

BTWC Review Conference: Ready for Opening

Monday 20th November 2006

Following months of preparation, the Sixth five-yearly Review Conference for the Biological and Toxin Weapons Convention (BTWC) will assemble on Monday morning. The conference will follow the Provisional Agenda agreed by the Preparatory Committee in April.

Ambassador Masood Khan (Pakistan), the President-designate of the Review Conference, has circulated to States Parties a draft programme of work to put into practice the Provisional Agenda. The conference is scheduled to start with an address by UN Secretary-General Kofi Annan, and then to meet in general debate for two days. The Review Conference would then enter into an article-by-article review in the guise of the "Committee of the Whole" (CoW). The CoW sessions would be punctuated by a number of plenary meetings to deal with cross-cutting issues that do not easily fall into the article-by-article review. During the middle week of the conference, the "Drafting Committee" would be convened to translate the work of the conference into a final report and declaration. The Chairman-designate of the Committee of the Whole is Ambassador Doru Costea (Romania) and the Chairman-designate of the Drafting Committee is Ambassador Knut Langeland (Norway).

Background to the Review Conference

The Sixth Review Conference offers the opportunity for the States Parties to carry out a full review of the purposes and the provisions of the convention, taking into account relevant scientific and technological developments. The previous conference in 2001 (resumed in 2002) was overshadowed by the suspension earlier in the year of negotiations in the Ad Hoc Group (the body negotiating legally-binding measures to strengthen the BTWC) and did not reach consensus on a review of the Convention.

A number of issues are still politically sensitive. The subject of possible verification measures remains controversial. The bargain embodied in Article X of the BTWC (which relates to peaceful scientific and technological aspects) is seen as important by some states but as less significant by others. Proposals may re-emerge to amend the BTWC to explicitly prohibit use, notwithstanding a consensus Review Conference declaration in 1996 that use is implicitly prohibited by the Convention. There are a number of perspectives on whether the BTWC would benefit from some form of formal central support arrangements to promote implementation.

Conference Documents

A number of working papers and papers outlining scientific and technological developments have been submitted by States Parties. Some background documents have been prepared by the conference secretariat. Copies are available via the official BWC website at <<http://www.unog.ch/bwc>> (click on the 'Sixth Review Conference' link). Papers are available in the UN official languages and there is also a page containing papers in their language of submission while this translation is being carried out.

By the Friday before the Review Conference (17th November), seven working papers had been submitted by the European Union collectively (the authorship of each was allocated to EU member states but each reflects the collective views of the EU) on biosafety & biosecurity, national implementation, Confidence-Building Measures (CBMs), Article X, universality, co-ordinated implementation and the inter-sessional process. Five had been submitted by a group of Latin American states – Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Peru and Uruguay – on universality, Article X, a follow-on work programme, Confidence-Building Measures and a support facility. Japan (national implementation), Australia (universality), South Korea (universality), Switzerland (CBMs), Norway (support unit) and New Zealand (inter-sessional process) submitted papers as part of the informal 'JACKSNNZ' (pronounced 'jacksons') grouping, the seventh member of which is Canada, to pursue a like-minded approach to the Review Conference. Canada also submitted a revised version of its working paper on an accountability framework which had been presented to the Preparatory Committee in April.

As can be seen by the topics chosen, there are substantial common threads running through the contributions of these various States Parties. Similar problems are identified and similar solutions are proposed. While the papers on similar themes, such as CBMs or support for national implementation, may have some differences in emphasis, there are no substantive contradictions between them.

Papers on scientific and technical developments have been submitted by Argentina, Australia, China, Czech Republic, the Netherlands, Portugal, Russia, Sweden, the United Kingdom and the United States.

More working papers and scientific and technological developments papers are expected to be presented during the Review Conference.

This is the first of a series of daily reports from the Sixth Review Conference for the Biological and Toxin Weapons Convention which is being held from 20 November to 8 December 2006 in Geneva. The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP) see <<http://www.bwpp.org>> for more information on the project.

These daily reports are available on the BWPP website via a page dedicated to the Review Conference – <<http://www.bwpp.org/6RevCon/6thRevConResources.html>> – or via e-mail each day by sending a blank e-mail message to <bwpp-revcon-report-subscribe@yahoogroups.com> – this mailing list will only be used to distribute these reports and will be locked to prevent messages being sent from other sources.

For press queries or any other questions relating to the Review Conference, please contact Dr Jean Pascal Zanders (+41-79-582 4454 or jpzanders@bwpp.org). For technical questions relating to these reports Richard Guthrie can be contacted during the Review Conference by e-mail at rguthrie@bwpp.org.

Tuesday 21st November 2006

BTWC Review Conference: The first day's proceedings

The proceedings of the Sixth five-yearly Review Conference for the Biological and Toxin Weapons Convention (BTWC) were opened on Monday by Nobuaki Tanaka, UN Under Secretary-General for Disarmament Affairs, who oversaw the appointment by acclamation of Ambassador Masood Khan (Pakistan) as President of the Review Conference.

Ambassador Khan said the conference delegates 'must discharge our responsibility that disease never be used as a weapon'. Calling the Convention an 'effective barrier', he noted there was no room for complacency as biological weapons represent a real and potent threat. He said the States Parties should produce a 'concise and accessible outcome document' from the Review Conference that communicates to 'a broad audience'. Calling for universal adherence to the convention, he also said that States Parties 'must develop a full calendar of work' so that efforts do not end with the closure of the Review Conference.

Secretary-General Kofi Annan, addressing the Review Conference, spoke of the difficulties in the very same meeting room five years earlier at the previous Review Conference and noted that the States Parties had decided that the threat of biological weapons 'was too important to be abandoned to political paralysis'. Welcoming the progress made since that time, he talked about how the BTWC could no longer be looked at in isolation, but as one of an array of tools linking issues such as disarmament and non-proliferation with terrorism and crime as well as with public health and disaster relief. The Secretary-General reminded States Parties of his earlier proposals for convening a forum to discuss how the benefits of progress in the biological sciences could be used for the benefit of mankind and reminded delegates that 'Far more unites you than divides you. The horror of biological weapons is shared by all.'

Following the Secretary-General's speech, the conference proceeded through a number of formalities such as adoption of the agenda and the rules of procedure. Appointments to committees were made in line with the provisional nominations.

The General Debate

Thirty-one presentations were given by states during the first day of the general debate. Statements, in the following order, were made by Finland (on behalf of the EU), Cuba (on behalf of the Non-Aligned and other states), Argentina (on behalf of 12 Latin American states), Canada (for the JACKSNNZ), USA, Germany, Indonesia, Switzerland, Japan, Malaysia, Australia, UK, Russia, Republic of Korea, Algeria, Canada (national statement), Iran, South Africa, China, Argentina (national statement), Pakistan, Norway, Holy See, India, Brazil, Libya, Peru, Serbia, Georgia, Ukraine and Chile.

Brief thematic analysis

As there had been many bilateral and groups discussions between states beforehand with the aim of trying to reach a positive outcome to the Review Conference, there was a similarity between many of the statements.

Most States Parties mentioned universality, national implementation issues, the benefits of the past inter-sessional process, the role of Confidence-Building Measures (CBMs), and advances in the life sciences. Many called for a follow-on inter-sessional process. Few States Parties directly referred to Article X issues, although a larger number did refer to subjects that are sometimes seen as falling within this article such as disease surveillance and strengthening public health. While a number of States Parties noted that they wished, in the long term, to see the development of some form of formal measures to verify compliance with the Convention, they also noted a desire to reach agreement in the short term on a package of practical measures. The majority of statements referred to some form of central support arrangements, such as an implementation support unit.

Notable aspects of individual papers

Finland noted that all 25 EU member states had filed CBM returns during 2006. Canada started a trend for calling the JACKSNNZ informal grouping 'the Jackson 7'. Germany referred to data that showed more than 10 per cent of students of natural sciences, including the biological sciences, in Germany were from other countries. Malaysia noted there was no provision in the Convention for annual meetings of States Parties and expressed an interest in formalising the convening of regular annual meetings. The United Kingdom noted a recent seminar in that country on codes of practice, promising a working paper on the subject would be submitted. Iran proposed an explicit reference to the prohibition of use of biological weapons should be inserted into the Convention. Pakistan noted the BTWC 'effectively prohibits' use of biological weapons.

The United States gave the longest statement of the general debate, which was presented by Assistant Secretary of State John C. Rood. Regarding the past inter-sessional process as having been constructive, the US called for a follow-on process and suggested that two topics addressed previously deserved further attention – disease surveillance and biosecurity – and that two topics deserved a new approach – enforcement of national legislation and national activities relating to codes of conduct. Noting the successes of the Action Plans on national implementation and universality in the context of the Chemical Weapons Convention, the US called for similar action plans for the BTWC context. The US made explicit reference to Iran and North Korea (both BTWC States Parties) and Syria (a BTWC Signatory State) in its statement, citing concerns that each of these states was carrying out activities towards offensive biological warfare capabilities. Iran 'categorically denied' what it described as 'baseless allegations' in its statement.

NGO activities

A lunchtime seminar by the School of Peace Studies, University of Bradford, UK, was used to present a 'key points' report, containing suggestions and language for the Conference. The report can be found at <<http://www.brad.ac.uk/acad/sbtwc/key6rev/contents.htm>>.

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Wednesday 22nd November 2006

The end of the beginning: Completion of the opening statements

The second day of the Sixth five-yearly Review Conference for the Biological and Toxin Weapons Convention (BTWC) brought the general debate to an end and the convening of the Committee of the Whole (CoW) which is to carry out an article-by-article review of the Convention. Most Review Conferences, both for the BTWC and similar international treaties, can be divided into a beginning, a middle and an end. The beginning is the public statements, the overt expressions of policy that may include indications of what States Parties will or will not want from the Conference. The middle is the discussion behind closed doors between States Parties on various more specific aspects of the Convention and the assembling of text that might form part of the output from the Conference. The end is the effort to resolve outstanding issues in order to produce a consensus conclusion.

The beginning of this Review Conference has shown there is substantial common ground on which States Parties could describe an outcome to be 'positive' or 'successful'.

The General Debate

Following the 31 presentations given by States Parties on Monday, a number of statements were made by states, by inter-governmental organizations and UN specialized agencies, and by non-governmental organizations. For practical reasons statements from these separate groupings were not all taken together, but for analytical purposes they are considered together here. Copies of statements, where available, have been scanned and placed on the BWPP website, see <<http://www.bwpp.org/6RevCon/6thRevConResources.html>>.

Statements by States Parties and Signatory States

Statements were made on Tuesday by the States Parties on Tuesday in the following order: Nigeria, New Zealand, France, Venezuela, Morocco, Qatar, Sudan, Bangladesh, Thailand, Mexico. Of the Signatory States present, Syria requested the floor for a right of reply and Egypt made a general statement.

Most of these statements followed the pattern of those on Monday by discussing general issues such as universality and national implementation. France spoke of the efforts by France and Switzerland to encourage States to lift their remaining reservations to the 1925 Geneva Protocol. Venezuela spoke of the balances needed in regulation between the prevention of misuse and the promotion of beneficial use of the life sciences. Sudan noted it was introducing new legislation to parliament to implement the BTWC. Thailand described its domestic arrangements for implementation which include a 'BWC Coordinating Committee'.

Syria's used its right of reply to deny the allegations made by the US on Monday (see Report #1). Egypt connected its non-ratification of the BTWC with Israel's non-signature to the Convention and that country's alleged possession of nuclear weapons..

Statements by IGOs and agencies

Inter-governmental organizations and UN specialized agencies made statements in the following order: International Committee of the Red Cross, Interpol, OIE [World Organization for Animal Health], Food and Agriculture Organization, the Organization for the Prohibition of Chemical Weapons and the World Health Organization.

The Red Cross spoke of the need to create a 'culture of responsibility' within the scientific community. The other statements focused on how the operational activities of the relevant organizations overlapped with issues within the remit of the BTWC.

Statements by NGOs

NGOs made statements to an informal plenary session in the following order: University of Bradford, International Network of Engineers and Scientists for Global Responsibility, Verification Research Training and Information Centre, Friends World Committee for Consultation, London School of Economics, Center for Arms Control and Non-Proliferation, Pax Christi International, Arms Control Association, Pugwash, Landau Network-Centro Volta, TriValley Cares, Women's International League for Peace and Freedom, Research Group for Biological Arms Control (University of Hamburg), BWPP, Center for Biosecurity (University of Pittsburgh), Institute for Security Studies.

Committee of the Whole

The CoW was convened under the Chairmanship of Ambassador Doru Costea (Romania) late in the afternoon as the statements in plenary session had finished earlier than expected. Some States Parties and groups of States Parties had scheduled their consultations on the basis that the CoW would start on Wednesday morning and this impacted on the discussion.

The CoW is to carry out an article-by-article review and the first sessions are allocated to consider Articles I to IV. Some States Parties wish to cover these four articles at the same time while others wish to deal with the articles individually.

A large part of the CoW activity on Tuesday afternoon seems to have been focused on whether 'use' was covered by the Convention or not. All but one States Parties that expressed a view on this appear to be of the understanding that a prohibition of use of biological weapons is implicit within the Convention.

US press conference

The leader of the US delegation, Assistant Secretary of State John C. Rood, gave a press conference about the US perspective on the Review Conference on Monday evening. A transcript is available at <<http://www.usmission.ch/Press2006/1120RoodPress.html>>.

NGO activities

Tuesday's lunchtime seminar was by the Royal Society, the International Council for Science (ICSU) and the InterAcademy Panel on International Issues (IAP) and discussed the outcomes from an 'International Workshop on Science and Technology Developments Relevant to the BTWC' held in London in September. The workshop report and supporting papers are available at <<http://www.royalsociety.ac.uk/document.asp?tip=0&id=5563>>

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Thursday 23rd November 2006

CoW racing: Heading in the same direction?

The third day of the Sixth five-yearly Review Conference for the Biological and Toxin Weapons Convention (BTWC) was dominated by proceedings in the Committee of the Whole (CoW).

Committee of the Whole

The task for the CoW is to carry out an article-by-article review of the Convention. During Wednesday, the CoW proceeded at a substantial rate. Wednesday's morning session had been allocated to consider Articles I to IV, but by lunchtime the CoW had covered Articles V and VI and was into Articles VII to X. By the end of the afternoon session, Article XII was under consideration.

This rate of activity is down to the apparent decision to take the early meetings of the CoW to be an expression of views relating to each article, rather than an attempt to reach consensus yet. With all proposals for language to describe how the Conference views the operation of each article on the table at an early stage there would be a chance for considered reflection on all of the issues. However, there are many proposals missing.

The working papers by the Latin American States before the Review Conference are essentially bullet point statements, the text of which may be considered proposals for language to be included in the Review. The European Union and the United States have circulated proposals for a number of the articles. It is not clear at this stage whether the JACKSNNZ will be proposing text. The BTWC group of non-aligned States, often referred to as 'NAM' for short but whose membership is not quite identical to the Non-Aligned Movement, clearly have a desire to present language proposals but do not appear to be in a position to do so yet. The BTWC NAM group had already experienced delays in bringing forward nominations for various formal positions within the Review Conference, such as for Vice-Presidents of the Conference.

CoWs in any Review Conference, just like herds of their animal namesakes, can be quite difficult to keep together travelling down the same path. The language proposals so far have been similar in a number of general aspects and, although there are differences, none would seem to be substantial. Only time will tell whether further language proposals will follow this pattern.

Reflections on the Review Conference so far

The current situation has similarities with the time around the opening of the Review Conference. Statements from a number of key states were keenly awaited. Working papers submitted beforehand indicated the positions of the European Union, the Latin American States and the JACKSNNZ. While anticipation for the statement from the United States gathered most attention, there was also great interest in statements from other States – such as China, India and Russia – as it was not clear precisely what positions would be taken by these States as their were a number of internal consultations taking place.

The issue of use of biological weapons continues to be aired. Iran expresses the view that the provisions against use within the 1925 Geneva Protocol are not strong enough. As a country attacked with chemical weapons by a State Party to the Geneva Protocol it wishes to amend the BTWC to ensure such provisions against the use of biological weapons are strengthened. Other States Parties do not believe that amending the treaty would strengthen the legal situation. A background document on the history of discussions relating to use in the negotiation of the BTWC has been posted on the BWPP website and can be accessed via <http://www.bwpp.org/6RevCon/BWPPcontributions.html>.

NGO activities

A lunchtime seminar was convened by the British American Security Information Council (BASIC), the Harvard Sussex Program (HSP) and the Verification Research Training and Information Centre (VERTIC) to promote their 'Briefing Book' – a collection of documents intended to aid delegates to the Review Conference. The publication can be found at <http://www.sussex.ac.uk/Units/spru/hsp/Briefing%20Book.htm>.

The seminar also promoted a new VERTIC report, 'A New Strategy: Strengthening the Biological Weapons Regime through Modular Mechanisms' which can be found at <http://www.vertic.org/publications/VM6.pdf>.

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Friday 24th November 2006

Cross-cutting issues begin: Length of new inter-sessional meetings discussed

The fourth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC) involved a morning informal plenary session dealing with the first of the cross-cutting issues followed by an afternoon session of the Committee of the Whole (CoW). Russia, as a depositary State of the BTWC, informed the Conference that it had received a request to amend the Convention in relation to use of biological weapons from Iran (see *Report #4*).

The Review Conference is still at the stage of airing issues rather than seeking consensus so many topics have been discussed without bringing them to a conclusion.

Cross-cuttings issues

As described in *Report #1*, the Review Conference President Ambassador Masood Khan (Pakistan) wanted to intersperse the CoW sessions with a number of informal plenary sessions to deal with cross-cutting issues that do not easily fall into the article-by article review.

Much of Thursday morning was taken up with discussion of how any follow-on inter-sessional process might be carried out during 2007-10. The 2003-05 procedure was to have a two-week 'Meeting of Experts' (MX) in the middle of the year with a one-week 'Meeting of States Parties' (MSP) towards the end of the year. Some states have found providing delegates for three weeks of meetings per year burdensome. It has been suggested that the MX and MSP could be held back-to-back – which would also save on air fares – with one week devoted to each type of meeting.

A number of costs and benefits have to be balanced. Meetings for three weeks can cover more ground than those lasting two. But if some States Parties cannot afford to release key personnel for three weeks, but could for two, then the number of States Parties attending the meetings might be affected. Holding the meetings at separate times of the year allows delegates to take things they have learned back to their countries after the Meeting of Experts, work out how they apply in their situation, and then attend the Meeting of States

Parties to exchange experiences of how to deal with any outstanding issues. Back-to-back meetings would not allow this.

A possibility would be to change the pattern of meetings each year depending on the subject matter being discussed. While this is a pragmatic approach, it requires a number of additional decisions to be taken instead of a simple decision to have them all follow the same pattern.

Other cross-cutting issues earmarked for discussion in an informal paper circulated to States Parties by the President are: the results of the 2003-05 inter-sessional process; confidence-building measures; national implementation, universalisation; and implementation support.

The President circulated another informal paper collating the suggestions made for topics for inter-sessional meetings. The paper, essentially a series of bullet points, also highlights some practical questions not yet discussed about how a new inter-sessional process should be organized. Examples of these questions include: should one or two topics be covered each year? Should the meetings be able to come to decisions? With four years of meetings, but three groupings of States Parties, how will the allocation of chairs be done equitably? It is likely that the questions in the paper will not be discussed in a single session and will have implications for a number of issues discussed in various sessions.

Committee of the Whole

The task for the CoW is to carry out an article-by-article review of the Convention. Thursday saw a return to Articles VII to X issues as the BTWC NAM group had wanted more time to prepare on certain aspects and so did not want to cover them in Wednesday's sessions. The group promised a working paper on Article X which it hoped to have ready for Friday morning.

The session also saw the scope of coverage of Article VII of the Convention being raised. Under Article VII, States Parties undertake to assist each other if any of them 'exposed to danger as a result of violation of the Convention'. How would this relate to an attack on a State Party by a terrorist group? Would there have been a violation of the Convention? How does this relate to an attack by a State that is not a party to the BTWC?

NGO activities

The Thursday lunchtime seminar was convened by the Center for Biosecurity at the University of Pittsburgh Medical Center to hear a presentation on 'Biodefense Research, High Containment Laboratories, and Scientific Response: Opportunities and Challenges for the BWC'. Details of the Center can be found at <<http://www.upmc-biosecurity.org/>>.

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Monday 27th November 2006

End of the first week: the Conference takes shape

The fifth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC) spent most of the time on thematic discussions, although there was a brief session of the Committee of the Whole (CoW), the circulation of a number of papers and an additional session of the general debate. Thematic discussions and the CoW are both carried out behind closed doors.

Conference Room activities

Friday morning started with a brief session of the CoW, which is carrying out an article-by-article review of the Convention. This session was convened in order to receive further submissions of suggested text for the Review Conference final declaration. The group of BTWC non-aligned (NAM) States circulated a working paper containing text relating to Article X issues. [This article concerns peaceful uses of the sciences covered by the Convention. See <http://www.bwpp.org/6RevCon/documents/BTWCFullText.pdf> for the full text of the BTWC.] It is not clear whether the NAM paper will appear later as a formal working paper of the Review Conference or whether it will be considered only as a conference room paper.

India circulated to States Parties a paper including suggested text relating to each of the articles of the Convention for the article-by-article section of the Review Conference final declaration. Notable in the Indian text was the inclusion of text describing the considerations for each of the topics examined in the 2003-05 inter-sessional process. This was the first substantial proposal of text, other than for Article X, by a non-western State at the Review Conference. Other States submitting suggested text on Friday were China, Finland (on behalf of the EU) and the USA.

After the CoW, the Conference went into informal plenary for a thematic discussion on Confidence-Building Measures (CBMs). CBMs are a transparency measure involving annual declarations of significant facilities and events such as outbreaks of particular diseases. The numbers of CBM returns are widely recognized to be low and the Review Conference is expected to take some steps, possibly including CBMs as an issue in an inter-sessional work programme, to increase participation.

Documents

On Friday afternoon, the President of the Review Conference, Ambassador Masood Khan (Pakistan), circulated to States Parties an informal paper including text of a draft final declaration. This paper contains a footnote indicating it is 'meant to stimulate discussion and focus negotiation' and was issued at about the same time as the conference secretariat

circulated a compilation of all of the proposed language that had been submitted to the CoW for its article-by-article review.

Working Papers

Nineteen working papers had been submitted to the Review Conference before it opened (see Report #1 for details). Additional Working Papers that had been made available as official documents during the first week were: WP.20, 'New Inter-Sessional Process' (This paper was circulated with no attribution); WP.21, 'Confidence-Building Measures' (South Africa); WP.22, 'Bioterrorism' (Italy, on behalf of the EU); WP.23, 'Codes of Conduct for Scientists' (UK, as a national paper); WP.24, 'Article X of the Convention' (Iran); WP.25, 'Prohibition of Use of Biological Weapons' (Iran); WP.26, 'Preliminary Comments on Article I of the Convention' (BTWC NAM states); WP.27, 'Confronting Noncompliance with the Biological Weapons Convention' (USA); and WP.28, 'United States Progress on 2003-2005 Work Program Topics' (USA). [Copies of these papers are available on the UN official documents server at <<http://documents.un.org>> – put 'BWC' in the 'symbol' field of the 'simple search' interface.]

Reflections on the first week of the Review Conference

Much of the discussion around the Review Conference has revolved around what would be included in the contents of a new inter-sessional work programme. This is a departure from what many analysts expected – it was widely assumed that the question of whether there would be a future inter-sessional work programme at all would be the subject of much discussion at the Review Conference. However, there appears to be a firm consensus that such a new programme should be pursued.

The role of central arrangements for implementation support also appears to have been the subject of an unexpected early consensus. Barely a few weeks ago there were indications that the creation of any form of central support mechanism would be resisted by a number of States Parties, the most notable of which was the United States. Now it seems there is a growing consensus that a small implementation support unit may be agreed as part of an overall package of measures relating to a new inter-sessional work programme.

The suggested texts currently on the table for the final declaration are broadly compatible. However, most of this text comes from western States which might be expected to have similar views on the issues of concern. It is not yet clear whether the lack of other suggested texts stems from agreement with what has already been proposed or whether further proposals are to be expected.

NGO activities

Friday's lunchtime seminar was convened by the Chemical and Biological Security Project at the Center for Science and International Security (CSIS), based in Washington, DC, to launch a new publication 'The Biological Weapons Threat and Nonproliferation Options: a survey of senior U.S. decision makers and policy shapers'. Further information about the project can be found at <<http://www.csis.org/isp/cbsp/>>.

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Tuesday 28th November 2006

Behind closed doors: Describing the elephant

A community of blind men once heard that an extraordinary beast called an elephant had been brought into the country. Since they did not know what it looked like and had never heard its name, they resolved to obtain a picture, and the knowledge they desired, by feeling the beast - the only possibility that was open to them!

They went in search of the elephant, and when they had found it, they felt its body. One touched its leg, the other a tusk, the third an ear, and in the belief that they now knew the elephant, they returned home. But when they were questioned by the other blind men, their answers differed. The one who had felt the leg maintained that the elephant was nothing other than a pillar, extremely rough to the touch, and yet strangely soft. The one who had caught hold of the tusk denied this and described the elephant as, hard and smooth, with nothing soft or rough about it, more over the beast was by no means as stout as a pillar, but rather had the shape of a post.

The third, who had held the ear in his hands, spoke: 'By my faith, it is both soft and rough'. Thus he agreed with one of the others, but went on to say: 'Nevertheless, it is neither like a post nor a pillar, but like a broad, thick piece of leather'. Each was right in a certain sense, since each of them communicated that part of the elephant he had comprehended, but none was able describe the elephant as it really was; for all three of them were unable to comprehend the entire form of the elephant.

Monday, the sixth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC) consisted of two sessions of the Committee of the Whole (CoW), both held behind closed doors. The CoW is carrying out an article-by-article review of the Convention. Unlike activities in the CoW in the first week which were simply statements of policy, Monday saw an attempt to find the limits of acceptability of language proposals for each article. By the end of the day the CoW had reached Article VI, having discussed Articles I to V without reaching consensus on language for any of the articles.

Just like the traditional tale above, participants in the closed sessions describe what is going on in the meeting room in substantially contradictory ways. It is quite possible that there is no individual who has a clear idea of what the whole Review Conference 'elephant' looks like. It is also becoming a concern to some delegates that they feel they do not have a full picture of what is going.

Some activity in the meeting room involved all States Parties. For example, Cuba (as convenor of the non-aligned group of States), Finland (for the EU) and Pakistan presented proposed texts in writing for consideration. A number of other textual suggestions were made verbally in the room, but these proved hard to track by many delegations. In the margins, ad hoc coalitions of States discreetly circulated possible text that might be the basis of consensus on such subjects as the inter-sessional process, universality and future action plans.

The operation of the group structures

One aspect of this Review Conference that differs from earlier BTWC meetings is that the traditional group structures appear to be operating too slowly to contend with the pace of the Conference. Once new text is agreed by a group it is sometimes out of date by the time it is available for consideration by all States Parties. Part of this may be due to the increasing role of the EU in BTWC activities – once the EU has come to a policy conclusion, there can be little flexibility in the position without taking the question back to the 25 Member States. There is also a clear tension between experts and diplomats across a number of EU delegations which seems to stem from the speed of activities within the Review Conference.

There are three regional groupings that operate in the BTWC context: the ‘Western European and Other States Group’ (commonly referred to as the Western Group); the ‘Group of Eastern European States’ (commonly referred to as the Eastern Group); and the ‘Group of Non Aligned Movement and other States’ (commonly referred to as the NAM group). Each of these groupings derives from the Cold War era. A quirk of the modern era is that EU past and potential expansion has meant that a number of eastern group members are also members, or potential accession candidates, of the EU. This includes the co-ordinator of the eastern group, Hungary, which acceded to the EU in 2004. This makes the EU a major player in two of the three groupings that are used for organizing BTWC meeting activities.

In parallel with the changing role of the EU, and perhaps influenced by it, comes the emergence of new smaller active groupings of states in the BTWC context. A new Latin American grouping – Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Peru and Uruguay – presented a number of joint working papers (see report #1) as did the JACKSNNZ (occasionally referred to as Jacksons 7) – Japan, Australia, Canada, South Korea, Switzerland, Norway and New Zealand. They basically represent the Western Group without the EU and the United States.

Will these developments challenge the existing group structure?

Friday’s general debate

Report #6 mentioned the resumed general debate on Friday without indicating what happened within it. Two statements were made in the public plenary by Saudi Arabia and Italy. The Saudi statement described various relevant national implementation measures introduced by the government. Saudi Arabia, a BTWC State Party since 1972, also said ‘the Kingdom is urging that all States that have not yet acceded to the Convention to take the necessary steps to do so’. The Italian statement was very general.

NGO activities

Monday’s lunchtime seminar was convened by the Women’s International League for Peace and Freedom (WILPF) on the topic of ‘Bio Research in the United States – Emerging Level IV Labs’. Further information about the activities of WILPF can be found at <http://disarm.wilpf.org/> and <http://www.wilpf.ch/>.

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Wednesday 29th November 2006

'First reading' completed: Article X consultations to continue

The seventh day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC) concluded what was described by the President as the 'first reading' of the article-by-article review of the Convention. In many parliaments, a 'first reading' is essentially an agreement in principle on the contents of a draft measure with the opportunity to hammer out details of the final text during later stages.

The Committee of the Whole (CoW) met on Tuesday morning and the afternoon was dedicated to consultations. A short open plenary session happened late in the day. The CoW and consultations were both carried out behind closed doors. It also emerged that 2006 has seen a record number of Confidence-Building Measure (CBM) returns.

Conference Room activities

During the morning session of the CoW there were a number of divergent views on Article X issues. The scheduled afternoon session of the CoW was suspended in order to allow for consultation on this article to take place in a separate meeting. Article X relates to the peaceful uses of the biological sciences.

During Tuesday's short open plenary, the Chairman of the CoW, Ambassador Doru Costea (Romania), reported on progress being made in the article-by-article review. He indicated that further meetings of the informal group carrying out consultations would be needed and stated that a new draft text would be issued before the next meeting of the CoW.

The President of the Review Conference, Ambassador Masood Khan (Pakistan), indicated that consultations for putting together possible consensus text on an implementation support unit and on the inter-sessional process 2003-05 were being carried out by representatives of Argentina and Norway, respectively. Both are expected to report on Wednesday.

Implementation support unit issues

There is an emerging consensus that there should be a BTWC Implementation Support Unit based in Geneva. The most common size referred to is for this unit to consist of three persons. This unit would absorb the current conference/meeting support functions of the existing BTWC staff, which is slightly less than two full-time staff positions.

Compared with implementation support efforts elsewhere, this is an extremely modest provision. The efforts to support the Action Plans in relation to the Chemical Weapons Convention have involved more than two full-time personnel as well as having other staff resources available on a temporary basis for specific tasks from that convention's implementing organisation. The support costs for the committee established by UN Security Council resolution 1540 were not far short of US\$2 million per financial year. While these other cases differ in a number of important respects, most significantly in terms of remit and expected actions, they illustrate the expected cost-effectiveness of possible BTWC-related developments. However, care must be taken not to mandate an implementation support unit with more tasks than could be carried out with the available staff time.

Although the United States had been the State Party to be convinced about the creation of an implementation support unit, this situation has now been largely resolved and there are now other States Parties, such as Japan, raising concerns about costs.

Record Confidence-Building Measure (CBM) returns

The submission by Cyprus by of a CBM return in the week before the Review Conference had been seen as significant as it completed a target to get all 25 EU member states to submit returns during 2006. This submission turns out to have an additional significance as it is the fifty-third of the year – a record number. The previous highest annual total was in 1996, during which 52 States Parties submitted returns.

With a month to go before the end of the year, more returns may be submitted.

Italian statement

The Italian statement made on Friday and referred to in passing in report #7 highlighted working paper WP.22 on Bioterrorism, submitted by Italy on behalf of the EU. This paper recommends that a future inter-sessional work programme should include the subject with the aim of reviewing all actions undertaken in this field and focussing on whether further measures are necessary to deal with it at the national and international levels, and in particular within the BTWC.

NGO activities

Tuesday's lunchtime seminar was convened by the Center for Arms Control and Non-Proliferation, Washington, DC, and the Research Group for Biological Arms Control, University of Hamburg on the topic of 'Strengthening the BWC by Enhancing Transparency: the CBMs and Beyond'. The seminar also included a contribution from the School of Humanities and Social Sciences; University of Exeter. Further information about these projects can be found at <<http://www.armscontrolcenter.org/>>, <<http://www.biological-arms-control.org/>> and <<http://www.projects.ex.ac.uk/codesofconduct/BiosecuritySeminar/>>, respectively.

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Thursday 29th November 2006

The halfway point

Wednesday, the eighth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw thematic discussions in the morning session and a meeting of the Committee of the Whole (CoW) in the afternoon. The thematic discussions and CoW were both carried out behind closed doors. An updated draft final declaration was circulated. As there are fifteen possible days for the Review Conference, Wednesday marked the halfway point for deliberations.

Thematic discussions

The thematic discussions in the informal plenary session were on the Inter-sessional process 2007-10, possible actions plans and Confidence-Building Measures (CBMs).

The President of the Review Conference, Ambassador Masood Khan (Pakistan) circulated a paper on Wednesday with a new compilation of the list of possible topics for meetings in 2007-10. While some delegations have privately indicated that these meetings should have a maximum of eight topics over the four years, there are still twelve topics on the table for possible inclusion in a single year plus four possible recurring topics. The possible single-year topics are wide-ranging and cover most issues related to the Convention. Some selection will have to be made on which should be a priority in the coming years. The possible recurring topics – universality, national implementation, scientific and technological developments, and coordination with other international bodies – are those which could not be expected to be dealt with in a single year as some form of progress report or update may be considered beneficial. The timing and duration of inter-sessional meetings has yet to be decided.

The action plans proposed by States Parties relate to universality, national implementation, and Article X implementation. The first two of these appear to have widespread support. The third, as with a number of issues elsewhere in the Review Conference related to Article X (which deals with peaceful uses of the biological sciences), is the subject of divergent views.

Discussion on Confidence-Building Measures was assisted by two new papers by France (for the EU) and Switzerland. The EU paper deals with possible language for the final declaration while the Swiss paper deals with ways of making the CBM submission process simpler.

Other text proposals for the final declaration

The Chairman of the CoW, Ambassador Doru Costea (Romania), circulated to States Parties an updated draft final declaration just before lunch on Wednesday. Discussions with delegations during the afternoon suggest that the text was broadly welcomed, but that the draft still needed some examination. New text on Article X is expected to result from the informal consultation meetings outlined in report #8.

Suggested texts following other extensive informal consultations on an implementation support unit (ISU) and on the inter-sessional process 2003-05 were circulated. As expected, the proposed size of the ISU is three staff. The draft mandate for ISU activities fall into the categories of administrative support (for meetings and communications with other international bodies), CBMs (receiving and distributing returns, reminding States Parties to submit, compiling data, etc), national implementation (being an information exchange point for offers and requests for assistance and facilitating the proposed action plan), and universality (facilitating the proposed action plan). The proposed mandate for the ISU would run until the next Review Conference expected to be in 2011. The text on the past inter-sessional process basically refers to the meetings taking place and that the meetings adopted outcome documents by consensus.

Lessons from Confidence-Building Measure returns

The reference in yesterday's report about a record 53rd CBM return this year has highlighted a number of issues relevant to the deliberations of the Review Conference. The question was raised that there may have been an additional submission during the year, bringing the total to 54. This indeed turns out to be the case and there are a number of lessons that could be learned from the situation.

The 'missing' state had submitted a return electronically, but there was an interval before a *note verbale* was received by the Department for Disarmament Affairs to confirm that the electronic submission was an official communication. This led to some confusion. [A *note verbale* is a form of diplomatic note.]

The first possible lesson to be learned from this is that if a system for electronic submission is to be operated effectively there has to be a method to replace the need for the *note verbale*. A hybrid system where the CBM return is submitted electronically to be followed up with a written communication is likely to lead to misunderstandings. Submitters may forget the note and the CBM return would then be left in an administrative limbo – presented but not officially recorded.

A second lesson would be that if a CBM return were to end in an administrative limbo, or if there was some other query, it could take substantial time and effort to discover who is the relevant person in the government of the State Party to be in touch with. A system of listed points of contact for each State Party would enable the resolution of such a situation much more efficiently.

Finally, a dedicated BTWC implementation support unit with responsibilities for dealing with CBM returns, as appears likely to be established by the Review Conference, may be in a better position than the current arrangements to deal with out-of-the-ordinary situations.

NGO activities

Wednesday's lunchtime seminar was convened by the European Biosafety Association on the topic of 'Enhancing Biosafety and Biosecurity: International Standards for Microbiological Containment Laboratories'. Further information about the association can be found at <<http://www.ebsaweb.eu/>>.

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Friday 1st December 2006

An outbreak of clusters

Thursday, the ninth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw the completion of work and adoption of the report of the Committee of the Whole (CoW) and the breakout into clusters dealing with specific parts of the text for the final declaration.

Work on the final declaration

The report of the CoW was adopted in a brief open plenary in the middle of the morning that was convened after a short, final meeting of the CoW. The report was introduced to the plenary by the Chairman of the CoW, Ambassador Doru Costea (Romania) and included the draft declaration text as circulated on Wednesday. The President of the Review Conference, Ambassador Masood Khan (Pakistan) described the efforts of the CoW as a 'sound basis' on which to complete the work of the Conference.

During the plenary, the President announced that there would be four clusters to meet in sequence. The work was divided along the following lines: Articles I to IV [to be co-ordinated by Ambassador Costea], Articles V to VII [Mr Knut Langeland (Norway)], Articles VIII to IX [Mr Shahrul Yaakob (Malaysia)], and Article X [Dr Ben Steyn (South Africa)]. These clusters are expected to meet until Friday lunchtime.

Other informal groupings (IG) have been assigned subject areas to explore possible text that could be used for the final declaration but that do not fall easily within an article-by-article analysis of the Convention. The first two of these, given the tags 'IG-1' and 'IG-2' have reported on the subjects of an implementation support unit (ISU) and on the inter-sessional process 2003-05 as noted in report # 9. The other subject groups are universality (IG-3), national implementation (IG-4), the inter-sessional process 2007-10 (IG-5) and Confidence-Building Measures (IG-6).

Possible topics for the future inter-sessional process

The President of the Review Conference circulated a paper on Wednesday to States Parties with eleven possible topics for meetings in 2007-10:

- i 'Ways and means to enhance national implementation: including enforcement of national legislation and strengthening of national institutions, and cooperation between courts, police and customs'.
- ii 'Regional and sub-regional cooperation on BWC implementation'.
- iii 'National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins'.
- iv 'Education, awareness-raising, scientific oversight and codes of conduct'.
- v 'Advances in science and technology relevant to the Convention, including prevention of misuse of such advances for illicit or hostile purposes as prohibited by the Convention'.
- vi 'Facilitation of, and removal of restrictions or limitations on, scientific and technological cooperation and exchange, including in the field of biotechnology, for peaceful purposes in pursuance of Article X'.

- vii 'Disease surveillance, including international cooperation in improving primary healthcare systems and improving detection and diagnostic capabilities'.
- viii 'Preparedness and response in the case of alleged use of biological or toxin weapons, whether by state or non-state actors, including provision of assistance and coordination with relevant organizations, in accordance with Article VII'.
- ix 'Confidence-building measures, including provision of assistance to States Parties on request'.
- x 'Terms and definitions relevant to the Convention'.
- xi 'Bioterrorism and non-state actors'.

A selection will have to be made from the above list and elements of some topics may be combined. One method of doing this is for States Parties to indicate which items they are least in favour of. For example, the United States is understood to have raised objections in relation to items vi and x, while Iran has raised objections in relation to item viii.

NGO activities

Thursday's lunchtime seminar was convened by the Biological Threat Reduction project of the Center for Strategic and International Studies, Washington, DC, on the topic of 'Governance for Biological Threat Reduction: a comprehensive, interdisciplinary, international approach'. Further information about the project can be found at <<http://www.csis.org/hs/btr/>>.

Bowled over

The alternative BWC – the 'Bowling World Cup' – was hosted by Malaysia, the Netherlands and Switzerland at a Geneva bowling alley on Thursday evening. Participants played two games each with prizes being awarded for the highest individual game score and for the highest overall score. The prize for highest scoring woman in an individual game went to Britta Häggström (Sweden) with the prize for highest overall score going to Una Becker (Germany). In the men's categories, both prizes went to Wan Yusri (Malaysia).

The Bowling World Cup started around 1998 and had been continued through various Convention meetings until the political stalemates of 2001. Perhaps the most optimistic sign that a positive outcome might be achieved at the 2006 Review Conference is the resurrection of this venerable tradition.

Back issues of the RevCon reports

Many delegations in Geneva have requested back issues of these reports which we have been more than happy to supply. With the large number of issues now published, it would be appreciated if, where possible, delegates could download the files from the BWPP website <www.bwpp.org> – click on the link marked '**BTWC Review Conference Resource Pages**'.

While the primary purpose of these reports is to inform people who are unable to attend the Review Conference in Geneva, it is pleasing that so many diplomats and government experts have found them useful.

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Monday 4th December 2006

The end of the second week: A new draft declaration text presented

Friday, the tenth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw the distribution of a new compiled draft final declaration following continuation of work in informal channels dealing with specific parts of the text.

There are a number of issues outstanding, the most significant of which are the composition of the new inter-sessional work programme and the question of an action plan for Article X, either of which might be the subject of a significant disagreement which might hold up conclusion of a final declaration. On most other issues, however, the differences in positions between States Parties is sufficiently close that there is likely to be an eventual agreement on these.

The latest draft declaration text

The 19-page text of the draft declaration was presented in such a way that agreed text was written in an ordinary font and text yet to be agreed was highlighted in bold or, occasionally, by some other annotation. This makes the document much easier to read than the system of putting text yet to be agreed into square brackets. [*Note*: often 'agreed' text essentially means text that has not been opposed by any State Party – States Parties will often agree to a text on a particular issue if it is not ideal but not too bad in order to be able to concentrate time on a subject that they consider to be more important.]

There are some notable features of the text that remain in bold, examples of which are as follows:

- Preamble of the Convention – this does not seem to have been considered in detail yet and is completely in bold.
- Article III – there is bolded text about implementing this article in such a way as to be consistent with Article X.
- Article V – several paragraphs about Confidence-Building Measures (CBMs) are bolded. While some text refers to the low participation rate, no text refers to the record number of returns submitted in 2006. New text talks about keeping CBM returns confidential without the express permission of the relevant State Party [see the reflections section below].
- Article VII – some bolded text relating to procedures for assistance and the possibility of the UN Department for Disarmament Affairs establishing an inventory of types of assistance that could be provided by States Parties.
- Article X – terms such as 'compliance', 'equal and non-discriminatory basis', and 'basic objectives of the Convention' are bolded, highlighting the differences in perception towards this article. Other text under this section will be affected depending on whether an action plan on Article X implementation is adopted or not.

- Articles XI and XII – text entirely in bold as yet to be discussed in detail.
- Inter-sessional process 2007-10 – both alternative texts in bold relate to one week meetings of experts and one week meetings of states parties for each of the years 2007-09 with one option being for a two week meeting of states parties in 2010 instead of one week that year. The proposed topics for the inter-sessional meetings have many bolded elements and more topics than there is time for remain on the list.
- Action plans – texts of an action plan on universalization and one on national implementation are included in completely bolded text. No text is included for an action plan on Article X implementation, as had been proposed by the non-aligned group of BTWC States Parties.

Texts on the 2003-05 inter-sessional process and on the proposed Implementation Support Unit (ISU) are in regular font apart from the bolded word ‘three’ in relation to the ISU staff level. Some ISU text is completely blank and is reliant on what might be agreed for the action plans. There is some additional text on CBMs relating to making submission of returns easier included as a separate thematic section towards the end of the draft declaration. [See <<http://www.bwpp.org/6RevCon/documents/BTWCFullText.pdf>> for the full text of the BTWC,]

Reflections on the draft declaration

The current draft embodies most points raised by States Parties during the Conference so far and on these issues may be seen as a fair reflection of the debate. However, the key Article X and future work programme issues may prove hard to resolve. If a consensus solution can be found to the Article X action plan disagreements, there may be such relief that discussion on a list of topics for the inter-sessional process will become easier. If this were to have happened in informal consultations over the weekend, the Review Conference could be finished in a day or two. If the Article X issues are not resolved quickly, the Conference might only finish late on Friday night.

The text on CBMs contains a significant change. The status of CBM returns has been somewhat ambiguous. Returns have been studied by independent researchers in the past, for example, the SIPRI study published in 1990. The draft declaration includes the sentence: ‘The information supplied by a State Party must not be further circulated or made available without the express permission of that State Party’ – a text that comes from a proposal by Russia, the UK and the US (the depositary powers of the BTWC, the latter two of which have published parts of their CBMs). This would seem to be the first mention in a Review Conference final declaration of the status of CBM returns. The use of the phrase ‘the information’ rather than simply ‘information’ may be unintentional as this would imply inseparability of a CBM return – as long as a State Party wanted just one part to be kept confidential, the whole return would have to be kept unpublished by the ISU. Currently, for example, the UK publishes its return other than Form F on past programmes.

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Tuesday 5th December 2006

Visions and divisions: The start of evening consultations

Monday, the eleventh day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw the continuation of informal consultations on outstanding issues. In an attempt to accelerate the process of producing an agreed text, additional consultation periods were added in the evening. Some delegations maintain the hope that the Review Conference will end on Wednesday, as had been proposed before the Conference had started.

Text for the Preamble, Article XI and Article XII sections of the final declaration were discussed in detail for the first time.

Textual discussions

The discussions on the draft text relating to the Preamble of the Convention did not reach a conclusion. Some detailed suggestions for changes to the text proposed by the President of the Review Conference, Ambassador Masood Khan (Pakistan) on Friday were made but no significant changes have been adopted.

Discussions of the text in the draft declaration relating to Article XI (amendments to the Convention) were overshadowed by the earlier Iranian proposal that the BTWC be amended to specifically prohibit use. One suggestion was that a procedure for amendments should be outlined, but this was opposed. No consensus was reached in these discussions.

Article XII (review of the Convention) is one of the least contentious of the BTWC and the text for the draft declaration relating to this article, calling for there to be a further Review Conference in 2011, was agreed.

Informal consultations

A number of informal consultations were carried out during the day, including a meeting that continued until 7pm, well past the usual closing times. The last of these was dealing with the inter-sessional work programme to run from 2007 to 2010. There are still too many topics on the proposed list than there is time to cover them in the inter-sessional meetings.

Meetings in the UN building Geneva tend to follow a two-shift system. In September 2005, when Ambassador Khan was chairing one of the sets of preparatory arrangements for the World Summit for the Information Society, he ran some of the Geneva meetings in three shifts: 10:00 to 13:00, 15:00 to 18:00 and 18:00 to 21:00.

One advantage of the informal consultation meetings is that there is an essentially random seating order. In the main conference room the States Parties are arranged in alphabetical order, so that Sweden always sits next to Switzerland and the United States always sits next to the United Kingdom, and so on. The random seating order means that States Parties end up next to others they are not normally sitting close to, sometimes leading to unexpected common approaches.

Differing visions

Article X remains the key outstanding issue that divides States Parties to the BTWC. The article relates to peaceful scientific and technological aspects of the biological sciences.

A number of the divisions on Article X stem from differing visions of the role of the BTWC. The differing visions can be divided into two groups which are broadly those which are net exporters of technology and those that are net importers.

One group of States, and these generally have a strong technological base, see the role of the BTWC as primarily one for controlling the spread of potentially harmful materials and technologies, and, while they see Article X as an important part of the Convention, they perceive economic and development issues as being better discussed in other forums.

The other group of States, which generally see scientific and technological development as key to future progress for their countries, have concerns that economic and development issues are not taken seriously enough in international negotiations. To these States, it is important that issues relating to national security do not have a negative impact on economic security or development.

From a slightly different perspective, all States see the benefits of assistance activities which clearly fall within the remit of Article X, such as enhanced disease surveillance, the education of scientists and improvements of biosafety and biosecurity in laboratory facilities.

NGO activities

Monday's lunchtime seminar was convened by the DePaul University School of Law on the topic of 'Bio-Science Development and Preventing Bio-Crimes: Uniting Future Strategies'. Copies of the presentation can be obtained from the presenter via <bkellman@depaul.edu>.

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Wednesday 6th December 2006

Working towards a conclusion: More text agreed

Tuesday, the twelfth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw the continuation of informal plenaries and consultations on outstanding issues relating to the draft final declaration – a new version of which was circulated during the morning. All the meetings of the Review Conference so far this week have taken place behind closed doors.

The expected late session of consultations did not take place and it now looks increasingly likely the Review Conference will continue discussions all the way to Friday.

Textual discussions

A new draft declaration was circulated during the morning to States Parties by the President of the Review Conference, Ambassador Masood Khan (Pakistan), following up the text circulated by him on Friday. This version has fewer instances of bolded text [i.e., text that has yet to be agreed] than the earlier one.

Further discussion during the day resolved a number of additional textual matters. The major items relating to Article X (regarding peaceful uses of the biological sciences) and the next inter-sessional process remain the most difficult unresolved issues.

A sentence in bold proposed for the text relating to the Preamble of the Convention may prove difficult to rephrase as it talks of the ‘enduring value of previous Final Declarations’. As these earlier declarations made references to possible multilateral verification arrangements, some States will not want to refer back to these. However, these declarations also refer to a number of other understandings not reflected in the current draft declaration which States will want to refer back to.

The other outstanding issues appear resolvable given time and a certain amount of negotiation.

Action plans and Article X

During the afternoon, the President circulated a proposal for a single action plan on ‘comprehensive national implementation’ – combining elements of the proposed action plans on national implementation and on implementation of Article X. This first united action plan was followed by a later one which took into account comments made on the earlier draft.

The action plan on national implementation proposal made some days ago in outline form seemed to gather a broad range of support unlike the separate proposal for an action plan on implementation of Article X which appeared to be supported by a number of States Parties but opposed by others. The latest proposal looks like a package put together, including selected elements of each plan, in an attempt to satisfy the various viewpoints and, in so-doing, achieve consensus.

The future inter-sessional process

One item has been removed from the earlier list of possible topics for the inter-sessional process 2007-10. 'Bioterrorism and non-state actors' (which had been listed as item xi) does not appear in Tuesday morning's draft declaration text. This leaves ten proposed topics on the list.

While the draft declaration is still couched in terms of two topics being discussed in each year, there is a growing realisation that a one week meeting of States Parties with a preparatory one week meeting of experts in each year is too short to deal with both topics in detail. As it has not yet been possible to reduce the number of topics down to eight (two per year over four years), setting a target to reduce this list even further is unrealistic.

Pressure on time within the proposed inter-sessional meetings is compounded as each year's meetings will possibly also cover a number of recurring topics – universality, national implementation, scientific and technological developments, and coordination with other international bodies. These are subjects considered to be better dealt with over a number of years as some form of progress report or update may be considered beneficial.

Side events

Tuesday's lunchtime seminar was convened by Interpol and the Verification Research, Training and Information Centre (VERTIC) to introduce the Interpol Bioterrorism Prevention Program and to present 'An [ACT, STATUTE, ORDINANCE, LAW] to prohibit biocrimes and to promote biosafety and biosecurity' – a draft legal text designed to assist States wishing to legislate against hostile uses of the biological sciences. Further information on Interpol activities in this field can be found at <www.interpol.int/Public/BioTerrorism/links> and on VERTIC at <<http://www.vertic.org>>.

This is the thirteenth report from the Sixth five-yearly Review Conference for the Biological and Toxin Weapons Convention which is being held from 20 November to 8 December 2006 in Geneva. The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP).

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Thursday 7th December 2006

The thirteenth day: A bumpy ride after a smooth start

Wednesday, the thirteenth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), started out looking like it might be a lucky day for supporters of the Convention. A large number of textual changes were agreed during the morning, leaving a substantially clean draft in many sections. In the late afternoon, debate turned to the comprehensive action plan – combining elements of the proposed action plans on national implementation and on Article X – and the luck seemed to run out. After the day's informal plenaries an informal consultation session was convened to try to come to agreement on the content of the future inter-sessional process. A further informal plenary was planned to follow the evening consultation meeting but this was rescheduled for early Thursday morning. All of the day's meetings were held behind closed doors.

A new version of the draft declaration was circulated during the morning to States Parties by the President of the Review Conference, Ambassador Masood Khan (Pakistan). As with Tuesday's draft, this edition has yet further reductions of bolded text [i.e., text that has yet to be agreed] compared with the previous one.

The informal plenary meetings that are preparing the text of the final declaration started out in a relaxed manner, but by the end of the day difficulties over the combined action plans had created some tensions.

Action plans and Article X

The proposal by the President of the Review Conference for a single action plan on comprehensive implementation was the subject of vigorous debate. Some States Parties have indicated that they do not wish to see so many elements relating to Article X (which relates to peaceful uses of the biological sciences) in an action plan they saw as important for dealing with problems of national implementation. Other States Parties indicated that if Article X issues were not covered they may not see the value in an action plan on national implementation. By the evening, there did not appear to be an easy path to follow to bring these two perspectives together.

The future inter-sessional process

The list of topics proposed for discussion in the inter-sessional meetings was reduced in the text circulated by the President in the morning. Two items relating to preparedness and response, to provision of assistance in cases of alleged use, and to disease surveillance were combined into one. The item on confidence-building measures (CBMs) was removed, in part because there was some confusion as to what the meeting might do that would not be covered if this was a recurring topic. [Note: in referring to the possible recurring topics in

report #13, CBMs were accidentally not included. The full list of recurring topics is therefore: universality, national implementation, scientific and technological developments, CBMs, and coordination with other international bodies.]. This brought the total of individual meeting topics down to eight. During Wednesday, a further individual meeting topic – on terms and definitions relevant to the Convention – was removed.

Other changes

The draft declaration, which includes the article-by-article review and the decisions on action plans and implementation support, circulated on Wednesday morning contained a number of changes from the version the day before. Under Article VI, difficulties of phrasing text relating to responses and assistance in the cases of dangers posed by biological weapons possessed by States that are not party to the BTWC or by non-state actors were overcome by separating a composite text into two paragraphs. Now one paragraph deals with dangers posed by breaches of the Convention and reference to the Security Council with a second noting the intentions of many States to support each other if exposed to dangers posed by biological weapons in other circumstances.

This draft also included proposed text recognising that Iran had put forward an amendment to the BTWC on explicitly prohibiting use and requesting that States Parties convey their views on this amendment to the depositary states (Russia, UK and USA).

During Wednesday's debates, some details about the proposed Implementation Support Unit (ISU) were clarified when the Netherlands' delegation requested that the words 'in Geneva' be inserted after the words 'Department for Disarmament Affairs' within the draft declaration. For reasons not clear, the preliminary discussions on the ISU all referred to it being in Geneva, but this was not made explicit anywhere in the text. [Note: the involvement of the Netherlands in this amendment is the clearest indicator that States do not see the formation of the ISU as a precursor to an international organization for the BTWC. The Dutch and Swiss Governments competed fiercely for the right to host the 'OPBW' – the international body that would have resulted from the protocol negotiations. It is unlikely that the Dutch would have proposed this amendment if it felt it would prejudice its chances of hosting any future OPBW alongside the OPCW in The Hague.]

Discussions in the margin clarified some confusion between States Parties as to whether the ISU positions would be funded from UN regular budget estimates or from contributions directly levied as States Parties to the BTWC. Although the ISU staff positions are described in the draft declaration as being 'within the United Nations Department for Disarmament Affairs' the unit will be funded directly by BTWC States Parties and not from any UN budget.

NGO activities

Wednesday's lunchtime seminar was convened by Green Cross International to present the results of their roundtable meeting held in Geneva on 8 November entitled 'Developing a Comprehensive Biosecurity Regime'. For further information on the activities of Green Cross see <<http://www.gci.ch>>.

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Friday 8th December 2006

Final issues of concern: The end-game is played out

Thursday, the fourteenth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw an end-game being played out that is fairly typical for this sort of event. Two sessions of informal plenaries were held which resolved a large proportion of the outstanding textual questions. Although most text is now agreed, there remain a few significant matters to be resolved upon which only two States Parties – Iran and the USA – have indicated strong views. Therefore, at the end of the day, consultations were being held between the President of the Review Conference, Ambassador Masood Khan (Pakistan) and a small number of States Parties about outstanding issues. Depending on what form of outcome may result from these consultations, there will be additional consequences for text in the final declaration.

Two versions of the draft declaration were circulated to States Parties during the day by the President – one in the morning and one in the afternoon. At each stage there have been reductions of highlighted – mostly bolded – text [i.e., text that has yet to be agreed]. A draft text for the final procedural report, which essentially describes the process of the Review Conference was also circulated.

Two action plans or no action plans?

The subject of the content of one of the action plans remains the most controversial issue of the Review Conference. The proposed action plan on comprehensive implementation combines elements of the earlier proposals for an action plan on national implementation and on implementation of Article X of the Convention (which relates to peaceful uses of the biological sciences).

Following the divergence of views on the proposed action plan on comprehensive implementation, there is the possibility that this action plan might be dropped (although it is not clear how likely this is). In preparation for this possibility, the action plan on universality has been re-titled ‘Promotion of Universalisation’. If agreement on the other action plan is reached, this may return to its original title.

The future inter-sessional process

Some work remains to be done on the list of topics for individual Meetings of Experts and Meetings of States Parties – the inter-sessional meetings. The final text for this list will be dependent on the results of the President’s consultations on Thursday night.

The list of possible recurring topics that the inter-sessional meetings could cover has essentially been struck out. The list of topics that would have been open for discussion at each year's Meeting of States Parties – universality, national implementation, scientific and technological developments, confidence-building measures (CBMs), and coordination with other international bodies – was replaced with the words 'universalisation and comprehensive implementation of the Convention'. In the afternoon draft text these words remained in bold and may change if a solution is found to the action plans issues.

Implementation Support Unit

As disagreements surfaced on a number of matters, these had knock-on effects for text relating to the Implementation Support Unit (ISU). Phrasing about national implementation and universalisation had been included in reference to the proposed action plans. These had been changed to comprehensive implementation and universalisation in the morning's draft. In the afternoon's draft, both had been deleted. This text may be reinserted if action plans on these subjects are agreed. If there is no such agreement, the role of the ISU will be limited to administrative support and dealing with CBMs.

The bolding was removed from the word 'three' in relation to staffing levels; there does not appear to have been any other proposal for numbers for some time.

Confidence-Building Measures

There was some opposition to the idea that the ISU should be able to send reminders to States Parties that had not submitted CBMs by the due date (15 April each year). The argument by Algeria was that such reminders should only be sent for something that was legally binding and this was not the case for CBMs. Reminders before the deadline were also contentious. Instead, the ISU will inform States Parties of the deadline at least three months in advance. The deadline has not been changed since CBMs were introduced.

The section on CBMs has now dropped the suggestion that formats for submissions should be reviewed. The relevant paragraph now reads that the CBMs system 'further and comprehensive attention' at the seventh Review Conference to be held in 2011.

Final reporting

A final daily report on the Review Conference will be published by BWPP over the weekend to cover the events of the final day.

On a personal note, as this will be the last daily report circulated directly to delegates in Geneva, I would like to thank all those members of delegations who have taken time to discuss the serious matters involved in this Review Conference. With so many meetings taking place behind closed doors, reporting on the events would have otherwise been impossible.

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Sunday 10th December 2006

The end of the Conference: Progress but no action plans

Friday, the fifteenth and final day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw the adoption of a document which includes a final declaration with an article-by-article review, the adoption of a new inter-sessional process, an Implementation Support Unit (ISU) and a programme to promote universality. However, the 'action plans' that had been the subject of many discussions were not retained in the end. The end-game was fairly typical for this sort of event – 'nothing is agreed until everything is agreed'.

Two States Parties – Iran and the USA – were involved in consultations until the early hours of the morning. While they discussed some serious issues, there were a number of minor textual changes being raised. This is the same pair of States Parties that held up agreement on final texts at the end of the Meetings of States Parties, particularly in 2004.

The first part of the morning saw significant progress on textual changes, several of which fell into place as a consequence of the overnight consultations. In a number of cases this was achieved through the old method of 'consensus by deletion' – if you can't agree to it, get rid of it. During the late afternoon, a further version of the draft declaration was circulated (now cited as paper CRP.4). In open plenary, some oral amendments were made to this document, a number of which had needed late consultations – such as the dates for the 2007 inter-sessional meetings.

A new word entered the language of disarmament diplomacy with the adoption of the term 'romanito', following consultations between representatives of Cuba and Italy, to describe the lower case roman numerals as paragraph numbers.

The future inter-sessional process

The final text for the list of topics for individual Meetings of Experts and Meetings of States Parties – the inter-sessional meetings – was agreed during Friday morning as :

- i Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions.
- ii Regional and sub-regional cooperation on BWC implementation.
- iii National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.
- iv Oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim to prevent misuse in the context of advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention.
- v 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: (1) for States Parties in need of assistance, identifying requirements and requests for capacity enhancement, and (2) from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields.
- vi 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.

Topics i and ii will be dealt with in 2007, iii and iv in 2008, v in 2009, and vi in 2010. It is proposed that the 2007 Meeting of Experts should be held 20-24 August and the Meeting of States Parties 10-14 December.

The Meetings of States Parties may also discuss 'universalisation and comprehensive implementation of the Convention'. Comprehensive implementation would include such topics as national implementation, scientific and technological developments, confidence-building measures (CBMs), and coordination with other international bodies.

Implementation Support Unit

Following a lack of agreement on the action plans, the role of the Implementation Support Unit (ISU) will be limited to 'administrative support' and dealing with CBMs. However, the items listed under administrative support may allow some flexibility in the operation of the ISU. For example, the ISU is tasked with 'Facilitating communication among States Parties', 'Serving as a focal point for submission of information by and to States Parties related to the Convention' and 'Supporting, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference' – all of which might be subject to either a broad or narrow interpretation of the mandate.

Other specific tasks for the ISU include: developing electronic methods of submission for CBMs together with a secure website on CBMs to be accessible only to States Parties; and serving as an information exchange point for assistance related to preparation of CBMs. The ISU should 'regularly inform' States Parties about CBM returns and provide statistics on the level of participation to each Meeting of States Parties. The ISU is also to keep lists of national points of contact in States Parties in charge of preparing the submission of CBMs and for information exchange of universalisation efforts.

Universality

Under 'Promotion of Universalisation' – essentially the proposed action plan on universality – an annual report on universalisation activities shall be made by the Chairs of the Meetings of States Parties and a progress report submitted to the Seventh Review Conference.

The loss of the action plans

The proposed action plan on comprehensive implementation which put together elements of the earlier proposals for an action plan on national implementation and one on implementation of Article X of the Convention (which relates to peaceful uses of the biological sciences) was deleted.

Closure of the Conference

The President of the Review Conference, Ambassador Masood Khan (Pakistan), closed the conference in an upbeat mood, noting that after a gap of ten years 'we have thoroughly and comprehensively reviewed all articles of the Convention and its implementation'. He noted that, on CBMs, the conference had 'streamlined and updated' procedures for submission and taken practical steps to increase the level of participation. He described the ISU as making a 'significant contribution' in the coming years.

This is the final report from the Sixth five-yearly Review Conference for the Biological and Toxin Weapons Convention which was held from 20 November to 8 December 2006 in Geneva. The reports were prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP). The author would like to thank all those within BWPP that have made it possible to keep ahead of the deadline each morning to get paper copies to the Palais des Nations in time before the start of the meetings. Anne Marrillet and Hyun Jin Chung helped with copying and distribution. Jean Pascal Zanders helped with editing and as a sounding board for ideas. BWPP would like to thank the Ploughshares Fund for making this reporting of the Review Conference possible.

These reports will remain available on the BWPP website via a page dedicated to the Review Conference – <<http://www.bwpp.org/6RevCon/6thRevConResources.html>>.

Monday 20th August 2007

The Meeting of Experts: Building on past experience

A renewed process

The opening of the 2007 Meeting of Experts (MX) marks the start of the second inter-sessional process for the 1972 Biological and Toxin Weapons Convention (BTWC/BWC). The MX will be followed by a one-week Meeting of States Parties (MSP) in December.

The topics for discussion at the MX and MSP this year are 'Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions' and 'Regional and sub-regional cooperation on BWC implementation'. The topics were agreed at the Sixth Review Conference for the BTWC which was held from 20 November to 8 December 2006. The MSP may also discuss 'universalisation and comprehensive implementation of the Convention'. Comprehensive implementation would include such topics as national implementation, scientific and technological developments, confidence-building measures (CBMs), and coordination with other international bodies.

The current inter-sessional process builds on the experience of an earlier, similar process that took place during 2003-05. In that set of meetings, each MX was of two weeks duration. This provided much more time to cover technical issues and to hear presentations by States Parties. For example, the 2003 MX covered the subjects of 'the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation' and 'national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins' – giving about a week to each of these. The 2003 meetings were widely regarded as productive and as contributing to national implementation activities.

Background materials on the 2006 Review Conference can be found on the BWPP website at <<http://www.bwpp.org/6RevCon/6thRevConResources.html>>.

Issues of national implementation

National implementation has to be dependent on the context and constitutional arrangements within each State Party. It can be broken down into three broad areas of activity – legislative, monitoring and enforcement. Legislative activities have been the focus of considerable attention in recent years and an increasing number of States Parties have introduced specific BTWC legislation. In order to make the legislation effective, each State Party must have an understanding of what relevant activities are taking place in territories under their jurisdiction or control. To do this, monitoring activities must be implemented. Enforcement activities must be carried out as both a deterrent and to ensure that when breaches of standards do occur they are dealt with effectively and appropriately.

Issues of regional cooperation

In recent years a number of regional and sub-regional forums have been host to discussions on the political, security and economic benefits of being a party to the Convention and on its effective implementation. A number of regional seminars have been held in recent years.

The future inter-sessional process

In the first inter-sessional process the specific topics were discussed only in their allocated years with no crossover between years. This was a condition of the original deal for the first inter-sessional process. There will be more flexibility in the current set of meetings.

The topics for 2008 will be 'National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins' and 'Oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim to prevent misuse in the context of advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention'. The 2009 topic will be '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: (1) for States Parties in need of assistance, identifying requirements and requests for capacity enhancement, and (2) from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields'. The topic for 2010 will be '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'.

Implementation Support Unit

An 'Implementation Support Unit' (ISU) was established by the Review Conference to provide administrative support and to deal with CBMs. The ISU formally commenced its activities on 26 June, although it been informally carrying certain activities from March. There will be a formal launch of the ISU on Monday evening.

The role of the ISU is to facilitate activities of States Parties to assist themselves and others in implementation of the obligations undertaken under the BTWC. Materials relating to the MX will be posted by the ISU on their website: <<http://www.unog.ch/bwc>>.

Progress on Universalization

The Review Conference took a decision on 'Promotion of Universalization' to encourage countries outside of the BTWC to join. Since the Review Conference, three additional countries have become States Parties to the BTWC. Kazakhstan acceded on 28 June 2007, as did Trinidad and Tobago on 19 July 2007. Montenegro announced its succession to the Convention, which it considers to have taken effect from 3 June 2006, the date of its independence.

This is the first report from the Meeting of Experts for the Biological and Toxin Weapons Convention which is being held from 20 to 24 August 2007 in Geneva. The reports are designed to help people who are not in Geneva to follow the proceedings.

The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP). Copies of all of these reports (and details of how to subscribe to them by e-mail) are available on the BWPP website at <<http://www.bwpp.org/2007%20MX/MX2007Resources.html>>.

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Tuesday 21st August 2007

2007 Meeting of Experts: The opening day

The opening day of the Meeting of Experts (MX) for the Biological and Toxin Weapons Convention (BTWC) included plenary statements by States Parties, a presentation by an international organization, statements by non-governmental organizations (NGOs) and activities by the new Implementation Support Unit (ISU). It was also confirmed during the day that Gabon had become the 159th State Party to the Convention.

Opening of the meeting

The MX opened as scheduled on Monday morning, with Ambassador Masood Khan (Pakistan) in the Chair. A number of formalities were quickly run through, such as the adoption of the programme of work and the rules of procedure. Israel was granted observer status as a country that had neither signed nor ratified the BTWC. The African Union, the International Committee of the Red Cross, Interpol, the League of Arab States, and the Organization for the Prohibition of Chemical Weapons were granted observer status as international organizations.

Ambassador Khan noted that the MX had the benefit of building upon the success of the earlier inter-sessional process as well as the successful outcome of the Sixth Review Conference. Khan identified two types of presentation he expected to be made to the MX. The first would be detailing national experience in national implementation and in regional co-operation. The second would be thematic, such as ideas of how better cooperation may be achieved between national agencies. Khan indicated that, in keeping with past practice, a collated list of suggestions made during the meeting would be compiled and circulated with the factual report.

The general debate period in the morning consisted of plenary statements, in the following order, from Cuba (on behalf of the Non-Aligned Group), Portugal (on behalf of the European Union), Brazil, China, Russia, Saudi Arabia, Republic of Korea, India, Canada, the Islamic Republic of Iran, Pakistan, Libya, Indonesia and Sudan. Copies of each of the statements for which a paper copy was circulated at the meeting will be posted on the BWPP website at the address given overleaf. Some States Parties that would normally have given plenary statements at earlier MXs declined the opportunity this time in order to allow more time for detailed presentations on specific subjects.

A number of common themes emerged from the statements. Most emphasised the importance of the topics under discussion at the MX this year. Many noted that the nature of the biological issues meant that there were many benefits in learning from each other's experiences. Some expressed a continued desire to achieve, in the long term, some formal compliance measures of a legally-binding nature for the Convention. Several statements made reference to national systems of ensuring food safety, an area not traditionally associated with biological warfare but which is increasingly recognised as a potential area of terrorist or criminal activity in tampering with food supplies.

Interpol presentation

After lunch, a presentation was given by Interpol on some of the work it has been carrying out on bioterrorism. Information was provided on the organization's activities in areas such as awareness raising regarding bioterrorism threats, police training, the strengthening of criminal law, and the creation of a 'bio-events' database. The Interpol bioterrorism website can be found at <<http://www.interpol.int/Public/BioTerrorism/>>.

Unlike the earlier plenary statements, this presentation was followed by a question and answer session. Issues brought up during this session included whether raising awareness of some threats was best achieved by the citation of certain types of press reporting and how the 'bio-events' database might relate to a database on 'biological incidents' that is to be set up by the UN Office of Disarmament Affairs (ODA) under General Assembly resolution A/RES/60/288. This second subject may become clearer later in the week when a presentation is due to be given by the ODA on its database.

NGO statements

Following the Interpol presentation, the formal meeting was suspended to allow NGOs to make statements to an informal session. Statements were made, in the following order, by Bradford University, the Harvard Sussex Program (HSP), the London School of Economics (LSE), the BioWeapons Prevention Project (BWPP), the Center for Arms Control and Non-Proliferation Scientists Working Group on Biological and Chemical Weapons, the Verification Research, Training and Information Centre (VERTIC) and Pax Christi. Copies of each of these statements will be posted on the BWPP website at the address given below.

Implementation Support Unit activities

The afternoon saw a demonstration of the ISU database on National Implementation Measures. The database contains short descriptions of national measures relevant to the Convention together, where possible, with links to the full texts. The database can be found via the ISU web page <<http://www.unog.ch/bwc>> – click on 'Information for States Parties' and then 'National Implementation'. This leads to the list of countries on which data is held. As implementation measures have to be suitable for each national context, the database allows States Parties considering adopting new measures to refer to examples relevant to their circumstances.

During the evening a formal launch event for the ISU was held. However, the event was far from 'formal', providing a light-hearted counterpoint to the serious discussions of the day. The three staff of the ISU – Richard Lennane (Head), Piers Millet (Political Affairs Officer) and Ngoc Phuong Huynh (Associate Political Affairs Officer) – were introduced in a jovial presentation that included extracts from a 1952 civil defence film on biological warfare.

The ISU is unlike any other international body in arms control dealing with 'weapons of mass destruction'. In other cases, States Parties ask the international body to carry out actions on its behalf. By contrast, the ISU is essentially a co-ordination office, assisting States Parties in their own implementation activities and matching requests for assistance with relevant offers of help.

This is the second report from the Meeting of Experts for the Biological and Toxin Weapons Convention which is being held from 20 to 24 August 2007 in Geneva. The reports are designed to help people who are not in Geneva to follow the proceedings.

The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP). Copies of all of these reports (and details of how to subscribe to them by e-mail) are available on the BWPP website at <<http://www.bwpp.org/2007%20MX/MX2007Resources.html>>. This page also includes other materials from the meeting.

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Wednesday 22nd August 2007

2007 Meeting of Experts: The second day

The second day of the Meeting of Experts (MX) for the Biological and Toxin Weapons Convention (BTWC) saw closed working sessions in the main meeting room and the first of the lunchtime side events.

The morning started with a shortened session as many delegates wished to attend the Conference on Disarmament (which also meets in the Palais des Nations), where Sergio de Queiroz Duarte, the UN Secretary-General's High Representative for Disarmament Affairs, was speaking.

As the working sessions were held behind closed doors, it is not possible to give a comprehensive report on such activities.

Presentations given by States Parties were primarily on legislative issues. For example, detailed presentations were given on legal measures in India and the Philippines. Some presentations, such as one by Switzerland were very similar in character to statements made in the general debate the day before. Few presentations contained any surprises.

Confidence-Building Measures (CBMs)

The number of CBM returns submitted by BTWC States Parties so far in 2007 is a record 57 – beating 56 in 2006, which was itself a record. While the annual date for submission is in April, submissions are accepted by the Implementation Support Unit (ISU) at any time of the year. With four months to go until the end of the year, the 2007 total is likely to grow.

Of the submissions so far in 2007, 48 were from states that had provided returns during 2006. Three returns were received from States Parties that had never previously submitted – Brunei Darussalam, Lebanon and Nigeria. Six States Parties submitted returns in 2007 that had previously done so, but not in 2006 – Bangladesh (previous return in 1996), Ecuador (1996), Jordan (1996), Kyrgyzstan (1993), Mexico (2004) and Turkey (2005).

Countries which submitted a CBM return in 2006, but have not yet done so in 2007 are Denmark, Greece, Liechtenstein, Luxembourg, Malaysia, Montenegro, Romania and San Marino.

In their plenary statement in the general debate on Monday, the European Union noted that all member states had submitted CBM returns in 2006. Thus far in 2007, out of the 27 member states of the EU, only Denmark, Greece, Luxembourg and Romania have yet to submit their returns. Of the 14 countries that had associated themselves with the EU statement, 7 – Albania, Bosnia and Herzegovina, Iceland, Liechtenstein, Montenegro, Republic of Moldova and the Former Yugoslav Republic of Macedonia – have yet to submit a CBM return in 2007. Albania and the Republic of Moldova have never previously submitted returns.

According to information on the website of the Implementation Support Unit (ISU), the restricted area of the website that is to hold CBM returns in a secure manner went live in July.

BioWeapons Monitor launched

The first lunchtime side-event of the Meeting of Experts was the launch of the second version of the BioWeapons Monitor by the BioWeapons Prevention Project (BWPP).

The goal of the BioWeapons Monitor is to set up a centralized repository of public documents relating to the norm against biological and chemical weapons. The documents pertain to treaties, negotiations and meetings of the States Parties, as well as UN General Assembly and Security Council resolutions, historical documents, NGO statements, and so forth.

Access to the BioWeapons Monitor is free. A fundamental underlying principle of the initiative is that access to information should not be dependent on institutional or private wealth. It has also been designed with speed of access to the information in mind so that users in countries with difficult or slow Internet connections can equally make use of it.

The BioWeapons Monitor can be found at <<http://www.bwpp.org/bwm>>.

Some personal reflections

Observing international diplomacy for too many years can make even the most optimistic commentator cynical about what may be achieved in inter-governmental meetings. While the role of a commentator should be to try to report what is happening in an impartial manner, there are times that this style of reporting does not convey some of the atmosphere of meetings.

Something has changed. This year's MX has a clearly positive, collegial atmosphere. Perhaps the previous inter-sessional process was so closely tied with fears of failure at the 2006 Review Conference that delegates would stay closely within self-imposed parameters. Speaking with delegates from a diverse range of countries, I get the strong impression from a large number of them of increased flexibility and strong personal desires to 'do the right thing' in the biological field. The difficulty is that it is not clear in most situations precisely what the 'right thing' should be. Some contributory factors to this difficulty have been recognised for some time, such as the technical nature of the subject matter, the requirements to tailor implementation measures to national contexts, and the uncertainties of where future scientific and technological progress may lead. Even when particular measures can be identified as appropriate for a State Party, the factor most neglected is the variety of pressures that individual government officials are under.

It takes a certain level of self-confidence to be the individual within a government promoting new detailed implementation measures. The proposals will be remembered by your colleagues as having come from you. If you are not sure of the consequences of every detail of what you propose, do you have the confidence to keep pushing?

Perhaps a key, but immeasurable, element that will result from the Meeting of Experts will be the increased self-confidence felt by individual officials dealing with this subject matter.

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Thursday 23rd August 2007

2007 Meeting of Experts: The third day

Wednesday, the third day of the Meeting of Experts (MX) for the Biological and Toxin Weapons Convention (BTWC), again consisted entirely of closed working sessions. During the morning the presentations moved on from national implementation issues to the second topic on the agenda – regional and sub-regional co-operation on BTWC implementation. This second topic was the subject of detailed presentations by Japan and by Portugal (on behalf of the European Union).

In the afternoon an informal compilation of proposals made so far at the MX was circulated.

Informal compilation paper

An informal paper was circulated among States Parties under the title ‘Draft Considerations, Lessons, Perspectives, Recommendations, Conclusions and Proposals Drawn from the Presentations, Statements, Working Papers and Interventions on the Topic Under Discussion at the Meeting’.

The creation of this compilation follows the precedents of the Meetings of Experts in 2004 and 2005 which appended similar lists to the public reports of the meetings (these reports carry the following official document numbers – BWC/MSP/2004/MX/3 and BWC/MSP/2005/MX/3). In both of these cases, the compilation was circulated in draft form to allow States Parties to comment. Whereas some of the concepts in the earlier years were considered controversial, there is little in the current list that would raise the blood pressure of any of the delegates. The list may be updated if further proposals are made during Thursday.

The 2007 draft compilation tabulates each proposal with details of the statement or working paper in which it was made, together with the country that made it. The compilation is divided into five sections:

- Implementing the Articles of the Convention
- Scope of national implementation measures
- Enhancing domestic cooperation (managing national implementation)
- International and regional cooperation and assistance
- Transfers and export controls

Each of these areas is covered in a fairly comprehensive manner. However, one area that does not get a mention is any suggestion that national implementation measures should cover actions of the government itself.

Including activities of governments in national legislation

In a number of countries, the constitutional arrangements are such that governments are automatically covered by any legislation adopted. Within other countries, legislation of whatever type does not cover activities of the government unless it is explicitly expressed. A variety of approaches exist regarding the issue. Three examples are provided.

The first is the legislation to ratify and implement the Chemical Weapons Convention in the UK which includes provisions to bind the government (the 'Crown'). The provisions in section 37 of the *Chemical Weapons Act 1996*, contain the following proviso: 'No contravention by the Crown of a provision made by or under this Act shall make the Crown criminally liable; but [a high-level court] may ... declare unlawful any act or omission of the Crown which constitutes such a contravention'.

The second is the UK's equivalent legislation in relation to the BTWC, the *Biological Weapons Act 1974*, which contains no provisions to bind the Crown. Furthermore, under the provisions of this act no judicial test could be applied to the activities of the government without the express consent of the government itself.

The third example is India's *Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act 2005* (the 'WMD Act'), of which section 25 reads: 'Nothing in this Act shall affect the activities of the Central Government in the discharge of its functions relating to the security or the defence of India'. This provision was seemingly introduced to ensure that the legislation did not inadvertently inhibit that country's nuclear weapons programme.

Each of the examples above has its own national and historical context. However, the increased transparency that would result from explicit inclusion of government activities in relation to the biological sciences is worthy of further consideration.

Confidence-Building Measures update

Some states identified in *MX report #3* as having submitted a CBM return in 2006 but not so far during 2007 have indicated that the delay is purely a matter of administration. If the ISU is able to confirm receipt of further CBM returns during the MX, this will be reported in a future *MX report*.

Meeting timetable

As of Wednesday night, it would appear that only a few presentations by States Parties remain to be made. This makes it likely that the closed working sessions will be completed on Thursday morning. The precedent is that time on the Thursday afternoon has been needed to resolve any disagreements on what should be in the final report. However, there has been little disagreement at this meeting.

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Friday 24th August 2007

2007 Meeting of Experts: The fourth day

The Meeting of Experts (MX) for the Biological and Toxin Weapons Convention (BTWC), met on Thursday morning in a closed working session to hear the last of the presentations. There was no meeting in the afternoon.

Draft report

A draft text for the report from the MX was circulated to States Parties, most of which was regarded as fairly uncontentious. As in previous years, the paragraph relating to the compiled list of proposals is the one for which some States Parties have the greatest difficulty. The text for this paragraph, as circulated in draft, is taken from the 2005 MX report (a combination of paras. 18 and 19 of BWC/MSP/2005/MX/3 – the draft even retains the date of 2005 in it!) Some States Parties have concerns about the status of the compiled list of proposals and this paragraph essentially says it has no status as a formal inter-governmental document.

Expectations

As there is little that is contentious in the subject matter being discussed at this MX, it is likely that the proceedings will be wrapped up formally on Friday in a short meeting.

In the past, two States Parties have most been involved in delays reaching agreement on final reports in previous inter-sessional process meetings – Iran and the United States. Often each has been reacting to the statements of the other. This year, both seem to be content with the proceedings.

Neither would find much benefit in raising objections at this stage. On the US side, national implementation is something it has been focused on in recent years and there has been much comment in the corridors about the positive US attitude at this MX. An issue which has not received much attention in Geneva, but has received much in The Hague, is the Iranian candidacy for the Chairmanship of the Second Review Conference of the Chemical Weapons Convention (CWC) which is to be held next year. It is the turn of the Asian Group to hold this position and Iran is hoping to get the support of the group for its candidacy. This might be an influence on Iranian activities.

Biological incidents database presentation

A presentation on the United Nations biological incidents database was given at lunchtime – the second side event of the week. The database is to be set up by the UN Office of Disarmament Affairs (ODA) under General Assembly resolution A/RES/60/288 which was adopted by consensus in 2006. As the requirements for the database were unspecified in the

resolution other than it should be comprehensive yet complementary to the biocrimes database being established by Interpol (see *MX report #2*).

The presentation by the ODA highlighted some of the work to date to develop the database. The working definition of 'biological incident' that is in use is an 'event in which a biological agent harms or threatens to harm humans, livestock, agricultural or economic assets'. This therefore includes accidental as well as deliberate events. No specific definition of 'biological agent' is being used.

A large part of the question and answer session dealt with issues of how hoaxes might be dealt with in the database. One side of the issue is that as hoax events, by definition, do not include actual biological agents should they be included – especially as there are many, many times more hoaxes than real events and this can distort the numbers. The other side is that some lessons may be learnt from how hoaxes are dealt with and that hoaxes may not threaten harm through disease but can create economic harm through the disruption they cause.

Following the presentation, the relationship between the two databases was not much clearer. However, this is mostly due to the early stage in development that each of them is at. In corridor discussions, some delegates raised concerns about having to provide the same information twice to the separate databases.

Confidence-Building Measures – 58 and counting ...

The Implementation Support Unit has confirmed this week that Denmark has submitted its 2007 CBM return, bringing the total up to 58 and continuing to build on the record levels of submission.

This leaves seven States Parties as having submitted a CBM return in 2006 but not so far during 2007 (see *MX report #3*).

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Monday 27th August 2007

2007 Meeting of Experts: The final day

The 2007 Meeting of Experts (MX) for the Biological and Toxin Weapons Convention (BTWC), met for the final time on Friday morning. The meeting started with a plenary statement by the representative of the African Union, then heard a short report from the Chairman, Ambassador Masood Khan (Pakistan), on universalization before agreeing on the final report of the MX. After some short closing statements from States Parties, the Chairman made his own closing comments.

African Union statement

The statement noted the importance of strengthening the capacity in the region to control biological threats. Some initiatives taken by groups of African states were cited, such as the 2001 adoption of a Model Law on Safety of Biotechnology and the Regional Approach to Biosafety Policy in Eastern and Southern Africa (RABESA initiative) of 2004.

Interim report on universalization activities

As the Sixth Review Conference had agreed that the Chairs of the Meetings of States Parties would coordinate universalization activities, address states not party to the BTWC, and provide an annual report on universalization activities, Ambassador Khan gave a brief interim report to the meeting on the efforts so far this year. He said he had written to all States that were not currently parties to the Convention and had received two replies – from Mozambique and Israel. The letter from Mozambique indicated that the process of accession was at ‘an advanced stage’ and would hopefully be concluded soon. The letter from Israel indicated ‘regional circumstances’ currently precluded consideration of accession to the BTWC, but that, hopefully, future circumstances may allow a renewed consideration.

Ambassador Khan noted that with four new States Parties so far this year – Montenegro, Kazakhstan, Trinidad and Tobago, and Gabon – if this rate of joining was continued, the BTWC could achieve universal adherence by the time of the next Review Conference in 2011.

Final Report of the MX

A draft of the report had been circulated as document CRP.1 and no objections to the text had been raised. The report is essentially procedural. It notes the decision of the Review Conference to hold the MX, how the meeting was organized, which States Parties and observers attended, and a brief outline of the work of the meeting.

France noted that subject headings under which the compiled list of proposals was organized in document CRP.2 did not follow the topics of the agenda of the MX. It was agreed that the Chairman and the Implementation Support Unit would rearrange this list before the report was published.

The paragraph of the report which includes the disclaimer that the compiled list of proposals has no official status (see *MX report #5*) was considerably shortened from the initial draft. The earlier version was highly convoluted and repetitive. This amendment,

while it might seem trivial, is actually a clear sign of the much more practical nature of this year's MX. [The texts of the CRP.1 and CRP.2 have been placed on the ISU website – <http://www.unog.ch/bwc> – and on the BWPP resource page (see below). In the ISU version, however, the published texts do not include the document numbers.]

Closing statements and remarks

Four States Parties gave brief closing statements – Cuba (for the Non-Aligned group of countries), Australia (for the Western group), Portugal (for the European Union) and Slovakia (for the Eastern group). Each of these followed the traditional format of expressing the thanks for the efforts of the Chairman and of the other States Parties. The inclusion of the EU in this tradition is a further sign that it is becoming a *de facto* BTWC regional grouping in its own right.

The Chairman's closing remarks characterized the meeting as 'very useful and constructive'. Among the themes and lessons of the meeting that he identified were: there is no 'one size fits all' solution for national implementation; that an 'implementation checklist' could be a more useful tool than model legislation; and there is a need to help States Parties build capacity, not just through guidance on enacting legislation and regulations, but also through practical assistance to build their capacity to enforce and manage such measures.

Reflections

The 2007 MX was much more positive, and much more practical, than the equivalent meeting in 2003. With some 90 States Parties registering, this meeting was better attended than the earlier MXs (83, 87 and 82, respectively).

In his closing statement, Ambassador Khan raised some questions whether there might be improvements in the way that the meetings are organized. One suggestion was that the presentations might be more carefully scheduled so that they fit into a more thematic discussion. It is clear that a number of delegates, especially from smaller states, felt burdened by the sheer volume of information being presented to them with little chance of informal discussion on the subject. A further consideration is that a number of presentations looked at broad aspects of national implementation, and so there was much repetition of detail. This wore down some enthusiasm of delegates during the week.

With hindsight, more might have been made of the time available, but it is not clear if this could have been predicted in advance. Most previous MXs and MSPs have needed time on Thursday afternoon and Friday morning to resolve differences of perspectives, so that the meeting could end on Friday afternoon with a consensus. As no great differences emerged during the week, this time was unused. If, however, working sessions had been scheduled for these times and significant differences had emerged during the MX, the meeting may not have been able to reach a consensus and would be regarded by many as a failure. The topics in future MXs are likely to be more contentious than those for 2007 and so the time for resolution of differences is sometimes likely to be needed. If Thursday afternoons should be kept free, perhaps a 'Thursday afternoon club' of individuals responsible for introducing new national measures could informally meet, perhaps in a coffee area, to have a free exchange of ideas and provide mutual support for their efforts?

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