. Furthermore, there is nowhere in the world from which we are remote and no-one from whom we are disconnected. He considered the factors influencing the emergence of new diseases both now and in the future and pointed out the zoonotic potential of animal diseases, in that 60% of human diseases are zoonotic and 75% of emerging diseases are zoonotic. Furthermore, diseases can now spread faster across the world than the incubation period of most diseases.

He then set out the role of OIE, which was created in 1924 and, as of December 2007, has 172 Member Countries. Its objectives are:

1. To ensure transparency in the global **animal disease and zoonosis situation**
2. To collect, analyse and disseminate **scientific veterinary information**
3. To provide expertise and encourage international solidarity **in the control of animal diseases**
4. Within its mandate under the WTO SPS Agreement, to safeguard world trade by publishing **health standards** for international trade in animals and animal products
5. To improve the legal framework and resources of **national Veterinary Services**
6. To provide a better guarantee of the **safety of food of animal origin** and to promote **animal welfare** through a science-based approach

He outlined the OIE Reference Laboratories network and how OIE seeks to minimize the threat of emerging animal diseases, including through good governance of veterinary services.

In regard to the OIE and the BWC, he noted that the OIE had made contributions to the BWC meetings in 2003, 2004, 2005, 2006 and 2007, and emphasized the importance of:

- *Global surveillance and preparedness*
- *Inclusion of non-domestic animals (wild animals)*
- *Animal diseases including zoonosis*
- *Adherence to international animal health standards*
- *Good veterinary governance*

The Chairman encouraged States Parties to ask questions of any of the three distinguished guests and noted that their involvement in this way represented a new phase in the way in which the States Parties to the BWC were dealing with issues. No further questions or observations were made.

## **General Debate, Monday 10 December 2007**

The Chairman thanked the three visitors and then moved on to open the **General Debate** in which he asked that individual States Parties should limit their statements to 5 to 7 minutes and that States Parties making a statement on behalf of a Group should limit such statements to 10 to 12 minutes.

**Portugal** spoke on behalf of the European Union and noted that the candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia, the countries of the

stabilisation and association process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, as well as Ukraine, the Republic of Moldova, Armenia and Georgia aligned themselves with the statement. He said that *the EU attaches the utmost importance to the effective implementation of the obligations of the BTWC. 35 years after its signature, the Biological and Toxins Weapons Convention remains the internationally recognized normative and legal cornerstone of biological disarmament and non proliferation.* The statement went on to point out that *all EU Member States have taken, in the last few years, further measures to enhance national implementation of the Convention.* The statement then put each of the EU Working Papers into context. In regard to the ISU, the EU said that *the Unit plays an indispensable role in the areas of administrative support, receipt and dissemination of CBMs and implementation of all decisions and recommendations of the Review Conference. The EU believes that its expertise could also be used to perform other tasks in the fields of implementation, cooperation and assistance as well as universalisation. In order to maximize the utility of the ISU, and bearing in mind its limited financial and human resources, the EU is considering providing, through the adoption of a Joint Action, additional financial assistance to support possible specific activities and projects designed to help the ISU to fulfil its mandate. The European Union has produced a working paper with suggestions on possible activities of the ISU that could be supported by States Parties. We would like to call on all States to consider the suggestions put forward and the possible financing of the ISU.* The statement went on to note that *regional and sub-regional cooperation on the implementation of the Convention does not imply only cooperation with States. The expertise of some international organisations in the elaboration of mechanisms for surveillance and detection of disease outbreaks should also be taken into account by States Parties to the BTWC. In this context, the European Union hopes to finalise soon a new Joint Action in support of the World Health Organization activities in the area of bio-safety and biosecurity in the framework of the European Union Strategy against the proliferation of WMD. The main thrust of this new initiative is to ensure the safety and security of microbial or other biological agents and toxins in laboratories and other facilities, including during transportation as appropriate and promoting bio-risk reduction practices and awareness.* In regard to this Meeting of States Parties, the EU concluded by saying that *the final document should make practical recommendations on how to promote further common understanding and effective action on the two topics under discussion during this year.*

[www.unog/bwc accessed on 18 January 2008 shows that Portugal submitted a CBM in 2007]

**Cuba** spoke on behalf of the Group of the Non-Aligned Movement and other States, saying that *the BWC is still an incomplete and perhaps even vulnerable instrument. This valuable piece of the disarmament machinery has to be improved and developed. The Group of States Parties of the Non-Aligned Movement and other States Parties to*

*the Convention strongly believes that the only sustainable method of strengthening the Convention is through multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement, including on verification, dealing with all the Articles of the Convention in a balanced and comprehensive manner.* The statement went on to say that in regard to the two topics being considered this year, the NAM Group wished to share some points:

1. *Although each State Party is committed to accomplish all the provisions of the Convention, the implementation of the BWC at the national level nevertheless depends on the particular circumstances, inter alia, constitutional procedures and levels of development of each State Party.*
2. *The implementation of the Convention at the national level is not only limited to enacting and enhancing relevant national legislations, but it also has to do with other actions which require human and financial resources, not always readily available to developing countries. For instance, appointing or establishing national authorities in charge of implementing the Convention requires personnel and resources to perform their duties. The same happens with the export and import controls, which also require adequate equipment and technology for detecting violations.*
3. *The detection of disease outbreaks or the measures for fighting the effects of an accidental release of biological agents and toxins are other circumstances in which political will alone is not enough.*
4. *Some States Parties to the Convention have identified these and other obstacles in their cooperation and assistance activities within the framework of the Convention, as it was informed during the Meeting of Experts, held last August, when details of the organization of regional seminars and symposiums were presented.*
5. *All of this reinforces our idea of consolidating international cooperation activities under Article X of the Convention, as part of the cooperation for the national implementation of the Convention and the fullest possible exchange of equipment, materials, and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. We hope that this meeting of States Parties will adopt concrete measures in this regard.*
6. *Likewise, the national implementation of the Convention requires regular review of the relevant national legislation by each State Party, in a manner designed to avoid hampering the economic and technological development of States Parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchanges of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.*
7. *The international cooperation at all levels, particularly regional and sub-regional cooperation, as well as bilateral cooperation, should be fully promoted among States Parties, always on the basis of mutual agree-*

ments. In this regard, the experiences shown this year are quite valid and we urge all States Parties to develop this kind of cooperation and to keep the rest of States Parties informed of their progress.

[www.unog/bwc accessed on 18 January 2008 shows that Cuba submitted a CBM in 2007]

**Canada** on behalf of the JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand) said that *we believe that enactment and effective enforcement of national and sub-national legislative measures are our core obligations under the Convention, and we continue to improve and refine these in line with evolving threats and technological progress. We recognise that achieving effective legislation, regulations and enforcement is neither easy nor is it a one-time project; it involves many stakeholders in our respective governments working together continuously, on rapidly changing, highly technical issues. National implementation of the BTWC naturally involves biological science practitioners working among themselves and also in partnership with national governments, ensuring that there is a nexus between science and policy. Consequently, we are pleased to see representatives of civil society and the private sector at this meeting, and we are looking forward to continuing cooperative interaction this week and in the future.* The statement went on to say that *we believe that the timely submission and availability of CBMs to other States Parties is critical to the full implementation of the BTWC. In this regard, our countries submit annual CBMs which are on file with the Implementation Support Unit, both in hard copy and online, and some of the JACKSNNZ States have, as an additional measure of transparency, also posted their CBM returns on the public section of the ISU's website. We would urge all countries that are not yet doing so to submit CBMs to the ISU on an annual basis.* The statement concluded by saying: *looking to the immediate future, measures to improve biosafety and biosecurity, including for laboratories, and 'codes of conduct' in bioscience and bio-technology research, feature in next year's intersessional process. Mindful of the participation this week of civil society and private sector practitioners, our countries call on all here to start considering now possible elements toward 'codes of conduct' for researchers in the life sciences, building on the outcome of the 2005 Meeting of States Parties. Full implementation of the BTWC will occur when its key provisions are imparted and implemented in the classrooms and laboratories of all our nations. Accordingly, the real work of the BTWC will continue once we leave this hall on Friday, for if what happens in Geneva, stays in Geneva, our efforts to support the Convention will not bear fruit.*

[www.unog/bwc accessed on 18 January 2008 shows that Canada submitted a CBM in 2007]

**Iran** then spoke, saying *the International Community should spare no efforts to strengthen the Convention and promote its effectiveness.* The statement then went on to say *on the follow-up mechanism aiming at promotion of common*

*understanding among States Parties we would like to reiterate our position that this mechanism can not be a substitute to the negotiations on the Protocol on strengthening the Convention. We still believe that the effective strengthening of the BTWC is only possible through the adoption of a comprehensive, multilaterally negotiated international instrument. We call upon those opposed to this Protocol, to abide by the wish of international community including that of the Members of Non Aligned Movement for resuming afore-mentioned negotiations.* The statement also noted that Iran had submitted its CBM return and concluded by noting that the Meeting of Experts in 2007 had highlighted once more the importance of adopting effective national measures and that a number of useful ideas had been raised in regard to regional and sub-regional cooperation that should be further elaborated in regional and sub-regional seminars and workshops.

[www.unog/bwc accessed on 18 January 2008 shows that Iran submitted a CBM in 2007]

The Republic of **Korea** then spoke, saying that *the intersessional work programme got under way with the Meeting of Experts in August this year, which provided States Parties with a good opportunity to share their experiences of national implementation of the Convention.* It went on to express satisfaction about the ISU and said that *in order to develop the ISU as "a clearing house" as Mr. Chairman referred to in the course of preparations for this meeting, all the States Parties should strengthen interaction with the ISU by voluntarily providing relevant information and utilizing it as a focal point.* The Chairman's synthesis paper was welcomed and the importance stressed of *cooperation at the regional and sub-regional level for the implementation of the Convention is greater than ever before, as biological weapons do not know national boundaries.*

[www.unog/bwc accessed on 18 January 2008 shows that the Republic of Korea submitted a CBM in 2007]

**China** then spoke, saying that *the Convention has played an irreplaceable role in the comprehensive prohibition, complete destruction, non-proliferation of biological weapons and prevention of bio-terrorism. On the other hand, faced with terrorism and disease outbreaks, all States Parties should make full use of the Convention as an important platform to strengthen cooperation and communication, promote implementation and other capacity of the Convention.* The statement went on to say that *China believes that adopting effective national implementation measures in accordance with the Convention and respective national situations constitutes basic obligations for the States Parties, as well as the important prerequisite and guarantee for effective implementation of all articles of the Convention. ... China has the following suggestions on strengthening the national implementation measures and regional cooperation on implementation of the Convention:*

1. *States Parties should put in place and improve a series of laws and regulations on implementation of all articles of the Convention and take effective measures to ensure the rigorous law enforcement.*

II. States Parties should establish a national implementation mechanism with clear division of responsibility and effective coordination to ensure the full implementation of all the related laws and measures.

III. States Parties should enhance the publicity of relevant laws and regulations through various kinds of forms, with a view to training the relevant personnel and strengthen the implementation capacity building.

IV. States Parties should, in the principle of equality, cooperation and mutual respect, take active part in regional, sub-regional and bilateral cooperation on implementation of the Convention. States Parties should provide assistance to other States Parties in need, particularly in developing countries, with a view to promoting the international exchanges in biological field and raise the implementation capacity.

[www.unog/bwc accessed on 18 January 2008 shows that China submitted a CBM in 2007]

The **United States** said that they attach *great importance to the intersessional work program. Review conferences come but once every five years and concerted and constructive use of the intervening period is essential to advancing the implementation and objectives of the Biological Weapons Convention.* In regard to national implementation, the United States said that *enforcement is an essential aspect of national implementation for without it national legislation is a hollow deterrent to acquisition and use of biological weapons. And to be effective against biological threats, it was recognized that effective coordination among police and public health authorities must form the foundation of any enforcement effort. As we prepare the final report of our proceedings this week, it is important that we recognize the critical role for effective enforcement in the overall plan for national implementation.* The statement went on to consider universalization, and the US pledged to *continue coordinating our bilateral efforts with those of the ISU and the many other States Parties involved in bringing their neighbors on board. The emphasis this year on how to implement our BWC obligations, as well as on how we can help others do so is important for universality activities. With the sound foundation you and others have set in the past six months, all Parties now have current information and a functioning clearinghouse in which to share our progress.* The United States went on to *commend the work the ISU has accomplished in the six months since its inception. ISU background papers, compilations and notifications have been carefully researched and arrive well in advance of our meetings to ensure the greatest use to Parties. We look forward to more of the same in the next four years. However, the United States would like to note its deep concern over recommendations encouraging support for increased responsibilities for the Implementation Support Unit. While we wholeheartedly encourage voluntary contributions for the ISU to carry out its assigned tasks, such funding must not in any way undermine the strict delineation of the ISU operations that was the basis for the compromise text of the mandate. If regional groups or States Parties wish to provide additional funding, that funding should be used to help*

*the three-person ISU to fulfill the tasks assigned and not seek to expand that mandate into new, unauthorized areas.* The statement concluded by emphasizing that *the objective of the group this week is focused and not open-ended.*

[www.unog/bwc accessed on 18 January 2008 shows that the United States submitted a CBM in 2007]

**Libya** then spoke, and took the opportunity to outline the national measures being taken by Libya in establishing its National Committee for Biological Morality. These measures include several working parties to consider various elements of legislation as well as codes of conduct.

[www.unog/bwc accessed on 18 January 2008 shows that Libya submitted a CBM in 2007]

**Turkey** then spoke, noting that Turkey had shared detailed information on national legislation, law enforcement and regional cooperation. The statement went on to say that *in the context of BWC activities in 2007, equally noteworthy is the establishment of the "Implementation Support Unit" (ISU) in 2007, which we value as a remarkable step to strengthen the BWC regime. Although modest in size, the ISU has already been instrumental in providing institutional support to States Parties.* Turkey also welcomed *the streamlining of the procedure for the submission and distribution of the "Confidence Building Measures" (CBMs), with a view to increase the level of participation,* and noted that Turkey had submitted its CBM report in April 2007. The statement went on to say that *we share the broad understanding within the BWC community that further efforts have to be devoted to strengthening and improving the implementation of the Convention. Accordingly, States Parties may wish to make use of the 2007-2010 period to consider fresh ideas for an implementation mechanism to enhance the effectiveness of the Convention.*

[www.unog/bwc accessed on 18 January 2008 shows that Turkey submitted a CBM in 2007]

The General Debate then ceased and resumed in the afternoon.

**Brazil** spoke on behalf of a group of Latin American states (Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Peru and Venezuela), noting that at the Meeting of Experts submissions had been made of *specific proposals springing from our joint position within the framework of the Review Conference 2006. Likewise, various delegations made substantive contributions which can be very useful indeed, so as to identify elements applicable to national cases or to any other regions or subregions.* The statement went on to urge that the ISU should promote and coordinate workshops or seminars on relevant aspects for the region. *Along these lines, we invite the ISU to take up contact with regional or subregional organizations or with groups of interested countries so as to organize activities which will enable us to identify good practices for the application of the Convention. We reiterate our appeal to the international organizations as well as to the donor*

community to cooperate in this task. We believe that initiatives such as this one will contribute to the creation of a space for regional discussion which will encourage faster, more deeper understanding of the benefits and challenges raised by the application of the Convention. The statement also said that we reiterate once again the importance of having a multisectoral and multidimensional approach in the follow-up of the Convention. A multisectoral approach is consolidated with the participation of Civil Society, in particular the industrial sector and academic circles, the scientific community and the non-governmental organizations in our regions, since said sectors do encourage a better understanding of the obligations which are endorsed in the Convention. It continued by noting that a multidimensional approach presupposes a comprehensive vision, an articulate vision, of the different elements which are part and parcel of this instrument. Brazil concluded by highlighting the adoption of Resolution AG/Res.2107 of the Organization of American States on 7 June 2005 in which we commit ourselves to adopt and apply immediately effective measures to establish internal controls so as to prevent the proliferation of nuclear, chemical or biological weapons and its vectors, including through the establishment of adequate controls of the materials related to this, since they then abstain in giving any kind of support to the non-State stakeholders who are trying to develop, acquire, manufacture, own, use or transfer said weapons.

[www.unog/bwc accessed on 18 January 2008 shows that Brazil submitted a CBM in 2007]

**Saudi Arabia** then spoke, reaffirming its commitment to the BWC and noting that it had submitted its first report to the UN as required under SCR 1540. The statement said that Saudi Arabia is among the States calling for endeavours to ensure that the Middle East becomes a region free of weapons of mass destruction in keeping with the recommendation made by the Arab Ministers of Foreign Affairs ... at the Arab League to formulate a draft agreement ... to make the Middle Eastern region free of weapons of mass destruction. The statement noted that a number of meetings had been held at the Arab League and that it has been able to formulate a draft agreement.

[www.unog/bwc accessed on 18 January 2008 shows that Saudi Arabia had not submitted a CBM in 2007]

**Australia** then spoke, saying that in September 2007, Australia had enacted new legislation, the National Health Security Act, which established controls for the security of certain biological agents that have the potential to be used as biological weapons. This new Act provides for the establishment of a National Authority to regulate and monitor facilities handling security sensitive biological agents. ... The Act also provides for a registration scheme addressing physical, personnel and transport security concerns, and includes a security audit and inspection process. And, importantly, it provides for education and awareness-raising campaigns. The statement went on to say that this year, a team of key research and academic

experts revised the Code for the Responsible Conduct of Research to link it in with the national statement on biosecurity thereby ensuring better coordinated cross-agency implementation of the BWC.

[www.unog/bwc accessed on 18 January 2008 shows that Australia submitted a CBM in 2007]

**South Africa** then spoke, noting that South Africa remains committed to the strengthening of the Biological Weapons Convention (BWC) to ensure that our common goal of preventing the threat posed by biological weapons is achieved. In the above regard, my delegation continues to believe that this is not a commitment or a goal that can only be undertaken by individual States or groups of States acting on their own. If our opposition to biological weapons is to be sustained in the long term, it is necessary that the members of the international community — as a whole — take action and commit themselves to strengthening the norm against the development, production, stockpiling and use of these reprehensible weapons. South Africa continues to see the strengthening of the implementation of the BWC as a core element of international security. The statement went on to say that South Africa is committed to close collaboration with countries in the region and within the Continent on the implementation of the Convention and in the advancement of the goals of the BWC. The importance of sharing experiences and learning from best practices in the implementation of the Convention and in regional cooperation was highlighted at the Meeting of Experts. We view this as fundamental to the successful implementation of the BWC and to the forging of a community of nations, which will be our best defence against the threat posed by biological weapons. It is through this type of collaboration that countries would also be able to identify the best solutions for the challenges they are facing in aligning their national processes with the BWC. The statement concluded by expressing South Africa's appreciation for the efforts of the Implementation Support Unit and to encourage the ISU to keep up the good work. We would likewise also thank you for your initiative in arranging special informal sessions during the course of this Meeting of States Parties and look forward to the opportunity to hear the views of NGOs and Industry representatives at these sessions.

[www.unog/bwc accessed on 18 January 2008 shows that South Africa had not submitted a CBM in 2007]

**India** then spoke, noting that while we have embarked upon a new inter-sessional work programme, we must remind ourselves of the need to strengthen the Convention to deal with the widening threat spectrum arising from possible malevolent uses of biotechnology, which is creating new ways of manipulating basic life processes. The dramatic progress in the field of synthetic biology has increased the possibility of engineering living organisms. Moreover, DNA synthesis and genomic technologies utilise equipment and materials that are readily available and relatively inexpensive and much of the relevant information is

accessible on e-databases. Adding to the spectre of new and deadlier microorganisms and toxins is the growing possibility that non-State actors could acquire and use biological warfare agents as new instruments of terror. The statement continued we associate ourselves with the statement of the Non-Aligned Movement delivered by Cuba earlier today, particularly its emphasis on strengthening the Convention through multilateral negotiations for a non-discriminatory, legally binding agreement, including on verification, dealing with all the articles of the Convention in a balanced and comprehensive manner. In the face of the emerging challenges, verification of compliance will be an important element in providing the assurance that all States Parties are meeting their commitments and obligations.

[www.unog/bwc accessed on 18 January 2008 shows that India submitted a CBM in 2007]

**Morocco** then spoke, commending the efforts which the Chairman had been making towards universalisation and saying *these deserve to be stressed and encouraged.... It should also give rise to emulation by those who will succeed you as Chairman of the Conference.* The statement went on to say that it should be recalled that the Convention on Biological Weapons remains an incomplete instrument in the absence of a verification mechanism which is yet to be established through negotiations and which should take into consideration all the articles of the Convention. It concluded by saying that Morocco is an ardent defender of complete and total disarmament and is a State Party to virtually all of the legal instruments concerning disarmament and since the deposition of the instruments of ratification to the Convention on Biological Weapons in 2002, it has regularly submitted its national report.

[www.unog/bwc accessed on 18 January 2008 shows that Morocco submitted a CBM in 2007]

The **Russian Federation** then spoke saying that the BWC is one of the cornerstones of disarmament and non-proliferation of the WMD. Its significance is rising against the backdrop of rapid growth of life sciences whose discoveries may have dual use nature, and the danger of use of weaponised new and genetically modified biological agents and toxins for hostile purposes or in armed conflict. Russia fully complies with its obligations under the Convention. The statement went on to say that while supporting the decision adopted by the Sixth Review Conference to continue the intersessional process, we still look forward to an early resumption of multilateral negotiations to develop a legally binding instrument to verify compliance with the Convention that will be the best way of strengthening its regime. Our position of principle on this point remains without change. In regard to this year's topic of national implementation, Russia said that we should incorporate the results of the year's work in the outcome document that will serve to further strengthen the regime of the Convention. It will be useful to attach to this meeting's report, as it was done before, all statements and working papers provided to the

Chairman. On the subject of CBMs, Russia said that at this stage in history of the BWC confidence building measures (CBMs) are the main instrument to enhance mutual confidence of the States Parties in compliance with the Convention. We think that CBMs are very important and useful. However, the situation remains unsatisfactory because nearly 100 States Parties, including those that have a developed biotechnological industry and advanced R&D facilities, fail to submit declarations. In this connection on 15 October the depositaries of the Convention - Russia, the United States, and the United Kingdom - circulated a Joint Statement to support universal submission of CBM information, which contains an offer to share, upon request, expertise on compiling data and filing CBM returns. I call upon all States Parties to annually submit their CBMs.

[www.unog/bwc accessed on 18 January 2008 shows that the Russian Federation submitted a CBM in 2007]

**Iraq** then spoke, saying that national enforcement is based on legislative foundations as well as on surveillance and noted that in regard to Iraq, Article 9, Paragraph E of the Constitution of Iraq commits itself to not acquire, nor to produce, nor to develop weapons of mass destruction whatever they may be. The statement went on to say that our delegation thinks that the universality of the Convention is of paramount importance and that we should find the necessary means to enable us to strengthen the Convention and its prohibition of biological weapons. Multilateral negotiations are an effective instrument so as to guarantee the application and universality of the Convention.

[www.unog/bwc accessed on 18 January 2008 shows that Iraq had not submitted a CBM in 2007]

**Algeria** then spoke, saying that the proliferation of biological weapons and toxins always remains an ubiquitous threat to peace and international security. We are in a position to be worried about such a threat for many reasons. The science of biology, its application in very varied realms, is witnessing tremendous headway. We see that this technical progress, with the progress made in means of communication, make this threat all the more possible and I would like to add to this the phenomenon of international terrorism. The statement went on to say that our satisfaction as regards the measures decided on in 2006 cannot however be complete unless these measures are part of a progressive procedure so as to reach a commitment on the consolidation of the normative setting set up by the Convention. This framework has to be up to the threat that we have to face up to. In fact, the scope of the Convention remains limited because it does not have a verification mechanism to comply with its provisions. We can only welcome the compromise and mutually understanding spirit which has characterized our work up until now. I hope that it will lead us in the near future to starting on a new stage, that is, reaching an agreement so as to finish with the work of the Convention through a Protocol so as to introduce all the

*necessary transparency and activities in the biological programmes of the States Parties. Algeria concluded by outlining the recommendations of the group set up by the Head of the Government, aiming at the promulgation of legislative regulatory texts which are necessary for the implementation of the Convention, including penal provisions.*

[www.unog/bwc accessed on 18 January 2008 shows that Algeria had not submitted a CBM in 2007]

**Malaysia** then spoke, saying that *Malaysia shares the view that there should not be “one-size-fits-all” solution for national implementation and that approaches should be tailored to the individual circumstances and needs of individual State Party. The existing legislative provisions in Malaysia are adequate for the purpose of implementing the Convention. This notwithstanding, Malaysia is in the process of enacting two new legislations and amending other relevant existing legislative provisions, where necessary, to strengthen and deal with developments in this area. The statement went on to say that Malaysia also continues to hold the principle that effective implementation of the Convention requires non-discriminatory and balanced approach to all provisions of the Convention. We fully subscribe to the NAM principled position which holds that the BWC forms a composite whole and that while it is possible to address related issues separately, it is necessary for all the inter-linked elements of the Convention to be dealt with in a balanced and comprehensive manner, whether they relate to regulation, compliance or promotion. It concluded by noting that Malaysia recognises the importance for States Parties to undertake serious and persistent efforts and concrete actions to strengthen national and international efforts and capabilities in the measures stipulated in the Convention. At the same time, we remain strongly of the view that there should be similar commitment and undertaking among all States Parties towards promoting and enhancing international co-operation. Given the increasing development in the field of biological science, there is in fact an ever growing need for scientific and technological co-operation between States Parties both for the social-economic progress of developing countries and for the fight against infectious diseases and the threats of bio-terrorism. In this regard, we reiterate our call to those States Parties that are in the position to do so to adopt positive measures to promote socioeconomic development through technology transfer and international co-operation in the field related to the Convention.*

[www.unog/bwc accessed on 18 January 2008 shows that Malaysia had not submitted a CBM in 2007]

**Sudan** then spoke, saying that *Sudan acceded to the BWC in 2003 and Sudan will go ahead in completing all the necessary steps and legal measures needed in order to ratify the Convention. Sudan will also aim at drawing up a well structured programme for capacity building through taking all the necessary national measures to implement the Convention at the national level, particularly the establishment of a focus point and the drawing*

*up of national legislation, as well as providing support to strengthen national scientific institutions and national enforcement agencies. The statement concluded by noting that Sudan would like to draw attention to our needs in capacity-building and in technical assistance programmes that will enable us to carry out our commitments regarding the implementation of the Convention on the national level.*

[www.unog/bwc accessed on 18 January 2008 shows that Sudan had not submitted a CBM in 2007]

### **NGO Informal Session**

The Chairman then suspended the afternoon session in order to reopen the meeting in informal session for a round-table discussion involving six NGOs. The Chairman and the representatives of six NGOs sat round a table in the body of the conference room with the intention of making the round-table discussion more interactive with the delegations. The Chairman pointed out that this was an informal session, which would not be referred to in the report of the meeting and that it should not be taken as establishing a precedent. However, he recognized that these NGOs had supported the Biological Weapons Convention over many years and had made many inputs from a holistic multidisciplinary viewpoint. The Chairman said that he had asked each of the NGOs to make a short tightly focused statement on “*Practical Contributions of Civil Society to National Implementation and Regional Cooperation*”. The six statements were made in the following order:

Professor Graham S. Pearson, Department of Peace Studies, University of Bradford.

Ms. Angela Woodward, Executive Director, VERTIC

Dr. Filippa Lentzos, BIOS Research Centre for the study of Bioscience, Biomedicine, Biotechnology and Society, London School of Economics.

Professor Marie Chevrier, Chair, Scientists Working Group on Biological and Chemical Weapons, The Center for Arms Control and Nonproliferation, Washington D.C.

Professor Kathryn Nixdorff, The INES Working Group on Biological and Toxin Weapons Control, Department of Microbiology and Genetics, Darmstadt University of Technology.

Dr. Jean-Pascal Zanders, Director, BioWeapons Prevention Project, Geneva.

Following the statements, the Chairman briefly summarised what had been said and then invited delegations to ask questions and make observations. Switzerland, the United Kingdom and Germany all took the opportunity to do so in the limited time available before the Chairman moved on to invite three NGOs who would not be in Geneva on Tuesday 11 December to make short statements in the traditional way to the informal session. Statements were made by:

Professor Barry Kellman, DePaul University College of Law. Raphael Della Ratta, Bioproliferation Prevention Project

Manager, Partnership for Global Security, Washington, D.C.

Professor Malcolm Dando, Department of Peace Studies, University of Bradford.

The Chairman then closed the informal session and reminded delegates that on Tuesday 11 December 2007, the General Debate would continue with statements from the Director General of INTERPOL and of the OPCW (Organisation for the Prohibition of Chemical Weapons). There would also be the opportunity for a further short informal session to hear some additional NGO statements.

### General Debate, Tuesday 11 December 2007

The Chairman opened the General Debate by inviting a further special guest, **Ronald K. Noble**, Interpol Secretary-General, to speak. Mr. Noble said that he was pleased to see delegations from 90 States Parties to the Convention representing a broad range of fields including diplomacy, defence, disarmament, science and agriculture, along with representatives from international and non-governmental organizations involved in law enforcement, public health, academia and security, here at this meeting. This shows that we are all united by a common concern and a common goal. He went on to note that States Parties to the Convention called the use of biological weapons “repugnant to the conscience of mankind” and pledged that “no effort should be spared to minimise the risk” when they entered it into force in 1975 as the world’s first multilateral disarmament treaty banning an entire category of weapons. He pointed out that Interpol shares these concerns, and one of our top priorities in the framework of our global anti-terrorism efforts is to help police in our 186 member countries prevent the terrorist use of biological agents by non-state actors - as well as ensure that these same police forces are prepared to respond to a bioterrorist attack. He went on to outline what had been done by Interpol in its Bioterrorism Prevention Programme launched in 2004. He said that *the work that you have done with regard to the Biological Weapons Convention has provided a solid foundation from which Interpol formulates its policies and activities in the area of preventing bioterrorism by non-state actors. In fact, the Sixth Review Conference in 2006 recognized the vital role of non-state parties. Interpol sees great opportunities in assisting you in achieving the goals of the Convention by building the capacity of law enforcement agencies around the world to fight acts of bioterrorism.* He went on to note that Interpol has also organized several regional workshops and training sessions throughout the world. Our regional workshops in Chile, Oman, Singapore, South Africa and Ukraine have trained more than 300 experts from 130 Interpol member countries in bioterrorism prevention and response.... At the conclusion of each regional workshop, delegates agreed to identify individuals in every participating country who would be responsible for maintaining contact with the Interpol General Secretariat on bioterrorism issues and who would also identify and work with their counterparts in their national health authorities. This type of cross-jurisdictional collaboration is an essential element of Interpol’s preparedness strategy. He concluded by saying that in order to prevent bioterrorism and to prepare us for the unthinkable we must create a culture of stronger co-operation among agencies and the local, national and international

*levels, a culture of greater sharing of information with Interpol. Working together, with continued commitment and vigilance, we will be able to thwart potential attacks and minimise risks.*

The Chairman then invited delegations to ask questions or make observations. There were none.

The General Debate then continued with a statement made by **Nigeria** which said that *Nigeria remains consistent and untiring in her efforts to ensure the full realisation of the objectives of the BWC, including the need to discourage the use of biological weapons in whatever form or circumstance.* The statement went on to say that while Nigeria already has in place a National Authority for the implementation of the BWC, it is still in the process of incorporating the Convention into national law. We are, however, happy to inform that efforts to accelerate work on a Draft Legislation has been boosted by support from the European Union, which has offered, as it has done in the past, to provide technical assistance by means of a workshop to review and tighten all the nuts and bolts in the Draft Legislation. Our work plan with the European Union is to get a robust Draft Legislation ready by the first quarter of 2008. Nigeria is also talking with some States Parties that have indicated their intent to support our capacity-building programmes. While I seize this opportunity to applaud the European Union for its continuing support, I must say that Nigeria looks forward to a successful outcome of ongoing engagements with our partners as we seek to build up our capacity in critical areas.

[www.unog/bwc accessed on 18 January 2008 shows that Nigeria submitted a CBM in 2007]

**Germany** then spoke, saying that *national implementation of the Convention is a pivotal point for the success of the BTWC. We are seeing some progress in the field of national implementation. However, the number of States Parties lacking legislative and other measures to fulfil the objectives of the BTWC still gives us cause for concern. We understand the difficulties that some States Parties may have in incorporating all the objectives of the Convention into national law and regulations, as national implementation of the BTWC obligations touches on a broad range of topics. Some States Parties in the past might have thought that they did not need to enact specific BTWC implementation legislation since they do not have - or they believe that they do not have - relevant materials within their territory. However, inasmuch as the BTWC contains binding obligations on biological weapons and relevant materials, all BTWC States Parties must enact and enforce appropriate national legislative measures. This does not mean that at any given time all States Parties will have the same degree of national implementation requirements. However, each State Party should identify its deficits and enact and implement adequate laws, regulations and measures to cover its specific situation. The EU Joint Action in support of the BTWC and a number of States Parties offer their good services to assist States*

*Parties requiring assistance in their national implementation efforts. We would like to see these offers being more widely utilized. The statement went on to say that as we have recognized that some States Parties link national BTWC implementation efforts with CWC National Authorities activities. For this reason, Germany recently provided financial support to the Implementation Support Unit to participate in the meeting of CWC National Authorities in The Hague in November 2007. In the margins of this meeting ISU representatives addressed BTWC universalization with national representatives from CWC States Parties that are not yet States Parties to the BTWC. We hope that the Implementation Support Unit will inform this meeting of the outcome of its discussions. In regard to CBMs Germany noted that they welcomed the increase in the number of States Parties submitting their annual declarations of Confidence-Building Measures. We hope that this increase is sustainable and that more States Parties will fulfil the CBM obligations that were agreed at the 1986 and 1991 Review Conferences. Although today's figure of 61 States Parties submitting their annual report in 2007 looks impressive, we have to recognize that the number of States Parties has increased along with the median of annual submissions. Consequently, if we count States Parties' participation in the annual CBM exchanges as a percentage instead of in total figures, we have not yet achieved a level far above the 35 percent that has prevailed throughout all the years of the CBM's existence. Germany regrets that at the Sixth Review Conference no progress could be achieved on improving the CBMs. We propose that informal discussions on CBMs should start amongst interested States Parties early enough before the Seventh Review Conference to enable States Parties to develop proposals that can be agreed on at the Seventh Review Conference in 2011.*

[www.unog/bwc accessed on 18 January 2008 shows that Germany submitted a CBM in 2007]

The **Netherlands** then spoke about the Implementation Support Unit noting that the ISU was given a specific mandate, its tasks being explicitly enumerated in Para 5 of Part III of the Report of the Review Conference. The European Union welcomed the establishment of the ISU and commends the work the ISU has accomplished already in the six months since its inception. The statement went on to say that bearing in mind the limited number of staff - only three full time officials and financial resources, we believe the ISU should focus on its core tasks, as stipulated by its mandate. Within this mandate, the EU has identified some specific activities that the EU and other regional groupings or States Parties could provide additional funding for. This funding aims at making the most efficient use of the agreed mandate and to help the three-person ISU to fulfil its assigned tasks in an optimum way. The EU non-paper entitled 'Supporting the BTWC ISU', which we present to this MSP (Meeting of the States Parties), provides a list of options States Parties might consider. These are options in the area of implementation, co-operation and assistance, CBMs, universality and outreach. The activities suggested all intend to increase the

*effectiveness of the BTWC in a pragmatic way at the working level. The statement concluded by saying We have already made good use of the background papers, compilations and notifications the ISU produced and are looking forward to continue our cooperation with all States Parties and with the ISU, using its full potential.*

[www.unog/bwc accessed on 18 January 2008 shows that the Netherlands submitted a CBM in 2007]

**Pakistan** then spoke, saying that Pakistan remains committed to strengthening the Biological and Toxin Weapons Convention including the establishment of a compliance regime through a legally binding instrument. As we await agreement on such a mechanism for verification of faithful and effective compliance of the Convention, national implementation should be enhanced. The statement went on to note that National implementation of the Convention can be enhanced through effective realization of the objectives in Article X of the Convention. International cooperation and transfer of technologies are areas that require attention and that we believe will complement and support national action. Also, enhanced international cooperation in the development of national disease surveillance systems, especially of developing countries, for prevention and control of disease outbreaks will also contribute towards the implementation of the Convention. The statement went on to outline the steps being taken by Pakistan to implement the Convention noting that the Director General dealing with disarmament matters in the Ministry of Foreign Affairs has been designated as our national focal point for BTWC. All relevant national stakeholders have been notified about the designation of the national focal point and have been requested to provide information on work being done that has relevance to the BTWC. A National Information Database concerning BWC Implementation has been established and is being maintained by the National Focal Point. The National Focal Point holds regular meetings of all stakeholders, on a quarterly basis, to coordinate matters pertaining to BWC implementation. Outreach activities are being gradually expanded to include private sector organizations, academic institutions, industries and other relevant private sector entities. A number of activities have been held for awareness raising regarding the obligations under the Convention. The statement continued by saying that the draft BWC Implementation Legislation, which has been finalized after an intricate inter-departmental process, is now ready for final legal vetting by Ministry of Law before its enactment as law in accordance with national procedures. The statement concluded by observing that the CWC has an elaborate verification mechanism that allowed the OPCW to develop detailed reporting formats. BTWC still awaits agreement in this area. The ISU cannot be expected to undertake reporting tasks similar to the OPCW. The ISU should continue to collate information of expertise available with States Parties.

[www.unog/bwc accessed on 18 January 2008 shows that Pakistan had not submitted a CBM in 2007]

A Signatory State, the **United Arab Emirates** then made a statement saying that they had agreed on 20 November 2007 to ratify this *Biological Weapons Convention* and which was signed in 1972. We are at present carrying out legislative and national steps in order to deposit the documents of ratification. My country is translating the objectives and texts of this Convention into national actions in its legislation and systems.

[As the United Arab Emirates are a Signatory State they would not be expected to submit a CBM in 2007]

### **NGO Informal Session**

The Chairman then suspended the formal session and resumed in informal session to hear three further NGOs make short statements in the traditional way to the informal session. Statements were made by:

Trevor Griffiths, Pax Christi International.

Ms. Iris Hunger, Research Group for Biological Arms Control, University of Hamburg.

Ms. Susi Snyder, Secretary General, Women's International League for Peace and Freedom.

The Chairman then closed the informal session.

### **General Debate, Tuesday 11 December 2007 afternoon**

The General Debate was resumed in the afternoon with the Chairman inviting a further special guest, **Ambassador Rogelio Pfirter**, Director-General of the **OPCW**, to speak. Ambassador Pfirter began his extensive statement by noting that *the BWC and the CWC together constitute a comprehensive prohibition against two of the three categories of weapons of mass destruction. The two instruments represent a most vital advance over the Geneva Protocol of 1925 that prohibited both biological and chemical weapons but fell short of realising its objectives. It is, therefore, incumbent on the international community to ensure that the successor treaties, that represent the essence of tragic historical experiences on the one hand and a resolute determination not to allow those atrocities in the future, must not be allowed to fail. Together they represent a crucial barrier against the use of disease or poison against humanity and are, therefore, worthy of every effort to protect and strengthen the norms that they established. Both in their origin as well as objectives the BWC and the CWC have mutually reinforcing complementarities.* He then pointed out that before describing some of the work of the OPCW that is relevant to *the agenda for this meeting, particularly in terms of national implementation and universality, I wish to stress three points. Firstly, conclusions relating to similarities in the dynamics attending different legal instruments must also take into account the differences between the respective subject-matter that they cover. I trust that in the context of your own endeavours, this has implicitly been recognised in terms of the consensus over the programme of work that you have for the future.*

*Secondly, similarities or the differences notwithstanding, treaties are as good as their implementation. And finally, bearing in mind what I have just said, lessons learned in promoting fundamental objectives of one treaty can indeed be of relevance and use in the case of the other even though the paths to implementation may differ.* He then went on to give a brief description of the OPCW's activities during its first ten years including destruction and its deadline as well as its work on non-proliferation through its industry verification regime.

Ambassador Pfirter went on to consider the challenge posed by advances in science and technology, saying *there is a growing interest among States Parties as well as academics and NGOs about the impact of science and technology on the relevance of the Convention in the future, particularly in the light of the increasing overlap between the chemical and biological sciences, the integration of chemical engineering into the life sciences, and the impact of micro-reactors and of emerging technologies, such as nanotechnology. On the other hand, these same advances, as well as new or enhanced technologies could be abused for hostile purposes. Changes in chemical manufacturing processes could also represent a risk for the verification regime established under the Convention. In other words, while the disarmament agenda can be more predictable, the nonproliferation aspects of the Convention will face new and unprecedented challenges as the result of rapid progress in science and technology. The main safeguard within the Convention to avoid the possible negative repercussions of the trends of new developments I have just mentioned, is the "General Purpose Criterion", which forbids the use of any toxic chemicals for purposes other than peaceful. At the level of national implementation, as well as when reviewing the impact of new developments on the Convention, it will be important that Member States use this key criterion as provided for in the Convention, as the basis of their assessments.*

He then addressed national implementation, saying that *whilst industry verification is a key instrument of the non-proliferation objective of the Convention, equally indispensable to that end is that States Parties fully implement their Article VII [of the CWC] obligations, establishing and reinforcing the administrative and legislative measures as required under the Convention. Full and effective implementation of the Convention in domestic legal orders is an essential component of the Convention's mechanisms aimed to ensure confidence in compliance. This would seem to be as true for obligations assumed under the BWC as it is in the context of the CWC.* He then went on to describe the programmes that the OPCW carry out to assist their States Parties to build the capacity necessary for effective national implementation. Ambassador Pfirter then described the ongoing activities of the OPCW aimed at achieving universality, noting that there were 40 states not Party in 2003 when the Action Plan was instituted, and today there are only 12 states not Party and this number is continuing to diminish. He pointed out that *in the area of universality as in the case of implementation, OPCW's outreach activities and the support of our States Parties have been crucial in convincing countries of the merits*

*of joining the Convention and the tangible contribution they can thus make to strengthening multilateralism, disarmament and nonproliferation and indeed the cause of international peace and security. Our message is rooted in the argument that if peace in the world is a collective responsibility then you cannot stand aside and not be a part of a common quest that is based on principles of equity and non-discrimination and requires for its sustenance the support of each and every member of the international community. As in the case of implementation, we have utilised every opportunity to organize regional workshops, bilateral visits and established contacts at multilateral forums. It is a matter of great satisfaction for me that these efforts have paid rich dividends. He concluded by saying that in the light of the added serious threat posed by the possible use of toxic chemicals by terrorist and other groups or individuals, our outreach activities also include efforts to promote awareness and understanding of the requirements and goals of the Convention amongst the general public, the scientific community, including students, chemists and chemical engineers as well as scientists who are active in the life sciences field. I believe that such activities and the parallel work of the Technical Secretariat can also be usefully complemented by civil society institutions. 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 CWC sets forth a set of ethical issues relating to the prohibition of chemical weapons and of its humanitarian contents that are of importance to chemists and chemical engineers while performing their professional activities. I continue to stress the need for a stringent code of conduct to ensure the ethical and responsible behaviour of scientists and chemical engineers remains a key requirement for progress in this area. Scientists must establish norms that will stand the test of time and will anchor the chemical weapons ban in the conscience of all those that deal with these materials. I am aware that the need for similar consideration has been highlighted in the case of the BWC. Together with the International Union of Pure and Applied Chemistry (IUPAC), the OPCW is pursuing a project in this area. We seek to establish general ethical principles and a code of conduct for the scientific community dealing with chemistry, which should build up on already developed regulations in various relevant areas of science, while at the same time taking into consideration the specific aspects of the Convention.*

The Chairman thanked Ambassador Pfirter for his statement, expressing appreciation for his having pointed out the symbiotic relationship between the BWC and CWC and saying that the BWC should take up the offer of learning from the experience of the OPCW. He then invited delegations to ask questions or make observations. Argentina and Germany both took the opportunity to make contributions. **Argentina** expressed their appreciation for the efforts that Ambassador Pfirter had made in regard to universalization and to national implementation of the CWC. The practice of exchanging information between the BWC and the CWC and between the OPCW and the ISU was mutually beneficial and reinforcing. **Germany** noted

that some 6 weeks earlier in the First Committee meetings in New York, it had been noted that the CWC specifically includes ricin and saxitoxin in their schedules and the CWC is thus relevant to toxins. It was therefore very useful to have the OPCW present at the Meeting of States Parties. Germany also thanked the Director-General and the OPCW for having allowed the ISU to be present at the recent meeting of the CWC National Authorities thus facilitating contact with States Parties to the CWC who are not Parties to the BWC. There is a clear synergy between the two organizations. In response to a further query from the Chairman, **Ambassador Pfirter** said that in preparation for the Second CWC Review Conference, plans were being made for a special session for consultation with chemical industry as it was recognized that industry needed to become aware of the verification regime and there needed to be a continuous interaction with the industry.

The chairman then closed the General Debate and resumed in private session to address Agenda Item 6 – ‘Consideration of ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions’.

Two further statements for the General Debate were made by States Parties later in the week. **Georgia** made its statement during the private session on Tuesday 11 December 2007 that said *Georgia has made steps towards working out ways of implementation of BTWC statements. Particularly, new legislation on biosafety/biosecurity is drafted, and, partly adopted. New Georgian Law on Public Health deals with EDPs [especially dangerous pathogens] and surveillance issues.* The statement went on to describe the tremendous support Georgia has received from the United States and the work that is ongoing on Biological Weapons and Infrastructure Elimination in regard to a facility at Tabakhmela, Georgia, known as Biokombinat, which had been a leading FMD vaccine production facility in the era of the Soviet Union, and which stood on a large piece of land with several multi-storey production facilities.

[www.unog/bwc accessed on 18 January 2008 shows that Georgia submitted a CBM in 2007]

The **Ukraine** made its statement during the private session on Wednesday 12 December 2007, saying that *during the last decade the world was the stage of important developments in political, social and economic spheres. Currently, we witness significant achievements in biotechnology and molecular biology. At the same time, today, the biological terrorism, natural and technologically induced emergency situation caused by the release of biological hazardous agents represent a real threat to the life on our planet. In this regard, stricter national implementation of the BTWC is crucially important in the international endeavors for a safer world. Unfortunately, the present situation with adoption of the BTWC implementing legislation at the national level is far from being satisfactory. Therefore, creation of effective mechanisms facilitating introduction by the States Parties*

of the national implementing legislation and appropriate administrative measures according to the BTWC are very important. The statement concluded by saying that *Ukraine considers expert level meetings and meetings of States Parties to be effective tools for improving the Convention. We also believe that after suspension of negotiations on the elaboration of verification protocol to the BTWC such meetings represent considerable step towards strengthening the Convention and further joint search for concrete ways for improvement of its regime which will allow us to meet adequately new challenges and threats.*

[www.unog/bwc accessed on 18 January 2008 shows that the Ukraine submitted a CBM in 2007]

In addition, a statement was made at the start of the session on Wednesday 12 December 2007 by Jan-Peter Paul, Counsellor of the **European Commission** on the Commission's Green Paper on Bio-Preparedness. This paper is intended to address all hazards: terrorist attacks, intentional releases, accidentally occurring diseases and naturally occurring diseases. The intention is to build on existing instruments in the fields of human health, animal health, plant health and food safety and existing experience in crisis management whether related to food, plant health or animal health. The objective of the Bio-Preparedness Green Paper adopted by the European Commission on 11 July 2007 is to deal with multiple outbreaks by using existing tools, coordinating response, improving contingency plans, increasing coordination and further developing international cooperation. The Green Paper is available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0399:FIN:EN:PDF>

### **Industry Informal Session**

The fourth day, Thursday 13 December 2007, of the Meeting of States Parties started with a further informal session in which there was a round table discussion with representatives from industry on "*The Role of Commercial Industry in Supporting Effective National Implementation of the BWC*". On this occasion, the participants sat on either side of the Chairman at his usual position on the podium. This was an improvement over the arrangement for the round table discussion with the NGOs which had taken place round a table in the body of the room which was not readily visible to the delegations and from which the participants had only a limited view of delegations. The four participants made statements in the following order:

Terence Taylor, Director, International Council for the Life Sciences.

Dr. Leila Leila Macedo Oda, President, National Biosafety Association of Brazil.

Heinz Schwer, Chief Executive Officer, Sloning BioTechnology GmbH, Germany.

Rainer Wessel, Chief Executive Officer, Ganymed Pharmaceuticals AG, Germany.

This was then followed by a discussion in which delegations asked questions and made observations.

### **Outcome of the Meeting of States Parties**

As already noted, the Meeting of States Parties continued in closed session after the statement by Ambassador Pfrtner of the OPCW on the afternoon of Tuesday 11 December 2007. In accordance with the programme of work (MSP/2007/2) Tuesday's discussions were on the first topic: *Consideration of ways and means to enhance national implementation* and these discussions continued during the morning of the third day, Wednesday. During the latter part of Wednesday, discussion moved on to the second topic: *Consideration of regional and sub-regional cooperation on implementation of the Convention.*

During the Meeting of States Parties, 11 Working Papers were submitted: one by Germany (WP. 1), five by the EU (WP. 2 to WP. 6), one by Brazil (WP. 7), one by Nigeria (WP. 8), one by Cuba on behalf of the NAM (WP. 9), one by the Latin American states (WP. 10) and one by Switzerland (WP. 11). The German working paper addressed the databases planned by international organizations to collect and store any information linked to illegal or alleged illegal biological activities, including hoaxes, as well as accidental and unusual outbreaks of diseases. It is pointed out that the value of such databases is limited if steps are not taken to determine which incidents are real as there will be many more hoaxes, as well as accidental or unusual outbreaks that are not the result of deliberate action. The EU working papers address Legal Implementation and Enforcement (WP. 2), Supporting the BTWC Implementation Support Unit (WP. 3), La Soumission des Mesures de Confiance (MDC) [The Submission of Confidence-Building Measures] (WP. 4), Assistance and Cooperation in the Framework of the Implementation and Universalization of the BTWC (WP. 5), Assistance Activities for Implementing BTWC Legislation in Peru (WP. 6) – (submitted by the European Union and Peru). The Brazilian working paper (WP. 7) described Brazil's National Program for the Promotion of Dialogue between the Private Sector and the Government in matters related to Sensitive Assets (PRONABENS) and the Nigerian working paper (WP. 8) addressed the Nigerian Experience of the Biological and Toxin Weapons Convention. The working paper (WP. 9) submitted by Cuba presented a Proposal for Improving National Implementation of the Convention and Regional and Sub-Regional Cooperation in which nine concrete proposals were put forward. The working paper (WP. 10) submitted by the a group of Latin-American states addressed National Implementation of the Convention in All Its Aspects as well as on International, Regional, Sub-Regional and Bilateral Cooperation. The working paper submitted by Switzerland (WP. 11) addressed National Data Collection Processes for CBM Submissions. This paper notes that *the BTWC Sixth Review Conference agreed that implementation of the CBMs merits further and comprehensive attention at the Seventh Review Conference in 2011. A central concern relates to the accuracy and comprehensiveness of the data submitted. To improve the quality of the data submitted it is fundamentally important to understand the particular challenges and needs arising in different national contexts and how this impacts on CBM submissions. In order to assist such a dialogue, Switzerland has asked experts to deliver quantitative and qualitative data on the CBM*

completion process. The paper concludes that *there is a genuine willingness by collators to help other collators, both those in States starting the process for the first time and those in States which have been submitting returns for some time but who may have specific questions on ways to improve the data collection process. States Parties should engage in a dialogue on different ways to strengthen the Confidence Building Measures. The results of this study could serve as an element for consideration for such a dialogue on the future of the CBMs.*

## **Universalisation**

The afternoon of the fourth day (Thursday 13 December 2007) of the Meeting of States Parties saw consideration being given to agenda item 8: *Reports from the Chairman and States Parties on universalization activities.* The Chairman introduced his report on universalization (MSP/2007/4) and noted that he had put considerable time and effort into promoting universalization saying that *I have written several times to the Foreign Ministers of states not currently party to the BWC, urging them to accede at the earliest possible opportunity. I have written similar letters to the Foreign Ministers of all of the signatory states, requesting that they too consider ratifying the Convention as soon as possible.* He went on to say that he had followed this up by meetings with representatives of States not party in the margins of the First Committee in New York and also in Geneva. As a result, he was pleased to say that *during the 12 months since we dedicated ourselves to concerted efforts to universalize the BWC, four States have joined the BWC: Gabon, Kazakhstan, Montenegro, and Trinidad and Tobago.* In addition, he said that *there are five states in which accession or ratification processes are well advanced: Burundi, Comoros, Madagascar, Mozambique and Myanmar.* In addition, *a further eight states have indicated that they have started the accession or ratification process but that their efforts are not quite so fully developed. These are Cameroon, Côte d'Ivoire, Guinea, Namibia, Nepal, United Arab Emirates, United Republic of Tanzania, and Zambia.* He then went to say that *there is another group of states that have not yet started the ratification or accession process, in many cases because waiting for further information or assistance, or because the issue does not have a high enough priority. These are Angola, Central African Republic, Chad, Cook Islands, Guyana, Liberia, Malawi, Marshall Islands, Micronesia, Nauru, and Niue. For the most part, these states noted the information we provided and said that it would be sent on to capital. Many of these states indicated that they would need assistance to undertake any commitment towards the BWC.* He went on to encourage all of the States Parties gathered here, as well as those unable to attend this meeting, to see if you can locate any capacity to provide such assistance. *In line with my theme for this week – from adjacency to synergy – I would encourage you to get in touch with the ISU to discuss these matters further but at least keep the Unit informed of what assistance you can, or are providing.* He also noted that *three states (Egypt, Israel and the Syrian Arab Republic) have all provided information indicating that because of particular regional*

*security circumstances, no action on ratification should be expected in the near future. While these states have said that they will be unlikely to join the BWC soon, they all, individually, indicated that they supported the aims and objectives of the Convention.* The Chairman also said that *perhaps the clearest indicator that we still have work to do and that we must work harder and more effectively in pursuit of universality comes from the eight states for which we still lack information. We have not received any information or feedback from Djibouti, Eritrea, Haiti, Kiribati, Mauritania, Samoa, Somalia, or Tuvalu.* He concluded by making some comments on what he thought should be the next steps towards universality, whether by the next Chairman or by States Parties or others.

## **Report of the Implementation Support Unit**

After consideration of universalisation, the Meeting of States Parties moved on to consider agenda item 9: *Report of the Implementation Support Unit (including report on participation in the confidence-building measures).* As noted earlier, the report of the ISU in BWC/MSP/2007/3 had been issued prior to the Meeting of States Parties. This report, in accordance with the mandate given by the Sixth Review Conference to the ISU:

*5. Taking into account the importance of providing administrative support to meetings agreed by the Review Conference as well as comprehensive implementation and universalization of the Convention and the exchange of confidence-building measures, the Conference decides that an "Implementation Support Unit" (ISU) shall be established ...*

described progress under the four headings: *II. Administrative support for the Convention; III. Implementation of the Convention; IV. Confidence-Building Measures and V. Promotion of Universalization.* One of the working papers addressed the ISU whilst two addressed CBMs.

## **Draft Final Report**

On Thursday 13 December 2007, the Chairman circulated a first draft of the procedural elements of the final report and also a first draft of the substantive elements. The draft of the procedural elements was based on what had appeared in previous reports of Meeting of States Parties. The first draft of the substantive elements comprised 11 paragraphs as follows:

*18. Having considered ways and means to enhance national implementation of the Convention and recognising the need to take into account their respective national circumstances and legal and constitutional processes and to promote the development of biological science and technology for peaceful purposes, the States Parties agreed on the fundamental importance of translating the obligations of the Convention into effective national measures. The States Parties further agreed on the need to manage, coordinate, enforce and regularly review the operation of these measures to ensure their effectiveness.*

19. *The States Parties recognised the value of ensuring that such measures:*
- (a) *criminalize, and specify penalties for, activity that breaches of any of the prohibitions of the Convention, and are sufficient for prosecuting unauthorised activities;*
  - (b) *prohibit assisting, encouraging or inducing others to breach any of the prohibitions of the Convention;*
  - (c) *are not limited to enacting relevant laws, but also strengthen national capacities, including the development of necessary human and technological resources;*
  - (d) *avoid hampering the economic and technological development of States Parties, or international cooperation in the field of peaceful uses of biological science and technology.*
20. *Recognising that an effective system of export/import controls, adapted to national circumstances and regulatory systems, is an integral part of effective national implementation, States Parties agreed on the value of establishing and maintaining appropriate licensing procedures for transfers, including flexible and regularly updated lists of relevant agents and toxins, and related items as appropriate, to be subject to licensing, as well as procedures for the safety and security of transport of transferred material, and to ensure transferred material arrives only at the intended destination.*
21. *Recognising the importance of developing a coordinated and harmonised domestic mechanism to implement the obligations of the Convention, the States Parties agreed on the value of moving from **adjacency** to **synergy** by promoting cooperation and coordination among domestic agencies, of clearly defining the roles and responsibilities of each, and of raising awareness of the Convention among all relevant stakeholders, including policy makers, government, science, industry, and the public in general, and improving dialogue and communication among them. The States Parties noted that the establishment of a central authority or lead organisation and the creation of a national implementation plan may be useful in this regard.*
22. *The States Parties agreed on the value of ensuring effective enforcement of their legislative and regulatory measures, including through building capacity to collect evidence, develop early-warning systems, coordinate between relevant agencies, train law-enforcement personnel, and provide enforcement agencies with the necessary scientific and technological support.*
23. *Recognising that implementing the Convention is a continuing process, the States Parties agreed on the importance of regularly reviewing the efficiency and effectiveness of their national measures, including by ensuring the continued relevance of their national measures in light of scientific and technological developments; by updating lists of agents and equipment relevant to safety, security and transfer regimes; and by implementing additional measures as required.*
24. *Having considered regional and sub-regional cooperation on implementation of the Convention, the States Parties agreed that such cooperation can complement and reinforce national measures, which remain the obligation of States Parties. In this context, the States Parties agreed on the value of regional and sub-regional efforts to:*
- (a) *develop common approaches to implementing the Convention and provide relevant assistance and support, building upon shared languages and legal traditions where appropriate;*
  - (b) *engage regional resources (such as those concerned with security, public health or agriculture) which may have relevant expertise or technical knowledge;*
  - (c) *include implementation of the Convention on the agendas of regional meetings and activities, including ministerial and high-level regional consultations.*
25. *The States Parties recognised that adequate resources are necessary for pursuing both effective national implementation measures and regional and sub-regional cooperation, and in this context called on States Parties in a position to do so to provide technical assistance and support to States Parties requesting it. The States Parties agreed on the value of making full use of resources and expertise available from other States Parties, the Implementation Support Unit, and international and regional organizations.*
26. *The States Parties agreed on the value of promoting international cooperation at all levels, in order to exchange experiences and best practices on the implementation of the Convention. To facilitate the sharing information on national implementation and regional cooperation, States Parties are urged to nominate a national point of contact in accordance with the decision of the Sixth Review Conference, and to inform the Implementation Support Unit of their national measures, any updates or changes to them, and any relevant regional or sub-regional activities.*
27. *The States Parties further considered that in pursuing the above understandings and actions, States Parties could, according to their respective circumstances, take into account the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topic under discussion at the Meeting of Experts, as contained in Annex I of the Report of the Meeting of Experts (BWC/MSP/2007/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2007/L. 1, which is attached to this report as Annex I. The States Parties noted that this annex was not agreed upon and consequently has no formal status.*

28. States Parties are encouraged to inform the Seventh Review Conference of, *inter alia*, any actions, measures or other steps that they may have taken on the basis of the discussions at the 2007 Meeting of Experts and the outcome of the 2007 Meeting of States Parties, in order to facilitate the Seventh Review Conference's consideration of the work and outcome of these meetings and its decision on any further action, in accordance with the decision of the Sixth Review Conference (BWC/CONF.VI/6, Part III, paragraph 7 (e)).

A further draft of the substantive paragraphs was issued on the final morning, Friday 14 December 2007, which was contained various changes from the first draft. The changes are indicated in the version provided below:

18. Having considered ways and means to enhance national implementation of the Convention and recognising the need to take into account their respective national circumstances and legal and constitutional processes ~~and to promote the development of biological science and technology for peaceful purposes~~, the States Parties agreed on the fundamental importance of **effective national measures in implementing** ~~of translating~~ the obligations of the Convention ~~into effective national measures~~. The States Parties further agreed on the need to **nationally** manage, coordinate, enforce and regularly review the operation of these measures to ensure their effectiveness. **It was recognised that full implementation of all the provisions of the Convention should facilitate economic and technological development and international cooperation in the field of peaceful biological activities.**

19. The States Parties recognised the value of ensuring that ~~such~~ **national implementation** measures:

- (a) criminalize, and specify penalties for, activity that breaches of any of the prohibitions of the Convention, and are sufficient for prosecuting unauthorised activities;
- (b) prohibit assisting, encouraging or inducing others to breach any of the prohibitions of the Convention;
- (c) are not limited to enacting relevant laws, but also strengthen **their** national capacities, including the development of necessary human and technological resources;
- (d) avoid hampering the economic and technological development of States Parties, or international cooperation in the field of peaceful uses of biological science and technology.

20. Recognising that an effective system of export/import controls, adapted to national circumstances and regulatory systems, is an integral part of effective national implementation, States Parties agreed on the value of establishing and maintaining appropriate licensing procedures for transfers, including flexible and regularly updated lists of relevant agents and toxins, and related items as appropriate, to be subject to licensing, as well as procedures for the safety and security of transport of transferred material **to its** ;

~~and to ensure transferred material arrives only at the intended destination.~~

21. Recognising the importance of developing a coordinated and harmonised domestic mechanism to implement the obligations of the Convention, the States Parties agreed on the value of moving from **adjacency** to **synergy** by promoting cooperation and coordination among domestic agencies, of clearly defining the roles and responsibilities of each, and of raising awareness of the Convention among all relevant stakeholders, including policy makers, government, science, industry, and the public in general, and improving dialogue and communication among them. The States Parties noted that the establishment of a central authority or lead organisation and the creation, **as appropriate**, of a national implementation plan may be useful in this regard.

22. The States Parties agreed on the value of ensuring effective enforcement of their legislative and regulatory measures, including through building capacity to collect evidence, **to** develop early-warning systems, **to** coordinate between relevant agencies, **to** train law-enforcement personnel, and **to** provide enforcement agencies with the necessary scientific and technological support.

23. Recognising that implementing the Convention is a continuing process, the States Parties agreed on the importance of regularly **national** ~~reviewings of the adopted measures~~ ~~the efficiency and effectiveness of their national measures~~, including by ensuring the continued relevance of their national measures in light of scientific and technological developments; by updating lists of agents and equipment relevant to safety, security and transfer regimes; and by implementing additional measures as required.

24. Having considered regional and sub-regional cooperation on implementation of the Convention, the States Parties agreed that such cooperation can complement and reinforce national measures, which remain the obligation of States Parties. In this context, the States Parties agreed on the value of regional and sub-regional efforts to:

- (a) develop common approaches to implementing the Convention and provide relevant assistance and support, building upon shared languages and legal traditions where appropriate;
- (b) engage regional resources (such as those concerned with **security police, customs, public health or agriculture**) which may have relevant expertise or technical knowledge;
- (c) include implementation of the Convention on the agendas of regional meetings and activities, including, **as appropriate**, ministerial and high-level regional consultations.

25. The States Parties recognised that adequate resources are necessary for pursuing both effective national implementation measures and regional and sub-

regional cooperation, and in this context called on States Parties in a position to do so to provide technical assistance and support to States Parties requesting it. **In this context, the States Parties agreed on the value of the Implementation Support Unit, and of making full use of resources and expertise available from other States Parties, the Implementation Support Unit, and international and regional organizations.**

26. The States Parties agreed on the value of promoting international cooperation at all levels, in order to exchange experiences and best practices on the implementation of the Convention. To facilitate the sharing of information on national implementation and regional cooperation, States Parties are urged to nominate a national point of contact in accordance with the decision of the Sixth Review Conference, and to inform the Implementation Support Unit of their national measures; **and any updates or changes to them (for example, through the submission of confidence-building measures), and of any relevant regional or sub-regional activities.**

27. The States Parties further considered that in pursuing the above understandings and actions, States Parties could, according to their respective circumstances, take into account the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topic under discussion at the Meeting of Experts, as contained in Annex I of the Report of the Meeting of Experts (BWC/MSP/2007/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2007/L. 1, which is attached to this report as Annex I. The States Parties noted that this annex was not agreed upon and consequently has no formal status.

28. States Parties are encouraged to inform the Seventh Review Conference of, **inter alia**, any actions, measures or other steps that they may have taken on the basis of the discussions at the 2007 Meeting of Experts and the outcome of the 2007 Meeting of States Parties, in order to facilitate the Seventh Review Conference's consideration of the work and outcome of these meetings and its decision on any further action, in accordance with the decision of the Sixth Review Conference (BWC/CONF.VI/6, Part III, paragraph 7 (e)).

Another version, the third draft, of the substantive paragraphs was issued at the end of the final morning, Friday 14 December 2007, which was contained some changes from the second draft; in particular, the substance of the previous paragraph 20 was subsumed into a new sub-paragraph to paragraph 19. The changes are indicated in the version provided below:

18. Having considered ways and means to enhance national implementation of the Convention and recognising the need to take into account their

respective national circumstances and legal and constitutional processes, the States Parties agreed on the fundamental importance of effective national measures in implementing the obligations of the Convention. The States Parties further agreed on the need to nationally manage, coordinate, enforce and regularly review the operation of these measures to ensure their effectiveness. It was recognised that full implementation of all the provisions of the Convention should facilitate economic and technological development and international cooperation in the field of peaceful biological activities.

19. The States Parties recognised the value of ensuring that national implementation measures:

- (a) ~~criminalize~~ **penalize and prevent activities**, and specify penalties for, activity that breaches of any of the prohibitions of the Convention, and are sufficient for prosecuting unauthorised activities;
- (b) prohibit assisting, encouraging or inducing others to breach any of the prohibitions of the Convention;
- (c) are not limited to enacting relevant laws, but also strengthen their national capacities, including the development of necessary human and technological resources;
- (d) **include an effective system of export/import controls, adapted to national circumstances and regulatory systems;**
- (e) ~~d~~ avoid hampering the economic and technological development of States Parties, or international cooperation in the field of peaceful uses of biological science and technology.

~~20. Recognising that an effective system of export/import controls, adapted to national circumstances and regulatory systems, is an integral part of effective national implementation, States Parties agreed on the value of establishing and maintaining appropriate licensing procedures for transfers, including flexible and regularly updated lists of relevant agents and toxins, and related items as appropriate, to be subject to licensing, as well as procedures for the safety and security of transport of transferred material to its intended destination.~~

21. Recognising the importance of developing a coordinated and harmonised domestic mechanism to implement the obligations of the Convention, the States Parties agreed on the value of moving from **adjacency to synergy, with their governments taking the lead** by promoting cooperation and coordination among domestic agencies, of clearly defining the roles and responsibilities of each, and of raising awareness of the Convention among all relevant stakeholders, including policy makers, ~~government, science~~ **the scientific community**, industry, **academia, media** and the public in general, and improving dialogue and communication among them. The States Parties noted that, **where appropriate**, the establishment of a central **body authority** or lead organisation and the creation, ~~as appropriate~~, of a national implementation plan may be useful in this regard.

22. *The States Parties agreed on the value of ensuring effective enforcement of their legislative and regulatory measures, including through building capacity to collect evidence, to develop early-warning systems, to coordinate between relevant agencies, to train law-enforcement personnel, and to provide enforcement agencies with the necessary scientific and technological support.*
23. *Recognising that implementing the Convention is a continuing process, the States Parties agreed on the importance of regular national reviews of the adopted measures, including by ensuring the continued relevance of their national measures in light of scientific and technological developments; by updating lists of agents and equipment relevant to safety, security and transfer regimes; and by implementing additional measures as required.*
24. *Having considered regional and sub-regional cooperation on implementation of the Convention, the States Parties agreed that such cooperation can complement and reinforce national measures, which remain the obligation of States Parties. In this context, the States Parties agreed on the value of regional and sub-regional efforts to, **where appropriate**:*
- (a) develop common approaches to implementing the Convention and provide relevant assistance and support, building upon shared languages and legal traditions where appropriate;*
  - (b) engage regional resources (such as those concerned with police, customs, public health or agriculture) which may have relevant expertise or technical knowledge;*
  - (c) include implementation of the Convention on the agendas of regional meetings and activities, including, ~~as appropriate~~, ministerial and high-level regional consultations.*
25. *The States Parties recognised that adequate resources are necessary for pursuing both effective national implementation measures and regional and sub-regional cooperation, and in this context called on States Parties in a position to do so to provide technical assistance and support to States Parties requesting it. In this context, the States Parties agreed on the value of the Implementation Support Unit, and of making full use of resources and expertise available from other States Parties; and **relevant** international and regional organizations.*
26. *The States Parties agreed on the value of promoting international cooperation at all levels, in order to exchange experiences and best practices on the implementation of the Convention. To facilitate the sharing of information on national implementation and regional cooperation, States Parties are urged to nominate a national point of contact in accordance with the decision of the Sixth Review Conference, and to inform the Implementation Support Unit of their national measures and any updates or changes to them (for example, through the submission of confidence-*
- building measures), and of any relevant regional or sub-regional activities.*
27. *The States Parties further considered that in pursuing the above understandings and actions, States Parties could, according to their respective circumstances **and constitutional and legal processes**, take into account the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topic under discussion at the Meeting of Experts, as contained in Annex I of the Report of the Meeting of Experts (BWC/MSP/2007/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2007/L. 1, which is attached to this report as Annex I. ~~The States Parties noted that T~~this annex was not **discussed or** agreed upon and consequently has no **format** status.*
28. *States Parties are encouraged to inform the Seventh Review Conference of, **inter alia**, any actions, measures or other steps that they may have taken on the basis of the discussions at the 2007 Meeting of Experts and the outcome of the 2007 Meeting of States Parties, in order to facilitate the Seventh Review Conference's consideration of the work and outcome of these meetings and its decision on any further action, in accordance with the decision of the Sixth Review Conference (BWC/CONF.VI/6, Part III, paragraph 7 (e)).*

### **Final Report**

The Meeting of States Parties met for the final time on the afternoon on Friday 14 December 2007 and at that session agreed their final report, issued as BWC/MSP/2007/5. The substantive paragraphs were unchanged from those in the third draft issued at the end of the morning of Friday 14 December 2007. In addition, to these substantive paragraphs as indicated above, the final report contained a paragraph on universalisation and another on the Implementation Support Unit:

29. *The Meeting of States Parties reviewed progress towards obtaining universality for the Convention and considered the Report from the Chairman on Universalization Activities (BWC/MSP/2007/4), as well as reports from States Parties on their activities to promote universalization. The States Parties reaffirmed the particular importance of the ratification of the Convention by Signatory States and accession to the Convention without delay by those which have not signed the Convention contributing to the achievement of universal adherence to the Convention. In this context, the Meeting took note of the reports, and called on all States Parties to continue to promote universalization, and to support the universalization activities of the Chairman and the Implementation Support Unit, in accordance with the decision of the Sixth Review Conference.*

30. *The Meeting of States Parties also considered the Report of the Implementation Support Unit (BWC/MSP/2007/3), including the report on participation in the confidence-building measures (CBMs). The Meeting took note of the Report, and welcomed the fact that 61 States Parties had so far submitted a CBM report in 2007, the highest number yet. The Meeting called on States Parties to continue working closely with the Implementation Support Unit in fulfilling its mandate, in accordance with the decision of the Sixth Review Conference.*

### **Final Session**

The final session also saw the nomination by the Eastern Group of Ambassador Georgi Avramchev of the Former Yugoslavian Republic of Macedonia as the Chairman for the Meeting of Experts on 18 to 22 August 2008 and the Meeting of States Parties on 1 to 5 December 2008. The two topics to be considered in 2008 are:

1. *National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.*
2. *Oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim of preventing misuse in the context of advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention.*

Ambassador Avramchev thanked the States Parties for endorsing the proposal of the Eastern Group that he should be Chairman of the meetings in 2008 and said that *in the months to come, in consultations with the Delegations of the States parties, and with the assistance of the Implementation Support Unit, I would prepare a more detailed agenda on the topics of the meetings.*

The Chairman, Ambassador Khan, then closed the Meeting of States Parties by making some concluding remarks. He started by saying *I think we have had a very productive meeting, and have at least made a good start on our goal of moving from adjacency to synergy in our efforts to strengthen the effectiveness of the Convention, in the areas we have been looking at of enhancing national implementation and regional and sub-regional cooperation. We heard the views from the highest levels of the organisations with which we must work ever more closely to achieve our shared objectives: the WHO, FAO, OIE, Interpol and the OPCW. We had innovative interactive discussions with civil society and industry representatives, and the feedback I have had so far indicates that States Parties found this interaction highly relevant and useful. I encourage you to continue to explore ways to integrate the knowledge, perspectives and expertise of these actors into our work next year.* He went on to say that *most importantly, we had very substantive, constructive and highly-focused contributions from the States Parties. The atmosphere of collaboration, creativity, quiet determination, and mutual support and respect was most impressive - and to anyone who witnessed BWC*

*dealings five years ago, utterly extraordinary. And this atmosphere is reflected in the report we have just adopted. It is a substantive outcome. I said at the beginning of our meeting that our yardstick for measuring success should be: "will this report be a useful, practical tool for governments wanting to improve their implementation of the BWC?" I think that it will.* He then added that *the report records in concise and accessible terms the measures and actions which States Parties consider important for effective national implementation and regional cooperation. The annex provides a further resource, listing ideas and options that States Parties might find useful. Importantly, I think our report will a very helpful guide for those States Parties which were unable to participate in our meetings this year, and I encourage delegations to bring this report to the attention of relevant colleagues and officials in those countries. I am also pleased with the results of our universalization efforts, and with the work of the ISU. Both these outcomes of the Review Conference have more than proved their worth, and I strongly encourage States Parties to continue to give every support to universalization activities and the work of the ISU. Next year, we will move on, under the able chairmanship of Ambassador Avramchev, to consider the topics of biosafety and biosecurity, and education and awareness-raising. These are challenging, complex topics, but I am sure that working in the same spirit we have shown this year, we will again have a productive outcome that genuinely improves the implementation of the Convention and reduces the risks of biological weapons being developed, acquired or used.* He then concluded by saying that *all our achievements over the past two years are due to the collective decision of the States Parties that the Biological Weapons Convention was too important to abandon to political paralysis and infighting. You have worked with determination, resourcefulness and flexibility to overcome or work around your differences, and find solid, common ground on which to march forward in unison against the terrible threat posed by biological weapons. This is a highly significant achievement, especially in view of the divisions of the past, and the difficult circumstances surrounding so much of the wider multilateral disarmament agenda.*

The Meeting was then closed.

### **Reflections**

The Meeting of States Parties had an even better participation than the Meeting of Experts with over 510 participants from 95 States Parties, 6 Signatory States and 2 States not Party of which 426 came from States Parties including some 188 participants from capitals. This was about 100 more than at the Meeting of Experts in August 2007 when there were over 410 participants including over 160 from capitals. It was good that the JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand) were able to resume the practice that they had successfully adopted at the Sixth Review Conference of having a group statement.

It is, however, noted that 7 States Parties (Cuba (on behalf of the NAM), Iran, India, Morocco, Russia, Algeria and

Pakistan) out of the 26 who made statements in the General Debate referred to the importance of a legally binding compliance mechanism. Although this topic will not be considered again until the Seventh Review Conference in 2011, it should be recognized that it will then be over 10 years since the negotiations ceased and there will need to be a new look at how to strengthen the effectiveness of the Convention. Bradford Review Conference Paper No. 20 (at <http://www.brad.ac.uk/acad/sbtwc>) of November 2007 indicates what needs to be done to make progress in this area.

A useful innovation was the participation at the highest level of special guests from the WHO, FAO, OIE, Interpol and the OPCW who each spoke about the synergy that existed between their organizations and the States Parties of the BWC. Although the opportunity to ask questions and make observations was only taken up after the WHO and the OPCW presentations, it is probable that if this is repeated at the Meeting of States Parties in 2008, there will be much more debate and value gained from such high level participation.

Another welcome innovation was the round-table discussion with six representatives of civil society on the afternoon of Monday 10 December and with four representatives of industry on the morning of Thursday 13 December. There was useful discussion during both of these round-tables which helped to demonstrate that both civil society and industry are stakeholders who have a common goal with the States Parties – all wish to see the Convention strengthened and there are real benefits in extending participation in the Meetings of the States Parties so that contributions can be made by these stakeholders. There can only be benefits for all concerned by allowing those who have demonstrated a constructive and careful approach to the common goal – of achieving a safer and more secure world with a strengthened Convention – to be present throughout much more of the meeting than is currently the case, as such participation will ensure that civil society and industry are more aware of the realities of multilateral diplomacy and thus enable them to propose more realistic solutions in the future.

The general climate at the Meeting of States Parties was generally very positive and constructive – partially because everyone present knew the ways in which Ambassador Khan as Chairman would seek to find common ground acceptable to all. As should be expected, the outcome as recorded in the substantive paragraphs in the Final Report is much more focused than the outcome of the Meeting of States Parties in 2003. However, in the light of the OPCW experience on national implementation of the CWC, it is regretted that the opportunity was not taken to seek to engender a greater sense

of urgency, and to inspire all States Parties to improve their national implementation and report progress thereon before the Seventh Review Conference. Nevertheless, the States Parties are urged to *inform the Implementation Support Unit of their national measures and any updates or changes to them (for example, through the submission of confidence-building measures), and of any relevant regional or sub-regional activities*, and it can therefore be expected that the ISU will in their subsequent annual reports provide an account of progress under *item III: Implementation of the Convention*, and that they may provide, in a similar way to that in which they have reported on CBMs, a summary appreciation of progress in respect of national implementation.

The [www.unog.ch/bwc](http://www.unog.ch/bwc) website created by the ISU is proving to be a very useful website. They are to be complimented on posting the statements by States Parties in the order in which they are presented to the Meeting of States Parties, thereby providing a much more valuable resource for the future than the alternative of an alphabetical listing which ignores the reality that what is said by a later speaker is frequently influenced by what has been said by an earlier one. It would be helpful if the [unog.ch/bwc](http://www.unog.ch/bwc) website were to adopt this practice of following the actual sequence in which statements are made throughout.

In looking ahead to the Meeting of Experts and the Meeting of States Parties in 2008, the appointment of Ambassador Georgi Avramchev as Chairman is welcomed, although it is regretted that the opportunity was not taken at the Meeting of States Parties in December 2007 to enable the new Chairman to set out his approach to the topics for 2008 so that the States Parties could start their preparation instead of having to wait until they receive a letter sometime in 2008.

Nevertheless, overall the Meeting of States Parties had a successful outcome that continued the momentum created by the successful outcome of the Sixth Review Conference. Useful innovations were made in which special guests at the highest level from the WHO, FAO, OIE, Interpol and the OPCW addressed the Meeting of States Parties and responded to subsequent questions, and two round-table discussions were held with representatives of civil society and of industry. As the Chairman said, a useful step forward from adjacency to synergy was made in these innovations.

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*This review was written by Graham S. Pearson, HSP Advisory Board.*

*What follows is taken from issue 78 of the Harvard Sussex Program CBW Chronicle, which provides a fuller coverage of events during the period under report here, and also identifies the sources of information used for each record. All such sources are held in hard copy in the Sussex Harvard Information Bank, which is open to visitors by prior arrangement. For access to the Chronicle, or to the electronic CBW Events Database compiled from it, please apply to HSP Sussex.*

**2 August** The Chinese military currently has 39,330 personnel trained to deal with chemical weapons and other incidents involving the release of chemicals, according to Xinhua news agency, referring to “official statistics”. Xinhua adds that this number – which amounts to about 1.7 per cent of China’s armed forces – has grown steadily over recent decades despite the overall size of China’s armed forces having fallen to around 2.3 million. Army Colonel Xu Xingtian, who sits on an expert panel for the environmental protection bureau in China’s Shandong province, is quoted by Xinhua as saying: “China, though free of chemical weapons, has a lot of civilian chemical plants and chemical bombs abandoned by foreign countries in wartime [see also 15 Jun]. That’s why in peacetime the anti-chemical soldiers are playing a bigger and bigger role in safety precautions and emergency rescues.”

**3 August** In Indianapolis, a federal court dismisses a request by environmental groups for an order prohibiting the Army from transporting neutralized VX nerve agent waste from the Newport chemdemil facility to an incinerator in Texas by road. District Judge Larry McKinney rejects the claimants’ argument that the Army had not fully considered the risks involved in moving the waste, saying that it had “sought and received scientific advice” about the proper method to detect residual VX and the toxic by-product EA2192, and “made a decision based on scientific principles.” He adds: “This Court cannot and will not substitute its judgment [...] for that of the Government.” The Chemical Weapons Working Group, the Sierra Club and others had claimed that some batches of the waste contained more residual VX and EA2192 than the Army’s claim of 20 parts per billion or less. They had requested that the Army stick to its original plan of disposing of the waste at the Newport facility so as to avoid a threat to public health and the environment in the event that one or more of the tankers transporting the waste had an accident or was targeted by terrorists. In June, by which time 103 tankers had transported waste to the incinerator in Texas, the Army agreed to suspend the shipments until the court ruled on the issue. Chemical Weapons Working Group Director Craig Williams says that if the court does not reconsider its decision, the claimants will “file for a temporary restraining order pending appeal”. He adds: “The bottom line is we’re not going away, we’re not giving up on this... We believe it is improper and illegal to be dumping this stuff on a poor minority community in Texas.”

Less than two weeks later, the shipment of the waste resumes.

**5-9 August** In Torino, Italy, there is the forty-first Congress of the International Union of Pure and Applied Chemistry (IUPAC), which on the second day includes a session on the ‘duality of chemistry for both useful purposes and chemical weapons’. In his keynote speech, OPCW Director-General Rogelio Pfirter calls for a code of conduct that will anchor the ban on chemical weapons in the conscience

of all scientists. Amongst others, presentations are made on the implementation of the CWC by Italy’s national authority and on the role of the CWC in the global chemistry industry. The event also includes a workshop on multiple uses of chemicals and chemical weapons and the need for scientists to raise awareness.

**7 August** In Geneva, at the Palais des Nations, OPCW Director-General Rogelio Pfirter addresses the Conference on Disarmament as a special guest, during a session to commemorate the tenth anniversary of the entry into force of the CWC [see 29 Apr]. He notes that the negotiation and conclusion of the CWC represents one of the Conference’s most outstanding achievements to date. Regarding Russian and US chemdemil, Pfirter says: “[Substantial amounts of] some of the most toxic and dangerous substances ever invented remain in the two countries... Political will appears to be there so I have to believe they are on track. But it will require a major effort on their part, no question about that because the percentages which are still to be destroyed are very, very important.” The session is held concurrently with a seminar and exhibition on the implementation of the Convention by the OPCW, which is opened by Pfirter and United Nations Office in Geneva Director-General Sergei Ordzhonikidze. The seminar, which is also held at the Palais des Nations, is co-hosted by the OPCW, the United Nations Institute for Disarmament Research, and Pugwash International.

**7 August** In the UK House of Commons, the Quadripartite Committee releases *Strategic Export Controls: 2007 Review*, which warns that foreign agents attempting to buy “dual-use” components for WMD from UK companies remain capable of exploiting the UK’s export laws, notwithstanding the introduction of licensing restrictions. The report states that legislation introduced four years previously [see 31 Oct 03] covers the transfer of WMD end-use technology by any means, including “face-to-face communication, personal demonstration or by handing over material recorded on documents or disks”, however, there is no requirement on a potential exporter to “make attempts to check that a proposed recipient of technology did not intend to use information in a WMD programme” and thus to investigate all casual business acquaintances. It adds: “The proliferators are aware [that there is only a limited amount of time that an exporter of dual-use technology can devote to evaluating a potential customer’s intentions of use] and often bury their desired items in a long list of innocuous products... Customs officials can seize goods only where there is evidence that the exporter already has grounds to suspect that the products are for a WMD use; or, having been informed that the items could not be exported without a licence, the exporter attempts to do so.” The report recommends that the regulations be amended to allow items to be seized “where there is good intelligence that they are likely to be used for a WMD end-

use, irrespective of the knowledge and intentions of the exporter". The Committee comprises senior members of the Defence, Foreign Affairs, International Development, and Trade and Industry committees. [See also 20 May 04 and 28 Mar]

**7 August** In the USA, *NewsMax* magazine publishes an interview in which the former Director of Central Intelligence says terrorists could attack the USA within the next several months, possibly with WMD. James Woolsey [see 10 Jan 95 and 5 Sep 01], who headed the CIA from 1993 to 1995, adds that terrorists could find it more difficult to obtain a nuclear weapon than other types of unconventional weapons. Regarding the timing of a potential attack, he says: "I think the threat of a serious attack in the next few months is very real. It's what [Director of National Intelligence] McConnell and [FBI Director] Mueller have said [see 27 Feb (McConnell) and 11 Jan (Mueller)], and what [Homeland Security Secretary] Mike Chertoff said about his gut feeling. A lot of people made fun of that, but I think that was a senior government official trying to communicate something without saying here's my evidence, because if he says that, he might have blown the source or method of intelligence. So I think various things that he and McConnell and Mueller and others have been saying all suggest that there's a real possibility – now I don't know which particular terrorist group – of something happening and possibly something very bad, late this summer or this fall."

**9 August** Russian Head of the Federal Directorate for Safe Storage and Destruction of Chemical Weapons Valery Kapashin says that Russia will destroy 45 per cent of all its stocks of chemical weapons by the end of December 2009. Speaking to journalists, Kapashin says that by April 2007 "over 8,000 tonnes of toxic substances, which comprised over 20 per cent of all our stocks of chemical weapons, had been destroyed", and that by 10 September this figure will increase to 9,000 tonnes. Regarding financial assistance received under the G8 Global Partnership [see 26-27 Jun 02], he says: "Of the promised foreign financial aid of 42 billion roubles [\$1.5 billion] for the destruction of chemical weapons in Russia, by today we have received slightly over 25 per cent, which is essentially 11 billion roubles [\$410 million] [see also 14 Jun]." Meanwhile, First Deputy Defence Minister Aleksandr Belousov says that Russia will comply fully with its chemdemil deadline. "This is a serious issue and there is a similarly serious attitude towards it. One has full confidence that by 2012 all the reserves of chemical weapons on the territory of Russia will be destroyed," Belousov tells journalists. He says that funds have been allocated, departments and organizations have been fully staffed and the facilities for the destruction of chemical weapons are also being commissioned on time.

Two weeks later, on the fifteenth anniversary of the creation of the Directorate, State Duma speaker Boris Gryzlov issues a statement saying: "Russia always observes all its international agreements. We respect our partners and do everything we can to raise the general security level in the world... I see chemical disarmament as a key factor and condition of international security and stability." Kapashin, meanwhile, says that Russia will not accept proposals from other countries for them to destroy chemical weapons on its territory. "The Russian Federation will destroy only chemical weapons from the former arsenals of the Russian Army... Every country must destroy its chemical weapons on its own territory." [See also 5-8 Dec 06, 10 Jan and 29 Jun]

**10 August** The Russian government issues a statement accusing Georgia of threatening the region by dumping the corpses of dead pigs in the Kodori river following

an outbreak of African swine fever that hit Georgia two months ago. A statement issued by the Russian agricultural watchdog Rosselkhoznadzor reads thus: "It is unacceptable to throw corpses of dead animals in the Kodori river... which given its consequences, is equivalent to carrying out biological terrorism." It calls on the World Organisation for Animal Health to take punitive action against Georgia and to "warn the veterinary services of all Black Sea region countries of the dangers of such a practice".

**12 August** In Medawachhiya, Sri Lanka, police discover 3,600 litres of sulphuric acid during a search of a lorry at a police roadblock, so reports the *Asian Tribune*, quoting unidentified "intelligence sources". According to the *Tribune*, those responsible had past records of smuggling explosives to and from areas controlled by the Liberation Tigers of Tamil Eelam (LTTE). One source is quoted as saying that the LTTE has an underground laboratory in the Adampan area, which borders the Kilinochchi region.

Two weeks later, a spokesman for the LTTE dismisses assertions made by Sri Lankan Secretary of Defence Gotabaya Rajapakse that, amongst other things, the LTTE has been preparing to use chemical weapons. Speaking to reporters, R. Llanthirayan says: "This talk of chemical warfare is rubbish. It is not how we operate. It is true we are in a war, but we would not resort to something like that, but we will come up with new strategies to fight the war."

Three weeks later, Prime Minister Ratnasiri Wickramanayaka says: "We have evidence that the LTTE has plans to use chemical weapons against the Sri Lankan security forces... During the past several weeks the security forces have detected them (LTTE) transporting large quantities of acid." He says that only a quick reaction by the defence authorities in detecting the rebels transporting acid in large quantities had thwarted LTTE plans to use chemical weapons. [See also 12 Jul 06]

**13 August** Israeli Army radio, reports Agence France-Presse, has said that Syria has acquired chemical warheads for its surface-to-surface missiles in preparation for a possible military conflict with Israel; however Defence Minister Edud Barak has refused to order the distribution of gas masks on the grounds that it could increase tensions between the countries. Meanwhile, *The Jerusalem Post* reports unidentified "defence officials" as having recently said that if war with Syria were to break out in the coming months, the Home Front Command would only have enough gas masks for 1.5 million adults and 500,000 children. The Defence Ministry is therefore now considering proposals to make emergency purchases of gas masks from Israeli and American companies, if necessary. [See also 26 Jul]

**13 August** In Brussels, the European Commission announces that it has developed a system to provide health authorities with up-to-date information on possible disease outbreaks, industrial accidents or major incidents such as an act of bioterrorism. The MediSys system – which collects information from more than a thousand news, and over a hundred public health, websites in thirty-two languages – will be used to complement traditional surveillance systems that monitor e.g., death rates; the utilization of health services; changes in the characteristics of laboratories; and exposure to risks related to the environment, food or animals.

**13 August** In Washington, D.C., a federal court rules that five reporters must reveal the names of the sources whom they relied on when writing their stories linking Steven Hatfill to the anthrax letters [see 15 Oct 01]. District Judge Reggie

B. Walton rules that the names of the sources are “central” to Hatfill, who is bringing a case against the authorities for waging a “coordinated smear campaign” against him [see 26 Aug 03] and is seeking the identities of FBI and Justice Department officials [see 17 Dec 04 and 16 Sep 05] who disclosed disparaging information about him to the media [see 12 Dec 02]. According to the *Washington Post*, the reporters – Allan Lengel, *Washington Post*; Michael Isikoff and Daniel Klaidman, *Newsweek*; Toni Locy, formerly *USA Today*; and James Stewart, CBS News – submitted depositions identifying a hundred occasions when sources from the FBI or Justice Department provided them with information about the investigation of Hatfill and the techniques used to uncover his possible role in anthrax mailings. Walton says that if the reporters continue to refuse to reveal their sources, he would consider issuing subpoenas for corporate representatives to provide testimony and for records from ABC, the *Washington Post*, *Newsweek*, CBS, the Associated Press, the *Baltimore Sun* and *The New York Times*. Speaking to the *Washington Post*, Lucy Dalglish of the Reporters Committee for Freedom of the Press says that the ruling will probably have “horrorific” repercussions on the ability to report on the government’s handling of public health crises. [See also 11 Jan]

**15-17 August** In Koror, Palau, there is a legal workshop for national authorities of CWC parties from the Pacific Islands. The event offers OPCW legal experts the opportunity to meet with the drafters of national legislation and to discuss the progress of the parties’ progress in fulfilling their national implementation obligations. In addition to sharing their experiences on national implementation, the representatives of the participating parties discuss the possibilities of creating a sub-regional network for implementation purposes. Representatives of the following eight, of the fourteen, Pacific Island parties to the CWC participate in the workshop: Cook Islands, Federated States of Micronesia, Samoa, Vanuatu, Marshall Islands, Nauru, Solomon Islands and Palau.

**16 August** In Canberra, International Crisis Group President Gareth Evans gives the John Gee [see 29 Jan 07] Memorial Lecture at the Australian National University on the subject of *Weapons of Mass Destruction: Maintaining the Rage*. The International Crisis Group describes itself as “an independent, non-profit, non-governmental organisation, with some 145 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict”.

**16 August** The Oregon Department of Environmental Quality affirms the decision of a court ruling, which dismissed a request by a group of local activists and environmental groups for an injunction to stop the Umatilla chemdemil facility from incinerating the waste created from the destruction its stockpile of mustard gas [see 17 Apr]. The court ordered the Department [see also 17 Jul 02] to determine whether it was safe to incinerate the waste. The *Tri-City Herald* reports that the Department’s ruling was reached after it was concluded that incinerating the waste poses no threat to humans and/or the environment.

**17 August** Gabon deposits its instrument of accession to the BWC, thereby making it the 159<sup>th</sup> [see 19 Jul] state party to the Convention.

**17 August** In Tshwane, former South African Law and Order Minister Adriaan Vlok receives a ten-year suspended prison sentence under a plea bargain after admitting he ordered the security forces to kill Frank Chikane, an anti-apartheid

activist, in 1989 by contaminating his underwear with nerve agent [see also 12 Nov 04]. The decision was taken to prosecute Vlok, who is the only former cabinet minister to admit to apartheid-era crimes, after last year publicly pleading for Chikane’s forgiveness while washing the latter’s feet. Speaking to reporters outside the court Chikane – who is now adviser to President Thabo Mbeki and who has said he forgives Vlok and four others for trying to murder him – says: “I’m pleased this thing is over and we can move forward and whatever happened today will be used to resolve all the outstanding issues.” According to SAPA news agency, Chikane refuses to be drawn on the possible future prosecution of Wouter Basson [see 17 Mar], who was incriminated in the court proceedings, saying only that he would like to hear from Basson that he was sorry. “I would be pleased if he would come to me and say we are very sorry we produced this stuff [the poison].” For their roles in the attempted murder of Chikane, former Police Commissioner Johan van der Merwe receives a ten-year suspended prison sentence, while Major-General Christoffel Smith, Colonel Gert Otto and Colonel Johannes Van Staden are given five-year suspended prison sentences.

**17 August** The US Government Accountability Office transmits to Congress *Chemical Regulation: Comparison of US and Recently Enacted European Union Approaches to Protect against the Risks of Toxic Chemicals*. The report reviews the approaches used under the Toxic Substances Control Act [see 10 May 96] and the Registration, Evaluation and Authorization of Chemicals [REACH] [see 10 Oct 06] for requiring the chemical industry to provide information on the effects of chemicals; controlling risks from chemicals; and making information on chemicals available to the public.

**20 August** The Dutch Interior Ministry publishes a report on national security which states that the Netherlands is not doing enough to prevent the proliferation of WMD, including preventing the leaking of essential information and knowledge. According to Radio Netherlands, the report – which has been compiled by officials since May 2002 – states that the ministries concerned are not co-ordinating their efforts and that the General Intelligence and Security Service (AIVD) should in future screen employees of laboratories and universities who could contribute to the proliferation of WMD.

**20 August** In Geneva, coinciding with the first day of the first of four BWC meeting of experts, the United Nations Office for Disarmament Affairs (DDA) officially launches the Implementation Support Unit (ISU). Two months previously, the DDA informed the permanent representatives of BWC parties that the ISU had – in accordance with the decision taken during the Sixth BWC Review Conference [see 8 Dec 06] – been established [see 26 Jun]. Its purpose is to assist BWC parties in their efforts to improve their implementation of the Convention and generally to further support for the Convention, including persuade non-parties to sign up. It will also provide administrative support, to include acting as a focal point by disseminating information that parties submit to it, as well as promoting confidence-building measures. In his speech at the ceremony launching the ISU, Ambassador Masood Khan of Pakistan, who is chairing this year’s meeting of experts, says: “The Unit will harness resources, force connections, develop networks and identify opportunities... It will make an important and innovative contribution to our collective effort to reduce the terrible threat posed by biological weapons.” Meanwhile, DDA High Representative Sergio Duarte says: “I am pleased that the States Parties have pragmatically decided that their [ISU] should be established within [DDA].”

This is a natural partnership – after all, the first resolution adopted by the General Assembly in 1946 called for the elimination of all weapons adaptable to mass destruction, so it is surely fitting that the States Parties to the BWC would work with the United Nations in achieving their common aims.”

**20 August** The US Army Training and Doctrine Command releases *Terrorism and WMD Terrorism and WMD in the Contemporary Operational Environment*, which updates the version released two years previously. The handbook, which is compiled from open source materials, is designed as a source of information to support operational missions, institutional training, and professional military education for US military forces. Its purpose is “to promote”, using a ‘threats’ perspective and enemy situational awareness of US actions, “an improved understanding of terrorist objectives and motivation, and terrorist intention to use WMD”. In this regard, it is intended that the handbook should help readers to: “Understand terrorist goals and objectives, as well as patterns, trends, and emerging techniques of terrorist operations and use of weapons of mass destruction; appreciate the terrorism threat to US military forces, equipment, and infrastructure for operational and institutional locations and missions [...]; relate appropriate levels of protection of the force, operational security, and terrorism prevention and countermeasures to installations and units; and use terrorism awareness as integral to vulnerability analysis for Active Component forces, Army Reserve forces, and State National Guard forces [...]”

**20-24 August** In Geneva, there is a meeting of experts, which takes place in accordance with the decision taken at the sixth BWC Review Conference [see 8 Dec 06] in preparation for the 2011 Review Conference. The meeting, which is made up of three open sessions, addresses the following topics:

1. “Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions.
2. “Regional and sub-regional cooperation on implementation of the Convention.
3. “National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.
4. “Oversight, education, awareness raising and adoption and/or development of codes of conduct with the aim of preventing misuse in the context of advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention.
5. “With a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: for States Parties in need of assistance, identifying requirements and requests for capacity enhancement; and from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields.
6. “Provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems.”

In total, ninety-three parties to the Convention participate in the meeting. Five states – Egypt, Haiti, Nepal, Syria and the United Arab Emirates – that have signed but not yet ratified the Convention also participate, but are not involved in the decision-making process. Israel, which has neither signed nor

ratified the Convention, participates as an observer. Also attending as observers are the United Nations Office for Disarmament Affairs, the United Nations Institute for Disarmament Research, the African Union Commission, the International Committee of the Red Cross, the League of Arab States, INTERPOL and the OPCW. In addition, ten non-governmental organizations and research institutes attended as observers. On the last day of the meeting, in accordance with the decision of the Sixth Review Conference, the chairman presents an interim report on activities to secure universal adherence to the BWC. The meeting notes that the chairman will prepare the provisional agenda and programme of work for approval and adoption at the meeting of States Parties in December. The meeting also adopts a draft report by consensus, which is later adopted as the final report. [See also 20 Aug]

**23 August** In Geneva, the World Health Organisation releases its annual health report – this year entitled *A Safer Future: Global Public Health Security in the 21<sup>st</sup> Century* – which includes an analysis of the history of efforts to contain infectious diseases such as plague, cholera and smallpox. The report outlines some of the human factors behind public health insecurity. Regarding chemical and biological weapons in particular, the report states: “The possibility of [the deliberate release of chemical or biological agents] invokes the notion of surprise attack or accidents, innocent victims and malicious or negligent perpetrators, and causes fears that may be disproportionate to the real risk... Wide-scale attacks using chemical weapons or major industrial accidents are not the full picture when it comes to the disease burden from chemical incidents. The majority of such deaths and illness is attributable to the many medium-sized and small-scale chemical incidents that take place every year around the world. Nevertheless, it is from some of the larger scale incidents [e.g., Bhopal in 1984 {see 19 Jul 04}] that the world has learned better how to prevent and respond to chemical and radioactive threats through industrial advances and diplomatic relations.”

**24 August** In Tokyo, the Supreme Court confirms its decision last month to uphold the death sentence of Masato Yokoyama [see 20 Jul], a former member of the Aum Shinrikyo cult, for his role in the sarin attack on the Tokyo underground railway network [see 20 Mar 95]. According to Kyodo news agency, quoting “judicial sources”, Yokoyama had appealed for leniency on the grounds that the gas he released did not kill anyone. He is the first of five former members of the cult who have been sentenced to death for their ‘direct’ role in the attack to have his sentence upheld by the Supreme Court. Last year, the Supreme Court upheld the death sentence of the former leader of the cult, Chizuo Matsumoto, also known as Shoko Asahara, for a number of crimes including masterminding and ordering the sarin attack [see 15 Sep 06]. It also upheld the death sentence on Noboru Nakamura, who was convicted of, *inter alia*, helping with construction of the Aum’s sarin production facility [see 4 Sep 06].

**24 August** Russian President Vladimir Putin approves a revised list of biological materials and technologies that are subject to export controls. According to a statement issued by Putin’s office, the move is intended to help Russia comply with the BWC and with UN Security Council resolution 1540 [see 28 Apr 04 and 27 Apr 06].

**27 August** In Sapporo, Japan, there is the nineteenth United Nations conference on disarmament issues, the subject on this occasion being *New Vision and Required Leadership Towards a World Free from Nuclear Weapons and Other*

*Weapons of Mass Destruction.* The event brings together participants from government, academia and non-governmental organizations to discuss the issues of disarmament and non-proliferation. In his address OPCW Director-General Rogelio Pfrter points out that only thirteen countries have not yet joined the CWC and appeals to them to join the CWC.

**27 August** Namibian President Hifikepunye Pohamba says that during the apartheid-era Wouter Basson [see also 17 Mar], the former head of South Africa's biological weapons programme, was involved in the disappearance of hundreds of former Swapo [South West Africa People's Organization] fighters who were tortured and injected with chemicals, with some of them dumped in the Atlantic Ocean [see 29 May 06]. He also says that Basson conspired with members of the Civil Co-operation Bureau – a secret hit squad run by the South African military – in the run-up to Namibia's elections in 1989 to poison the water supply to a Swapo refugee camp near Windhoek in an attempt to disrupt the country's independence process. Pohamba makes his comments during a ceremony in Eenhana to rebury the remains of hundreds of Swapo combatants discovered in mass graves in the town at the end of 2005. "The discovery of the mass graves at Eenhana [which is close to a former military base for South African forces near to the Angolan border] bears testimony to the brutality of the apartheid South African regime," says Pohamba. Namibia has applied to have Basson extradited from South Africa to face prosecution for his involvement in the murder of Swapo members [see also 16 May 03].

**28 August** The Israel Prisons Service announces that its parole committee has ruled that Nahum Manbar, who was convicted of spying for Iran, will not be eligible for parole. Manbar, who has completed two-thirds of his sentence, was convicted of signing a \$16 million contract with the Iranian government to supply it with know-how and chemicals for its military effort, and to help build factories to produce mustard and nerve gas [see 17 Jun 98 and 15 Jul 98]. His sentence was subsequently upheld by the Supreme Court [see 5 Dec 00]. Last month, both the Israel Security Agency and the Mossad submitted opinions opposing the early release of Manbar [see 5 Jul]."

**30 August** In Turkey, on the occasion of 'Victory Day', the leader of the pro-Kurdish Democratic Society Party (DTP) issues a statement accusing the military of having used chemical weapons a week previously during clashes with rebel fighters belonging to the PKK in south-eastern Anatolia [see also 20 Nov 06]. The *Turkish Daily News* quotes Ahmet Turk as saying: "Recently 11 people were killed in an operation in Uludere district of Sirnak and their bodies were not delivered to their families. This strengthens the claims that chemical weapons were used in that operation... [A]nimals were also found dead in that particular region, proving to be further evidence in support of their argument. There was no immediate reaction from the military... We want to underline once again our belief and determination to solve the Kurdish problem through democratic means and within the unitary structure (of the state)."

Three days later, Gendarmerie General Commander Isik Kosaner and Commander of Land Forces Ilker Basbug strongly reject the allegation made by the DTP. Kosaner says: "Gendarmerie does not deliver the dead bodies of terrorists to their families. Gendarmerie is not entitled to do this... Gendarmerie forces act according to the law in operations against terrorists. According to the law, if there is anyone killed, the public prosecutor is notified of this. The prosecutor

conducts an investigation about the bodies. After that, if the families are detected and the families want to have the bodies, the bodies are submitted to their families. So, the gendarmerie is not entitled to deliver or bury the bodies."

Six days later, the *Turkish Daily News* reports that the Uludere Public Prosecution is to launch an inquiry to try and determine the identities of the victims of the operation and the causes of death.

Two weeks later, the chief prosecutor of Turkey's Appeals Court opens a case against the DTP over the allegation made by Ahmet Turk. According to Anatolian news agency, the possibility now arises that the DTP could suffer the same fate as other pro-Kurdish parties and be shut down.

**30 August** At UN headquarters, a spokesman for the United Nations announces that six days previously two small plastic packages containing metal and glass vials filled with phosgene were discovered in the offices of UNMOVIC during the process of archiving UNSCOM documents prior to closing down operations. Speaking to reporters, UN Deputy Spokeswoman Marie Okabe says that an initial investigation has revealed that the packages were recovered by UNSCOM inspectors in 1996 from Al Muthanna, a former Iraqi chemical weapons facility. The US Federal Bureau of Investigations subsequently removes the vials.

The next day, a spokesperson for UN Secretary-General Ban Ki-moon issues a statement saying that a three-member panel of experts has been established to examine the circumstances under which the substances were brought to UN headquarters from Iraq in 1996, the reasons why the discovery has only now been made, and relevant safety procedures at UN headquarters and in the field. The statement says: "The Secretary-General takes very seriously the late discovery... of potentially hazardous material [at the office of UNMOVIC]... He has given immediate instructions to launch an internal investigation drawing on external expertise in close cooperation with the US and New York City authorities." In response, UNMOVIC spokesman Ewen Buchanan says: "We welcome the inquiry because clearly mistakes were made somewhere along the line and proper procedures were not followed."

A week later, *The New York Times* reports an unidentified "law enforcement official" as saying that the substance in question was a commercial solvent. "We learned later that initial tests indicated it might be some kind of over-the-counter solvent [...] though we don't know what kind."

Four weeks later, UN spokesperson Farhan Haq tells reporters that the US authorities have concluded the analysis of the substance in question and determined that it "did not contain any harmful materials". Haq adds that the United Nations would like "to thank the host country authorities for resolving this issue".

Nine weeks later, Marie Okabe announces that, following tests undertaken by US authorities, the three-member panel of experts have concluded that the substance was "non-hazardous". According to the Associated Press, the tested samples contained no chemical weapons agents or related substances.

**September** The US Army, Marine Corps, Navy and Air Force release *Multi-Service Tactics, Techniques, and Procedures for Treatment of Chemical Agent Casualties and Conventional Military Chemical Injuries*. The field manual is designed for use as a reference for the recognition and treatment of chemical agent casualties and conventional military chemical injuries. It is aimed for "trained members of the Armed Forces Medical Services and other medically qualified personnel". First and foremost, it describes how to

“diagnose and treat conventional military chemical injuries”, i.e. those resulting from riot control agents, smokes, incendiary agents, and toxic industrial chemicals (TICs).

**1 September** In Tirana, Albania, there is a conference, organized by the Albanian Ministry of Defence, to commemorate the completion by Albania of its chemdemil earlier this year [see 11 Jul]. In his address, OPCW Director-General Pfirter commends the Nunn-Lugar programme for its work in significantly reducing the threat from nuclear, chemical and biological weapons. Among those attending are Albanian Defence Minister Fatmir Mediu, US Senator Richard G. Lugar and former US Senator Sam Nunn. Later, Albanian President Bamir Topi meets with Lugar and Nunn and thanks them for their assistance in helping with Albanian chemdemil. “Albania today feels healthier from the elimination of chemical weapons, thanks to the assistance of your programme,” says Topi.

**1 September** *The* (London) *Guardian* reports finding documents in the National Archives showing that in the 1930s their British military exposed more than 500 Indian and British soldiers to mustard gas in experiments to determine how much gas was needed to produce a casualty on the battlefield, and whether the gas inflicted greater damage on the skin of Indian soldiers as compared to their of British counterparts. The documents state that the experiments – which were conducted at a military installation in Rawalpindi, now in Pakistan – were conducted by scientists from the chemical warfare establishment at Porton Down, Wiltshire who had been posted to the sub-continent to develop poison gases to use against the Japanese. The reports record that in some cases soldiers, who were only protected with a respirator, were exposed to mustard gas. On other occasions they were sent into a gas chamber wearing “drill shorts and open-necked, khaki, cotton shirts” to gauge the effect of the gas on their eyes. In 1942, scientists reported that there had been a “large number” of burns from the gas among the test subjects, some of whom required hospital treatment. “Severely burned patients are often very miserable and depressed and in considerable discomfort, which must be experienced to be properly realised,” the scientists wrote. The Ministry of Defence releases the following statement regarding the documents: “The studies undertaken at the Chemical Defence Research Establishment in India included defensive research, weapons research and physiological research. These studies supported those conducted in simulated conditions in the UK in a different environment.” [See also 14 Jul 06]

**1 September** The US Food and Drug Administration (FDA) announces that it has approved a new smallpox vaccine that could be produced quickly in the event of a bioterrorist attack. A statement by Head of the FDA Center for Biologics Evaluation and Research Jesse Goodman says: “The licensure of ACAM2000 [which is derived from the Dryvax vaccine] supplements our current supply of smallpox vaccine, meaning we are more prepared to protect the population should the virus ever be used as a weapon.” The vaccine – which is manufactured by Acambis, UK – would be used to protect those considered to be at high risk. The FDA says that, if necessary, production could be rapidly increased using modern cell culture technology. According to the Associated Press, more than 192 million doses of the vaccine are currently in the US stockpile.

**4 September** The Iraqi Supreme Court upholds the death sentences of Ali Hassan al-Majid (also known as ‘Chemical Ali), former Defence Minister Sultan Hashim al-Tai and former Deputy Armed Forces Operations Chief Hussein Rashid al-

Tikriti. The three were sentenced to death in June by the Iraqi High Tribunal for their role in the 1987-88 Operation Anfal campaign against Iraqi Kurds, which involved the use of chemical weapons [see 10 May and 24 Jun]. Under Iraqi law the sentences must be carried out within thirty days. The Iraqi constitution also requires the approval of the presidential council, which includes the President and the two Vice-Presidents. It also provides for an amnesty against the death sentence except in cases of convictions for international crimes, financial and administrative corruption or terrorism.

Six days later, the Associated Press reports President Jalal Talabani as having expressed reluctance about carrying out the sentences because the three were acting under orders from former leader Saddam Hussein and would likely have been executed themselves had they not obeyed. The third member of the council, Adel Abd al-Mehdi, is believed to favour carrying out the sentence without delay. The news agency also reports Vice-President Tariq al-Hashemi and members of al-Tai’s family and tribe as having said that the executions could ignite a sectarian backlash. Amid a growing legal dispute, Prosecutor Jaafar al-Moussawi says that the State Shura Council – a government advisory committee – has determined that the presidency council must sign off on all executions.

Four weeks later, on the last day of deadline by which the sentences must be carried out, Iraqi Prime Minister Nouri al-Maliki says that the government would delay the executions until after 15 October so they would not take place during the religious festival of Ramadan. “We seek a legal path for postponement because we do not want the execution this time to be carried out during Ramadan,” he says. Meanwhile, in an interview with al-Arabiya television, Talabani says: “[Hashim al-Tai] was a capable and excellent officer who implemented Saddam Hussein’s strict orders. He could not disobey orders.”

Six weeks later, Nouri al-Maliki establishes a committee to investigate the legal situation around the death sentences. *The New York Times* quotes an unidentified “police official” as saying that the three remain at a prison complex in US custody and would be handed over to Iraqi authorities two hours before they are executed at the Kadhimiya prison gallows.

Nine weeks later, spokesperson for the US Embassy in Iraq Mirembé Nantongo says “coalition forces will continue to retain physical custody of the defendants until this issue is resolved”. She adds: “There continue to be differences in viewpoint within the government of Iraq regarding the necessary Iraqi legal and procedural requirements for carrying out death sentences...” Nantongo’s comments come a day after al-Maliki accused the US Embassy of playing an “unfortunate role” in preventing the handover and saying his government was “determined” that the executions be carried out. At a press conference in Baghdad, he said: “We insist that the law be implemented and that these men be handed over in accordance with the law... The parties concerned were asked to hand over the prisoners, but unfortunately the US Embassy also played a role in preventing their delivery, or trying to hand over some while delaying others.” According to *The New York Sun*, there is now widespread speculation in Baghdad that Hashim al-Tai was offered an amnesty by US General David Petraeus – now commander of the coalition forces in Iraq – when he surrendered to coalition forces in Mosul in 2003, and that he had been in secret negotiations with the USA to bring about a coup d’état against Saddam Hussein prior to the US-led invasion of Iraq [see 20 Mar 03]. In a statement issued to Reuters news agency, Steve Boylan, a spokesman for Petraeus, says that coalition forces “are not refusing to relinquish custody” and are waiting for the government of Iraq “to come to a consensus as to what their law requires before preparing a physical transfer”.

Eleven weeks later, the Associated Press quotes two unidentified "government officials" as saying that al-Maliki has issued a formal request to US President George Bush appealing for him to hand the three men over to Iraqi custody immediately.

**4 September** The US Centers for Disease Control and Prevention announces that, following an inspection carried out over five days in July, it has withdrawn permission for Texas A&M University to continue undertaking research using select agents and toxins at its infectious disease research laboratories. Robbin Weyant, the director of the agency's Division of Select Agents and Toxins, says the suspension will remain in effect until at least a dozen problems are addressed. In the 19-page report, the inspectors fault the University for: not conducting annual inspections for each laboratory where the agents were stored or used; not maintaining documentation to show that deficiencies noted in previous inspections had been corrected; undertaking unauthorized research with at least one toxin; some laboratory workers not having appropriate medical qualifications; medical surveillance programmes not being appropriate; and some personnel not wearing the appropriate laboratory clothing. The report states that "administrative controls in place to prevent workers from being exposed to biohazards were not adequate"; that "institutional inventory oversight for select agent materials was inadequate"; and that there was concern about the handling of waste, the overall condition and age of the animal facilities and the "limitations of decreased operational efficiency" in the building inspected. As a result of the inspection, the University's director of biosafety, Brent Mattox, resigns his position, so reports the *Dallas Morning News*. In his letter of resignation he says: "It has reached a point in my career at Texas A&M that I can no longer effectively pursue my duties in the present environment." His resignation follows that of the University's Vice-President, Richard Ewing.

**4-5 September** In Amman, Jordan, there is a workshop on *Implementing United Nations Security Council Resolution 1540*. It is hosted by the government of Jordan, organized by the United Nations Office for Disarmament Affairs and sponsored by the European Union and the governments of Norway and the USA. The workshop aims to promote the improved implementation of UN Security Council resolutions 1540 [see 28 Apr 04] and 1673 [see 27 Apr 06] in the Arab region, with particular focus on import and export controls and assistance. Those addressing the workshop include 1540 Committee Chairman Ambassador Peter Burian of Slovakia. Around sixty representatives from governmental sectors, as well as international, regional and non-governmental organizations participate.

**4-6 September** In Doha, Qatar, the fifth [see 6-8 Sep 05] regional meeting of national authorities of CWC parties in Asia takes place. In total, 65 participants from 26 CWC parties attend the meeting, which is jointly organized by the Qatari government and the OPCW. Its purpose is to provide a forum in which regional parties to the Convention can present their need for assistance and indicate what assistance they could offer to other parties. It also provides an opportunity for participants to discuss issues relating to the identification of activities that must be declared under Article VI, the enhanced quality of the parties' declarations, and the role of customs authorities in carrying out the import and export provisions of the Convention. During the course of the meeting, a number of bilateral meetings also take place between 20 of the 26 participating parties.

**5 September** In the USA, the National Research Council Committee on Protecting Occupants of Department of Defense Buildings from Biological and Chemical Airborne Threats releases *A Framework for Decision Making*. The report assesses work undertaken to date to protect buildings, occupants, and critical operations from airborne biological or chemical agents. In this regard, it explores the general principles that can be derived from existing studies and reviews the cost, benefits, and risks of potential protection schemes. Amongst other things, it concludes that that "the Defense community needs to be cautious about seeking specific technical solutions too quickly without adequately considering simpler and often less expensive operational solutions". Six recommendations are proposed to improve the protection of occupants and maintaining operational missions in buildings that might be at risk. The report was compiled following a request by the Defense Threat Reduction Agency. The Committee was established by the Board on Chemical Sciences and Technology and the Board on Life Sciences, both of which are a part of the Division on Earth and Life of the National Academies.

**5-7 September** In Tuusula, Finland, there is a workshop on the analysis of chemicals related to the CWC, which is intended for laboratories that are currently active, or plan to become active, in the analysis of chemicals related to the Convention, and those that are participating, or intend to participate, in OPCW proficiency testing. Attending the event, which is organized by the Finnish Institute for Verification of the CWC (VERIFIN), are around 80 participants from 35 CWC parties. The keynote speech is provided by OPCW Director-General Rogelio Pfrirer.

**6 September** In Nizhny Novgorod, Russia, the head of the Maradykovo chemdemil facility has said the facility will destroy 5,811 tonnes of chemical weapons by the end of 2009 [see also 10 Jan]. Speaking at a press conference, Konstantin Morozov says: "As of today, 4,000 tonnes of toxic substances have been destroyed at the Maradykovskiy facility. The number of welded blocks of ammunition stands at 19,618. The number of pieces of ammunition at the hydrolysis stage stands at 2192... [Also] there have not been and will not be any violations of the rules of labour protection or technical safety". [See also 9 Aug]

Five weeks later, *Russia Today* reports that the facility has destroyed 21,806 munitions since commencing operations [see 8 Sep 06], with a total of 96 munitions being destroyed daily.

**6 September** US President George Bush ignored a briefing by former Director of Central Intelligence George Tenet on 18 September 2002 in which he was told that Iraqi Foreign Minister Naji Sabri, who was providing the CIA with classified information on Iraq's activities [see 20 Mar 06 and 23 Apr 06], and that the French intelligence services had reported that Iraq did not have a WMD capability, so reports Salon.com, quoting two former unidentified "senior" CIA officers. Tenet, however, did not brief Secretary of State Colin Powell on the matter. Powell subsequently presented the US case for war before the UN Security Council [see 5 Feb 03]. One officer is quoted as saying: "The information detailed that Saddam [Hussein] may have wished to have a program, that his engineers had told him they could build a nuclear weapon within two years if they had fissile material, which they didn't, and that they had no chemical or biological weapons." Salon.com quotes the other officer as saying: "Tenet told me

he briefed the president personally... [Bush called the information] the same old thing... Bush didn't give a fuck about the intelligence. He had his mind made up." Both sources say that some intelligence officers working on the matter "validated" Sabri's assertions, in part by examining French intercepts of phone calls among top Iraqi officials; however, the Agency's leading investigators on the issue opted to discount any information emanating from the French. [See also 6 May]

**6 September** In the US House of Representatives, Homeland Security Secretary Michael Chertoff says that his department is concerned that "someone could lease or occupy a private plane overseas and then use that as a way to smuggle a 'dirty bomb' or weapon of mass destruction into the United States". Testifying before the Homeland Security Committee at a hearing primarily concerned with the possibility of a nuclear device being smuggled into the USA, Chertoff says: "While we've made some very significant steps in securing the homeland in these respects, I have to say there are some gaps that require attention, and we are moving forward with those... We do worry that having locked the front door, so to speak, against dangerous containers someone could simply put a dangerous cargo in a private ocean going vessel and take it into a US port." [See also 7 Aug]

**10 September** At UN headquarters, the World Federation of UN Associations releases *2007 State of the Future*, which, amongst other things, warns that easier access to nuclear materials and chemical and biological information could allow individuals to misuse WMD. On the subject of chemical and biological weapons, the report states: "Future desktop molecular and pharmaceutical manufacturing and organized crime's access to nuclear materials give single individuals the ability to make and use weapons of mass destruction – from biological weapons to [dirty] bombs." It states that only around 10 per cent of the approximately 220 million sea containers, that are used to transport 90 per cent of traded goods per annum, are inspected. This, the report says, potentially gives terrorists and organized crime an easy means to transport WMD-related materials. It notes that in 2006 the International Atomic Energy Agency confirmed 149 cases of illicit radioactive material use. The Federation describes itself as "a global network of hundreds of thousands of people linked together through United Nations Associations in over 100 member states of the UN".

**10 September** The US National Research Council Committee on Prevention of Proliferation of Biological Weapons releases *The Biological Threat Reduction Program of the Department of Defense: From Foreign Assistance to Sustainable Partnerships*. The report, which was requested by the Defense Threat Reduction Agency (DTRA), addresses the decision by the Department of Defense (DoD) to phase out Biological Threat Reduction Program (BTRP) collaborative research projects in Russia. The report recommends as follows:  
"The US government should provide strong and sustained support for BTRP and related programs;  
"The White House should exert strong leadership to ensure integration of BTRP with related biological threat reduction activities supported by the US government;  
"BTRP should be transformed from a Washington-directed program of assistance to a genuinely collaborative program of partnerships with governments of the states of the former Soviet Union [...] Should BTRP expand into other geographical areas, collaboration rather than assistance should be a guiding principle whenever possible;

"BTRP should give greater emphasis to a comprehensive, multi-faceted approach to international engagement for achieving biosecurity, public health, and agriculture objectives. The approach should include development of countermeasures to bioterrorism, enhanced facility security, collaborative surveillance activities, expanded cooperative research, development of common biosafety procedures, adoption of good laboratory practices and good manufacturing practices, development of human resources, and related activities;

"DoD should work through existing scientific networks and establish new models as appropriate to reinvigorate BTRP in Russia by supporting cost-shared collaborative research projects, scientific conferences, and other scientific activities; and

"To improve program management, DoD/DTRA should ensure availability of adequate internal technical staffing for BTRP and should recognize that while there is a need for commercial integrating contractors for construction projects, assistance in management of research projects and related training programs can be more appropriately provided by US government, academic, or non-profit organizations."

**10-11 September** In Almaty, Kazakhstan, there is a planning meeting for Central Asian countries and the OPCW on the subject of regional emergency-response capacity-building. The meeting, which was financed by the government of Norway through its Central Asian Project, focuses on cooperation in assistance and protection, and explores possible future regional activities in the field [see also 18-20 Sep 06]. In total, twelve representatives from Azerbaijan, Kazakhstan, Kyrgyzstan and Uzbekistan participate in the meeting, while a representative from Russia attends as an observer.

**10-14 September** In Helsinki, Finland, there is the fifth [see 4-8 Sep 06] workshop on the analysis of chemicals related to the CWC (CW-LABEX). The workshop – which is organized by the Finnish Institute for Verification of the Chemical Weapons Convention (VERIFIN) [see also 5 Sep] in cooperation with the OPCW – focuses on analytical strategies, sample preparation, sample analysis, chemical identification, and reporting. In total, ten participants from OPCW parties, the economies of which are developing, attend the workshop.

Two weeks later, there is a laboratory course on analytical skills enhancement (CW-LSE) [see 18-29 Sep 06], which is also organized by VERIFIN and the OPCW. Participants are introduced to sample preparation and to GC and GC-MS theory, as well as GC and GC-MS demonstrations and practical exercises. The course also focuses on quality assurance and instrument maintenance. Four participants from CWC parties, the economies of which are developing, attend the course. [See also 5-7 Sep]

**10-14 September** In Delft, the Dutch government and the OPCW conduct an exercise at a chemical industrial facility, which simulates a challenge inspection conducted under the CWC. Participating in the exercise, which is observed by a number of representatives of CWC parties, are personnel from Dutch Customs, the Dutch CWC national authority, the Dutch permanent representation to the OPCW, and the Dutch Ministry of Defence. In total, 28 international inspectors from the OPCW are deployed for the exercise.

**12 September** The OPCW states, in a press release, that as of 11 September 2007, 174 of the 182 CWC parties had either established, or designated, national authorities.

**12 September** In the US Senate, the Appropriations Subcommittee on Defense approves an amendment to the FY 2008 Defense Appropriations Bill requiring the Department of Defense (DoD) to complete chemdemil operations at the facilities in Pueblo, Colorado and Blue Grass, Kentucky by the end of 2017, as opposed to 2020 at Pueblo and 2023 at Blue Grass. The imposition of the deadline comes a day after the Committee added \$10 million to the \$132 million requested by President Bush in his budget for the facilities' chemdemil operations. In response to the Subcommittee's decision, Senate Minority Leader Mitch McConnell, who sponsored the amendment together with Senator Wayne Allard, says: "Without a firm deadline, DoD will continue to drag its feet... I will continue to take every opportunity to accelerate disposal efforts at the Blue Grass Army Depot, and this includes fighting to ensure my [...] amendment is included in that bill when it returns to the Senate floor for consideration." The amendment is subsequently approved by the Senate, and is later sent to President George Bush after receiving full congressional approval.

The next day, the Subcommittee adds \$62 million to President Bush's request for chemdemil efforts for FY 2008, bringing the total to roughly \$1.5 billion.

**12 September** The US Bureau of Industry and Security publishes a final rule [see also 12 Jun 06] that amends the Export Administration Regulations (EAR) to implement the understandings reached at the most recent plenary meeting of the Australia Group. Amongst other things, the rule – which takes immediate effect – amends the Commerce Control List (CCL) by revising the listing for *Mycoplasma mycoides* to include only the specific subspecies and strains of *Mycoplasma mycoides*, i.e. subspecies *mycoides* SC (small colony) and *Mycoplasma capricolum* subspecies *capripneumoniae* ('strain F38'). It also amends the EAR by revising the CCL entry that controls certain equipment capable of being used in handling biological materials, and to reflect the admission of Croatia to the Australia Group.

**12 September** In Portland, Oregon, a team of researchers from the Oregon Health and Science University have determined that immunity against smallpox is retained and can still be detected decades after vaccination, according to research published in the *Journal of the American Academy of Dermatology*. The team, led by Eric Simpson, evaluated the immune responses of 23 healthy adults after receiving the Dryvax smallpox vaccine. Nine subjects had never been vaccinated and the other 14 subjects were immunized 24 to 50 years ago, but still had a detectable immune response against the virus. This skin response developed sooner and peaked about three days earlier in the subjects who had been previously vaccinated, and their production of immune cells was four times greater. The team believes the findings may help in developing an appropriate smallpox vaccination strategy for large populations.

**16-21 September** In, Zemianske Kostolany, Slovakia, the third [see 26 Nov – 1 Dec 06] course in advanced laboratory training for North African CWC parties takes place at the Nuclear Biological and Chemical Training and Testing Centre. The course – which is jointly organized by the government of Slovakia and the OPCW in accordance with Article X of the CWC – provides training to nineteen participants from Algeria, Morocco, Tunisia and Libya on detection and reconnaissance, personal and equipment decontamination, and on sampling of Schedule 1 chemicals.

**18 September** German Justice Minister Brigitte Zypries proposes legislation to create a new offence of "preparing an act of violence" by acquiring, producing or storing deadly weapons agents – including biological, chemical and radiological weapons – for use in a terrorist attack. The offence would be punishable by up to ten years imprisonment. She also proposes legislation to create a separate offence against downloading or posting online "instructions for an act of violence", which would be punishable by up to three years imprisonment. Zypries says the intention behind the changes is to target "acts of preparation ahead of terrorist acts of violence". The announcement comes two weeks after the arrest of three Islamists who were allegedly plotting to blow up cars in Germany. The Associated Press quotes German police as saying that the three trained in terrorist camps in Pakistan and obtained large quantities of chemicals that could be used to make explosives.

Three days later, DPP news agency quotes unidentified German intelligence officials as warning of the "increasing dangers" of terrorists carrying out radiological "dirty bomb" attacks. It quotes one official as saying: "The latest findings have shown that the Islamists are trying to build such a bomb." Regarding a statement made the previous day by German Interior Minister Wolfgang Schaueble on the increasing threat of a "dirty bomb" attack, an official is quoted as saying: "The minister is correct in his warnings about these bombs... [The danger is becoming] increasingly acute."

**18-19 September** In The Hague, the *OPCW Academic Forum 2007* takes place, the purpose of which is to discuss the accomplishments of the OPCW, its role in non-proliferation efforts and its future technical challenges. The event is organized by the OPCW, and hosted jointly by the OPCW and the Dutch government, in association with the Netherlands Institute for International Relations Clingendael and the Netherlands Organization for Applied Scientific Research (TNO). Attending the Forum are around 200 academic experts, scientists, policy makers, diplomats and students, as well as representatives of the United Nations Office of Disarmament Affairs, the World Health Organisation, Pugwash International, the United Nations Institute for Training and Research, and Clingendael Institute. Discussions focus around the following four themes: chemical weapons destruction, non-proliferation of chemical weapons, the impact of advances in science and technology on the verification of the CWC, and the role of the OPCW in the future. Providing the welcoming speech is OPCW Director-General Rogelio Pfrifter, while the keynote speech is provided by former Executive Chairman of UNSCOM and former High Commissioner on National Minorities for the Organization for Security and Cooperation in Europe Rolf Ekeus. The Forum comprises four workshops that run in parallel, the themes of which are: 'destruction of chemical weapons', convened by Arend Meerburg; 'chemical weapons nonproliferation', convened by Alastair Hay; 'advances in science and technology', convened by Julian Perry Robinson; 'the OPCW in an (almost) CW-free world', convened by Mahdi Balali-Mood.

**18-21 September** In Salvador, Brazil, the second [see 6-7 Jun 06] advanced course for officials involved in the national implementation of the CWC in lusophone states takes place. Participating in the course, which is jointly organized by the national authority of Brazil and the OPCW, are twenty-eight representatives from the following CWC parties: Angola, Brazil, Cape Verde, Mozambique, Portugal, São Tomé and Príncipe, and Timor-Leste. Representatives from Guinea-

Bissau, which has signed but not yet ratified the Convention, also participate. The course includes a trial inspection exercise takes place at Dow Brasil Nordeste Ltda Camaçari plant, Camaçari, Bahia.

**19 September** In the UK, the journal *Vaccine* publishes research which concludes there to be a relationship between members of the UK armed forces who reported side-effects as a result of receiving the anthrax vaccination prior to being deployed to Iraq in 2003 and whether or not their consent to be vaccinated was perceived to be informed. The team of researchers, led by Dominic Murphy of Kings College London, collected data from two samples: 5302 randomly selected UK service personnel; and 607 service personnel involved in a longitudinal study where pre-vaccination health had previously been collected. Both groups were offered the anthrax vaccination before being deployed to Iraq in 2003, and subsequently after concluding their service in Iraq. In total, 72 per cent of the combined sample had received vaccination against anthrax. The researchers found no differences in self-reported health effects between those who did and those who did not receive the vaccination. For those who had been vaccinated, the team found an association between making an uninformed choice and problems relating to their state of health. The team say that the findings may be limited due to influences of recall bias, in which poor health leads to a perception that choices made were uninformed. They hypothesize that those who felt dissatisfied or badly informed with the decision to accept anthrax vaccination are more prone to develop a feeling of ill health. The researchers say that making uninformed choices may have increased anxiety, symptom amplification and sensitivity, which may have caused the increase in reported adverse health. [See also 20 Nov 06]

**19 September** The US Department of State Office of the Historian releases a volume of documents relating to arms control and non-proliferation between 1969 and 1972, which include accounts of the decision made by President Nixon in 1969 to unilaterally end the US biological weapons programme. In a transcript of a tape recording made in the White House on the day the BWC was signed on 10 April 1972, Nixon says to his chief of staff, H.R. Haldeman, that the BWC is a "jackass treaty". He continues: "The purpose of arms control is the means to the end and the control of war [...] not an end in itself... That's the Soviet line." On 11 April 1972 he tells Treasury Secretary John Connally that his call for restraint during the signing ceremony at the State Department was designed as "a little shot across the bow" toward the Soviets. It was "a direct shot at the Russians," he adds.

**19 September** The US Congressional Research Service releases *Syria: US Relations and Bilateral Issues*. On the subject of chemical and biological arms proliferation the report says: "Over the past three decades, Syria has acquired an arsenal of chemical weapons (CW) and surface-to-surface missiles, reportedly has conducted research and development in biological weapons (BW), and may be interested in a nuclear weapons capability. Its weapons of mass destruction programs, however, are hampered by limited resources and reliance on external sources of supply... In the past, there has been little evidence of intent on Syria's part to acquire nuclear weapons; rather, Syria has sought to build up its CW and missile capabilities as a "force equalizer" to counter Israeli nuclear capabilities... Syria, which has not signed the Chemical Weapons Convention, reportedly has a stockpile of the nerve agent sarin and may be working on a more toxic and

persistent nerve agent like VX. Syria is reported to have three production facilities for chemical weapons but remains dependent on external sources for key elements of its CW program including precursor chemicals and key production equipment [see also 30 Apr]. Little information is available on Syrian biological programs; however, the preparers of a 2003 unclassified CIA study on Syrian proliferation estimate that "Syria probably also continued to develop a BW capability..." [See also 13 Aug].

**19 September** In the USA, the James Martin Center for Nonproliferation Studies releases *Beijing on Biohazards: Chinese Experts on Bioweapons Nonproliferation Issues*, a report which comprises a collection of essays from six senior experts from China on topics related to the proliferation of biological weapons. The essays comprising the report are: 'Contemplating the Threat of Biological Weapons Proliferation', by Liu Jianfei, professor and research fellow at the Institute of International Strategic Studies at the Central Party School; 'Laboratory Biosafety of Pathogenic Microorganisms in China', by Li Jinsong, professor at the Institute of Microbiology and Epidemiology of the Academy of Military Medical Sciences; 'Chinese Biosafety Laws and Regulations, Including Matters of Biosecurity and Oversight of Genetic Engineering Activities', by Hu Longfei, director and chief epidemiologist of the Guangdong Health and Quarantine Bureau; 'Efforts to Strengthen Biosafety and Biosecurity in China', by Wang Qian, specialist in arms control and disarmament at the Foreign Ministry; 'Biological Inspections in Iraq: Lessons for BWC Compliance and Verification', by Yang Ruifu, professor at the Institute of Microbiology and Epidemiology of the Academy of Military Medical Sciences; and 'Putting the Nonproliferation of Biological Weapons on the Right Track', by Pan Zhenqiang, deputy chairman of the China Foundation for International Studies. The volume is edited by Amy E. Smithson of the Center for Nonproliferation Studies. Commentary is provided by Julie E. Fischer, the head of the Global Health Security programme at the Henry L. Stimson Center, and by Bates Gill, the Freeman Chair in China Studies at the Center for Strategic and International Studies.

**20-22 September** In Trichy, India, on the sidelines of the annual conference of the Indian Association of Biomedical Scientists, a senior defence scientist tells reporters that India's armed forces have placed orders worth over 20 billion rupees (\$500 million) for specialist equipment to prepare the country against attacks by chemical, biological and nuclear weapons. Chief Controller for Research and Design, Defence Research Development Organization (DRDO) W. Selvamurthy says the equipment includes protective clothing, detection systems, shelters and drugs. "These products are being produced by thirty DRDO and ordnance factories and would be supplied within a period of one year," he says.

**24 September** The US Department of the Air Force issues *Minimum Security Standards for Safeguarding Biological Select Agents and Toxins Operations*, which provides the directive requirements for the Air Force Biological Security Program, as established by the Air Force Policy Directive [see 26 Apr 06]. The Supplement prescribes and explains minimum security standards for safeguarding biological select agents and toxins and provides guidance for implementing and sustaining a Biological Personnel Reliability Program. It also includes explanations on how certifying officials screen, select, and monitor people who work with BSAT and how they direct the removal of all individuals with questionable reliability. As well as implanting the above

directive, the Supplement implements the Department of Defense Instruction on Minimum Security Standards for Safeguarding Biological Select Agents and Toxins [see 18 Apr 06].

**24-28 September** In Bulgaria, Georgia, Romania, and in the Black Sea, a regional WMD crisis-response exercise takes place. Participating in the exercise – which is sponsored by the US Defense Threat Reduction Agency as part of the International Counterproliferation Program of the Department of Defense – are around four hundred WMD experts and officials from Bulgaria, Georgia, Moldova, Romania and the USA. The scenario of the exercise involves the trafficking of WMD across borders by criminal and terrorist networks. It includes a simulated command-post exercise and a co-ordinated field exercise near Bucharest and practising international coordination, investigation and response capabilities with regard to a WMD incident in the Black Sea region. In the latter case, reliance is placed on *inter alia* the Southeast European Cooperative Initiative Regional Center for Combating Transborder Crime, Bucharest. Meanwhile, personnel in Bulgaria and Georgia perform drills to demonstrate their capabilities in responding to a WMD incident. In the case of Bulgaria, more than fifty officials from thirteen domestic agencies participate in the exercise.

**25 September** US federal authorities announce that the Czech Republic has extradited a Lebanese-born Swedish terror suspect to the USA for, amongst other things, allegedly explaining on a website how to produce chemical agents for use in a terrorist attack. *The New York Times* quotes Michael J. Garcia, the US attorney in Manhattan, as saying that training manuals posted on the Web by Oussama Kassir and his associates had titles such as ‘The Mujahedeen Explosives Handbook’ and ‘The Mujahedeen Poisons Handbook’. Agence France-Presse reports that the extradition was only made possible after US authorities had provided the Czech authorities with assurances that they would detain Kassir, who is also accused of attempting to set up a terrorist training-camp in Oregon in 1999, in a civilian jail and not try him before a military court. Previously, Sweden had refused to extradite him while he was resident there. Czech authorities arrested him while he was making a connecting flight to Beirut from Prague.

**25-28 September** At OPCW headquarters, the Executive Council convenes for its fiftieth [see 26-29 Jun] session, which is chaired by Ambassador Romeo A. Arguelles of the Philippines.

The Council, having considered the matter at its last session, notes a national paper by Russia on ‘Information on the Measures Being Undertaken to Complete Conversion of the Former Facility for Production of VX-Type Substance and Filling it into Munitions, Located at OJSC “Khimprom” Novocheboksarsk’. It also notes a national paper by Libya on ‘Information on the Measures Being Undertaken to Complete Conversion of the Former Chemical Weapons Production Facilities Rabta Pharmaceutical Factory 1 and Rabta Pharmaceutical Factory 2, Rabta, the Libyan Arab Jamahiriya’.

The Council, having considered the issue at its last session, notes a Note by OPCW Director-General Rogelio Pflirter on the chemdemil by Albania of its Category 1 chemical weapons stockpiles and another such Note on the completion by Albania of the destruction of its chemical weapons stockpiles [see also 1 Sep]. It also notes the information Albania had provided in this regard.

The Council notes a report by the Director-General on the status of implementation of Article VII of the CWC as at 22

August 2007 and another report on the status of implementation of Article XI.

The Council considers and notes a report on the implementation of the universality action plan from 30 September 2006 to 31 August 2007, in accordance with the decision taken by the Council that the Director-General keep it informed of developments relating thereto [see 21-24 Oct 03].

The Council considers and approves – having previously considered the issue – facility arrangements with the UK regarding on-site inspections at the converted chemical weapons production facilities at Randle Island Landfill Site and at CRP Portreath (formerly Chemical Defence Establishment, Nancekuke), Portreath Redruth; and the former chemical weapons production facility at Valley Site in Rhydymwyn. Further to having considered the matter at its last session, the Council considers and approves a facility agreement with the USA relating to on-site inspections at the Schedule 2 plant site Ciba Specialty Chemicals Corporation in McIntosh, Alabama.

The Council considers and notes the 2006 Verification Implementation Report and notes the comments and views received thereon, having considered it at its last session.

On day two of the session, Chinese Ambassador to the Netherlands Xue Hanqin says: “Despite some progress made [...], not a single abandoned chemical weapon in China has been disposed of [by Japan] to date... We urge the Japanese side to heighten their sense of urgency, speed up their efforts and ensure the safe, complete and timely [chemdemil]. China will, as always, provide full cooperation.” [See also 7 Feb and 15 Jun]

**26 September** The US Department of Health and Human Services (HHS) announces that it has awarded a \$448 million contract for production of 18.75 million doses of the Anthrax Vaccine Adsorbed (AVA) BioThrax to Emergent Biodefense Operations Inc. The vaccine is expected to be produced over a period of three years and incorporated into the Strategic National Stockpile of drugs and medical supplies for civilian use. A statement issued by HHS reads thus: “Today’s acquisition, in addition to the current stockpile of anthrax vaccine, will allow [HHS] to maintain a stockpile of at least 10 million doses of anthrax vaccine through 2011. In addition, [HHS] has two current contracts for the acquisition of anthrax antitoxins, to treat individuals with advanced anthrax disease.” Meanwhile, the Associated Press reports the award of a contract, worth up to \$13.9 million, to Medarex Inc. and PharmAthene Inc. for the ongoing development of Valortim, a drug for the prevention and treatment of anthrax infection, which has so far received a total of more than \$24 million in federal funding.

A week later, HHS grants \$12 million to Elusys Therapeutics Inc. to continue developing a post-exposure drug, and \$9.5 million to Emergent BioSolutions Inc. to develop a similar drug that can in addition be administered intravenously. [See also 4 Jun]

**27 September** At UN headquarters, during the 62<sup>nd</sup> session of the UN General Assembly, a ‘high-level meeting’ takes place to mark the tenth anniversary of entry into force of the CWC [see 29 Apr]. The meeting is organized by the Dutch and Polish governments with assistance from the OPCW and the United Nations Office for Disarmament Affairs. It is jointly chaired by Dutch Foreign Minister Maxime Verhagen and Polish Foreign Minister Anna Fotyga and is attended by more than 40 foreign ministers and more than 120 representatives of UN member states. Statements issued by participants relate to commitment to multilateralism and to the aims and principles of the CWC. UN Secretary-General

Ban Ki-moon also addresses the meeting, as does OPCW Director-General Pfirter. The Secretary-General's High Representative for Disarmament Affairs Sergio Duarte is also present, as are representatives of the European Union, the International Atomic Energy Agency, the Provisional Technical Secretariat of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organisation, and the International Committee of the Red Cross. [See also 7 Aug]

**28 September** In The Hague, the eighth [see 29 Sep 06] OPCW associate programme concludes. The purpose of the ten-week course, which was organized and hosted by the OPCW, was to facilitate the application of the CWC in the chemical industry and to increase the pool of qualified personnel that could be made available to national authorities and the OPCW. It was attended by twenty-two participants from the following OPCW parties: Bangladesh, Belarus, Bosnia and Herzegovina, Brazil, Burkina Faso, Burundi, Cameroon, Côte d'Ivoire, Eritrea, Ethiopia, India, Malawi, Mexico, Nigeria, Philippines, Sri Lanka, Tanzania, Thailand, Uganda, Uruguay, Yemen and Zambia.

**28 September** In Washington, D.C., a conference on the need for science and law enforcement communities to establish standards to prevent bioterrorist attacks by tougher security measures takes place at the Center for Science, Technology and Security Policy. Examples of scenarios discussed include the mailing of anthrax and the release of a virus in a subway system.

**29 September** In the USA, *Counterpunch* reports former UNSCOM Executive Chairman Rolf Ekeus as saying how, in March 1997, the US administration deliberately sabotaged UN weapons inspections in Iraq. Ekeus says he "was getting close to certifying that Iraq was in compliance with Resolution 687" and that "not much is unknown about Iraq's retained proscribed weapons capabilities". This, according to Ekeus, was a problem for the Clinton administration, because if he was permitted to complete his mission, the suspension of sanctions would likely follow, which in turn would expose President Bill Clinton to attack from the US political right. It was for this reason, he says, that Secretary of State Madeleine Albright said, in a speech on 26 March 1997 at Georgetown University: "We do not agree with the nations who argue that if Iraq complies with its obligations concerning weapons of mass destruction, sanctions should be lifted." Ekeus says that he "knew that Saddam would now feel that there was no point in his cooperating with us, and that was the intent of her speech". The following day he received a call from Iraqi Deputy Prime Minister Tariq Aziz who "wanted to know why Iraq should work with [UNSCOM] any more". From then on, says Ekeus, the inspectors found it increasingly difficult to undertake their work as Iraqi officials blocked them at almost every opportunity.

**October** The US Army, Marine Corps, Navy and Air Force release *NLW: Multi-Service Tactics, Techniques, and Procedures for the Tactical Employment of Nonlethal Weapons*. The joint publication provides "a single-source, consolidated reference on the tactical employment of nonlethal weapons (NLW)", and "describes multi-Service tactics, techniques, and procedures (MTTP) for consideration and use during the tactical employment of NLW in support of warfighting personnel conducting training and tactical operations". In this regard, it provides commanders and their staff "unclassified guidance for NLW employment and planning". The document is also intended to aid commanders and other personnel in

"the tactical employment of NLW during exercises and contingencies". Regarding the use of riot-control agents, it states: "Prior to the use of riot control agents (RCAs), commanders are encouraged to become familiar with the [CWC]... In warfare, the use of RCAs is governed by the CWC of 1997 and controlled by EO [Executive Order] 11850 [see also 27 Sep 06]. RCAs are prohibited as methods of warfare. As a general rule, if the targets of the RCA are enemy combatants, then the use of the RCA is likely as a method of warfare and is prohibited. RCAs may, however, be employed as a defensive means in warfare. Examples of defensive means are to control riots, disperse civilians used as shields in an enemy attack, rescue missions, and for police actions in rear areas. The authorization authority for RCAs is held by the President. The President may delegate his authority to authorize RCAs... In operations other than warfare, neither the CWC nor EO 11850 apply. In these operations, CJCSI [Instruction] 3110.07B, *Nuclear, Biological, and Chemical Defense; Riot Control Agents; and Herbicides*, applies. This instruction permits the use of RCAs in peacetime military operations. Examples of these operations are operations where a conflict is ongoing but the US is not a party and peacekeeping operations when the use of force is authorized by the receiving state or the UN Security Council. The approval level for the use of RCAs in peacetime operations is usually lower than the President." [See also Sep]

**1-4 October** In Kampala, Uganda, there is an induction workshop on assistance and protection on CWC related issues, which includes information on emergency response system, individual protection, detection and decontamination and environmental protection issues. The convening of the workshop follows the launch, by the OPCW in Nairobi four months previously, of a project for the benefit of Eritrea, Ethiopia, Kenya, Mauritius, Seychelles, Sudan, Tanzania and Uganda, which aims to help develop response capabilities against scheduled and other toxic chemicals, train first responders and establish a regional network. The project is being financially supported by the government of the Czech Republic. Thirty-nine representatives from the national authorities, ministries of defence and ministries of the interior and relevant emergency response agencies of Ethiopia, Kenya, Seychelles, Sudan, Tanzania and Uganda participate in the workshop.

**2 October** The US Department of Defense is creating over a hundred Consequence Management Response Force (CMRS) units that will be called upon in the event of a terrorist attack in the USA involving WMD, so reports Strategy-Page.com. About 80 per cent of the 15,000 troops making up the units will be reservists, mostly from the National Guard. The units will take about three years to train and organize. It is the second time that the Department has proposed the creation of such units. Following the sarin gas attacks on the Tokyo underground railway network by members of Aum Shinrikyo [see 20 Mar 95], it proposed forming ten Rapid Assessment and Initial Detection (RAID) teams, comprising 22 National Guard and Reserve troops, trained and equipped to deal with CBRN attacks.

**4 October** In the US House of Representatives, the Energy and Commerce Subcommittee on Oversight and Investigations holds a hearing on *Germs, Viruses, and Secrets: The Silent Proliferation of Bio-Laboratories in the United States*. The purpose of the hearing is to examine the status of high-containment BSL-3 and BSL-4 laboratories in the USA. According to Committee Chairman Bart Stupack, it is "the first of what will likely be several hearings this committee intends

to hold to examine the risks associated with the recent proliferation of high-containment biological research laboratories". Testifying before the Committee are: Chief Technologist, Center for Technology and Engineering, Applied Research and Methods, Government Accountability Office Keith Rhodes; Director, Coordinating Office for Terrorism Preparedness and Emergency Response, Centers for Disease Control and Prevention Richard E. Besser; Principal Deputy-Director National Institute of Allergy and Infectious Diseases, National Institutes of Health Hugh Auchincloss; Director of the Sunshine Project Ed Hammond; Director of the Biological and Chemical Weapons Control Program, Center for Arms Control and Non-Proliferation Alan M Pearson; Interim President Texas A&M University Eddie J. Davis; and Senior Associate, Center for Biosecurity, University of Pittsburgh School of Medicine Gigi Kwik Gronvall. Future hearings will include the examination of the proliferation of high-containment laboratories outside the USA, and the Department of Homeland Security's plan to close the Plum Island Animal Disease Center and build a new facility elsewhere, including a new BSL-4 laboratory.

**5 October** US President Bush releases *National Strategy for Homeland Security* – a "guide" to the USA "preventing terrorist attacks" on its territory and "strengthening" national preparedness for both "natural and man-made disasters" – which is designed as a "companion" to the *National Strategy for Combating Terrorism* [see 14 Feb 03]. Regarding the potential for terrorists to use WMD, the document states: "The intent of our principal terrorist enemies to inflict catastrophic damage on the United States, coupled with their demonstrated contempt for human life, has fueled their desire to acquire WMD... By integrating the operational and intelligence efforts of all levels of government, the private sector, and our foreign partners, and enabled by an international framework and domestic institutions supporting its implementation, our strategy involves simultaneous action to: determine terrorists' intentions, capabilities, and plans to develop or acquire WMD; deny terrorists access to the material, expertise, and other enabling capabilities required to develop WMD; deter terrorists from employing WMD; detect and disrupt terrorists' attempted movement of WMD-related materials, weapons, and personnel; prevent and respond to a WMD-related terrorist attack; and define the nature and source of a terrorist-employed WMD device... The development and application of a variety of chemical, biological, radiological, and nuclear counter-measures are helping to prevent WMD terrorism and address the public health consequences that can stem from a range of natural and man-made disasters... We will continue to build upon this foundation of scientific and technological advancement and support funding for research and development to further strengthen the security of the Homeland. We will streamline processes and reduce red tape in order to enhance our partnerships with the country's national research enterprise, including within and among Federal departments and agencies."

**8 October** From Italy, the Food and Agriculture Organization (FAO) issues a statement saying that countries should increase investment in surveillance and control of animal diseases in light of the recent outbreak of the bluetongue virus in the UK. FAO Chief Veterinary Officer Joseph Domenech says: "No country can claim to be a safe haven with respect to animal diseases... Transboundary animal diseases that were originally confined to tropical countries are on the rise around the globe. They do not spare temperate zones including Europe, the United States and Australia... Early detection of viruses together with surveillance and control

measures are needed as effective defense measures." The next day, FAO Animal Health Officer Stephane de la Rocque says: "We never expected that the bluetongue virus could affect European countries at such high latitudes... The virus is already endemic in Corsica and Sardinia but could also persist in northern European countries."

**8 October** In New York, there is a symposium at Columbia University on *Effective Multilateralism as Exemplified by the Organization for the Prohibition of Chemical Weapons* to coincide with the tenth anniversary of entry into force of the CWC [see 29 Apr]. The aim of the symposium, which is organized and hosted by the University's Law School, is provide an opportunity to discuss the achievements of the OPCW as an example of effective multilateralism, and to assess the pre-requisites to strengthening global multilateral non-proliferation regimes. Providing the introductory remarks is US Permanent Representative to the OPCW Eric Javits, while OPCW Director-General Rogelio Pflirter makes the opening statement. Those presenting papers for panel discussions include: Deputy Assistant Secretary for Arms Control Implementation, Bureau for International Security and Nonproliferation, Department of State Donald Mahley; Chairman of the Governing Board of the Stockholm International Peace Research Institute and former Executive Chairman of UNSCOM Rolf Ekeus; and European Union High Representative, and Personal Representative of European Union High Representative Javier Solana for WMD Annalisa Giannella. [See also 27 Sep]

**8 October** In Washington D.C., Senator Richard Lugar gives a talk at the Brookings Institution on US-Russian relations in the context of the Nunn-Lugar Cooperative Threat Reduction Program at the Brookings Institution.

**10 October** North Korea has developed a short-range missile that is capable of carrying a chemical warhead that can reach Kyonggi Province in South Korea, according to a member of South Korean National Assembly Defence Committee. Citing intelligence information from the Joint Chiefs of Staff, Kim Hak-song says the KN-2 missile has a range of 120 kilometres, can carry a payload of 500 kilograms and runs on solid fuel. The Seoul *Chungang Ilbo* reports Kim as saying that, according to the Joint Chiefs of Staff, North Korea undertook a test-launch of the missile in June. [See also 29 Dec 06 and 4 Feb]

**13 October** In Arkansas, the Pine Bluff chemdemil facility commences the destruction of its VX-filled rockets, five months after completing the destruction of its sarin-filled weapons [see 19 May]. In a press release, the Chemical Materials Agency says that the destruction process is expected to last six months, after which time there will be a change-over period before the facility commences the destruction of its stockpile of VX landmines.

**13-15 October** In Japan, a Proliferation Security Initiative maritime interdiction exercise takes place off Izu-Oshima Island and at the ports of Yokosuka and Yokohama. In total, representatives of 41 countries observe the exercise, which is organized and hosted by the government of Japan. During the exercise Australia, France, Japan, New Zealand, the UK and the USA despatch vessels and aircraft, while Singapore contributes personnel. The exercise involves, *inter alia*, vessels conducting a drill in the Sea of Sagami, which involves chasing target boats and then boarding them. [See also 27-29 May]

**16 October** In San José, California, police arrest two teenagers for allegedly throwing “homemade chlorine gas bombs” into a building where a school dance was taking place and, later the same day, among groups at an outdoor birthday party. The latter incident resulted in three girls requiring hospital treatment for “minor chemical burns”, so reports the *San Jose Mercury News*. The boys, who are being held on suspicion of committing assault with a deadly weapon, allegedly filled empty plastic water bottles with a mixture of alcohol and chlorine after having downloaded instructions from the Internet.

Three weeks later, the two plead guilty to three felonies and two misdemeanours, according to the *San Jose Mercury News*. The prosecution agrees to revise a charge of possessing a chemical device and causing an explosion by chemical reaction ‘with the intent to hurt a person or personal property’ to a lesser charge, ‘with the intent to terrify’. The two will be sentenced next month

**16-17 October** In Bishkek, Kyrgyzstan, there is a workshop on *Implementing United Nations Security Resolution 1540* [see 28 Apr 04 and 27 Apr 06] in the *Kyrgyz Republic*. The workshop is organized by the James Martin Center for Nonproliferation Studies (CNS) and the Kyrgyz Ministry of Foreign Affairs, and financed by the Kyrgyz Ministry of Foreign Affairs with support from the Norwegian Ministry of Foreign Affairs and the Carnegie Corporation. The workshop is convened as a result of recommendations adopted by a regional seminar conducted by CNS last year on implementing resolution 1540 in Central Asia and the Caucasus [see 09-10 Oct 06]. Its aim is to increase the awareness of relevant Kyrgyz government agencies and experts on implementing the resolution and issues relating thereto. Attending the workshop are representatives from various Kyrgyz ministries and other governmental bodies as well as experts and officials from the United Nations 1540 Committee, the Organization of Security and Cooperation in Europe, the European Union, Canada, Japan, Romania, Russia, and the USA. [See also 16-18 Oct 06]

**16-19 October** In Oregon, Phoenix and Guam, the fifth [see 22 Jun 06] Top Officials (TOPOFF) exercise takes place, which this year is based on the scenario of a ‘dirty bomb’ attack. In Oregon, a mock radiological weapon explodes on a dummy version of the Steel Bridge set up at the Portland International Raceway. The exercises in Phoenix and Guam are tabletop drills. Participating in the exercises, which are organized by the Department of Homeland Security, are officials from US governmental agencies as well as from Australia, Canada and the UK. In total more than 15,000 participants from all levels of government, international partners and the private sector attend the exercise.

**17 October** In Washington D.C., the J. Craig Venter Institute, the Center for Strategic and International Studies, and the Massachusetts Institute of Technology release *Synthetic Genomics: Options for Governance*. The purpose of the sixty-page report is to set out options that could contribute to minimizing the misuse of synthetic genomics, to fostering laboratory safety, and protecting communities and the environment outside of laboratories. The authors say they “did not attempt to evaluate or assess broader societal issues associated with use of biological weapons in particular or biotechnology in general, for example, [the] deliberate release of engineered microorganisms in the open environment” as “these broader issues have been controversial for decades and are beyond the scope of [the] analysis”. The report identifies three categories for policy intervention and outlines policy options for each. The report, which was funded by a grant of

around \$500,000 from the Alfred P. Sloan Foundation, took nearly two years for a core group of fourteen experts to complete.

**17-18 October** In London, there is a Chatham House conference on *Pandemic Flu: Towards an Effective Global Preparedness Policy*, which is sponsored by the Department of Health, Novartis Vaccines and GlaxoSmithKline. The purpose of the conference, which is attended by 150 participants, is to identify the primary issues relating to global preparedness and possible solutions to support an effective national and international response to major threats from infectious disease such as pandemic influenza. It is divided into the following four sessions: pandemic flu and global response, vaccines and benefit sharing, intellectual property rights and viruses, and sustainable solutions – instruments and options.

**18 October** US President George Bush announces the issuance of a directive that “establishes a *National Strategy for Public Health and Medical Preparedness*, which builds on the principles set forth in *BioDefense for the 21<sup>st</sup> Century* [see 28 Apr 04] and will transform [the] national approach to protecting the health of the American people against all disasters”. In essence, the directive requires governmental agencies to improve their measures against potential health disasters in the USA with particular focus on biosurveillance, countermeasures, mass-casualty care and community resilience. Amongst other things, the directive calls on the Department of Health and Human Services (HHS) to establish a national epidemiologic surveillance system that builds on existing networks and, with the assistance of other agencies, to establish a federal epidemiologic surveillance advisory committee task force within 180 days.

**18 October** The US National Research Council Committee on a New Government-University Partnership for Science and Security releases *Science and Security in a Post 9/11 World: A Report Based on Regional Discussions Between the Science and Security Communities*. The report states that, having held a series of regional meetings on university campuses with a broad range of officials from security and academic research institutions, the Committee identified specific actions that should be taken to foster the open exchange of scientific research. In total, the Committee makes fourteen recommendations, including: ensuring that grants and contracts awarded to universities and research institutions do not restrict the publication of unclassified research; reviewing the number of research projects that are categorized as ‘sensitive but unclassified’; working with the departments of Commerce and State to conduct regular, government-wide reviews of export-control policy; fostering a productive environment for international science and engineering scholars in the USA; and developing policies and procedures for international oversight of biological and life sciences research that could be used for harm. The National Research Council Committee on Science, Technology, and Law established the Committee following a request to do so by the House Committee on Science and Technology, the White House Office of Science and Technology Policy, the National Science Foundation and the National Institutes of Health.

**18-19 October** In Yaounde, Cameroon, the fifth [see 16-17 Oct 06] regional meeting of national authorities of CWC parties in Africa takes place, which is jointly organized by the government of Cameroon and the OPCW. The meeting – at which there are 35 participants from 24 African CWC parties – provides the opportunity for representatives of national

authorities, OPCW staff, and resource persons to identify what further steps, if any, each party needs to take in order to implement its obligations under Article VII of the CWC. In his address, OPCW Director-General Rogelio Pfirter, on the issue of universality, says: “[T]here are only five non-States Parties – Angola, Congo (Brazzaville), Egypt, Guinea-Bissau and Somalia. Contact with the authorities in these States not Party has been established and I am confident that they will join the OPCW family at an early date.”

**19 October** Taiwanese Premier Chang Chun-hsiung says that Taiwan has no plans to “develop, produce, or acquire” chemical, biological or nuclear weapons. The statement is made in answer to a question posed in the legislative Yuan by Su Chi, a member of the legislature, who quotes a ruling Democratic Progressive Party legislator, whom he refuses to name, as having told two other legislators from the same party that President Chen Shui-bian has recently ordered the Ministry of Defence Chung-shan Institute of Science and Technology to develop nuclear weapons and nuclear warheads.

**19 October** UK Business, Enterprise and Regulatory Reform Minister Malcolm Wicks announces the appointment to the National Authority Advisory Committee of Harvard Sussex Program Research Fellow Caitriona McLeish, and former OPCW Director of Verification Ron Manley, whilst Ken Patterson is re-appointed. Manley and McLeish will replace outgoing members of the Committee Ian Kenyon and Colin Kinnear. The Committee advises the government on the implementation of the CWC and the Chemical Weapons Act 1996.

**19 October** At UN headquarters, the First Committee of the General Assembly on Disarmament and International Security holds a debate on ‘other weapons of mass destruction’, which includes an assessment of the status of the CWC. Opening the debate, OPCW Director-General Rogelio Pfirter says that CWC parties face an “enormous challenge” to meet the 2012 chemdemil deadline. He points out that it had taken ten years to destroy thirty per cent of existing stockpiles, leaving more than seventy per cent yet to be destroyed in the space of only five years. Meanwhile, chemical and biological weapons consultant, formerly from the Office of the Director-General at the OPCW, Ralf Trapp says that by shifting chemical production to Africa, Asia, Eastern Europe and Latin America, chemical industries were working with nations where there are few industrial regulations in place. Also making statements on the subject of the CWC are: UN High Representative for Disarmament Affairs Sergio Duarte; Director of the Verification Division, OPCW, Horst Reeps; Personal Representative on Non-Proliferation of WMD of the High Representative for Common Foreign and Security Policy, Council of the European Union, Annalisa Giannella; Legal Adviser, OPCW, Santiago Oñate Laborde; Minister Counsellor, General Division of United Nations and Multilateral Affairs, Ministry of Foreign Affairs of Peru, Liliam Ballon. In addition, statements are made to the Committee by delegates from Portugal Switzerland and the USA.

**19 October** In Arlington, Virginia, there is a conference on *Transparency in Current and Emerging Approaches to Biosecurity*. The event is jointly organized by the Center for Arms Control and Non-Proliferation, and the Scientists Working Group on Biological and Chemical Weapons; and sponsored by both the Carnegie Corporation of New York and the Ploughshares Foundation. The aim of the conference is to provide a platform for a range of stakeholders and international experts to discuss criteria and mechanisms to maximize the

transparency of biodefence and other dual-use activities pertaining to the life sciences.

**22-23 October** In Tehran, a seminar on *The Consequences of Chemical Weapons Attacks against Iran* takes place to coincide with the tenth anniversary of entry into force of the CWC [see 29 Apr] and the twentieth anniversary of the chemical attack on Sardasht. The seminar, which is organized by the Iranian CWC national authority and the Society for Chemical Weapons Victims Support, brings together experts from Austria, Bangladesh, Belgium, Germany, India, Iran, Netherlands, Russia, the UK and the USA. The participants present papers highlighting the consequences of the use of chemical weapons and investigating whence the chemicals that were supplied to Iraq during the 1980s originated. Themes discussed include: medical aspects of exposure to chemical weapons; legal and political dimensions of chemical weapons; psycho-social aspects of chemical-weapon attacks; impact of chemical weapons on the environment; military aspects of chemical weapons and preparedness against them; and implementation of the CWC. Mehr news agency quotes Iranian Foreign Minister Manuchehr as saying, in his opening speech, that Israel “has stockpiled an enormous amount of weapons of mass destruction, including chemical, nuclear, and biological weapons” and that “since it is not a signatory to the Chemical Weapons Convention or the nuclear Non-Proliferation Treaty, it is regarded as a major threat to regional and international peace and security” [see also 22 Sep 03]. Later, on the sidelines of the seminar, Manuchehr calls on the International Court of Justice (ICJ) to bring to justice those who supplied chemical weapons to Iraq during the Iran-Iraq war [see also 12 May]. He says: “A Dutch company has been legally followed up and found guilty with regards to the issue [see 2 Apr]... Tehran requests the ICJ to take legal action against 400 companies which were involved in supplying Saddam’s regime with chemical weapons in the 1980s... Legal action against companies supplying Saddam with chemical weapons will prevent expansion of such weapons.” Meanwhile, Fars news agency quotes Foundation for the Protection of the Values of the Sacred Defence Head Feysal Bagherzadeh as saying that the USA, together with Israel, is seeking to create a genetic and molecular bank “to manufacture a weapon which could kill specific peoples in a limited geographic area”.

**23 October** In the US Senate, the Homeland Security and Government Affairs Committee holds a hearing on US preparedness for an anthrax attack. Members of the Committee and witnesses address medical countermeasures such as advances in detection, forensic examination, clean-up, and the logistics of vaccine stockpiling. Amongst other things, the Committee considers a report by the Government Accountability Office on *Project Bioshield: Actions Needed to Avoid Repeating Past Problems with Procuring New Anthrax Vaccine and Managing the Stockpile of Licensed Vaccine*. The report assesses factors contributing to the Department of Health and Human Services (HHS) having had to terminate an \$877.5 million contract with VaxGen Inc to develop and produce a new anthrax vaccine (BioThrax) after the company failed to meet a deadline to commence human testing [see 19 Dec 06]. It also reports on issues associated with using the BioThrax in the national stockpile. The report finds that the following “three major factors” contributed to the contract with VaxGen having to be terminated:

1. “[The Office of the Assistant Secretary for Preparedness and Response (ASPR)] awarded the first BioShield [see 21 Jul 04] procurement contract to VaxGen when its product was at a very early stage of development and many critical manufacturing issues (such as stability and scale-up

production) had not been addressed.

2. "VaxGen took unrealistic risks in accepting the contract terms. According to VaxGen officials, they understood that their chances of success were limited. Nonetheless, they accepted the contract terms in spite of (i) the aggressive delivery time line, (ii) their lack of in-house technical expertise in stability and vaccine formulation [...], (iii) their limited options for securing additional funding should the need arise...

3. Important [Food and Drug Administration (FDA)] requirements regarding the type of data and testing required for the [...] vaccine to be eligible for use in an emergency were not known [...] at the outset of the procurement contract... In addition, ASPR's anticipated use of the [...] vaccine was not articulated to all parties clearly enough and evolved over time. Finally, according to VaxGen, the purchase of BioThrax for the stockpile as a stopgap measure raised the requirement for using the VaxGen [...] vaccine. All of these factors created confusion over the acceptance criteria for VaxGen's product and significantly diminished VaxGen's ability to meet contract time lines.

The report concludes thus: "With the termination of the contract, the government does not have a new, improved anthrax vaccine for the public, and the rest of the biotech industry is now questioning whether the government can clearly define its requirements for future procurement contracts. Since HHS components have not completed a formal lessons-learned exercise [...] these components may repeat the same mistakes in the future in the absence of a corrective plan... Given that the amount of money appropriated to procure medical countermeasures for the stockpile is limited, it is imperative that ASPR develop effective strategies to minimize waste... Because DOD [Department of Defense] requires a large amount of the BioThrax vaccine on an annual basis, it could use a significant portion of BioThrax in the stockpile before it expires."

The following recommendations are set out in the report: "To avoid repeating the mistakes that led to the failure of the [...] procurement effort, we recommend that the Secretary of HHS direct ASPR, NIAID [National Institute of Allergy and Infectious Diseases], FDA, and CDC [Centers for Disease Control and Prevention] to ensure that the concept of use and all critical requirements are clearly articulated at the outset for any future medical countermeasure procurement. To ensure public confidence and comply with FDA's current rules, we recommend that the Secretary of HHS direct ASPR to destroy the expired BioThrax vaccine in the stockpile. To minimize waste of the BioThrax vaccine in the stockpile, we recommend that the Secretaries of HHS and DOD develop a single integrated inventory system for the licensed anthrax vaccine, with rotation based on a first-in, first-out principle."

The same day, Keith Rhodes, GAO Chief Technologist, Center for Technology and Engineering, Applied Research and Methods presents the report by way of testimony before the Senate Committee on Homeland Security and Governmental Affairs.

**23-31 October** In Paris, the sixth [see 5-15 Mar] basic training course for personnel of national authorities involved in the national implementation of the CWC takes place at the French Training Centre for the Prohibition of Chemical Weapons (CEFFIAC). Its purpose is to develop the proficiency training by national authorities for personnel involved in on-site inspections under the CWC. Attending the course – which is jointly organized by the national authority of France and the OPCW – are representatives from the following eighteen CWC parties: Austria, Belgium, Burkina Faso, Croatia, Ethiopia, Germany, India, Italy, Jordan, Malaysia, Netherlands, Nigeria, Pakistan, Portugal, Saudi Arabia, Senegal, Spain and Vietnam.

**24 October** At OPCW headquarters, Japan submits a report for consideration by the Executive Council at its forthcoming fifty-first session on the current status of the abandoned chemical weapons (ACW) projects in China during the period 1 July to 30 September 2007. The report states that as of July 2007 Japan – with the cooperation of China – has recovered, and declared to the OPCW, 42,000 ACW. It also states that from 17-24 July, 281 ACW were excavated in Yichun City, Heilongjiang Province; and from 14 August to 17 September 729 "suspected Japanese ACW" were excavated in Lianhuapao, Dunhua City, Jilin Province. It also states that on-site investigation teams identified 261 ACW in Qiqihar City, Heilongjiang Province from 6 to 16 July; 61 ACW in Harbin City, Heilongjiang Province from 16 to 22 July; 3 ACW in Fushun City, Liaoning Province from 2 to 4 August; 2 ACW in Wafandian City, Liaoning Province from 4 to 6 August; and 6 ACW in Dalian City, Liaoning Province from 7-9 August.

**25-26 October** In Bucharest, there is an international seminar on the subject of regional approaches and the development of co-operation in preparing and defending against bioterrorism. More than fifty experts in the field from over thirty countries attend the event as well as around fifty Romanian experts from various governmental and nongovernmental institutions and authorities. The purpose of the seminar is to explore such issues as: measures taken internationally and regionally against the illicit trafficking of biological materials; strategies developed in medicine with a view to removing the threat of extremely infectious diseases resulting from acts of terrorism; and, national and regional initiatives for combating bioterrorism. The seminar is organized by the Romanian Ministry of the Interior and Administrative Reform, and the Regional Centre for High Studies of Preventing Bio-terrorism. It is supported by the Romanian Intelligence Service and the Romanian Ministry of Foreign Affairs under the auspices of the NATO Centre for Weapons of Mass Destruction.

**25-26 October** In Como, Italy, there is the fourth [see 28-29 Sep 06] workshop on biological security, the theme on this occasion being *Strengthening a Global Biosecurity/Biosafety Framework and Coping with the Biotechnology Revolution*. The event is organized by the Landau Network Centro Volta-International Working Group and the Partnership for Global Security. Attending the workshop are government officials; experts in bioscience; and representatives of inter-governmental organizations, non-governmental organizations and the private sector. Participants agree on the following proposals to support the BWC implementation process: to review the biosecurity programmes and mechanisms currently in operation, and in light of the workshop's findings, to identify the gaps and needs that exist or may emerge; to create a joint statement of critical priorities for action to be signed by the inter-governmental organizations and non-governmental organizations represented at the workshop, and to provide an integrated framework within which these issues can be pursued; to submit the joint statement to the meeting of BWC parties in December in the context of the national implementation discussions this year [see 20-24 Aug] and in preparation of discussions of biosecurity and biosafety in the next year, and to disseminate the document more widely; and to report back regularly to future meetings of BWC parties on the progress achieved in promoting these priorities in future workshops and related events.

**26 October** The Japanese Supreme Court upholds the death sentence of former Aum Shinrikyo member Satoru Hashimoto [see 17 Jul 00]. Hashimoto had conspired with the then leader of the cult, Chizuo Matsumoto, also known as

Shoko Asahara, and five other members to release sarin gas in Matsumoto and had driven the five to the site [see 28 Jun 94]. The release of the gas led to the deaths of seven people. Hashimoto had also been involved in the construction of the cult's sarin production facility in Kamikuishiki during 1993 and 1994, and had played a role in the murders of lawyer Tsutsumi Sakamoto, a prosecutor in the cases involving Aum Shinrikyo, his wife and one-year old son in 1989. The Defence had argued that Hashimoto had been brainwashed by Matsumoto and that he was unaware that sarin was lethal. Rejecting these arguments, Judge Osamu Tsuno says: "It is clear that he had disregard for human life and was motivated (to commit such crimes) in order to defend his group." Tsuno adds that it was an "organized, cruel crime" and that Hashimoto "bears grave criminal responsibility". [See also 24 Aug]

**26 October** US National Intelligence Deputy-Director David Shedd says that National Intelligence Director Mike McConnell has decided to stop publishing National Intelligence Estimate [NIE] summaries [see 26 Sep 06] because the potential for public readership disrupts the authors' willingness to be completely objective. The Associated Press quotes Shedd as saying: "It affects the quality of what's written." Traditionally, the summaries have been disseminated to various government agencies and to select congressional offices, but on occasion they have also been published with a view to garnering support for the Administration's policies. The practice of publishing NIE summaries started when the White House published a summary of its controversial 2002 NIE on Iraq's alleged WMD programme, after elements of the NIE had been leaked to the media [see 18 Jul 03]. President George Bush later described the decision to publish the summary thus: "I wanted people to see what some of those statements were based on... I wanted people to see the truth. I thought it made sense for people to see the truth. That's why I declassified the document [see 10 Apr 06]."

**29 October** In Yerevan, Armenia, there is a regional conference on *Partnership for Achieving Chemical Safety in Armenia*, which is organized by Armenian Women for Health and Healthy Environment, a non-governmental organization, with financial support from Women in Europe for a Common Future (the Netherlands), the OPCW, the Organization for Security and Cooperation in Europe, and the Civic Development and Partnership Foundation. The purpose of the conference is to highlight the threat to human health and the environment in Armenia from e.g., pesticides, chemical weapons, hazardous waste, etc, and to identify gaps and propose measures to strengthen the capacity of appropriate authorities to respond to chemical risks. Participating in the conference are official representatives from the Armenian ministries of foreign affairs, defence, health, and environment; the Rescue Service of Armenia; governmental focal points; local self-governmental authorities; and non-governmental organizations. Also attending are representatives from France, Georgia, Germany, Russia and the USA.

**29 October** In Odessa, Ukraine, representatives from Bulgaria, Georgia and Moldova participate in a Proliferation Security Initiative exercise to practice inter-state cooperation and coordination between various agencies in combating the trafficking of WMD [see also 13-15 Oct]. The scenario of exercise 'Eastern Shield 2007' is the seizure of suspicious cargoes during shipment by sea, air, road and rail. Observers from another 32 countries also attend the exercise, which is jointly organized by the secret services and law enforcement agencies of Ukraine, Poland and Romania.

**29 October** In Oregon, the Umatilla chemdemil facility commences the destruction of its stockpile of its 4,519 VX-filled M55 rockets, having previously completed the destruction of its sarin-filled munitions [see 8 Jul]. According to the *Tri-City Herald*, the destruction of VX munitions encompasses 14,519 rockets, 156 spray tanks, 11,685 land mines and an estimated 36,000 155 mm and 8-inch projectiles. It states that the work is expected to take 18 months, after which the facility will be modified in preparation for the destruction of its stockpile of mustard gas, which dates back to the Second World War, and which has been stored at the facility since the 1960s. [See also 13 Oct]

**29 October** In Washington D.C., the Army Corps of Engineers commences the fourth, and final, excavation operation in fifteen years for First World War-era chemical munitions buried on or around the campus of the American University [see 3 Feb 93]. The area in question was previously a chemical warfare facility used for developing and testing weapons. Army Corps Project Manager Dan Noble says the latest site – a home between the South Korean Ambassador's residence and the former university president's home – is the "last known burial pit" of chemical weapons dating from the First World War. Over a period of three to four months, the Army expects to excavate at least fifteen 75mm artillery rounds, comprising a dozen or more containing mustard gas and three containing arsine, which are believed to be buried about ten feet deep. Army Corps of Engineers Captain Drew White says. "We've got more investigating to do but don't believe we have anything more extensive than this to do." At the end of the first day, White says that no munitions were recovered, "just lots and lots of dirt".

**29-31 October** In Amman, Jordan, there is the fourth [see 11-14 Dec 06] workshop on the CWC for Iraqi officials. Attending the workshop are eleven Iraqi government officials as well as OPCW experts and representatives of Japan, Jordan, the UK and the USA. The purpose of the workshop, which builds on the previous three, is to assist the government of Iraq to accede to the CWC in relation to such matters as preparing mandatory declarations and establishing regulatory measures to implement the Convention. The workshop is hosted by the government of Jordan and organized by the OPCW, while Japan makes a financial contribution. The first in the series of workshops was held in The Hague [see 6-8 Jul 05]; the following two were both hosted by the government of Jordan.

**30 October** In Manchester, UK, a Libyan national last week requested an antidote for mustard gas at Manchester hospital's emergency unit, so reports the London *Daily Telegraph*. The man reportedly told members of staff at the hospital that the antidote was for a "friend back home" who had been exposed to mustard agent. The newspaper quotes an unidentified "medical source" as saying: "Officers have alerted every force and every accident and emergency unit in the country. They believe a group may have succeeded in making the gas and could use it in an attack." Meanwhile an unidentified official from the Greater Manchester Police is quoted as saying: "We do not believe there is any concrete plot but we are continuing to investigate."

**31 October** Russian Deputy Secretary of the Federal Agency for Industry Viktor Kholstov says that Western states have only provided 25 per cent of the \$2 billion of chemdemil funding promised at the G8 summit in Kananaskis [see 26-27 Jun 02]. Speaking at a public forum in Moscow, on the subject

of the destruction of Russian chemical weapons, Kholstov says that next year foreign chemdemil aid would amount to around \$240 million, which he describes as “an insignificant inflow of funds”. He says that the Russian government has allocated around \$2 billion for chemdemil in 2007, and adds, without elaborating, that next year the amount allocated for the purpose will be reduced. [See also 9 Aug]

**31 October** In London, the former head of the Secret Intelligence Service (MI6) says that “too much weight” was given to intelligence that MI6 supplied to the government relating to Iraqi WMD prior to the US-led invasion of Iraq [see 20 Mar 03]. In a speech at the London School of Economics, Sir Richard Dearlove says: “The intelligence that was released was believed to be correct when it was released... There were no human (intelligence) resources in Iraq who could have told us authoritatively that there were no weapons of mass destruction.” He adds, that the situation with Iraq demonstrated

the dangers when “policy was built round intelligence and little else or when it was used for the primary justification for government action”. As regards alleged links between al-Qa’ida and Saddam Hussein, Dearlove says: “You know as well as I know there was no connection between 9/11 and Iraq.”

**31 October** In Denver, the Rocky Mountain Arsenal National Wildlife Refuge is closed by the Fish and Wildlife Service after Army contractors unearth a munition containing lewisite. Between 1999 and 2001, contractors unearthed more than ten M-139 bomblets, which are grapefruit-sized spheres each containing 1.3 pounds of sarin [see 28 Jan 01].

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*This Chronology was compiled by Nicholas Dragffy from information supplied through HSP’s network of correspondents and literature scanners.*

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## Recent Publications

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Aceves, William J. “Human Rights law and the use of incapacitating biochemical weapons”, in Alan M Pearson, Marie Isabelle Chevrier and Mark Wheelis (editors), *Incapacitating Biochemical Weapons: Promise or Peril?* Lanham, MD: Lexington Books, 2007, pp 261-84.

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