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THE DEVELOPMENT OF THE AUSTRALIA GROUP EXPORT CONTROL LISTS OF BIOLOGICAL PATHOGENS, TOXINS AND DUAL-USE EQUIPMENT

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In response to the increased awareness of the threat of biological terrorism following 11 September 2001 and the anthrax letter incidents, and with the recent adoption of UN Security Council Resolution 1540,² there have been a number of requests by countries which have not participated in the 'Australia Group' (AG) for background information on the various AG export control lists. This article has been prepared in response to those requests, as a means to provide a better understanding of the development and evolution of the AG export control lists of biological pathogens, toxins and dual-use equipment lists.

The Early Days of the Australia Group

The AG dates back to 1985 when a group of 15 countries agreed to consult and harmonise their various national export controls on dual-use precursor chemicals to prevent Iraq from obtaining them for the production of chemical weapons (CW), which it was using in the Iraq-Iran war. For the first few years of the AG consultations, the main focus remained CW proliferation in the Middle East. With the original focus on CW proliferation, the meetings became known as the *Australia Group Meeting on Chemical Weapons Precursors*.

However, during the AG meeting in April 1988, it was reported that a number of countries of concern were expanding their proliferation activities from CW programmes to biological weapons (BW) programmes. By the end of 1989, it had become clear that Iraq and a number of other Middle-East countries were attempting to acquire seed cultures, fermentation equipment and technology that could support an offensive BW programme. A particular difficulty recognised by the AG participants was in distinguishing between legitimate biotechnological activities and those activities that may have been part of a BW program.

This led to discussion by the AG of various potential means to counter BW proliferation including:

- National guidelines to industry and research institutes;
- Lists of dual-use biotechnology equipment that could be suitable for BW production (which was being proposed as a 'warning list'); and
- Indicators of suspicious transactions which may indicate

attempted procurement of items for a BW proliferation programme.

During the remainder of 1990, several AG participants conducted extensive domestic outreach activities to inform suppliers of biological materials, equipment and expertise of the potential risks associated with BW proliferation. These activities were regarded as useful, but not sufficient.³

Indeed, it was agreed in December 1990 that the title of the meetings should be changed to the *Australia Group Informal Consultations on Preventing Association with Chemical and Biological Weapons Programs*, to reflect the changing scope and objectives (as well as the informal nature) of the meetings.

Addressing BW Proliferation

The AG meeting in June 1991, which occurred a few months after the Gulf Conflict, was a watershed. With coalition forces anticipating that they may have been attacked with Iraqi CB weapons, came greater awareness, clarity and recognition of the threat posed by CB proliferation, and greater determination of the AG participants to make the AG as effective as possible in countering the CBW threat. In recognition of the seriousness of the BW proliferation threat, the AG participants agreed to convene a series of 'BW Experts' meetings⁴ to consider the development of export control lists for the more relevant BW agents and dual-use production equipment.

The approach adopted was to develop four separate lists:

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one list for human and zoonotic pathogens and toxins (referred to as the *List of Biological Agents for Export Control*); a *List of Plant Pathogens for Export Control*; a *List of Animal Pathogens for Export Control*; and a *List of Dual-Use Biological Equipment for Export Control*.

Pathogens and Toxins

In the development of the lists of pathogens and toxins, factors for consideration as to whether a particular agent should be included on the list of biological agents included: whether the agent had ever been developed for or used in warfare; whether the agent had been sought by a country of proliferation concern; whether the agent could be mass-produced; and whether the agent is infectious in the aerosol form. For the list of plant pathogens, the factors included whether the pathogen is a mass-producible agent, infectious in aerosol form which damages or kills plants to create serious socio-economic consequences; and for the list of animal pathogens, whether the pathogen is a mass-producible agent which kills or incapacitates animals to create serious socio-economic or public health consequences.

In December 1992, the AG plenary adopted the *List of Biological Agents for Export Control* which consisted of a *Core List*⁵ containing 20 viruses (including Ebola, Lassa fever and Marburg viruses), four rickettsiae, 13 bacteria and 10 toxins, and a *Warning List*⁶ containing 8 viruses, 5 bacteria and 4 toxins. The *List of Animal Pathogens for Export Control*, which consisted of a *Core List* containing 15 viruses and one bacterium, was adopted at the same meeting. In June 1993, the AG plenary adopted a *List of Plant Pathogens for Export Control* which consisted of a *Core List* containing two bacteria and 6 fungi, and *Awareness Raising Guidelines*⁷ containing 2 bacteria, 2 fungi and one virus. Each list also covered genetically modified micro-organisms.⁸

Dual-use biological equipment

The dual-use biological equipment control list was developed by the 'BW Experts' group in parallel to the lists of pathogens and toxins. The factors considered when developing this list were the potential relevance of particular items to biological weapons proliferation, and whether the items had previously been used in a biological weapons programme or had been sought by recent proliferators.⁹

In December 1992, the AG agreed on a common control list of dual-use biological equipment, including complete containment facilities at P3 and P4 containment level, fermenters with capacity greater than 300 litres, centrifugal separators, cross-flow filtration equipment, freeze-drying equipment, individual P3 and P4 equipment items including class III biological safety cabinets, and aerosol inhalation chambers. Items included on a separate list for awareness raising were: micro-encapsulation equipment; fermenters with capacity smaller than 300 litres, and clean air rooms that may be used for P3 or P4 containment.

The transfer of *Related Technology*, that is, technology for the development or production of AG-controlled biological agents or AG-controlled dual-use biological equipment items, was also placed under export control.¹⁰

'Catch-all' provisions

In developing and refining the various AG export control lists, it was recognised that it would not be possible to control every

type of pathogen, toxin or dual-use item that could be misused for a BW programme or for bioterrorism purposes. In recognition of the dual-use dilemma, AG participants implemented a 'catch-all' provision, whereby AG participants will not supply an unlisted item¹¹ when there is particular concern about potential diversion of the item for chemical or biological weapons purposes. Thus, the 'catch-all' provision remains a safety net to cope with the dual-use dilemma, to avoid as far as possible providing inadvertent assistance to biological weapon proliferation/ bio-terrorism activities.

Reviews and refinements 1994-2001

The conclusion of the AG meeting June 1993 marked for the first time the adoption of a full range of lists covering precursor chemicals, dual-use chemical production equipment, as well as the four lists of BW-relevant items. This achievement was recognised as heralding a new phase in the work of the AG, with the technical issues largely settled and hopefully only requiring continuing maintenance.

The various biological lists have been reviewed regularly since 1993. The first meeting of experts to review the lists was convened in October 1995, which resulted in taxonomic updating of several agents, the addition of four toxins to the *List of Biological Agents for Export Control*,¹² exemption of vaccines and immunotoxins from the export control lists, redrafting of the genetic modification text to extend controls to genetic material coding for sub-units of toxins on the core and warning lists, and subjecting to export control all fermenters of capacity greater than 100 litres.

Issues addressed at subsequent meetings of experts included proposals for other pathogens, toxins and equipment items to be added to the various export control lists, and other refinements of the controls, for example, whether there should be exemption of control of products containing small quantities of AG controlled substances that are specifically packaged and marketed for medical or public health purposes (including those that contain irreversibly inactivated micro-organisms).¹³ In addition, there was further clarification of the Genetic Modification text to include genetic elements obtained by chemical synthesis.

Response to bioterrorism

In response to the increased awareness of the threat of biological terrorism following September 11 and the anthrax letters in October 2001, the different biological lists have remained under regular review in an effort to further raise the barriers to biological terrorism as well as BW proliferation, in accordance with the counter-terrorism objective that is now included in the philosophy of the AG.¹⁴

The most recent review has led to the addition of 14 biological agents (human pathogens) and 8 new toxins to the *List of Biological Agents for Export Control*, which raises the total number of human pathogens controlled to 51 (32 viruses, 4 rickettsiae and 15 bacteria), and the total number of toxins controlled to 19.¹⁵ Likewise two new animal pathogens have been added to the *List of Animal Pathogens for Export Control* (which now contains 17 viruses and one bacterium under export control), and five new plant pathogens have been added to the *List of Plant Pathogens for Export Control* (which now contains 5 bacteria, 6 fungi and 2 viruses under export control).

There have also been adjustments and refinements to the

List of Dual-Use Biological Equipment for Export Control, including the reduction in the capacity of fermenters under control from 100 litres to 20 litres, reflecting the smaller scale of operation that might be employed by a terrorist group.

The AG Control Lists and the broader international community

Historically, a number of developing countries have opposed informal export control arrangements such as the AG.¹⁶ However, post September 11, a number of BWC states parties that do not participate in the AG and have previously been critical of the AG have recognised that the national export licensing measures developed by the AG would raise the barriers to biological terrorism. This has led to an acceptance amongst an increasing number of states parties to the BWC of the role in the AG lists as a means to implement their non-proliferation obligations under Article III of the BWC. There has been a growing acceptance of the AG lists as the international benchmark in relation to export controls directed at CBW proliferation.

At the same time, AG participants have recognised that the effectiveness of the various AG control lists derives from their collective application, especially in view of the increasing number of countries which have become potential inadvertent suppliers of relevant items as a result of the increasing globalisation of the biological sciences and the biotechnology industry. For this reason, AG participants are encouraging all exporting and transshipment countries to implement similar measures. In recent years, AG participants have maintained a practice of briefing a large number of non-participating countries on the outcomes of the AG meetings. These briefings include making available lists of precursor chemicals, biological agents, and related equipment and technologies that are of proliferation concern.

The net result of increased concerns about bioterrorism and the AG outreach activities is that a number of countries which are not participants in the AG meeting are adopting their own national export licensing systems, using lists similar to those developed by the AG. Likewise, since 11 September 2001, a number of states have also put various domestic monitoring procedures in place, in some cases based on the dual-use items in the four AG biological lists, as a means to increase the barriers to bioterrorism activities.

Concluding Comments

This article has tried to capture the concerns that have led to the development of the original BW pathogen, toxin and dual-use equipment control lists, and the evolutionary nature of the various BW lists based on: the early experiences in implementing the various lists; advances in biological science and technology; and changing risk assessments, including the terrorist threat.

It is interesting to reflect on the different philosophical approach to the development and evolution of the AG BW agents control lists compared to the development and evolution of the AG CW precursor control list.¹⁷ In the case of the CW precursor list, it was generally known which CW agents the countries of concern were trying to produce, based on the knowledge of which CW-precursors were being sought, with confirmation sometimes obtained based on results from investigations of alleged use.¹⁸ However, less information was available at that time about which pathogens and toxins were

being sought by countries of concern, so a major factor in developing the various BW export control lists was the intrinsic risk posed by a particular pathogen or toxin, rather than knowledge that it had been sought for proliferation purposes. Furthermore, additions and adjustments to the various BW lists have often been based more on developments in biology and biotechnology, whereas subsequent additions to the CW precursor list have been based on information that alternative precursors (often 'earlier' in the production process) were being sought for the same CW agents, or that the countries of concern were seeking other precursors to produce alternative (in some cases, older, less effective) CW agents.

The AG biological export control lists have been developed and refined over a 14-year period, on a consensus basis, by the countries participating in the Australia Group, which now number 38 countries. As discussed above, there has been a growing acceptance of the AG lists as the international benchmark in relation to export controls directed at CBW proliferation. However, this is not to suggest that the AG lists should be regarded as 'perfect', or that there has not been criticism of the contents of the lists. For example, a number of scientists have questioned why Dengue fever virus is on the *List of Biological Agents for Export Control* since it is 'ubiquitous' and 'doesn't kill anyone'.¹⁹ In fact, Dengue fever virus was included on the original list in 1992 because it had been seriously considered for development as a biological weapon by at least two countries in the 1950s and 1960s,²⁰ and there were concerns that countries of proliferation concern in the early 1990s may have tried to develop it as part of an offensive BW capability.²¹

Further development and refinement of the four AG biological lists can be expected based on future advances in biological science and technology, and changing risk assessments.

The current AG lists are available at <http://www.australiagroup.net>. Further information on the AG lists can be obtained from robert.mathews@dsto.defence.gov.au.

Notes

- ¹ The author is a Senior Scientist in Australia's Defence Science and Technology Organisation, and a Principal Fellow / Associate Professor in the Faculty of Law, University of Melbourne. The views expressed in this article are those of the author and do not necessarily reflect those of the Australian Government.
- ² UN Security Council Resolution 1540 (2004). Adopted by the Security Council at its 4956th meeting, on 28 April 2004 (the 'WMD non-proliferation' Resolution).
- ³ For example, Australia reported to the AG meeting in December 1990 that its outreach activities had been useful, but that there had been predictable difficulties convincing some, notably academics, of the reality of the BW threat.
- ⁴ The participants of these meetings included biological scientists from a number of government departments (including defence, health, agriculture) and national biological research organisations.
- ⁵ The *Core List* contains those agents that all AG participant countries agreed to place under national export control.
- ⁶ The agents included on the *Warning List*, although not agreed for inclusion on the *Core List* (i.e. common control list), were considered sufficiently important for a list to be provided to

researchers, industry and traders, in order that they seek guidance if they were suspicious about a particular export request of any of the listed items. [Note: the term *Warning List* had its genesis during the development of the AG CW precursor control list in the 1980s.]

⁷ The role of the *Awareness Raising Guidelines* list of plant pathogens was essentially the same as the *Warning List* of biological agents. However, the scientists developing the plant pathogen list thought that the term *Awareness Raising Guidelines* was a more appropriate title for the list of plant pathogens.

⁸ 'Genetically-modified micro-organisms or genetic elements that contain nucleic acid sequences associated with pathogenicity derived from the pathogens on the list', and 'Genetically modified micro-organisms or genetic elements that contain nucleic acid sequences coding for any of the toxins on the list.'

⁹ Important considerations for the AG when developing or adjusting the lists are that the measures should be effective in impeding the production of BW, they should be practical and reasonably easy to implement, and they should not impede the normal trade of materials and equipment used for legitimate purposes.

¹⁰ However, it was agreed that technology transfers do not apply to information that is in the public domain or to basic scientific research, or the minimum necessary information for patent application.

¹¹ That is, an item which is not contained on any of the AG control lists, or an item below the licensing threshold (for example, a fermenter with capacity less than 20 litres).

¹² Aflatoxin, which had been identified as a major element of Iraq's BW program, was added to the control list, and three toxins were added to the warning list.

¹³ Agreement was reached to exclude from export control botulinum toxins when in a product form meeting the following requirements: a pharmaceutical formulation designed for human

administration in the treatment of medical conditions; packaged for distribution as medical products; and authorised by a state authority to be marketed as a medical product.

¹⁴ For example, at the meeting in October 2001, the AG participants expressed the resolve of their governments to prevent CBW proliferation, whether by state or non-state actors, and agreed that the AG has an important role to play in reducing the threat of CBW terrorist attacks. See Australia Group Document AG/Oct01/Press/Chair/24, available at www.australiagroup.net.

¹⁵ A number of these additional pathogens and toxins were transferred from the warning list.

¹⁶ See, for example, O. Kervers, 'Strengthening Compliance with the Biological Weapons Convention: The Protocol Negotiations', *Journal of Conflict and Security Law*, Vol. 7, Issue 2, October 2002, pp. 275-292.

¹⁷ Mathews, R.J., 'Comparison of the chemicals on the Australia Group Control List with those in the CWC Schedules', *The CBW Conventions Bulletin* no 21 (September 1993) pp 1-3.

¹⁸ See for example, 'Report of the Specialists Appointed by the Secretary-General to Investigate Allegations made by the Islamic Republic of Iran concerning the use of Chemical Weapons', *UN Security Council Document S/16433* (26 March 1984).

¹⁹ The fact that Dengue fever virus is an incapacitating agent rather than a lethal agent is not a reason for not having it on the list. Indeed, a number of other agents on the AG lists would also be regarded primarily as incapacitating agents rather than lethal agents. In addition, the prohibitions under the BWC include incapacitating as well as lethal biological agents.

²⁰ See, for example, E. Geissler, *Biological and Toxin Weapons Today*, Oxford University Press for SIPRI, 1986, at p 22.

²¹ See for example *Jane's Chemical-Biological Defense Guidebook*, Coulsdon, UK: Jane's Information Group, 1999, p.278.

Forthcoming Events

31 January-2 February

Cairo, Egypt

Fourth meeting (closed) of the Weapons of Mass Destruction Commission

Details: www.wmdcommission.org

2-3 March

Washington DC

The 2005 Homeland & Global Security Summit

Details: www.globalsecurity.bz

22-23 April

Fueringen, Switzerland

Swiss Federal Institute of Technology, invitation-only conference: *Meeting the Challenges of Bioterrorism: Assessing the Threat and Designing Biodefense Strategies*

Details: www.isn.ethz.ch

15-18 March

OPCW Headquarters, The Hague
Executive Council, 40th meeting

18-20 February

Wiston House, UK

Wilton Park Conference WPS05/5
Chemical and Biological Terrorism: Forging a Response

Details: www.wiltonpark.org.uk

12-14 April

Edinburgh, UK

8th International Chemical Weapons Demilitarisation Conference

Details: www.dstl.gov.uk/technology

13-24 June

Geneva, Switzerland

Third BWC 'new process' Meeting of Experts

Martin Kaplan, 1915-2004

Martin Kaplan, motivator of the Harvard Sussex Program, died in Geneva on 16 October 2004. He was 89.

For much of his life, Dr Kaplan worked at the World Health Organization, where his commitment and scientific insight provided world leadership in veterinary public health. He emphasized the crucial role of animal reservoirs in certain human diseases and organized a landmark cooperative international survey of animal sera that demonstrated and clarified the role of animal reservoirs in influenza. At the Wistar Institute in Philadelphia, where he worked during sabbaticals and home-leaves from WHO in the 1960s and 1970s, he was part of the team that developed animal and human vaccines against rabies. While at WHO and then in Pugwash, he initiated what has today become a global civil society movement against the weaponization of disease and the hostile exploitation of biotechnology. His outlook on the world can be seen in the following passage from an essay he wrote in 1971, *Science and Social Values*: "And yet we are faced with war, poverty, increasing disorder and social alienation, distorted priorities, declining freedom and individual powerlessness. These are products not of man's inherent evil but of the inexorable grinding of the national machines with their imperatives of growth, profit, and glory."

Martin was born in Philadelphia on 23 June 1915, the youngest of eight children whose parents had emigrated from Russia in the 1880s. After college, he trained as a veterinarian at the University of Pennsylvania and then ran an animal practice. He joined the UN Relief and Rehabilitation Administration during World War II and was stationed in Greece. When UNRRA closed in 1947, he transferred to the first of the UN's permanent specialized agencies, the Food and Agriculture Organization, for which he worked in Poland. He was briefly dean of the School of Veterinary Medicine in Waltham, Massachusetts, at what is now Brandeis University, having been chosen for the post at the urging of Albert Einstein, whose vision had been to create an institution consisting only of professional schools, initially in the medical sciences — a means for countervailing *numerus clausus*, the practice imported from Europe in the 1920s by some US universities to limit admissions of Jewish students. The project fell through when interested parties in Boston successfully urged establishment of a normal university with undergraduate classes. Martin rejoined the FAO and then transferred, in 1949, to the nascent WHO in Geneva to form a veterinary section within the Division of Communicable Diseases. He remained in WHO until his retirement in August 1976. Latterly he was Scientific Adviser in the Office of Director-General Marcolino Candau, and finally Director of Research Promotion and Development. After retirement he continued to serve WHO as a consultant, remaining in Geneva with his family.

Martin's most prominent retirement activity, however, was as Director-General from 1976 until 1989 of the Pugwash Conferences on Science and World Affairs. This international movement was rooted in the Russell-Einstein Manifesto of 1955, which reflected the dismay of scientists at the emergence of nuclear weapons and concern about their role, as scientists, within security structures now being rested upon weapons of mass destruction. It called upon scientists to appraise the perils that had thus arisen.

Writing in the London *Guardian* of 24 November 2004, Professor Sir Joseph Rotblat, the leader of Pugwash, recalls how Martin had walked into his office a few days after proclamation of the Manifesto and offered his help in any way needed. So began Martin's association with the movement, initially as an observer from WHO, whose leadership was, and remained, supportive. His first major task was to prepare and organize a conference on chemical and biological warfare (CBW). It took place in Pugwash, Nova Scotia, during August 1959, and was the first ever international gathering of scientists knowledgeable in fields from which CBW weapons derive, coming from both sides of the Cold War to characterize problems that CBW posed for humankind and to consider possible remedies.

Martin was not new to this subject. At WHO he had been closely involved in contingency preparations being made by the Division of Communicable Diseases for conducting, if WHO were so requested, an investigation of the allegations that US forces had been resorting to germ warfare in the Korean War. There was no such request, but WHO thereafter remained sensitive to the risk of germ warfare — to "public health in reverse". It was Martin who, during 1969-70, was responsible for *Health Aspects of Chemical and Biological Weapons: Report of a WHO Group of Consultants* and who stimulated, thirty years later, its second edition, *Public Health Response to Biological and Chemical Weapons: WHO Guidance*. For both editions he was able to draw extensively from international expertise available within Pugwash.

This was a resource that had grown richly following the inauguration in 1964 of a permanent Pugwash CBW study group. Martin had conceived the study group as a means for bringing together — privately, in a sustained fashion, and without the publicity that would inhibit frank discussion — academic, industrial and defence scientists from countries of both East and West, of both North and South, as well as from intergovernmental organizations. The enterprise later expanded to embrace other governmental officials, diplomats and, later still, people from nongovernmental organizations active in the fields of arms control and disarmament. It worked because of Martin's extraordinarily wide range of personal and professional contacts. The principal medium of the study group has now become the two-day workshop convened every six months or so, working to a topical agenda with matched participants. The workshops have by now engaged more than 600 people from some 50 countries. The association of the study group in its three successive embodiments with the negotiation and subsequent implementation of the 1972 Biological Weapons Convention and the 1993 Chemical Weapons Convention has been intimate, a consequence of Martin's indefatigable rallying of friends and allies in high places. His perseverance is an example for those who remain to carry on the struggle.

Martin is survived by his beloved wife of 60 years, Lenna Bouchal; by their children Alexa, Peter and Jeffrey; and by four grandchildren. A person as whole, as creative, as decent, and as giving as Martin lives on wherever he gave his labour. We are fortunate in HSP to have known and worked with him.

Developments in the Organization for the Prohibition of Chemical Weapons

The OPCW and its policy-making organs were particularly busy during the period under review – mid-September to mid-December 2004. The Executive Council met for its thirty-eighth session from 12 to 15 October and its twenty-fourth meeting on 24 November and 1 December. In addition, the Conference of the States Parties met for its ninth session from 29 November to 2 December, a day less than usual.

The highlight of this period was undoubtedly the recommendation by the thirty-eighth session of the Executive Council to all states parties for adoption of a change to Part V of the Verification Annex to the Chemical Weapons Convention (the Convention or CWC). This change, further to a request by Libya, would remove a technical/administrative obstacle contained in the Convention (namely that all conversions of CWPFs for purposes not prohibited need to be completed no later than six years after entry into force of the Convention) in order to permit states parties joining the Convention after 29 April 2003 to convert former chemical weapons production facilities (CWPFs) for purposes not prohibited under the Convention. The change is far from simply procedural, however: it will facilitate universality of the Convention by removing a disincentive to joining and fulfil the ‘compelling need’ standard regarding conversion requests. For example, Libya received Conference approval of its request to convert two of its former CWPFs (Phase II) at Rabta into a pharmaceutical factory to produce low-cost vaccines and medicines for the African continent. It may begin the conversion process if the change enters into force in mid-January and Libya’s combined plan for conversion and verification receives Council approval at its thirty-ninth session.

Progress on national implementation of Article VII obligations and the related action plan were also on the agendas of the Executive Council and the Conference, particularly because much work remains to be done. To date, although 96 states parties have reported that they have some legislation in place, only 53 (or 32 per cent) have legislation covering key areas of the Convention. At last year’s Conference of the States Parties, it was reported that 51 out of 154 states parties (or 33 per cent) had comprehensive legislation. Thirty-one states parties have yet to designate or establish a National Authority, which is required once the Convention has entered into force for the country in question. The Conference accordingly approved a decision outlining further action in light of the deadline of November 2005 for full implementation of the Convention. On a related note, parliamentarians attended for the first time the Annual Meeting of National Authorities, held from 26 to 28 November at OPCW headquarters. The programme included a segment targeted to this group of participants on national implementation of the Convention.

The Conference also adopted a programme and budget for 2005, which was prepared for the first time in results-based budgeting (RBB) format. The overall appropriation will be EUR 75,695,000, which represents a 3.5 per cent increase

over the 2004 budget. EUR 38,097,000 will be devoted to verification costs and EUR 37,598,000 to administrative and other costs.

The OPCW’s membership continues to grow confirming that the Chemical Weapons Convention is the fastest growing disarmament treaty in history. During the period under review, Madagascar, Sierre Leone, and Solomon Islands joined the Convention bringing the total number of states parties to 167.

Thirty-eighth Session of the Executive Council

The Executive Council met for its thirty-eighth session during 12 to 15 October 2004 and was chaired by José Antonio Arróspide of Peru.

The Vice-Chairmen and coordinators for clusters of issues reported to the Council on informal consultations during the intersessional period as follows: Ahcène Boukhemis of Algeria on behalf of the Vice-Chairman, Noureddine Djoudi of Algeria on chemical weapons issues; Mustafa Kamal Kazi of Pakistan on chemical industry and other Article VI issues; Marc Th. Vogelaar of the Netherlands on administrative and financial issues; and Kirill Gevorgian of Russia on legal, organisational, and other issues. The Chairman reported on his activities on behalf of the Council during the intersessional period. Sophie Moal-Makame of France also reported on her activities as facilitator for the Open-Ended Working Group on Terrorism.

In his opening statement to the thirty-eighth session of the Council, the Director-General addressed Libya’s proposal to convert a CWPF for purposes not prohibited under the Convention, the 2005 draft programme and budget, and progress in implementation of the Article VII and universality action plans, in addition to an overview of the OPCW’s programme delivery.

Turning to Libya’s proposal, the Director-General first noted that its Category 3 chemical weapons had been destroyed and that a detailed plan for the destruction of its Category 2 chemical weapons had been agreed. Mr Pfirter noted Libya’s most recent submissions, including four destruction plans along with a proposal, co-sponsored by several states parties, for a technical change to the Verification Annex regarding conversion of CWPFs to accommodate states parties joining the Convention six or more years after entry into force. Mr Pfirter discussed a Note analysing this proposal and indicated that it was the Secretariat’s view that the proposed change to the Verification Annex would not, *inter alia*, alter the Convention’s basic principles nor depart from the Convention’s criteria in respect of conversion of CWPFs, including the system for conversion and verification. The Director-General noted that the proposal would resolve a problem that arose at a time when it could not be foreseen by the Convention’s drafters. Mr Pfirter added that the proposed change, a decision on which could not be postponed under the Convention, would contribute to chemical

disarmament generally by rewarding those who disarm as well as serving as an example to others.

Turning to the draft programme and budget for 2005, the Director-General indicated that his proposal included an increase over last year's budget of 4.8 per cent, which takes into account statutory increases and the indexation of existing costs as well as a few new initiatives, mainly related to an increase in verification activities. Mr Pfirter noted that other increases related to the physical security needs of the OPCW Headquarters and additional posts for human resources, procurement, and international cooperation and assistance. With regard to suggestions in the facilitation process to review salary costs, the Director-General stated that he had instructed the principal financial officer and budget staff to analyze this matter including the impact of exchange rates and related UN General Assembly decisions. The Director-General added that he intended to request the unfreezing of some positions for next year due to an overstretched staff, particularly in the human resources branch. Mr Pfirter concluded his discussion of the budget by focusing on the link between the delivery of services and financial results and the OPCW's core objectives detailed in the draft medium-term plan and programme and budget.

On other financial matters, the Director-General noted that the External Auditor's report gave an unqualified opinion on the Organisation's statements and operations for 2003. Mr Pfirter observed that the Secretariat's expenditures and income had been balanced and that the balance of financial holdings in the General Fund had been positive for 2004. The Director-General added that, thus far, no recourse to the Working Capital Fund had been necessary but would be if there were further delays in reimbursement of Article IV and V inspection costs. Finally, the Director-General indicated that a new administrative directive regarding payment of lump sums for home-leave travel would be effective as of 1 January 2005.

Concerning verification, Mr Pfirter observed that, since the last Council session, some 500 metric tonnes of chemical weapons agent had been verified as destroyed in three states parties. Overall, some 14 percent of the total agent declared by the six possessor states parties has been destroyed. The Director-General remarked on developments in the United States including the destruction of recovered chemical munitions and containers at the Explosive Destruction System, Dugway Proving Ground, and the start of destruction activities at the Umatilla Chemical Agent Disposal Facility, Oregon, including destruction of the first GB-filled rocket. Ongoing efforts in respect of the optimisation of verification activities were noted such as an inspection at the Anniston Chemical Agent Disposal Facility in the US with fewer inspectors. Turning to destruction activities in other states parties, Mr Pfirter stated that one-third of the lewisite at the Gorny chemical weapons destruction facility (CWDF) in Russia had been destroyed and that a state party of withheld identity had destroyed some 46 percent of its declared stockpile to date. Mr Pfirter noted Libya's continuing efforts to destroy its Category 1 and 2 chemical weapons stockpiles as well as India's progress including information on its second CWDF and the destruction of 80 percent of its chemical weapons stockpile. Finally, the Director-General remarked upon Japan and China's cooperation with regard to abandoned chemical weapons on Chinese territory.

Turning to industry inspections, the Director-General remarked that, in addition to a small number of repeat inspections at Schedule 3 and other chemical production facilities, review of the need for each Schedule 2 facility agreement had begun. Mr Pfirter also discussed the Verification Information System Enhancement Project – a system for automating the verification regime in certain areas, particularly the processing of Article VI declarations – and indicated that the project had been transferred from the Administration to the Verification Division under the supervision of Ruth Mohlenkamp.

The Director-General briefly discussed the Scientific Advisory Board (SAB) and the advisability of increasing its membership to 25. Mr Pfirter explained that this change was necessary due to the increasingly specialised and compartmentalised nature of the science informing the Convention. Mr Pfirter added that it would also ensure that he could draw from a range of expertise and that the SAB represented all regions of the world scientific community.

With regard to implementation of the Article VII action plan, the Director-General, *inter alia*, expressed his concern that too many states parties had yet to inform the Secretariat of the steps they had taken or begun under the action plan and emphasized that the Secretariat's support and advice was no substitute for committed action by the states parties themselves. Mr Pfirter added that the Secretariat was coordinating implementation support activities with the 22 states parties that had offered help. Other implementation support activities were noted such as training courses and regional and subregional meetings for National Authorities.

Mr Pfirter briefly discussed other matters including assistance and protection activities and preparations for ASSISTEX 2, the Associate Programme 2004, and an impending decision by the European Union on a Joint Action in support of the OPCW's work. The Director-General also remarked upon implementation of the Headquarters Agreement and relations with the host country.

Turning to the issue of universality, the Director-General noted that the OPCW's membership would stand at 166 states parties by the end of October and that the number of states not party had fallen from 40 to 28 since adoption of the universality action plan. Mr Pfirter discussed progress in Africa and the Asia-Pacific region including developments on the Korean peninsula. Universality in the Middle East was also discussed including Libya's accession and favourable prospects for Iraq acceding to the Convention. The Director-General mentioned several bilateral visits including ones to Addis Ababa for the Third Ordinary Session of the African Union (AU), the Republic of Korea, China during the Second Regional Meeting of National Authorities of States Parties in Asia, the Islamic Republic of Iran, Uruguay and Bulgaria. The Director-General also briefly discussed his trip to Buenos Aires for a meeting on customs controls and the regime governing transfers of scheduled chemicals. He noted that participants identified areas of improvement in respect of customs and the Convention's declarations regime to thwart illicit chemicals activities posing as legitimate.

The Director-General concluded his statement with several observations on counterterrorism and the role of the OPCW. Mr Pfirter discussed the possibility of consultations taking place on the transfers regime in the industry cluster as well as the Organisation's willingness to respond with technical

assistance and advice to a request from the Security Council. Mr Pfirter also indicated that he had asked the Director of Special Projects to prepare an informational note, further to consultations on the matter, regarding what the OPCW has done and on how sister organisations are seeking ways and means to join forces and look for synergies in respect of counterterrorism activities.

A striking twenty-six delegations made statements during General Debate. Most importantly, almost all delegations welcomed and supported Libya's proposed change to Part V of the Verification Annex, which would permit Libya to convert some of its CWPFs for purposes not prohibited under the Convention. Also high on the agenda was a discussion of implementation of the headquarters agreement with the host country. The budget was certainly a topic of discussion amongst the states parties, especially the progress in introducing RBB and reaching consensus on a draft programme and budget for 2005, which has a hybrid RBB and traditional format this year. An increase in the international cooperation and assistance budget line was called for by a fair number of delegations from developing states parties. Several states parties again expressed their concern about the late reimbursement of Article IV and V inspection costs while a number of delegations drew attention to late payments of assessed contributions for 2004. With regard to conversion and destruction issues, a small number of member states reiterated concerns about the slow pace of destruction activity by possessor states; some of these states in turn took the opportunity to discuss progress in the destruction of their stockpiles. The slow progress of national implementation of the Convention was noted and one state party observed that, in many cases, states parties had yet to establish a National Authority. Progress in achieving universality of the Convention was discussed and a number of states parties suggested, in particular, that approval of Libya's request for a change to the Convention, regarding conversion of CWPFs, might serve as an incentive for some states not party to join the Organisation. Chemical weapons stockpile and industry inspections were remarked upon by many delegations, including interventions about the frequency and type of inspections and the need to optimize verification activities. Finally, a small number of states parties discussed the role of the OPCW in international counter-terrorism activities.

Status of implementation of the Convention

The Executive Council considered and noted the highly protected supplement to the 2003 Verification Implementation Report. The Council also expressed its concern that only a few states parties submitted timely annual declarations on past activities for 2003; all states parties were urged to meet this obligation on time.

The Council approved the draft report on the performance of its activities from 28 June 2003 to 2 July 2004 and forwarded it to the Conference at its ninth session.

A report on the *Status of Requests for Clarification of Declaration-Related Information* during the period 1 January 2003 to 31 December 2003 was noted by the Council. The Secretariat issued 205 requests for clarification of declarations to 93 states parties in 2003. Of these, 86 (42 per cent) were fully clarified and another 46 (22 per cent) were partially clarified. In what was stated to be a significant improvement in the clarification process over previous years,

only 10 (5 per cent) were unanswered for more than 60 days. The greatest number of clarification requests since 1 January 2000 were reported to relate to the non-submission of declaration information on transfers of scheduled chemicals or discrepancies of at least 20 per cent in the information provided on transfers of scheduled chemicals between exporting and importing states parties.

Implementation of Article VII obligations

The Executive Council received a second progress report on the plan of action regarding the implementation of Article VII obligations, which was approved by the Conference of the States Parties at its eighth session. The report was submitted to the Council further to a request in the action plan.

In light of the slow progress in implementing the plan, the Director-General made several recommendations for the Council to consider forwarding to the Conference in the Note introducing the progress report. These include, *inter alia*, urging all states parties that have yet to fully implement their Article VII obligations to take the necessary steps and set realistic target dates for doing so, encouraging states parties that have taken initial steps and set target dates to continue working on timely implementation of these measures, expressing appreciation to those states parties that have offered assistance or made voluntary contributions, and requesting the Secretariat to continue with its various implementation support efforts. The Director-General added that the Council may wish to encourage states parties to make experts available to regional organisations for advice and support at the regional level.

The progress report highlighted the difficulties that the OPCW and its member states are facing in respect of implementation of the action plan. For example, as at 31 August 2004, though 135 states parties (82 per cent) had established or designated a National Authority, only 96 states parties (59 per cent) had submitted adopted legislation or administrative measures to implement the Convention and, of these, only 52 (32 per cent) had comprehensive legislation. Moreover, twenty state parties had yet to take any necessary steps or set target dates as required by the action plan. With regard to other aspects of implementation, only 12 submissions of information on national protective programmes under Article X, paragraph 4 had been received for this year, with more expected to arrive later in 2004, while only 39 states parties (24 per cent) had submitted information on their review of existing regulations in the field of trade in chemicals. Submissions of initial Article VI declarations were reported to be low but it is unclear how many states parties have nothing to declare. Nor do some states parties update their annual declarations.

The report drew attention to the regional differences in adoption of comprehensive implementing legislation. Submissions were received by the Secretariat as follows: from 11 states parties in the African group (27 per cent), 18 in the Asian group (43 per cent), 22 in the Eastern European group (88 per cent), 15 in the Latin American and the Caribbean group (58 per cent) and 30 in the Western European and Others group (100 per cent). Of these submissions, 4 states parties in the African group (10 per cent), 9 in the Asian group (21 per cent), 13 in the Eastern European group (52 per cent), 3 in the Latin American and the Caribbean group (12 per cent), and 23 in the Western European and Others group (83 per cent) had comprehensive legislation. The report also drew

attention to the regional differences in the establishment of National Authorities: 29 states parties (71 per cent) in the African group, 29 in the Asian Group (69 per cent), 23 in the Eastern European group (92 per cent), 24 in the Latin American and the Caribbean group (92 per cent) and 30 in the Western European and Others group (100 per cent) had established or designated a National Authority. Particular attention was drawn to deficiencies in legislation for transfers of scheduled chemicals and penalising failures to report declarable activities: only 72 states parties (44 per cent) had measures in place for transfers but not all of these measures are comprehensive, and only 58 states parties had declarations-related penalties (35 per cent).

It was indicated in the report that only 40 states parties had informed the Secretariat of the steps they were taking under the action plan and the related target dates. It was added, however, that most of the information lacked the necessary specificity for the Secretariat to plan and prioritize implementation-support measures. With regard to requests for and offers of assistance, the report noted that 23 formal requests for assistance had been received and that the ones unrelated to financial assistance would be honoured by the end of this year. Another 14 informal requests will be addressed next year, once formal requests are received, short of assistance from a willing state party.

The report described the implementation support that continues to be provided by the Secretariat including National Authority meetings, training courses, and workshops as well as technical assistance visits and consultations. Other efforts were described including comments on draft legislation, the Network of Legal Experts, and preparation of the *National Legislation Implementation Kit*. It was noted, however, that the Secretariat is unable to provide regular follow-up to these support efforts and will increasingly rely on assistance from states parties, experts on loan to regional organisations, and exchanges of National Authority personnel. Offers of assistance from 22 states parties were described.

The report concluded with an emphasis on the need for follow-up to initial implementation support activities, the inability of the Secretariat to meet any further requests for implementation support in 2004, and the urgency of states parties to continue providing assistance.

Further to the report, the Council requested the facilitator on the action plan to hold further consultations on its progress in order to make recommendations to the Council at its meeting scheduled to be held before the Conference.

Universality

The Executive Council received and noted a report from the Director-General on the implementation of the action plan for the universality of the Convention, which was adopted by the Council at its twenty-third meeting. The facilitator on this matter gave a verbal report on informal consultations held during the intersessional period. The report was also submitted to the Conference at its ninth session.

The report noted that, as at 30 September 2004, there were 164 states parties to the Convention with only 30 states not party remaining. The report described support and assistance from states parties for regional events and bilateral visits and other universality-related activities, as well as their designation of points of contact for the promotion of

universality and voluntary contributions. The Director-General's promotion of universality during visits to states parties and meetings of regional and international organisations was noted.

Universality-related events were described in areas where attention continues to be focused, including Africa and the Middle East, and the participation of states not party was emphasized. Cooperation with the African Union Commission, the Pacific Islands Forum Secretariat and the Secretariat of the Organisation of Eastern Caribbean States was noted. It was observed that subsequent bilateral assistance to states not party had been possible with the involvement of states parties and regional centres of the UN Department of Disarmament Affairs.

Specific bilateral visits to states not party were mentioned including ones to Belize, Cambodia, Democratic Republic of the Congo, Madagascar, Rwanda, Solomon Islands and Vanuatu, some of which have since joined the Convention (Belize, Madagascar, Rwanda and Solomon Islands). Support for Libya's accession and implementation of the Convention as well as a workshop in Myanmar, which took place together with the UN Regional Centre for Peace and Disarmament in Asia and the Pacific and the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty, were also discussed.

The report turned to universality efforts in Africa, Asia and the Middle East, respectively. Several non-signatory states in Africa were reported to be considering joining the Convention despite not having participated in universality-related activities. It was observed, however, that there had been no contact with Somalia in the absence of an operational government. In the Asia-Pacific region, it was reported that more states not party have joined the Convention. It was noted, however, that the Democratic People's Republic of Korea had been invited to regional events but had not responded positively nor welcomed overtures regarding accession. In the Middle East, Libya's accession to the Convention was noted as a positive development. Attendance by Israel, Comoros, the League of Arab States and an Egyptian NGO at a workshop in Malta as well as Iraq, Lebanon and Syria at a regional meeting of National Authorities in Beijing were noted. Attention was also drawn to Iraq's statement in July that it would adhere to all applicable non-proliferation treaties and regimes once an elected Iraqi government is in office.

In respect of Latin America and the Caribbean, a resolution by the Organisation of American States on the Americas as a CBW-free zone was highlighted.

Other recent activities were discussed including updates and consultations with states parties as well as meetings and briefings for Brussels-based representatives of states not party including those from Africa. It was stressed that attention would now turn largely to Africa and the Middle East with regional activities and bilateral assistance, however, there will be some smaller, targeted efforts towards remaining states not party in Asia and the Pacific Islands and Latin America and the Caribbean.

Work with the United Nations, European Union and AU was discussed along with cooperation with other regional and subregional organisations. The report concluded by stressing that the focus over the long term would be on signatory states and on those states not party that had not made any commitment to joining the Convention.

Optimization of verification activities

The third report on the optimization and efficiency of verification activities was considered and noted by the Council. Previous reports had been submitted to the thirty-second and thirty-third sessions of the Council, respectively. The third report introduced the principles applied by the Secretariat to optimize verification activities and gave an overview of measures implemented at five CWDFs in four states parties – India, a state party of withheld identity, Russia (Gorny), and the United States (Anniston and Aberdeen) — in a highly protected companion document.

With regard to chemical weapon storage facilities, CWPFS, and old and abandoned chemical weapons, the report noted that the Secretariat has not identified optimisation measures additional to those already taken but that the Secretariat is continuously evaluating its practices and seeking new ways to be more effective. Optimization of Article VI inspections was described in the previous report (see CBWCB 60), however, it was observed in the current one that the inability or limited ability to conduct sequential inspections in some states parties and staff turnover in the Inspectorate had hampered further efforts at such optimization.

In respect of CWDFs, the report noted that the following measures had been introduced to optimize inspections: greater use of monitoring and recording equipment by inspectors (e.g., CCTV), data-authentication measures, enhanced access for inspectors to process data, and streamlining on-site procedures such as those for sample-taking and database maintenance. It was added that inspectors had been verifying the destruction of chemical weapons at continuously operating facilities while conducting limited verification activities at co-located facilities operating non-continuously.

The report described the approach for reviewing current verification regimes and regimes for new facilities. Instead of a resource-intensive practice (both with respect to time and numbers of inspectors required) of using multiple inventories at different points from receipt of CW items at a CWDF to their final destruction, the focus is turning to a verification approach that treats a CWDF as part of a system that chemical weapons can only enter for destruction but not leave unless they have indeed been destroyed - with full accountancy of all items entering the destruction process, a combination of containment and surveillance measures applied within the destruction facility and at its boundaries to ensure that no undetected removal of items from the destruction facility can occur, and a set of measures that verify the integrity of the destruction process itself. It was stressed that this would require ensuring that all materials entering and leaving the system through known and controlled ports are monitored and that there are no hidden diversion paths or storage areas within the facility in question. The new measures would also have to ensure that diversion could be detected. In order to achieve this, it was noted that there would have to be extensive review of documentation and engineering reviews of CWDFs before they could commence operations or after major changeovers. Once operations have started, it was observed that on-site inspectors, monitoring and recording equipment, and the use of tags and seals would ensure the integrity of the destruction process and CWDF in question and prevent proliferation. The report stressed that inventories of chemical weapons entering the destruction process could be cross-

checked with data provided by the inspected state party.

The use of video and CCTV cameras to identify and track the numbers and types of items being destroyed and to monitor sample collection for subsequent analysis to confirm the identity of the agent fill was discussed as well as ways to ensure the integrity of the destruction process including: the use of monitoring and recording equipment and the monitoring of key process data; the use of seals and their non-use in areas where their value is of limited use; discontinuing the practice of sealing pipes, valves and flanges in already-contained toxic areas in some cases; the use of frequent random checks by inspectors to ensure the integrity of the chemical weapons destruction process and to verify information submitted by the concerned state party; and random walks around the perimeter of the CWDF to monitor its integrity.

The report drew several conclusions as follows: the optimised verification methodology does not eliminate key activities related to verifying destruction and non-proliferation; full inventories of incoming chemical weapons and full access to records complement containment of the destruction process and regular checks within the CWDF in question; and monitoring and recording equipment to verify destruction, in addition to monitoring of the integrity of the CWDF and the destruction process itself, enhance confidence that chemical weapons are being destroyed. It was also concluded in the report that the approach described in it could lead to one inspector less per shift or the elimination of permanently staffed night shifts, however, this element would have to be tailored and carefully considered for each CWDF to maintain confidence that there was no diversion of chemical weapons.

Destruction issues

The three possessor states parties that had received extensions of their intermediate and final destruction deadlines, namely Russia, the United States and a state party of withheld identity, reported to the Executive Council on the progress of destruction of their chemical weapons stockpiles. Russia, in particular, submitted a supporting document in which it stated that a total of 716.6 tonnes of chemical agents, including 622.3 tonnes of mustard gas and 94.3 tonnes of lewisite, had been destroyed at the Gorny CWDF by 30 September 2004. In addition, it was reported that work was underway at unit 1 to increase the destruction of lewisite from 90 to 150 tonnes per year.

Russia reported that funding for its destruction activities would double in 2005 to 11 billion roubles, or US\$ 330 million. The status of construction of CWDFs at Kambarka and Shchuchye and of initial work on CWDFs at Maradykovski, Leonidovka, and Pohep was also provided.

Russia reported that it proposed to destroy 20 per cent of its stockpiles by using the Gorny, Kambarka and Maradykovski facilities in combination. Accordingly, Russia plans to destroy 1,200 tonnes of agent at Gorny by the end of 2005, 2,600 tonnes of lewisite at Kambarka before 29 April 2007, and 4,300 tonnes of V agent at Maradykovski before 29 April 2007, for a total of some 8,000 tonnes of destroyed agent by its revised intermediate destruction deadline. On a separate but related note, it was reported that the Netherlands will give EUR 1,500,000 to the United Kingdom to assist in bringing the Shchuchye CWDF online more quickly. The United

Kingdom has been assisting Russia since 2001 in meeting its obligations under the Convention.

The Executive Council again had before it the decision on the detailed plan for the verification of destruction of chemical weapons at the Aberdeen Chemical Agent Disposal Facility in the United States. This plan, first introduced at the thirty-second session of the Council, was again deferred until its special meeting scheduled to be held before the ninth session of the Conference. The Council also decided to defer until this meeting consideration of combined plans for destruction and verification of the following CWPFs in Libya: Rabta Pharmaceutical Factory 1 (phase I) and Pharmaceutical Factory 2 (phase I) in Rabta, and the STO-001 Mobile Units in Tripoli.

A combined plan for the destruction and verification of the CWPF DF Production and Fill Facility, Pine Bluff Arsenal, United States, was approved by the Council.

Conversion and verification of chemical weapons production facilities

In respect of conversion of CWPFs, perhaps the most significant decision taken by the Executive Council at its thirty-eighth session concerned a request by Libya for a change to the Convention in order to permit it to convert two CWPFs located at Rabta for purposes not prohibited under the Convention. On 16 July, the Director-General issued a Note to all states parties, the Council and the CWC Depository which included the formal request from Libya as well as letters of support and co-sponsorship from several other member states.

In essence, the change, if adopted as paragraph 72 *bis* of Part V of the Verification Annex, would permit those states parties which joined the Convention after 29 April 2003 to convert their CWPFs for purposes not prohibited under the Convention by allowing the Council to set a deadline for submission of a conversion request. The Conference would in turn have the power to set the earliest practicable deadline for completion of the conversion which, in any event, could be no later than six years after the Convention enters into force for the concerned state party. Without the change, such conversions could not take place because they would not be completed within six years of entry into force of the Convention as required by Part V, paragraph 72 of the Verification Annex. As Libya and several states parties observed, this might serve as a possible disincentive for certain states not party to join the Convention and thereby have an adverse impact on its universality.

Subsequent to notification of Libya's request, an additional Note by the Director-General was issued evaluating Libya's proposal for the change as required by Article XV, paragraph 5(b) of the Convention. The Note concluded, *inter alia*, that the change would be consistent with Article V, paragraphs 13-15 (regarding conversion of CWPFs) and not alter the Convention's basic principles. It was observed that the change would not modify the system established for converting CWPFs and its verification, nor the policy-making organs' fundamental powers or procedures. The Note also concluded that the rights and obligations of states parties which have already been granted the right to convert their CWPFs would not be altered.

Further to Article XV, paragraph 5(c) of the Convention, the Council recommended adoption of the change to all states

parties through a draft recommendation submitted by Tunisia. If there are no objections by states parties within 90 days of receipt of the recommendation, dated 14 October 2004, the change will be approved under Article XV, paragraph 5(d).

On a related note, the Council considered Libya's request to convert the CWPFs Rabta Pharmaceutical Factories 1 and 2 (Phase II) for purposes not prohibited under the Convention, along with the detailed conversion plans. The Council decided to consider this request further at its meeting scheduled to be held before the Conference.

Regarding other conversion matters, the Council considered and approved two combined plans for conversion and verification of the Open Joint Stock Company "Khimprom" CWPFs in Volgograd, Russia, for DF production and for preparation for the filling of non-chemical parts of chemical munitions. The Council also noted information submitted by the Director-General, in a restricted document, on the progress made at CWPFs where conversion is still in progress.

Facility agreements and arrangements

The Executive Council again deferred a decision until its meeting to be held before the ninth session of the Conference on the facility agreement relating to on-site inspections at the Aberdeen Chemical Agent Disposal Facility in the United States. This decision was first introduced at the thirty-second session of the Council.

In respect of on-site inspections at Schedule 2 plant sites, the Executive Council approved six facility arrangements with Italy. Further to standing instructions from the Council, the Secretariat separately indicated the differences between the text of the model agreement for Schedule 2 facilities and the agreed texts of the facility arrangements with Italy.

Chemical industry issues

The Council requested scheduled chemicals in the Handbook on Chemicals to be identified such that those that have been declared as chemical weapons are to be marked with 'CW', and Schedules 2 and 3 chemicals declared above the relevant declaration thresholds and Schedule 1 chemicals produced for purposes not prohibited above 100 grams are to be marked with an asterisk. The purpose of these markings is to assist National Authorities as well as industry in identifying declarable activities and facilities. It was emphasised by the Council that these markings do not alter any of the Convention's declaration requirements.

International cooperation and assistance and protection

The issue of the fostering of international cooperation for peaceful purposes in the field of chemical activities was referred to the Council for further consideration by the Conference of the States Parties at its eighth session. The Council decided to consider this matter further at a future session and to report to the Conference in November accordingly. A number of delegations called upon Member States and the Secretariat to address this issue as a priority and with a flexible approach, having expressed concern about the lack of resources for international cooperation activities and lack of progress on Article XI implementation.

Regarding assistance and protection against chemical weapons, the Council was briefed by the facilitator on progress related to procedures for annual submissions of information about states parties' protective purposes programmes. The

Council was requested to submit for adoption such procedures by the First Review Conference. The Council was also briefed by the facilitator on assistance and protection against chemical weapons, including a discussion of preparations for ASSISTEX 2. The Greek delegation intervened with a brief discussion of the OPCW's involvement with the 2004 Summer Olympic Games in Athens and expressed appreciation for the cooperation and assistance received from the Secretariat and other states parties.

Technical issues

The Council adopted a decision on lists of new validated data for inclusion in the OPCW Central Analytical Database (OCAD).

Draft programme and budget for 2005 and draft medium-term plan for 2005-2007

The facilitators for the 2005 draft programme and budget gave an oral report on consultations held during the inter-sessional period. Further to this report, the Council noted the following issues that needed to be addressed before a recommendation could be forwarded to the Conference: (i) with regard to RBB, the OPCW's objectives and achievement indicators for 2005 needed further consideration and (ii) a few programme elements and related resource requirements needed to be discussed further. Accordingly, the Council requested the Secretariat to review the parameters for making key budget estimates, including salary, exchange rate and other information and based on new elements and data, to assess the scope for effective programme implementation at a lower funding level. The Council also decided to consider further the 2005 budget and draft medium-term plan for 2005-07 at the Council meeting to be held before the Conference.

Oversight and audit reports

The Executive Council considered the External Auditor's report on the audit of the OPCW's financial statements for 2003 and received a verbal report on related informal consultations. The Council noted the External Auditor's final conclusion regarding the OPCW's financial statements and transactions as well as his overall assessment of the results of the audit, i.e., an unqualified opinion on the statements for the year ending 31 December 2003. The Council forwarded the audited financial statements and the External Auditor's report and opinion to the Conference. Substantively speaking, concern was expressed by the Council with regard to outstanding assessed contributions and late reimbursement of Article IV and V costs. In addition, the Council requested implementation of outstanding recommendations of the Office of Internal Oversight (OIO) to be expedited.

The Council considered and noted the reports on the status of implementation in 2004 of the recommendations contained in the External Auditor and OIO's 2003 reports.

Other financial and administrative issues

The Council received reports on the OPCW's income and expenditure for the months of June, July and August 2004. As at 31 August 2004, 69.4 per cent of the assessed contributions for 2004 had been received. Seventy-three states parties had fully paid their assessed contribution and twelve had paid in part. The amount outstanding was EUR 20,982,341.

With regard to Article IV and V verification costs for 2004,

EUR 3.9 million in reimbursements had been budgeted for. As at 31 August 2004, EUR 2,660,587 had been invoiced by the OPCW. Of that, EUR 74,470, or 2.8 per cent, had been paid by the possessor states parties concerned.

The Council noted a report by the Director-General on the use of the Working Capital Fund and forwarded it to the ninth session of the Conference.

The Executive Council considered and noted the Director-General's report on the OPCW's relationship with the host country, the Netherlands. *Inter alia*, the Director-General observed that the Headquarters building had received adequate facilities and services and that its inviolability had been respected. It was added that the local authorities have ensured that the OPCW's amenities are not prejudiced and, likewise, the OPCW has ensured that it has not prejudiced the amenities around it. Continued efforts at maintaining good contacts with the host country at the working and senior level were noted. The report added, however, that some policies and regulations adopted by certain organs of the host country are at variance with the Headquarters Agreement. Work on several issues regarding identity cards, private servants and tax was noted. Finally, the report indicated that the Secretariat continues to bring matters to the attention of the Ministry of Foreign Affairs while seeking to avoid, if possible, resort to the dispute resolution mechanisms of the Headquarters Agreement.

Several delegations expressed their concern regarding the implementation of the Headquarters Agreement and requested the establishment of a mechanism, such as in the form of a committee, to permit member states to be more closely involved with implementation of the agreement. However, other delegations did not agree with this approach. The Director-General was requested to provide additional information to the Council on implementation of the agreement at its fortieth session.

Advisory Body on Administrative and Financial Matters

The Council noted information from the Director-General regarding the status of implementation of recommendations in the report from the Advisory Body on Administrative and Financial Matters (ABAF) at its sixteenth session. The Director-General's report indicated that no action was required by the Council on any of the recommendations.

The Council noted the report of ABAF at its seventeenth session as well as a note by the Director-General with preliminary observations on ABAF's recommendations. The ABAF report is discussed further below in 'Subsidiary bodies'.

The resignations from the ABAF of Sang-Soo Lee, R. Poornalingam and Bernhard Brasack were noted by the Council. In addition, the appointments of Young-Kyu Park, P.I. Suvrathan and Peter Beerwerth were approved. These appointments were made retroactive to the effective dates of their letters of nomination.

Other business

The Council decided to hold its forty-third session from 6 to 9 December 2005.

The Council approved a recommendation to the Conference that it decide to amend the terms of reference of the SAB such that the SAB's membership will increase from 20 to 25 members. This recommendation was further to a Note from the Director-General which indicated that this increase would contribute to the SAB's breadth of scientific and tech-

nical expertise and ensure that there is a wide geographic distribution of nationalities in the SAB.

Twenty-fourth Meeting of the Executive Council

The Executive Council, chaired by José Antonio Arróspide of Peru, convened for its twenty-fourth meeting on 24 November 2004 to consider several outstanding matters from its thirty-eighth session. The Council was unable to complete its work on the budget, however, and reconvened on 1 December during the ninth session of the Conference of the States Parties.

Implementation of Article VII obligations

The Council considered and approved a recommendation to the Conference regarding further action under the plan of action for the implementation of Article VII obligations. This recommendation was the product of informal consultations held further to a request by the thirty-eighth session of the Executive Council (see 'Thirty-eighth session of the Executive Council' above).

The Council recommended, *inter alia*, that the Conference (i) reaffirm the importance and urgency of states parties to implement their Article VII obligations; (ii) urge states parties to inform the Secretariat of the status of their efforts to implement the action plan if they have yet to do so, with follow-up by the Secretariat; (iii) encourage states parties to continue taking appropriate and timely steps (in respect of implementation of the action plan); (iv) encourage the Secretariat to continue promoting cooperation between states parties that have offered and requested assistance; (v) request the Secretariat to provide a list to the Council before each of its sessions of offers of and requests for assistance, including details about follow-up assistance; (vi) request the Secretariat to provide feedback to states parties on progress in implementing the plan of action and to get feedback from states parties that have received assistance; (vii) encourage states parties to continue offering assistance through the provision of expertise, developing partnerships with regional organisations, and voluntary contributions; (viii) encourage the Secretariat and states parties to continue making use of the Network of Legal Experts; and (ix) urge states parties to review their existing regulations in the field of trade in chemicals and to inform the Secretariat accordingly.

Destruction issues

The Executive Council again had before it the decision on the detailed plan for the verification of destruction of chemical weapons at the Aberdeen Chemical Agent Disposal Facility in the United States. This plan, first introduced at the thirty-second session of the Council (18-21 March 2003), was again deferred until its next session. However, the Council considered and approved the combined plans for destruction and verification of the following CWPFs in Libya: Rabta Pharmaceutical Factory 1 (phase I) and Pharmaceutical Factory 2 (phase I) in Rabta, and the STO-001 Mobile Units in Tripoli.

Conversion and verification of chemical weapons production facilities

The Council considered Libya's request to convert the CWPFs Rabta Pharmaceutical Factories 1 and 2 (Phase II) for

purposes not prohibited under the Convention and recommended that the Conference approve this request, subject to approval and entry into force of a change to Part V of the Verification Annex of the Convention concerning conditions for conversion (see 'Thirty-eighth session of the Executive Council' above). The Council also recommended that the Conference establish a deadline for completing the conversion of within three years after the change enters into force.

The combined plan for conversion and verification of the CWPFs will be considered at the thirty-ninth session of the Council during 14 to 17 December.

Facility agreements

The Council again deferred a decision until its next session on the facility agreement relating to on-site inspections at the Aberdeen Proving Ground-Edgewood Area in the United States. This decision was first introduced at the thirty-second session of the Council.

Assistance and protection

A recommendation to the Conference on the annual submission of information related to states parties' protective purposes programmes, including provisions in respect of protecting confidential and sensitive information, was adopted by the Council. Attached to the decision was a format which states parties can use to provide the submissions.

Draft programme and budget for 2005 and draft medium-term plan for 2005-2007

The Council decided to defer further consideration of the 2005 OPCW programme and budget, as well as of the draft medium-term plan 2005-2007, until its resumed meeting on 1 December.

Twenty-fourth Meeting of the Executive Council (resumed)

The Executive Council resumed its twenty-fourth meeting on 1 December under the chairmanship of José Antonio Arróspide of Peru.

The Council decided to transmit the 2005 draft OPCW programme and budget to the Conference after further consideration of the issue. It also considered and noted the draft medium-term plan for 2005-2007.

The Council recommended a budget to the Conference with an appropriation of EUR 75,695,000. This amount took into account updated tables reflecting a 3.5 per cent increase over the budget for 2004 and a list of administrative contracts with a duration of more than one year. The original proposal called for a 4.81 per cent increase. The assessment to states parties would be EUR 70,677,400, which represents a 2.9 per cent increase over last year's budget, while the original proposal called for a 4.37 per cent increase. Verification costs in 2005 would consume slightly over half of the budget at EUR 38,097,000 while administrative and other costs would be allocated EUR 37,598,000. The budget also anticipates verification payments under Articles IV and V in the sum of EUR 4,417,600, a 13.3 per cent increase over previous years.

Among several key aspects of the 2005 budget, two are particularly noteworthy. The planned figure of Article IV and V inspections/rotations for 2005 is 232.8, which represents an 18.5 per cent increase over the 2004 figure. In addition,

162 Article VI inspections are planned, including an increase of 10 OCPF and 2 Schedule 3 inspections.

Finally, the Council recommended that the budget incorporate results-based objectives and related indicators of achievement and authorize and fund 502 fixed-term posts for next year.

Ninth Session of the Conference of the States Parties

The ninth session of the Conference, which took place from 29 November to 2 December – a day shorter than usual – was opened by the outgoing Chair of the eighth session, Noor Farida Arriffin of Malaysia. Some 122 of the Convention's 167 states parties and four observer signatory states – Congo, Democratic Republic of the Congo, Honduras and Israel – participated in this regular session. Observer status was also granted to Iraq, a non-signatory state; five international organizations, specialised agencies, and other international bodies; and thirteen non-governmental organizations and chemical-industry associations.

The Conference received a message from the UN Secretary-General, which was delivered by his special representative Sergei Ordzhonikidze, the Secretary-General of the Conference on Disarmament and Director-General of the UN Office in Geneva. The Secretary-General commended possessor states parties on their efforts to destroy their chemical weapons stocks but noted that much more remains to be done. He also encouraged states not party to ratify or accede to the Convention, adding that some of these states are in areas of concern. The Secretary-General highlighted the role of multilateral action for ridding the world of chemical weapons, confidence-building and non-proliferation and, in particular, its importance for keeping chemical weapons out of the hands of terrorists. Finally, attention was drawn to a topic high on the Council and Conference's agendas this year – national implementation of the Convention and the related action plan.

In addition to the UN Director-General's message, a written statement was forwarded by the Director General of the International Atomic Energy Agency (IAEA), Mohamed ElBaradei, to the Conference. ElBaradei noted that the paradigm of collective security based on international law had yet to materialise, and that there is a trend towards 'self-help' to address new realities and threats, including continued interest in acquiring weapons of mass destruction. The more recent challenge of terrorist groups trying to acquire such weapons, and the IAEA and OPCW's responses, were noted. It was emphasised that the most important lesson over the past few years has been that the NBC treaties are the anchors for achieving non-proliferation and disarmament. ElBaradei added that effective, independent verification systems, in tandem with diplomacy, are crucial for building confidence and preventing proliferation of weapons of mass destruction.

Election of the Chair of the Conference, Vice-Chairs and other officers

Krzysztof Patulej of Poland was elected as Chair of the ninth session of the Conference. He will hold office until a successor is elected at the tenth session. New Vice-Chairs were elected from Algeria, Iran, Kenya, Nicaragua, Pakistan, Paraguay, Russia, Slovakia, Switzerland, and the United States. Noor

Farida Arriffin of Malaysia was elected Chair of the Committee of the Whole and will hold office until a successor is elected at the tenth session of the Conference.

Organization of work and establishment of subsidiary bodies; appointment of the Credentials Committee

The General Committee's recommendations were considered and adopted by the Conference. Ten members of the Credentials Committee were also appointed and will hold office until the next regular session of the Conference. Those appointed were from Austria, Brazil, Cameroon, Czech Republic, Guatemala, Hungary, Kuwait, Namibia, New Zealand, and Saudi Arabia.

Statement by the Director-General and General Debate

In his opening statement to the ninth session of the Conference, which is also available on the OPCW's website, the Director-General began by emphasising three broad areas that require more work over the coming year, namely universality, national implementation, and international cooperation and assistance. Libya's accession to the Convention and the importance of this step for international peace and security were also highlighted.

Turning to verification, the Director-General noted that one of Libya's CWFs will be destroyed while the other two will be converted subject to approval of a change to the Convention and Libya's conversion request. Pfirter noted that 35 out of 64 CWFs have been destroyed and 13 converted thus far, while seven will be destroyed by 29 April 2007. It was added that the destruction of CWFs is on schedule. Pfirter stated that 4 possessor states parties had destroyed some 10,000 agent-tonnes of chemical weapons as at 1 November, while India had destroyed 45 per cent of its declared stockpile. The Director-General noted that the Umatilla CWDF in the United States was operating and that three others were about to start operations in the United States and India. He added that India had also submitted a plan for a new CWDF to the Council for consideration at its thirty-ninth session. Extensions of destruction deadlines for the United States and Russia and new requests for extensions of Category 1 destruction deadlines by Libya and Albania were discussed by Pfirter. The status of destruction efforts by the United States and a state party of withheld identity were mentioned and particular attention was drawn to Russia's political support for its destruction program, including the Duma's allocation of more resources to it. The Director-General discussed the 1,892 destruction- and industry-related inspections that had taken place as at 30 October, including 323 CWF, 463 CWDF, 253 chemical weapons storage facility (CWSF), 137 Schedule 1 facility, 273 Schedule 2 facility, 136 Schedule 3 facility and 221 other chemical production facility (OCPF) inspections. Pfirter added that subsequent inspections of Schedule 3 and OCPF sites had taken place this year and that in the coming year more industry inspections are proposed. The importance of maintaining contact with industry was also noted.

In respect of new technologies and changes in the chemical industry and market, the Director-General emphasised the importance of the three meetings held thus far on practical aspects of the Convention's transfers regime and noted that he hoped to report to the tenth session of the Conference on concrete progress on this matter. Attention was drawn by

Pfirter to the development of micro- and mini-reactors and the collection and analysis of biomedical samples, as well as to the role of the SAB in addressing these matters. The Director-General also discussed the training of new inspection teams and preparations by the Secretariat for challenge inspections.

Turning to international cooperation and assistance, Pfirter described some examples of activities in this area, including the first course on the development of analytical skills, the exchange of scientific and technical information through the Conference Support Programme, and the Associate Programme. In respect of assistance and protection, the Director-General mentioned capacity-building projects in the Middle East and Central Asia and future projects for the member states of the Association of Southeast Asian Nations, and states parties in the Persian Gulf and in Latin America and the Caribbean. Pfirter described the OPCW's contributions to the security of the Olympic Games in Athens and the upcoming Asian Games in Qatar as well as preparations for ASSISTEX 2. Pfirter also discussed the OPCW's activities in the area of implementation support, including the Sixth Annual Meeting of National Authorities, the action plan on implementation of Article VII obligations, and training and legislative and technical assistance. Before turning to universality, the Director-General encouraged all states parties to support further work on international cooperation and assistance during consultations on this matter in 2005.

The Director-General noted that 167 states parties now belong to the OPCW, remarking in particular that half of the new member states came from Africa in 2004 with help from the AU. Progress in Asia and the Pacific and Latin America and the Caribbean was also noted, including a closer relationship with the Organization of American States (OAS). Pfirter observed, however, that work on universality is not complete, stating in particular that efforts must continue in the Middle East and the Korean Peninsula despite the difficulties or tension in those areas. Outreach efforts to other international organizations were described including the United Nations and its Department for Disarmament Affairs, the AU, the OAS, and the European Union. Attention was drawn to the recent Joint Action between the OPCW and the EU. Outreach and consultations on the issue of terrorism were also described, including contact with the committee established further to UN Security Council resolution 1540 and the Executive Directorate of the Security Council's Counter-Terrorism Committee. Before turning to the OPCW's 2005 programme and budget, Pfirter thanked Italy, the United Kingdom and Finland for hosting him during official visits to those countries.

The Director-General lastly addressed the OPCW's programme and budget for 2005. He noted foremost that this budget was, for the first time, prepared in RBB and incorporated objectives and achievement indicators for the Organisation. Pfirter noted that the budget was revised further to consultations after the thirty-eighth session of the Executive Council and represented a 3.5 per cent increase over the budget for 2004 versus the 4.8 per cent increase which was initially proposed. In addition to noting the challenge that this reduction might pose to the Organisation's manoeuvrability in respect of certain contingencies, he also emphasized the importance of the decision on the Working Capital Fund and

timely payment of Article IV and V costs and assessed contributions.

On a closing note, the Director-General thanked the Secretariat's directors, some of whom will be leaving the Organisation in 2005, for their contributions to the OPCW over the past several years.

Notably, forty-six states parties made statements during General Debate over the course of two days. Many of these statements are available on the OPCW's website. Those addressing the Conference included the Netherlands, on behalf of the European Union and associated countries; Malaysia, on behalf of the Non-Aligned Movement and China; and Sudan, on behalf of the African Group. Australia, Brazil, China, India, Iran, Japan, Libya, Mexico, Nigeria, Pakistan, the Republic of Korea, Romania, Russia, Saudi Arabia, the United States and others also made statements. The delegates' interventions focussed on, *inter alia*, national implementation of Article VII obligations and universality as well as on the respective action plans. Two delegations drew attention to the significant number of states parties that have yet to establish or designate a National Authority, while several member states expressed concern about certain countries that continue to remain outside of the Convention. In addition, many delegations discussed the nexus among national implementation of the Convention, universality, the OPCW's counter-terrorism efforts, and UN Security Council resolution 1540.

Statements were made in support of Libya's accession to the Convention and its request for a technical change to the CWC in order to allow it to convert some of its former CWFs for purposes not prohibited under the Convention. Several member states noted that final approval of this change will facilitate universality efforts. In respect of destruction, many states parties expressed their concern about the slow rate of destruction of chemical weapons stockpiles, including the need for extensions of deadlines, and emphasised the need for transparent and vigilant verification. Many delegations also stressed that destruction efforts and the irreversibility of the process are essential for preventing proliferation.

Regarding verification, some states parties took the opportunity to discuss the current state of the industry inspections regime, including the need for accurate and timely declarations and a further look at the methodology for the distribution of inspections. The utility of challenge inspections was also discussed and it appears that this issue will receive more attention in 2005. In addition, many delegations discussed assistance and protection under Article X, including recent and future programs and the new format for the annual submission of information related to states parties' protective purposes programmes.

The budget was, of course, addressed by almost all of the states parties making statements before the Conference. Several items under this broader topic received particular attention from numerous delegations, including late payment of assessed contributions and Article IV and V costs, the introduction of RBB and, of concern to several developing countries, the budget line for international cooperation and assistance. Further to this last point, several member states expressed frustration with the progress of implementation of Article XI, with a few calling for an action plan. It appears that this matter will receive greater attention in 2005.

The Netherlands, speaking on behalf of the European

Union, discussed a Joint Action with the OPCW. Under its auspices, EUR 1,841,000 will be provided to the OPCW in 2005 for work in the areas of universality, national implementation, and international cooperation in the field of chemical activities. These funds are being provided as part of the European Union's strategy against the proliferation of weapons of mass destruction.

Both the United States and Romania drew attention to their joint project, the Implementation Assistance Programme (IAP), which is an electronic tool for assisting states parties in the implementation of their various obligations under the Convention. IAP is menu-driven and provides guidance on legislation, declaration requirements and export and import requirements.

Brazil, in its intervention, brought particular attention to a national paper which it had submitted to the ninth session of the Conference regarding the former Director-General (see CBWCB 65 for more information).

Status of implementation of the Convention

Under this agenda item, the United Kingdom and the United States gave statements before the Conference with regard to destruction and verification and compliance. The United Kingdom stressed the supreme importance of the destruction pillar of the Chemical Weapons Convention and the necessity of meeting the deadlines set out therein. Paula A. DeSutter, the Assistant Secretary of State for Verification and Compliance, spoke on behalf of the United States regarding verification, compliance and compliance enforcement as the keys to achieving effective implementation as well as the security benefits of disarmament and non-proliferation treaties, including the Chemical Weapons Convention. DeSutter's statement is available on the OPCW website.

The Conference received a report from the Director-General describing the progress in respect of the action plan for implementation of Article VII obligations. As a general matter, the report observed that progress in implementing the plan has been slow. Concern was raised in particular about those states parties which have yet to implement any element of the action plan half-way to the 2005 deadline. Regional variations in implementing the action plan were noted and it was stressed that additional efforts will be needed in Africa, Asia, and Latin America and the Caribbean. The introduction noted that the Secretariat can only provide limited assistance and will continue to rely on offers of assistance from state parties to complement its efforts.

The report itself contains four annexes: a status report, a matrix detailing the level of compliance with Article VII obligations by each state party, a survey of the contents of the legislation submitted by states parties, and a table of offers of and requests for assistance. All of the tables are as at 31 October 2004. The key data, which are analysed in greater detail in the status report, are revealing: as at 31 October, 136 states parties, or 82 per cent, had designated or established a National Authority; 96 states parties, or 58 per cent, had reported adopted legislative and/or administrative measures to the Secretariat; only 53 states parties, or 32 per cent, had comprehensive implementing legislation; 72 states parties, or 43 per cent, had submitted an annual declaration on past activities in 2004 while 22 states parties had submitted an annual declaration on anticipated activities for 2005; 64 states parties, or 39 per cent, appear to have measures in place to

control transfers of scheduled chemicals while 15, or 9 per cent, have some or no required controls in place; 13 states parties, or 8 per cent, submitted information regarding their national protective programmes under Article X in 2004 while 51 states parties, or 31 per cent, have made such submissions since entry into force of the Convention; and 41 states parties, or 25 per cent, have reviewed their regulations on trade in chemicals and confirmed that they are consistent with the Convention's object and purpose.

On other issues related to implementation of the action plan, the report indicated that only 46 states parties had indicated what steps or target dates they had set for themselves. It was added that this low number and the lack of specificity in most of the information had complicated the Secretariat's efforts to plan and prioritise implementation-support efforts. The report added that 23 formal requests for assistance had been received by the Secretariat as a result of the plan or before its approval last year. Including these requests, up to 60 states parties have received assistance from the Technical Secretariat thus far. The report added that the formal requests have been or will be met by early 2005 and that other informal ones will be met in 2005 by the Secretariat or through bilateral support from another state party. The assistance offered or provided by 26 states parties was also described in the report. The report concluded by noting that the largest problem the Secretariat faces is the lack of capacity for systematic and sustained follow-up. Accordingly, states parties are called upon to continue efforts in this direction in addition to the initial assistance that they have offered.

Further to its consideration of this report and the Executive Council's recommendation for further action on this matter, the Conference adopted a decision which tracks the Council's recommendation from its twenty-fourth meeting. This recommendation is described above. In addition, the Netherlands announced a voluntary contribution of EUR 300,000 for specific implementation-related activities by the Secretariat, including the funding of a focal point based in Addis Ababa, headquarters of the AU, to assist with implementation efforts by member states in that region. A Memorandum of Understanding was signed between the Netherlands and the OPCW for this voluntary contribution.

Finally, the Conference noted a report on the implementation of the confidentiality regime in 2003 (see CBWCB 64 for more information on this report).

Annual Report

The Conference adopted the draft report of the OPCW on the implementation of the Convention in 2003. This report will be printed and distributed in early 2005.

Report of the Executive Council

The Conference noted the report of the Council on the performance of its activities between 28 June 2003 and 2 July 2004. The report was introduced by the Chair of the Council, José Antonio Arróspide of Peru, who also introduced the recommendations of the Council requiring the Conference's attention, including those made after the report's cut-off date. All of those recommendations requiring adoption were affirmatively decided by the Conference at its ninth session.

Further to the Council's first recommendation, the Conference adopted a decision to include an environmental temperature logger in the list of approved equipment (see

CBWCB 64). The Conference adopted a decision on the understanding of the concept of 'captive use' in connection with production and/or consumption declarations under the Verification Annex of the Convention, Parts VII and VIII (see CBWCB 64). The Council also adopted decisions regarding extensions of intermediate deadlines for the destruction of Libya and Albania's respective Category 1 chemical weapons stockpiles (see CBWCB 65).

A decision regarding Libya's request to convert its former CWFs Pharmaceutical Factories 1 and 2 (Phase II) in Rabta for purposes not prohibited under the Convention was adopted by the Conference. Following the Council's recommendation from its twenty-fourth meeting, this decision is subject to approval and entry into force of a change to Part V of the Verification Annex of the Convention concerning conditions for conversion. In addition, the Conference established a deadline for completing the conversion of within three years after the change enters into force.

Finally, the Conference adopted a decision concerning the annual submission of information related to states parties' protective purposes programmes, including provisions in respect of protecting confidential and sensitive information. The Council at its twenty-fourth meeting had recommended its adoption.

Election of members of the Executive Council

Twenty-one states parties were elected to the Executive Council for a two-year term of office, which will commence on 12 May 2005. Those elected were, for Africa: Gabon, Ghana, Lesotho, Sudan, and Tunisia; for Asia: China, India, Japan, Republic of Korea, and Saudi Arabia; for Eastern Europe: Poland and Romania; for Latin America and the Caribbean: Argentina, Brazil, Colombia, and Mexico; and for Western Europe and Other States: France, Germany, Italy, the United Kingdom, and the United States.

Administrative and financial matters

The Conference noted the OIO report for 2003 as well as the Council's comments on the work carried out by the OIO (see CBWCB 65). The Conference adopted a set of amendments to the following OPCW Financial Regulations: 2.2, 3.7, 4.7, 4.11, 5.1, 5.2, 5.3, 5.4, 5.6, 5.7, 6.2, 6.3, 10.5, 12.1, 12.2, 12.3, 12.4 and 13.3 (see CBWCB 65). A note from the Director-General regarding transfers of funds between programmes in 2003 was noted by the Conference. It was stated that transfers did not exceed ten per cent of the initial appropriations for the corresponding programmes.

The Conference adopted a decision on the Working Capital Fund and late reimbursement of Article IV and V income, following a recommendation on these matters from the Executive Council at its thirty-seventh session (see CBWCB 65). The Conference also noted a report by the Director-General on the use of the Working Capital Fund through August 2004.

A report on the use of the special account for the 2001 cash surplus, which was established by the Conference at its eighth session, was noted by the Conference. The special account was established to meet unbudgeted costs associated with implementation of the tenure policy, for additional international cooperation and assistance, or, with the approval of the Executive Council, to ensure implementation of the approved programme of work for 2004 for inspections, international cooperation and assistance or exceptional needs.

It was noted in the report that the special account was only used through September 2004 for unbudgeted costs associated with the tenure policy in the amount of EUR 1,333,773, out of an allotment for this purpose of EUR 1,355,000. In a separate decision, the Conference decided that EUR 2,050,968 from the account would be distributed to member states as set out in the OPCW's Financial Regulations.

The Conference approved amendments to the terms of reference of the SAB such that its membership will increase from 20 to 25 members (see 'Thirty-eighth session of the Executive Council' above). Finally, the Conference noted the External Auditor's report on the audited financial statements of the OPCW and Provident Fund for the period ending 31 December 2003, as well as the related comments from the Council. The External Auditor introduced the report during the period set aside for General Debate and noted that he had given unqualified opinions on the financial statements of the OPCW and Provident Fund for 2003.

Draft programme and budget for 2005 and draft medium-term plan for 2005-2007

The Conference adopted a decision on the OPCW's 2005 programme and budget, based on the Council's recommendation from its twenty-fourth meeting. In its decision, the Conference decided, *inter alia*, that the programme and budget for 2005 and all future years should be presented in RBB format. In addition, the Conference appropriated EUR 75,695,000 for next year, slightly over half of which will be for verification related costs. It was decided that contributions from states parties totalling EUR 70,677,400, EUR 4,417,600 from Article IV and V payments, and EUR 600,000 in interest income would finance the appropriation above.

The Conference decided to authorise and fund 502 fixed-term posts. However, it was decided that consultants can only be used for discrete, short-term projects. States parties were requested to pay their assessed contributions within thirty days of notification from the Director-General or by 1 January 2005, whichever is later, as well as any assessed contributions or Article IV and V payments in arrears.

In addition, the Director-General was requested to report to the tenth session of the Conference on the use of the Working Capital Fund, while the Council was requested to take certain actions in the context of the implementation of RBB and preparation of the budget for 2006.

Finally, the Conference noted the 2005-2007 draft medium-term plan, which was revised by the Executive Council at its twenty-fourth meeting.

A statement was made on the budget by the delegation of Nicaragua on behalf of the Latin American and the Caribbean delegations.

Scale of assessments

The Conference adopted the UN scale of assessments for 2005 as adjusted to take into account membership differences. A statement was made on this matter by the delegation of Nicaragua on behalf of the Latin American and the Caribbean delegations.

International cooperation and assistance

In respect of international cooperation and assistance and in the absence of a proposal from the Council on the matter, the

Conference underlined that economic and technological development under Article XI is a core objective of the OPCW. Recalling the importance of fostering activities in this area, the Council was encouraged by the Conference to expedite consultations on Article XI and include concrete proposals in its consideration. In addition, the matter of full implementation of Article XI was referred to the Council for its consideration with a view to the Council forwarding a proposal to the tenth session of the Conference.

Universality

A report from the Director-General on implementation of the universality action plan, which had also been submitted to the Executive Council at its thirty-eighth session, was noted by the Conference (see 'Thirty-eighth session of the Executive Council' above). The importance of states parties and the Secretariat continuing to promote universality was underlined by the Conference.

Reports of subsidiary bodies

The Conference noted that no items had been allocated to the Committee of the Whole during the ninth session. The reports of the General Committee and the sixth meeting of the Commission for the Settlement of Disputes Related to Confidentiality (Confidentiality Commission or Commission) were noted. In addition, the Conference approved amendments to the Confidentiality Commission's operating procedures and appointed 20 members to it, four from each of the five regional groups for terms of two years, starting 1 January 2005.

The report of the Credentials Committee was presented to the Conference by its Chair.

Other business

The Conference decided to hold its next regular session from 7 to 11 November 2005.

New Member States

On 23 September, the Solomon Islands deposited its instrument of accession to the Chemical Weapons Convention with the United Nations. It became the 165th state party with entry into force occurring on 23 October. On 30 September, Sierra Leone deposited its instrument of ratification. It became the 166th state party on 30 October. On 20 October, Madagascar deposited its instrument of ratification to the Convention becoming the 167th state party on 19 November.

According to the OPCW and as at 10 December 2004, there are 167 states parties, sixteen signatory states which have not yet ratified the Convention, and eleven states which have not signed or acceded to the Convention.

Technical Secretariat

Declaration processing

As at 30 November 2004, 156 member states had submitted initial declarations, with Afghanistan, Cape Verde, Marshall Islands, Mozambique, Saint Vincent and the Grenadines, Sierra Leone, Solomon Islands, Timor-Leste, Tonga and Tuvalu yet to do so. Nine states parties had submitted incomplete initial declarations: Ivory Coast, Kiribati, Nepal, Seychelles, Suriname, Turkmenistan, and Yemen having failed to submit their Article VI initial declarations, and Nauru and Senegal

having yet to submit their initial declarations under Article III. Seventy-eight states parties had submitted annual declarations of past activities for 2003 and thirty-eight states parties had submitted declarations of anticipated activities for 2005.

The following states parties met the 2 October 2004 deadline for submission of their annual declarations regarding projected activities and anticipated production at Schedule 1 facilities for next year: Australia, Canada, China, Cuba, Finland, Japan, Norway, Serbia and Montenegro, South Africa, Spain, Sweden, Switzerland, the United Kingdom and the United States. In addition, the following met the 1 November 2004 deadline for submission of their annual declarations regarding anticipated activities at Schedule 2 and 3 plant sites for next year: Australia, Belarus, Belgium, Bulgaria, Canada, China, Czech Republic, France, Germany, Iran, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Republic of Korea, Romania, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the United Kingdom, and the United States.

Inspections and verification

As at 10 December 2004, 322 inspections had been completed at a total of 221 sites since 1 January 2004. The breakdown of completed inspections is as follows: 1 at an ACW, 95 at CWDFs, 29 at CWPfFs, 44 at CWSFs, 69 DOC inspections, 6 at old chemical weapons sites, 15 at Schedule 1 facilities, 42 at Schedule 2 facilities, and 21 at Schedule 3 facilities. Also, as at 10 December 2004, 10 CWDF and 1 DOC inspections were in the process of being completed.

As at 10 December 2004, 1,936 inspections at 784 sites had been completed since entry into force. The breakdown of completed inspections is as follows: 23 at ACW sites, 475 at CWDFs, 327 at CWPfFs, 264 at CWSFs, 8 at destruction of hazardous chemical weapon sites, 232 DOC inspections, 1 at an emergency destruction of chemical weapons site, 56 at old chemical weapons sites, 1 'other', 138 at Schedule 1 facilities, 275 at Schedule 2 facilities, and 136 at Schedule 3 facilities.

Destruction

Official destruction figures reflect that, as at 30 November 2004, 10,351 agent-tonnes of chemical weapons, out of a declared total of 71,373 agent-tonnes, had been destroyed. Some 2,145,268 munitions/containers, out of a declared total of 8,671,564, had also been destroyed.

The number of CWDFs operating in November was seven: five in the United States, one in Russia and one in a state party of withheld identity.

Implementation of Article X

The first assistance and protection course for Latin American and Caribbean states parties took place in Madrid from 13 to 23 September (see CBWCB 65). The course was jointly organized by the OPCW and the Spanish government.

An international training course on chemical weapons protection took place from 27 September to 1 October at the Institute of Civil Protection in Slovenska Lupca, Slovakia. The Eighth Annual workshop to coordinate assistance and protection under Article X was held in Sofia, Bulgaria during 4-8 October. The sixth annual course on the medical aspects of defence against chemical weapons took place in Tehran from 9 to 13 October. The Swiss Emergency Field Laboratory

(SEFLAB) training programme took place in Spiez, Switzerland during 8-12 November.

A workshop on assistance and protection under Article X for Latin American and Caribbean member states was held in Lima, Peru from 8 to 12 November. The workshop was intended for personnel involved with protecting civilian populations or providing emergency assistance in the event of chemical weapons use. The workshop focused, in particular, on the planning, establishment and training of response teams to protect civilians; rescue operations in contaminated areas; responses to incidents involving chemical-warfare agents and toxic chemicals; and regional approaches to assistance and protection.

From 16 to 19 November, the Fifth Annual Protection Meeting, Workshop and Exhibition were held at OPCW Headquarters.

Implementation of Article XI

The fifth Associate Programme ended on 1 October, some ten weeks after it had started on 23 July. This year's programme was attended by 24 trainees from as many member states.

An invitation to participate in next year's Associate Programme was issued by the Secretariat in early December. The Programme will be held from 22 July to 30 September in The Hague and elsewhere in Europe.

Implementation support

The second regional meeting of National Authorities in Asia took place in Beijing from 20 to 22 September. The second regional workshop for National Authorities of states parties in Central Asia took place in Almaty, Kazakhstan during 13-15 October (see CBWCB 65). The second regional meeting of National Authorities of states parties in Africa took place in Harare, Zimbabwe from 19 to 20 October (see CBWCB 65). There were some 50 participants from 19 member states and observers from Egypt and Congo, both states not party.

The Sixth Annual Meeting of National Authorities was held in The Hague from 26 to 28 November. It was reported that representatives from 90 states parties and two states not party attended, including, for the first time, national parliamentarians.

Universality

The following activities took place in respect of universality in addition to those discussed in the report noted by the Executive Council at its thirty-eighth session: a regional workshop on the universality and implementation of the Convention in Saint Kitts and Nevis from 2 to 3 November, bilateral visits to Antigua and Barbuda and the Bahamas in October, and a visit to Angola in late November by the former permanent representative of Algeria to the OPCW.

Proficiency testing, sampling and analysis

In respect of the status of laboratories, eighteen laboratories from seventeen member states have been designated. Of this number, three laboratories—from the Czech Republic, Poland, and Sweden—are temporarily suspended from receiving authentic samples should such samples be taken off-site by OPCW inspectors. The fifteen designated laboratories that retain their status are in Belgium, China, Finland, France, Germany, the Netherlands, Republic of Korea, Russia,

Singapore, South Africa (new), Spain (new), Switzerland, United Kingdom, and United States (two).

Validation Group

The report of the nineteenth meeting of the Validation Group was issued a few weeks after the meeting, which took place from 30 to 31 August. The report first drew attention to an erroneous list of ten compounds in Annex 1 of the report of the seventeenth meeting, which is to be removed, i.e., 07-2-2072 to 07-2-2281. It was also noted that the Validation Group had evaluated data on unscheduled degradation products of scheduled chemicals and riot control agents and forwarded this to the Secretariat for future action.

The report stated that the seventh hard-copy version of OCAD, together with the fifth electronic version, had been released on DVD (see CBWCB 64) and that work would begin on the next version of each. It was added that 772 of the 2,092 chemicals in OCAD have Chemical Abstract Service numbers and that these would be included in the next version of the database.

Discussions regarding a new browser in the OCAD for improved accessibility of IR data were reported, in addition to the need for the Validation Group to authenticate all electronic IR spectra to ensure that they are identical to those in the validated hard-copy version. The report also noted the Validation Group's decision to give preference to "bis(S-alkyl) alkylphosphonodithiolate" for the naming of S,S-dialkyl (alkyl: sec-butyl or tert-butyl) alkylphosphonodithiolates when the *bis* prefix is necessary.

The report stated that the Group again considered a procedure for removing data from OCAD and recommended that the Secretariat forward it to the Council. The report added that 54 mass spectra from laboratory 22 are being checked for resubmission. It was reported that the Group again discussed differences in GC(RI) values of some compounds measured by laboratory 7 and other laboratories and it was determined that these are due to the column type used by laboratory 7. The report added that the Group agreed laboratory 7's original data would be stored in OCAD together with corrected values, and that the column type for all GC(RI) data in OCAD needed to be tabulated alongside the data. It was noted that the Council would be informed in due course that the corrected values are used in the on-site database and not the original values. The Group's discussion of gaps in the OCAD was noted in the report; it was added that filling the missing MS and GC(RI) gaps is a priority but that any missing GC(RI) data could ultimately be calculated.

The Twentieth Validation Group Meeting took place during 7 to 8 December 2004.

Financial figures

As at 31 October 2004, EUR 54,871,645, or 79.9 per cent, of the assessed contributions for 2004 had been received. Seventy-nine states parties had fully paid their assessed contribution and eleven had paid in part. The amount outstanding was EUR 13,781,745.

With regard to Article IV and V verification costs reimbursements for this calendar year, EUR 3.9 million in reimbursements has been budgeted for. Based on the most recent official information available, EUR 3,372,041 has been invoiced. Of that, EUR 1,933,337, or 57.3 per cent, has been collected.

Official visits and visitors

The Director-General of the OPCW made the following official visits during the period under review: Buenos Aires, Argentina for the technical meeting on customs-related aspects of the Convention's transfers regime from 6-8 September; Montevideo, Uruguay during a national seminar on the implementation of the Convention's chemical weapons non-proliferation regime on 9 September; Beijing, China during the Second Regional Meeting of National Authorities of States Parties in Asia which took place from 20 to 22 September; Sofia, Bulgaria from 3 to 5 October; the United Nations on 7 October, during which he addressed the First Committee of the General Assembly; London, United Kingdom on 11 October to address the Chatham House Conference on "Global Non-proliferation and Counter-Terrorism: UNSCR 1540"; the United States, including the OAS in Washington, on 20 October; the United Nations on 21 October, during which he addressed the 59th Session of the General Assembly and delivered a report on the implementation of the Convention for the previous two years; Italy from 2 to 3 November to sign six Schedule 2 facility arrangements; the United Kingdom during 16-17 November; and Singapore from 6 to 7 December for bilateral meetings and to give a keynote speech at the Fourth Singapore International Symposium On Protection Against Toxic Substances (SISPAT).

The Director-General also met with the following during the period under review: senior officials in the Argentine Ministry of Foreign Affairs, the National Authority, the Ministry of Industry, and the Argentine Customs during his trip to Buenos Aires from 6-8 September; the Minister of Foreign Affairs of Uruguay and other senior officials during his trip to Montevideo on 9 September; the Vice-President of Bulgaria and other senior officials during his visit to Sofia from 3 to 5 October; Kofi Annan, the Secretary-General of the United Nations, the Permanent Representative of Romania to the UN (also the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004)), and the Executive Director of the Counter Terrorism Executive Directorate during his visit to the United Nations on 7 October; the Foreign Minister of Lesotho at OPCW Headquarters on 18 October; senior officials in the State Department in the United States on 20 October; senior officials and industry representatives while in Italy from 2 to 3 November; the Foreign and Commonwealth Office Minister, Department of Trade and Industry Minister, and senior officials in the Foreign and Commonwealth Office, Department of Trade and Industry, and Ministry of Defence during his trip to the United Kingdom from 16 to 17 November; and the Minister for Defence, Minister for Trade and Industry, Minister of State for Foreign Affairs, Director of the National Authority, and officials of the Singapore Customs and Immigration Checkpoints Authority during a visit to Singapore from 6-7 December.

Mr John Makhubalo, as Acting Director-General, and a senior management team met with the Minister of Foreign Affairs and Trade of New Zealand at OPCW Headquarters on 9 September.

On 11 November, Mr Brian Hawtin, Deputy Director-General of the OPCW, attended a ceremony in Ieper, Belgium commemorating the eighty-sixth anniversary of the end of the First World War and gave an address on behalf of the Organisation.

Staffing

The OPCW actual personnel strength as at 10 December 2004 was reported as 507. Of these, 435 are on fixed-term contracts and 298 are D or P-level staff. It was also reported that between 10 September and 10 December there were 1 P-4 and 10 P-3 appointments. During the same period, there were 6 P-4 and 1 P-3 separations.

Other matters

On 15 September, the Director-General requested Sudan, as a CWC state party, to provide its official position and any relevant information with regard to press reports on the use of chemical weapons against civilians in the Darfur region of that country. In an official reply, the Sudanese Permanent Representative to the OPCW stated that Sudan rejected the allegations and that they lacked any evidence in the view of his government.

A note was issued by the Director-General in late September, which included a copy of the resolution adopted by the General Assembly of the OAS, at its thirty-fourth regular session, on the Americas as a biological and chemical weapons-free region (AG/RES. 2000 (XXXIV-O/04)). On a related note, the Assembly of the Inter-Parliamentary Union and the First Committee of the UN General Assembly adopted resolutions regarding, *inter alia*, full implementation of the Chemical Weapons Convention during their 111th Assembly and 59th session, respectively.

Subsidiary Bodies

Advisory Body on Administrative and Financial Matters

The final report of the seventeenth session of ABAF was issued shortly after the session, which took place from 27 to 29 September under its Chairman, Hadi Farajvand. The Director-General addressed the opening of the ABAF session and discussed, in particular, steps taken to implement recommendations made by ABAF at its sixteenth session and by the OIO in its 2003 report, respectively, as well as the OPCW's spending patterns for the first two quarters of 2004.

ABAF reviewed the report of the sixteenth session and requested the Secretariat to provide specific details of plans to carry out fully ABAF's recommendations from that session and previous ones. ABAF also reviewed the Budget Status Report as at 31 August 2004. It drew particular attention to the lower payment of 2004 assessed contributions in comparison to the corresponding period in 2003 and to the slow rate of reimbursement for Article IV and V inspection costs. It recommended that the Executive Council address these issues, in light of their impact on the OPCW's cash position and programme delivery, and made other recommendations concerning the status report.

ABAF examined and made several recommendations with regard to the Draft Medium-Term Plan for 2005-2007.

Regarding the OIO report for 2003, the ABAF requested, *inter alia*, that it be provided with such reports for a given year before 15 April of the following year. It was added that this would give the Executive Council an opportunity to consider ABAF's recommendations in respect of the report in question.

Finally, concerning the 2005 programme and budget, ABAF recommended that future budget documents contain more details about several key budgetary assumptions, including

the extent of salary increases predicted, the number of staff positions yet to be filled, and exchange-rate fluctuations, and the impact any changes in these assumptions would have on the budget.

It was reported that the next session of ABAF would take place during 9-13 May 2005.

Commission for the Settlement of Disputes Related to Confidentiality

The final report of the sixth meeting of the Confidentiality Commission was issued in late November, the sixth meeting itself having taken place from 1 to 2 November under its Chairman, Dieter Umbach.

The Confidentiality Commission reported that a presentation was given on the latest changes to the OPCW confidentiality and security regime by the Office of Confidentiality and Security and that an update was provided on the status of changes to the OPCW Policy on Confidentiality. The Executive Council at its thirty-sixth session decided to defer consideration of these changes, which had been recommended by the Confidentiality Commission at its fifth meeting (see CBWCB 64).

The Confidentiality Commission considered the report of the working group established to review the Commission's operating procedures; certain changes were recommended to the Conference. The Commission also requested the Conference to approve funds for a workshop during its seventh meeting on dispute settlement for new Commission members. This request was further to a call by the First Review

Conference for "the Confidentiality Commission to be fully operational at all times" and a recommendation from the Commission at its fifth meeting.

Finally, the Confidentiality Commission recommended that relevant National Authority personnel be given the opportunity to receive training on the classification of information submitted to the OPCW and requested the Secretariat to consider this proposal, including the possibility of such trainings taking place during meetings of regional subgroups.

Future Work: EC-39 (14 December)

The thirty-ninth session of the Executive Council took place during the week of publication of the December *Bulletin*, accordingly, the outcomes of that session, which only lasted a day, will be discussed in the March issue. Some of the decisions which were considered include several facility agreements regarding on-site inspections in Libya (the Al-Jufra Category 2 CWDF, Ruwagha CWSF, CWPF Tripoli STO-001, and CWPFs Rabta Pharmaceutical Factories 1 and 2, respectively); a combined plan for conversion and verification of the CWPFs Rabta Pharmaceutical Factories 1 and 2 (Phase II); a plan for the verification of destruction of chemical weapons at a CWDF in India; and deferred decisions in respect of the Aberdeen CWDF in the United States.

This review was written by Scott Spence, the HSP Researcher in The Hague.

Report from Geneva

Review no 22

The Biological Weapons Convention Meeting of States Parties

As reported in *Bulletin 65* (Sep 2004), the Meeting of Experts of the States Parties of the Biological and Toxin Weapons Convention (BWC) on 19 to 30 July 2004 had made significant progress in considering the two topics identified for 2004:

iii. Enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological and toxin weapons or suspicious outbreaks of disease;

iv. Strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals and plants.

The Meeting had produced a report to which was attached as Annex II a paper prepared by the chairman listing the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topics under discussion at the Meeting. The report stated that *The Meeting of Experts noted that it was the Chairman's view that the paper could assist delegations*

in their preparations for the Meeting of States Parties in December 2004 and in its consideration of how best to 'discuss, and promote common understanding and effective action on' the two topics in accordance with the decision of the Fifth Review Conference.

As noted in the previous Report from Geneva, this provided the states parties with an excellent starting point from which to develop language to meet the requirement of the mandate for the Meeting of State Parties in December 2004 to *discuss, and promote common understandings and effective action.*

Preparations for the Meeting of States Parties, 2004

The Final Report (BWC/MSP/2004/MX/4 dated 11 August 2004 — this and other such official BWC documentation is available at <http://www.opbw.org>) of the Meeting of Experts comprised a report of 5 pages together with Annex I, a 14 page listing of the documents of the Meeting of Experts; Annex II, a 36 page listing of the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topics under discussion at the Meeting; and Annex III, a 1-page draft agenda for the Meeting of States Parties in Geneva, 6 – 10 December 2004.

The chairman wrote to the States parties on 23 September 2004 to encourage them to focus their preparations for the Meeting of States Parties on the particular mandate that was provided for the 2004 meetings, and on what the states parties can agree to do (common understandings and effective action) under the topics under consideration. The chairman hoped that the list provided in Annex II would be a useful tool to assist delegations in their preparations. It was pointed out that the final version of the list clustered the proposals, etc, so that similar ones appeared together. The areas into which these proposals, etc, fell were:

Agenda item 5 (corresponding to iv. above):

1. *General principles and objectives*
2. *International cooperation and support*
3. *Organisation, structure and planning*
4. *Communication and information management*
5. *Standards and legal framework*
6. *Laboratories, techniques and training*
7. *Research and development*

Agenda item 6 (corresponding to iii. above):

1. *General principles and objectives*
2. *International cooperation and support*
3. *Organisation, structure and planning*
4. *Communication and information management*
5. *Standards and legal framework*
6. *Laboratories, techniques, technology and training*
7. *UN Secretary-General's investigation mechanism.*

The chairman's letter went on to point out that the full listing in Annex II was very lengthy and would be unmanageable as a basis for consideration at MSP/2004 if a successful outcome is to be achieved addressing the Review Conference's mandate. It went on to say that the clusters of areas into which the proposals, etc, fell could provide an indication of the subjects/areas where the states parties can agree on common understandings and effective action, and that this is where attention should focussed. The Chairman undertook to attempt to see which subjects/areas could be identified for this purpose, and which could possibly enjoy the necessary support of states parties.

A further letter was written by the chairman to the states parties on 29 October 2004 which advised that further work on the list in Annex II had made it possible to synthesise these proposals, etc, into a much more manageable form, which was attached to the letter. It was underlined that the synthesized version of the document continued to be based on the presentations, statements, working papers and interventions made by delegations, and did not include any new ideas. All that had been done was to remove repetitions and merge similar concepts. The chairman concluded by pointing out that the very limited duration of 1 week for the Meeting of States Parties would not provide time for delegations to again make extensive presentations and that attention needed to be directed to specifically addressing the mandate. The synthesis attached to the letter was subsequently issued as BWC/MSP/2004/L.1 dated 1 December 2004 and translated into all of the UN languages.

The approach taken in the synthesis document was to provide a paragraph for each of the areas identified in the earlier letter of 23 September 2004. Thus, for example, for area 1 under agenda item 5, the following paragraph appeared:

1. *General principles and objectives*

Recognising that improved national and international surveillance, detection, diagnosis and combating of infectious disease will support the object and purpose of the Convention, states parties should strengthen existing capabilities in these areas, including by:

- *strengthening existing international networks, and in particular supporting the efforts of the WHO, FAO and OIE;*
- *building up their own national capabilities, to help ensure early detection of and rapid response to outbreaks of disease throughout their national territory;*
- *using existing standards, guidelines and recommendations wherever possible.*

A second example is taken from area 7 under agenda item 6, where the following two paragraphs appeared:

7. **United Nations Secretary-General's investigation mechanism**

Recognising that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution A/Res/45/57, represents the only existing international institutional mechanism for investigating cases of alleged use of biological or toxin weapons, states parties authorise the Chairman to write on their behalf to the Secretary-General to request that he review and consider updating the investigation mechanism, taking into consideration, inter alia, the following suggestions:

- *re-evaluation and updating of the lists of experts;*
- *confidentiality agreements for all personnel which prohibit communicating any matter related to an investigation with any person or institution not involved in the investigation unless authorised to do so by the Secretary-General.*
- *consideration of the logistical and financial requirements for an investigation;*
- *revision of the information to be provided in support of a request for an investigation;*
- *re-evaluation of the guidelines and procedures relating to the victims of an alleged attack;*
- *re-evaluation of the guidelines and procedures for sampling and analysis;*
- *use of expert consultants whose composition should be specified to ensure a representative and geographic equality;*
- *a requirement for the final report to be transmitted to the Secretary-General, made available to the receiving state and any other involved state, and submitted to the Security Council.*

The Chairman is requested to invite the Secretary-General to report to the Sixth Review Conference on his review, any updates which he recommends, and any action taken or required by the General Assembly. In addition, states parties should:

- *identify the types of expertise that would be required for a new round of nominations of experts, if required;*
- *update their contributions for the list of qualified experts and list of laboratories;*

- *designate relevant specialised training courses available to qualified experts.*

In New York in the First Committee of the United Nations General Assembly, Hungary, on 12 October 2004, introduced a draft resolution (A/C.1/59/L.17) on the BWC which in its operative paragraphs noted with satisfaction the number of states that have become party to the Convention and reaffirmed the call upon all states not yet party to become so at an early date, welcomed the information and data provided to date and reiterated its call upon all states parties to participate in the exchange of information and data agreed at the Third Review Conference, and, in the third operative paragraph:

“3. *Recalls the decision reached at the Fifth Review Conference (in BWC/CONF.V/17, para. 18) to discuss and promote common understanding and effective action: ... in 2004 on the two topics of enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease, and strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals and plants; ... and calls upon the states parties to the Convention to participate in its implementation;*”

As expected, the First Committee adopted this draft resolution without a vote. It was subsequently approved by the General Assembly without a vote on 3 December 2004 as A/RES/59/110.

Other Preparations

On the weekend of 4-5 December 2004 before the Meeting of States Parties, there was a workshop in Geneva of the Pugwash Study Group on Implementation of the Chemical and Biological Weapons Conventions entitled *The BWC New Process and the Sixth Review Conference*. Over 50 participants from 18 countries considered a range of agenda items which focussed not only on the imminent Meeting of States Parties but also on meetings in 2005 and on the Sixth Review Conference in 2006. There was much attention given to the preparations for the Sixth Review Conference and the necessity to start such preparations now in order to ensure a successful outcome.

Meeting of States Parties, 6 to 10 December 2004: Opening Plenary Session

The Meeting of States Parties began on Monday 6 December 2004 in a plenary session when the chairman, Peter Goosen of South Africa, welcomed the representatives from the 89 states parties that participated in the Meeting — two more than in the Meeting of Experts, as Azerbaijan, Belize, Brunei Darussalam, Cyprus, Jordan, Lithuania, Mongolia, and Yemen participated in December whilst Congo, Kenya, Monaco, Singapore, Sudan and Togo did not. Five signatory states participated: Egypt, Madagascar, Myanmar, Syria and Tanzania. Two states neither party or signatory, Israel and Kazakhstan, were granted observer status. The Convention now has 153 states parties and 16 signatory states (see BWC/MSP/2004/INF.2) as Azerbaijan and Kyrgyzstan had acceded

during the past year.

Four intergovernmental/international organizations (FAO, ICRC, OIE and WHO) participated as observers as did UNIDIR and 15 NGOs (BWPP, CACNP, CISSM, CNS, CSIS, INES, Landau Network – Centro Volta, Pax Christi, SIPRI, LSE, The Sunshine Project, Tri-Valley CARES, University of Bradford, University of Exeter, VERTIC). Over 450 individuals from states parties participated of whom just under 170 came from capitals.

In the opening formalities, the provisional agenda (MSP/2004/1) and the provisional programme of work (MSP/2004/2) for the meeting were formally adopted as were the rules of procedure of the Fifth Review Conference (as annexed to CONF.V/17) which would apply *mutatis mutandis*. The Chairman said that he had invited the FAO, OIE and WHO to participate and a subsequent request had been received from the ICRC. This participation was agreed. He went on to note that there was a considerable NGO participation with lunchtime seminars such as the one on Monday 6 December by the Department of the Peace Studies of the University of Bradford. He proposed to suspend the formal meetings so that, as had been done at the Fourth and Fifth Review Conferences, at the Meeting of Experts and of States Parties in 2003 and at the Meeting of Experts in 2004, NGOs could make statements to the states parties in informal session on Tuesday 7 December at 1000. This was agreed, concluding the formalities.

In his opening remarks, Peter Goosen said that, at the Meeting of Experts in July, the emphasis had continually been on the mandate, which was *to discuss, and promote common understanding and effective action* [on Agenda item 5 on] *strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants* [and] *to discuss, and promote common understanding and effective action* [on Agenda item 6 on] *enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease*. He wanted to focus participation on the agreed mandate and on what could be agreed to by consensus. He hoped that the Chairman’s paper attached as Annex II to the report of the Meeting of Experts which had been intended to be as comprehensive as possible, and the subsequent synthesis paper which contains no new ideas would help this process. He said that he had been pleasantly surprised at the positive response to the synthesis document, as it might help to reach concurrence on *common understanding and effective action* on the topics under consideration. He pointed out that the process being followed between the Fifth and Sixth Review Conferences was one that had been agreed to by all states parties and that the time for reflection and adjustment would be at the Sixth Review Conference.

He went on to note that the Biological Weapons Convention does not exist in a vacuum. The report (A/59/565) of the UN Secretary-General’s *High Level Panel on Threats, Challenges and Change* issued on Thursday 2 December 2004 had made recommendations of direct relevance to the Convention and some were even relevant to the mandate for this year. He noted recommendation 27 - that the states parties to the BWC should without delay return to negotiations for a

credible verification protocol; recommendation 34 - that the states parties to the BWC should negotiate a new biosecurity protocol; and recommendation 37 - that the Security Council should consult with the WHO Director-General to establish the necessary procedures for working together in the event of a suspicious or overwhelming outbreak of infectious disease. The chairman noted that these were only recommendations from the Panel that had yet to be considered. Nevertheless, they should be borne in mind, as some have direct relevance to the Convention.

Political Statements

The meeting then continued with the General Debate in which 28 statements were made by states parties in the following sequence: Malaysia on behalf of the NAM, Brazil, Iran, USA, Russian Federation, Japan, Canada, Netherlands on behalf of the EU, Italy, Australia, UK, Argentina, Malaysia, Norway, India, Republic of Korea, China, Algeria, Indonesia, Saudi Arabia, Germany, Morocco, Switzerland, Pakistan, New Zealand, Nigeria, Mexico and Jordan. As at the Meeting of States Parties in 2003, many of the statements made by the states parties set out the perspective of the state party in regard to the broader picture of the BWC regime.

Malaysia spoke on behalf of the **NAM and Other States** noting that all members of the Group are seriously concerned with the potential threats of the use of biological agents and toxins as an instrument of war or terror. Consequently, the Group feels that there is a greater necessity and urgency for the states parties to work towards strengthening and improving the effectiveness and implementation of this Convention so that together we can fully address this concern. The statement went on to say that “the high importance the Group attaches to an effective and verifiable BWC, implemented in a comprehensive manner cannot be overemphasized”, and brought to the attention of the meeting paragraph 78 of the XIV NAM Ministerial Conference held in Durban, South Africa in August 2004 which said that:

The Ministers of the States parties to the Biological and Toxin Weapons Convention (BWC) reaffirmed their conviction that the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (biological) and Toxin Weapons and on their Destruction is essential for the maintenance of international and regional peace and security. They reaffirmed the Movement’s continued determination, for the sake of humankind, that the possibility of any use of bacteriological (biological) agents and toxins as weapons should be completely excluded, and the conviction that such use would be repugnant to the conscience of humankind. They recognised the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol to the Convention. They believed that the effective contribution of the Convention to international and regional peace and security would be enhanced through universal adherence to the Convention. They stressed the importance for all states parties to pursue the objectives that were set forth by the Fourth Review Conference and underlined that the only sustainable method of strengthening the Convention is through multilateral negotiations aimed

at concluding a non-discriminatory legally binding agreement. They have been deeply disappointed at the inability that has been demonstrated in the endeavours of the states parties of the BWC to successfully undertake initiatives to strengthen the implementation of the Convention. They further regretted the limited nature of the decision that was taken during the resumed session of the Fifth Review Conference held from 11-15 November 2002 in Geneva and were disappointed that the opportunity to strengthen the Convention was foregone and that limited work, which at best only has the potential of enhancing the implementation of the Convention, is all that could be achieved despite the Movement’s best endeavours. They believed that, however, the Movement has succeeded in preventing any attempt to foreclose the option of more meaningful work in the future. In this regard, the movement has succeeded in preserving multilateralism as the only vehicle for preventing reprehensible use of disease as instruments of terror and war in a sustainable way.

The statement concluded by stating that the Group underlines that both the Meeting of Experts and the Meeting of States Parties are central and principal for us to progress in our work, taking into account national experiences, as we prepare for the BWC Sixth Review Conference in 2006. The Group will work with the Chairman and other states parties to achieve a consensus outcome to this meeting, as mandated by the Fifth Review Conference.

The Chairman then called for a short adjournment of the general debate. When it resumed, he announced that a typographical error had been noted in the Provisional Programme of Work (MSP/2004/2) which had earlier been agreed. This typographical error related to the words in parentheses “(Working Sessions)” which appeared in the line headed “Substantive Work” prior to “Working Session 1”. The words “(Working Sessions)” should be deleted and reinserted after the words “Working Session 4”. This had the effect of making it clear that the sessions which could be attended by NGOs included Working Sessions 1, 2 and 3.

Brazil then spoke, saying that there is a clear international consensus on the need to combat the proliferation of weapons of mass destruction. Thus, it is essential that the credibility of the BWC as a functioning instrument be strengthened. However, the BWC, unlike the CWC, does not contain provisions on the implementation of the Convention or on an implementing organization. In 2002, the international community witnessed – with frustration – how a valuable opportunity was missed to strengthen the BWC. Though the verification of compliance with the BWC, or with any other regime, can never be absolutely perfect, we consider that it is still possible to shape a reliable compliance regime for the Convention. This is a void in the BWC that must not be allowed to persist. The statement went on to say that the new “ad hoc” step-by-step method adopted at the Fifth Review Conference set back the clock of negotiations to strengthen the Convention. Nevertheless, it now represents the basis of our work and we thus consider participation in this exercise as a sign of our commitment to strengthen the institutional norm against the offensive use of biology. It was pointed out that recommendations that ignore the overall

objectives of the Convention by taking too narrow an approach are not constructive to the strengthening of the BWC. The statement concluded by pointing out that the BWC regime should be strengthened from within and from without, without losing sight of the objectives that led to its adoption.

Iran started by saying that it was associated with the statement made by Malaysia on behalf of the NAM. On the first topic, surveillance, the related intergovernmental organizations (WHO, OIE and FAO) could play a coordinating role in providing technical and financial assistance. However, it is essential that these organizations shall not act beyond their statutes, engaging in activities such as politically and/or security oriented investigation. On the second topic, investigation, Iran is of the belief that the most effective universally acceptable investigation mechanism could only be established on the basis of a multilaterally negotiated legally binding instrument based on the BWC. Iran believes that the only real and effective attempt to strengthen the implementation of the BWC lies in reverting back to the negotiation table dealing with the Convention in its totality and avoiding any selective approach. However, Iran was ready to work with other delegations so that the states parties will be in a better position in the Sixth Review Conference in 2006 to discuss and decide how to promote implementation of the Convention.

The **United States** noted that the Fifth Review Conference agreed a work programme for the years 2003-2005 with a view to discussing and promoting *common understanding and effective action* on a series of topics. This work has set in motion a number of important activities by respective states parties on a national level. The statement went on to say that the US analysis of the Meeting of Experts in July has centered on a perspective that drew heavily on the US understanding of the utility underlying the approach that the BWC states parties have adopted in this work programme. One of the outcomes is the recognition that there is a real need to find creative new ways to improve the global response to the threats posed by weapons of mass destruction, and, specifically, the biological threat. It was noted that the unanimous support for UN Security Council resolution (SCR) 1540 demonstrated how critical these issues are for international security. The statement went on to say that the United States has looked at this year's efforts with appreciation, especially in the collective ability (a) to focus on the issues described in the mandate and (b) to resist a false paradigm of trying to fit those assessments inappropriately into the formal, legal framework of the Convention itself. It says that the US sees value in updating and providing national expertise and laboratory capacity to the UN Secretary-General for investigating cases of alleged use of biological and toxin weapons, as well as to the WHO, OIE and FAO for their efforts in strengthening global health security. Such lists are being prepared and will be forwarded soon.

The **Russian Federation** emphasized the importance of strengthening the international efforts to prevent the proliferation of biological weapons. The statement noted the G-8 Nonproliferation Action Plan agreed at the Sea Island summit which confirmed that the BWC is a fundamental component to prevent proliferation of biological weapons and went on to mention UN SCR 1540. As to the outcome of the

meetings in 2004, the final document could serve as a useful basis for the Sixth Review Conference in 2006. The Russian Federation considered that the synthesis document circulated by the Chairman could serve as a solid basis for the elaboration of the final document. In regard to investigations, Russia did not object to the beginning of work to update the Secretary-General document of 1989, but wondered how to do this, and suggested that a working or expert group with a clear mandate was needed. In addition, Russia restated its position of principle in favour of resuming negotiations in order to reach agreement on the control mechanism of the Convention. Finally, the statement urged work to achieve universality to the Convention and considered that the experience of the OPCW in its Action Plan to increase universality to the CWC could serve as a good example.

Japan urged all non-member states to accede to the Convention and then emphasized the importance of the Convention which had been highlighted in UN SCR 1540 and the G-8 Action Plan on Nonproliferation. Japan was strongly committed to strengthening the BWC based on the three year programme of work, and saw the outcome of this Meeting as an important input to the Sixth Review Conference in 2006. It would be necessary to consider how to carry the BWC forward, including the issue of verification, as we prepare for the 2006 Review Conference.

Canada said that states parties must continue to take actions that will strengthen, and render fully effective, the norms against biological weapons. The BWC remains the key to this objective and international cooperation is essential for its realization. Mention was made of various international initiatives such as those under the G-8, APEC, OAS and the OECD. In regard to investigation, Canada encouraged the adoption by this meeting of the chairman's proposal that he write to the UN Secretary-General on behalf of the BWC states parties, in order to request that he review and consider updating the Secretary-General's investigative mechanism. Canada pointed out that this issue is too critical for international peace and security to have the Secretary-General rely on obsolete or ineffective tools. The task before the states parties was to create a concise and practical outcome document for 2004 for the consideration of the Sixth Review Conference. Canada had reviewed the chairman's synthesis document and was very encouraged that a meaningful outcome can emerge from this meeting. In looking forward to the Sixth Review Conference, Canada urged that maximum use should be made of all the tools at our disposal to strengthen the implementation of the Convention. One of the most useful of these tools are the Confidence-Building Measures, and Canada reiterated its call to all states parties to submit their CBM reports in as thorough, accurate and timely a fashion as possible.

The **Netherlands**, on behalf of the EU and also Bulgaria, Romania, Turkey and Croatia, as well as Albania, Bosnia & Herzegovina, the Former Yugoslav Republic of Macedonia, Serbia & Montenegro and the EFTA countries, Iceland and Liechtenstein, said that they attached high priority to the reinforcement of the BWC which is the cornerstone of our efforts to prevent biological agents and toxins being developed as weapons. The EU remains committed to developing measures to verify compliance with the BWC. The EU

supports and promotes wholeheartedly the universal adherence to the BWC, and, recognizing that 2005 will see both the 30th anniversary and of the entry into force of the BWC and the 80th anniversary of the Geneva Protocol opening for signature, the EU believes that states parties should make a particular effort to promote progress to universality of these instruments. The EU went on to say that it is fully supportive of the current working programme as, in the absence of negotiations on a verification mechanism, much useful work remains to be done within the parameters of these intersessional meetings. However, when considering the mandate of this meeting, the states parties to the BWC should focus on the particular actions that could be taken in the BWC context. Duplication of efforts better addressed in other fora is unwelcome. Instead, we should make good and, if necessary, better use of already existing mechanisms. The EU would welcome further discussion and follow-on action on the proposals to review, amend or update the existing mechanism under the Secretary-General for investigating alleged uses of biological weapons. The statement concluded by saying that it is important that the states parties to the BWC do not stand at the sideline, but take the responsibility to address the concerns regarding biological weapons, and their potential use. The Review Conference in 2006 will be a good opportunity to agree on specific, practical and realistic measures to strengthen both the Convention itself and compliance with it.

Italy made a statement noting that it had sponsored a seminar in Geneva on 28 September on the Cooperative Threat Reduction Programmes, and took the opportunity for the first time to draw the attention of the Conference of the States parties to the BWC to this issue. Italy pointed out that whilst the main CTR efforts have hitherto been focused on nuclear and chemical weapons, we believe that the time has come to present this concept to the Conference of States parties to the BWC as it is an opportunity to highlight the potential of bio-threat reduction.

Australia welcomed this meeting of the states parties to the BWC as it is an important reminder of the centrality of the BWC in countering the genuine threat of biological weapons. The importance of the BWC has been underlined by UN SCR 1540. Australia urged all states parties to take full advantage of *inter alia* the BWC work programme, to plan, and with best endeavours, to harmonise national and international efforts to strengthen our collective efforts against the misuse of harmful biological agents.

The **UK** said that it fully associated itself with the statement made by the Netherlands on behalf of the EU. It went on to say that the UK had identified a number of common themes from the information presented at the Meeting of Experts and subsequently usefully summarised by the Chairman's synthesis paper. The UK statement set out a number of proposals for both topics that the UK believes enjoy widespread support. It went on to recall the proposal made by the UK in July regarding the updating and reviewing of the existing procedures in the UN Secretary-General's report on the investigation of alleged use, for example, by taking into account the experiences of other international organizations such as the OPCW and the CTBTO. The UK will continue

to consider how best to gain consensus and take this forward. The statement went on to note that the UK is aware that some are concerned that these meetings may be addressing only some of the elements of the provisions of the Convention. To some extent, the Review Conference of 2002 determined that incremental approach. However, the UK believes that it is essential that these concerns do not undermine what we regard as an excellent forum for a real exchange of knowledge. The statement concluded by saying that the UK would like to build on the success of last year as we work towards the Review Conference in 2006.

Argentina emphasized the importance of non-proliferation of WMD and noted SCR 1540. Argentina had in 2004 modified its criminal code so as to address the requirements of Articles I and IV of the BWC. It supported the proposal to update the mechanism for the investigation of alleged use. The results of the Meeting of Experts in July augurs well for the success of the Meeting of States Parties and the achievement of results that would give full effect to the mandate from the Fifth Review Conference.

Malaysia associated itself with the statement made on behalf of the NAM. It then went on to set out its appreciation of the importance of disease surveillance. The statement went on to say that Malaysia calls for support of the Confidence-Building Measures through submission of national reports which permit states parties to demonstrate their compliance in an open, systematic and continuous manner. This would help to create a more positive atmosphere for future cooperation amongst states parties. Of equal importance too, states parties would have to eventually return to the discussion on verification and compliance issues. However, this should not stop states parties from pursuing a step-by-step measure towards this end. In this regard, Malaysia is of the view that, as an initial step, states parties could explore the establishment of an implementing mechanism, within the control of states parties, in agreed areas, in order to achieve the objective of the Convention in particular in responding to, investigating, and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease.

Norway attached great importance to the BWC which had been the first treaty to ban an entire class of WMD. Norway urged that work should continue on all aspects leading to achieving full compliance with the BWC and noted that the Secretary-General's High Level Panel had recommended that *States parties to the Biological and Toxin Weapons Convention should without delay return to negotiations for a credible verification protocol, inviting the active participation of the biotechnology industry*. Norway said that the format of annual meetings of states parties prepared by meetings of experts, provides us with an opportunity to move the BWC process forward. We must fully seize this opportunity. We must also have in mind the 2006 Review Conference and how best to prepare for this. On enhancing the mechanisms for the investigation of alleged use or suspicious outbreaks of disease, the mechanism under the Secretary-General must be reviewed, and Norway called for a concrete recommendation in this respect. It was important to move forward with the 2006 Review Conference in mind.

India fully supported initiatives to strengthen the BWC, ensure its full implementation by all states parties and make it universal. In regard to the investigation and mitigation the effects of cases of alleged outbreaks of biological or toxin weapons or suspicious outbreaks of disease, Articles VI and VII of the Convention provide the mechanism for such investigation and to provide assistance. India pointed out that it is a matter of satisfaction that the provisions of Articles VI and VII have not been invoked. However, this also has resulted in the efficacy and adequacy of the prevailing mechanism remaining untested. We remain, therefore, in uncharted territory in considering how to enhance the international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreak of diseases. It is the lack of a mechanism for verification of compliance that diminishes the Convention's effectiveness. India said that it is willing to consider all efforts to strengthen the Convention within a multilateral framework and favours the provision of an adequate and effective verification mechanism in the BWC. India also seeks increased international cooperation in transfers and exchanges of biological materials and technologies for peaceful purposes. India concluded by stating that the Sixth Review Conference will be the proper forum to review the implementation of the Convention in its entirety, achieve overall balance in its results, and draw up recommendations, take decisions and undertake fresh commitments to strengthen the Convention and promote its implementation.

South Korea said that the Meeting of Experts in July had laid a solid foundation for this Meeting of States Parties and that this meeting could and should be used to improve the ability of the international community to respond to alleged use of biological weapons or dangerous outbreaks of disease, whether naturally occurring or deliberate. The statement went on to say that the outcome will set the stage for the subsequent work leading to the Sixth Review Conference. In this respect, Korea believes that a final document of a substantive nature with practical recommendations, if adopted by consensus at this meeting, will serve as useful guidance in reviewing the implementation of the Convention.

China said that the Biological Weapons Convention plays a key role in eliminating the threat of and preventing proliferation of biological weapons. In regard to investigations, China said that the mechanism of consultation, cooperation and investigation as stipulated by Articles V and VI of the BWC sets out the means and procedures for all issues concerning treaty implementation, and is the main approach in dealing with the alleged use of biological weapons. States parties should observe and implement this mechanism, and within the treaty framework, explore ways of enhancing capabilities for the investigation of BWC breach. The Secretary-General's investigation mechanism for alleged use of chemical and biological weapons was established against unique historical background and has specific scope of application. Whilst initial discussions were held at the Meeting of Experts on the proposal to review and update this mechanism, further discussion is needed.

In the afternoon of Monday 6 December, the general debate continued with further statements.

Algeria said that they endorsed the statement made on behalf of the NAM. The horizontal and vertical proliferation of weapons of mass destruction was a serious threat to international peace and security. It was important to strengthen the BWC as this was the only instrument to combat biological weapons. SCR 1540 was helping to combat proliferation and Algeria had enhanced its national implementation of the BTWC. Algeria was convinced of the need for a legally binding instrument that was not discriminatory and addressed all Articles of the Convention.

Indonesia endorsed the statement made on behalf of the NAM. The statement went on to consider the problems caused by outbreaks of disease. It added that Indonesia is always of the view that the states parties should also reap the benefits contained in the Convention and make sure that the Convention is implemented as transparently as possible.

Saudi Arabia said that the BWC is a significant cornerstone for global peace and security. The statement went on to mention SCR1540 and to call for universality in regard to the BWC.

Germany said that, in full accordance with the EU statement, it wished to emphasize its primary interest in continuing the multilateral process of disarmament and arms control, in particular in the area of biological weapons and toxins. In regard to investigations, Germany still believes that a multilaterally negotiated protocol to strengthen the BWC is a better way of solving the problem of investigating alleged use. However, in the present situation we are also convinced that revisiting and updating existing mechanisms initiated by UN GA Resolution 42/37C and fixed in document A/44/561 are a good interim solution. The statement went on to say that a further question should be to focus this document more on biological and less on chemical issues, as, with the inception of the OPCW in 1997, the Secretary-General of the United Nations now has a knowledgeable partner. It concluded by saying that Germany would prefer the Secretary-General to take the initiative for reviewing document A/44/561. Alternatively, the issue could be taken up in the First Committee meeting in autumn 2005 by asking the Secretary-General to review the document in the light of technological developments.

Morocco said that it had sent to the Secretariat in July its updated legislation. Morocco called for universal adherence to the BWC.

Switzerland said that it looked forward to the Review Conference in 2006 to consider concrete recommendations that had been synthesized from the efforts of the last two years. In regard to investigations and assistance, Switzerland wondered whether the provisions in Articles VI and VII of the Convention required strengthening. The statement concluded by urging that the outcome of the Meeting of Experts should be translated into concrete recommendations which might be adopted at the Sixth Review Conference.

Pakistan associated itself with the statement of the NAM. It welcomed the two new states parties and urged further progress towards universality. Pakistan noted that the Convention had no verification mechanism and that success had not been possible at the last Review Conference in 2002.

In regard to investigations, Pakistan noted that the existing mechanism resulted from a General Assembly resolution and said that Pakistan did not believe that the Secretary-General needed any advice from the states parties to the BWC. It was now timely to look forward to the next Review Conference in 2006, which would determine essentially the fate of the BWC. During the next two years, the possibilities should be explored to see whether negotiations for a legally binding verification protocol could be restarted. If this remains elusive, then we should look at Article X of the Convention, which relates to international cooperation in the scientific field. We may continue to follow the best practices approach to protect human and animal lives from any biological agents. But this exercise would definitely need to be voluntary in nature.

New Zealand strongly supported the BWC and said that states parties must do all they can to strengthen the norm. It was important to fulfil the mandate, and New Zealand supported the chairman's paper towards this. However, the WHO, FAO and OIE can only take the states parties so far as it is up to the states parties to agree how to verify the BWC. In regard to investigations, New Zealand supported the approach in the chairman's paper regarding the Secretary-General's investigation mechanism, as we must make the most of the tools at our disposal. Updating the Secretary-General's investigation mechanism as endorsed by General Assembly resolution A/Res/45/57 would give states parties to the BWC a much needed renewed sense of purpose and ownership, and demonstrate that the BWC remains relevant in today's fragile security environment. However, this was not a substitute for a verification protocol and the recommendation of the Secretary-General's High Level Panel in this respect was noted. The statement concluded by saying that the more effective the Meeting of Experts, the greater the need for a pointed outcome from the Meeting of States Parties to pave the way for an effective Sixth Review Conference.

Nigeria endorsed the NAM statement and said that Nigeria is fully committed to the BWC. The statement then set out actions taken by Nigeria for national implementation. Thanks were expressed to the UK and the USA who have supported these national implementation efforts in Nigeria.

Mexico endorsed the NAM statement and emphasized the need for a legally binding verification mechanism. At the Sixth Review Conference, it would be important to review the Convention in its entirety. In regard to investigations, Mexico supported the review and update of the Secretary-General's investigation mechanism set out in a document agreed 15 years ago.

Jordan recognized the threat to international peace and security from WMD and in particular from biological weapons. Jordan has suffered from wars and is fully aware of the importance of peace and security. It had never had recourse to biological weapons and had no desire to have any programmes whatsoever in this area. The statement went on to outline steps being taken by Jordan to modernize its legislation implementing the Convention.

After a short break, the meeting then continued with powerpoint presentations made by representatives of the WHO, FAO and OIE.

The **WHO** presentation by Dr Ottorino Cosivi was entitled *Preparedness for Deliberate Epidemics: WHO Approach*. This set out the historical context of WHO involvement in countering deliberate releases of biological agents. It was pointed out that the preamble to the WHO constitution of 1948 states "The states parties to this Constitution declare, in conformity with the Charter of the United Nations, that the following principles are basic to the happiness, harmonious relations and security of all peoples." – thus including the term security – and that Article 2 (d) states that the WHO shall *furnish appropriate technical assistance and, in emergencies, necessary aid upon the request or acceptance of Governments*. The presentation went on to outline current WHO activities relating to preparedness.

The **FAO** presentation by Dr Juan Lubroth was entitled *The Food and Agriculture Organization* set out the role of the FAO, addressed the Global Framework for Progress Control of Transboundary Animal Diseases (GF-TADs), and outlined the Global Early Warning and Response System for Transboundary Animal Diseases (GLEWS), which involves the FAO, OIE and WHO. It was pointed out that food security in the context of the FAO addresses the question of "Will I have food tonight?"

The **OIE** presentation by Dr James Pearson was entitled *The Challenge of International Biosecurity and the OIE Standards and Actions*. This mentioned that the OIE, which had 167 member countries, was not a UN organization and went on to describe its mission to promote transparency in the animal health situation throughout the world.

This concluded the statements and presentations on Monday 6 December 2004 with the Chairman reminding participants that NGOs would make statements in the informal session on Tuesday morning at 10am and strongly encouraging delegations to be present.

NGO Activities

As already noted, the opening plenary session agreed that NGOs could make short statements in informal session at the beginning of the Tuesday 7 December 2004 morning session. Short 6 to 8 minute statements were made by the following nine NGOs:

- Graham S. Pearson, Department of Peace Studies, University of Bradford.
- Angela Woodward, VERTIC
- Kathryn Nixdorff, International Network of Engineers and Scientists for Global Responsibility (INES)
- Jean Pascal Zanders, BioWeapons Prevention Project
- Paul Lansu, Pax Christi International
- Nicholas A. Sims, London School of Economics
- Barbara Rosenberg & Alan Pearson, Scientists Working Group on CBW, Center for Arms Control and Non-Proliferation
- Loulena Miles, Tri-Valley CAREs (Communities Against a Radioactive Environment)
- Richard Guthrie, Stockholm International Peace Research Institute (SIPRI)

As at the Fourth and Fifth Review Conferences and at the Meeting of Experts, the NGO speakers spoke from seats in

the room whilst their statements were distributed to all those present. There were about 200 people present in the room during the NGO statements; the simultaneous translation into the six official UN languages that was provided enabled the NGOs to communicate their views to all present.

The **University of Bradford** statement first addressed an approach to a code of practice for the life sciences and then looked ahead to the Sixth Review Conference urging the states parties to agree a Final Declaration that reaffirms and further extends the extended understandings agreed in previous Final Declarations, agreement of an interim supportive institution to nurture and sustain the regime, agreement to hold an annual Conference of states parties comparable to those held by the states parties to the CWC and agreement to resume negotiation of a legally binding instrument to strengthen the effectiveness and improve the implementation of the Convention.

The **VERTIC** statement addressed the enhancement of international capabilities for investigating cases of alleged use of biological and toxin weapons or suspicious outbreaks of disease. The UN Secretary-General's mechanism currently consists only of woefully outdated lists of experts and laboratories and can only support hastily assembled, ad hoc missions. It has no standing support staff, body of trained inspectors, equipment set, or pre-arranged logistical support. A review of the Secretary-General's mechanism could usefully draw upon the cumulative practice of biological weapons verification to date, and in particular on the experience of the United Nations Monitoring Verification and Inspection Commission (UNMOVIC). Looking to the future, VERTIC has identified a range of complementary initiatives which could, in a modular approach, enhance the effectiveness of the Secretary-General's mechanism and improve BW verification and compliance overall.

The **INES** statement outlined recent advances in the life sciences and their relevance to the Convention. INES urged the states parties at the Sixth Review Conference in 2006 to ensure that there is a Final Declaration with language in the Article I section that reaffirms that all developments in the life sciences over the past 10 years and anticipated in the next five years are covered by the prohibitions in Article I.

The **BWPP** statement welcomed the recent accession of two further states to the Convention and urged that further efforts be made to achieve universality. It went on to endorse the importance of providing assistance to states parties in regard to national implementation. In looking ahead to the Sixth Review Conference, the BWPP stressed the importance of addressing scientific and technological developments in regard to the basic prohibitions of the Convention.

The **Pax Christi** statement said that all those engaged in the life sciences share in the responsibility to prevent misuse for biowarfare or bioterrorism. It set out five elements that Pax Christi is in favour of in regard to codes of conduct for scientists and those engaged in industry. It also set out responsibilities for the USA, for the EU and its member states, for states not yet party to the BWC and for all states.

The **London School of Economics** statement addressed

the topic of investigation of alleged use. It recalled that states parties to the Convention have been under a strong obligation to make sure that their treaty status under the Convention is rendered consistent with, and is complemented by, their full and unconditional acceptance of the 1925 Geneva Protocol. Some 20 states parties have yet to withdraw their retaliatory reservation and a further 33 states parties have yet to accede to the 1925 Geneva Protocol. The statement urged that the 30th anniversary of the entry into force of the BWC on 26 March 2005 should be adopted as a target date for the 53 states parties to adhere to the Geneva Protocol and withdraw their reservations.

The **Scientists Working Group on CBW** statement pointed out that the states parties to the BWC are the same diplomats who participate in the General Assembly's First Committee, and urged that action should be taken there to strengthen the capabilities of the UN Secretary-General. On the surveillance of disease, the statement said that it is in the self-interest of every state party to promote the detection, diagnosis and reporting of disease outbreaks everywhere in the world. Finally, in looking ahead to the topic for 2005, the statement urged that governmental responsibilities be considered as well, including the development and implementation of codes of conduct for government conducted or sponsored research.

The **Tri-Valley CAREs** statement addressed concerns relating to the planned collocation of Bio-Safety Level 3 facilities within US nuclear weapons laboratories at Livermore and Los Alamos. Difficulties encountered in gaining information about the activities of the Institutional Biosafety Committee at Lawrence Livermore were outlined, and the statement concluded by calling upon all nuclear weapons states to pledge not to collocate such biological agent research facilities within nuclear weapons facilities.

The **SIPRI** statement started by observing the security consequences of outbreaks of disease, and went on to look ahead to the Sixth Review Conference in 2006. It was noted that processes and procedures relating to the connection between the current inter-sessional process and the 2006 Review Conference have yet to be decided and there is thus a danger that procedural issues may come to dominate substantive issues in the run up to Review Conference — and substantive issues need to be addressed if the Convention is to retain its vitality. The statement concluded by saying that it would be useful if the states parties could identify as soon as possible the individual who will hold the Presidency for the Sixth Review Conference as this person would provide a useful focal point for planning.

Following the statements made by the NGOs, the representative of Iran asked for the floor and proceeded to give a comprehensive commentary on all nine NGO statements. This was followed by a short announcement by the representative of France that France and Switzerland intended to hold a meeting in June 2005 after the Meeting of Experts to mark the 80th anniversary of the 1925 Geneva Protocol and France would be pleased to receive any inputs from NGOs and from states parties. As this was to be a commemoration, it would be looking back as well as looking to the future.

The Chairman then closed the informal session, thanking

the NGOs for the time and effort that they had put in, not just at this meeting, but throughout.

Lunchtime Presentations

Lunchtime presentations were also made on five days:

- a. **Monday 6 December 2003.** Seminar arranged by Department of Peace Studies, University of Bradford and the Quaker United Nations Office Geneva. *Planning for the Sixth Review Conference: Bradford Briefing Paper No. 14*, Graham S. Pearson & Nicholas A. Sims (LSE), *Code of Conduct for the Life Sciences*, Bradford briefing Paper No. 13, Malcolm R. Dando, Bradford Briefing Paper No. 15, Graham S. Pearson, *Pax Christi International Calls for Ethical Approach to Biological Weapons*, Paul Lansu & Ineke Malsch.
- b. **Tuesday 7 December 2004.** Seminar arranged by the BioWeapons Prevention Project entitled *Challenges for 2005 and Beyond: Enhancing BWC Implementation: A Modular Approach*, Angela Woodward (VERTIC); *The Difficulties in Applying Ethics to BW-Relevant Life Sciences Research*, Kathryn Nixdorff (INES); *Science and Technology Considerations at the 2011 Seventh Review Conference of the BTWC: Will the Convention have been by-passed*, Malcolm R. Dando (University of Bradford).
- c. **Wednesday 8 December 2004.** Seminar organized by the Sunshine Project examining the CBM submitted by some states parties followed by a seminar organized by Tri-Valley CAREs to elaborate on their concerns about the collocation of biological agent research facilities within nuclear weapons facilities.
- d. **Thursday 9 December 2004.** Seminar organized by the BioWeapons Prevention Project to launch the 2004 BWPP Report.
- e. **Friday 10 December 2004.** Seminar organized by the ICGEB at which Decio Ripandelli made a presentation entitled *Global Cooperation in the Development of Biotechnology*, which included consideration of the role of scientists to avoid misuse of biotechnology and the establishment of codes of conduct.

Outcome of the Meeting of States Parties

The Meeting of States Parties met in private working sessions during the period from 7 to 10 December 2004. Although the programme of work (BWC/MSP/2004/2) had allocated Tuesday afternoon, Wednesday morning and part of Wednesday afternoon to consideration of disease surveillance (topic iv), part of Wednesday afternoon and Thursday to consideration of investigations of alleged use (topic iii) and part of Friday morning to the arrangements for the Meeting of Experts and the Meeting of States Parties in 2005 with the rest of Friday to consideration of the draft report, the consideration of disease surveillance was completed on Tuesday afternoon and of investigations of alleged use on the Wednesday morning with the rest of the time being used for consideration of the draft report.

There were no working papers submitted by states parties although there are four MISC papers - two submitted by Argentina (MISC. 2 & 3) and two by Iran (MISC.4 & 5).

On Wednesday 8 December, the Chairman circulated a short paper setting out in six paragraphs, the possible outcome of the meeting of states parties:

17. *On the mandate to discuss, and promote common understanding and effective action on strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants, the states parties recognised that:*

- a) *infectious disease outbreaks do not respect international boundaries, and can best be prevented, contained and suppressed through early-detection, immediate response and international cooperation and support;*
- b) *improved national and international surveillance, detection, dissemination of information, diagnosis and the combating of infectious disease will support the object and purpose of the Convention;*
- c) *the WHO, FAO and OIE are the international organisations primarily responsible for global disease surveillance and response, and that national organisations, structures and planning should be co-ordinated with and complement these activities of those organisations;*
- d) *scientific and technological developments have the potential to significantly improve disease surveillance and response.*

18. *The states parties consequently agreed:*

- a) *to support the existing disease surveillance and response networks of relevant international organisations and to act to strengthen the WHO, FAO and OIE programmes for the continued development and strengthening of, and research into, rapid, effective and reliable disease surveillance and response activities, including in cases of emergencies of international concern;*
- b) *to improve, wherever possible, national and regional disease surveillance capabilities, and to encourage and, where appropriate and if in a position to do so, assist other states parties to do the same;*
- c) *to encourage research on disease surveillance and response, including within the context of the WHO, FAO and OIE;*
- d) *to work to improve communication on disease surveillance, including with the WHO, FAO and OIE, and among states parties.*

19. *On the mandate to discuss, and promote common understanding and effective action on enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease, the states parties recognized that:*

- a) *effective capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease are essential for promoting international peace and security;*
- b) *international capabilities depend to a large extent on states parties' national preparedness and arrangements for responding to, investigating and mitigating the effects of cases of alleged use of*

biological or toxin weapons or suspicious outbreaks of disease;

- c) *the Secretary-General's investigation mechanism, Set out in A/44/56 I and endorsed by the General Assembly in its resolution A/Res/45/57, represents the only existing international institutional mechanism for investigating cases of alleged use of biological or toxin weapons.*

20. *The states parties consequently agreed:*

- a) *to continue to develop their own national capacities for response, investigation and mitigation, in cooperation with the relevant international and regional organisations, and to encourage and, where appropriate and if in a position to do so, assist other states parties to do the same;*
- b) *that consideration should be given to reviewing the Secretary General's mechanism for investigation of cases of alleged use of biological or toxin weapons and to invite the Secretary General to report to the Sixth Review Conference on any actions that may be taken in this regard on the basis of consideration by the United Nations General Assembly,*
- c) *to consider at the Sixth Review Conference the further development of procedures for the provision of assistance to states parties in cases of alleged use of biological weapons or suspicious outbreaks of disease.*

21. *The states parties further considered that in pursuing the above understandings and actions, states parties could, according to their respective circumstances, consider the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topics under discussion at the Meeting of Experts, as contained in the Annex II of the Report of the Meeting of Experts (BWC/MSP/2004/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2004/L. 1, which are attached to this report as Annex 1 and II.*

22. *States parties are encouraged to inform the Sixth Review Conference of any actions, measures or other steps that they may have taken on the basis of the outcome of the 2004 Meeting of States Parties in order to facilitate the Sixth Review Conference's consideration of the work undertaken at the meetings in 2004 and of a decision on any further action in accordance with paragraph 18 (e) of the decision adopted at the Fifth Review Conference (BWC/CONF.V/ 7).*

This was first considered by the Group Coordinators and then by the states parties. A further version was circulated on the morning of Friday 10 December 2004 which was closely similar to the final version agreed on the Friday afternoon.

At the final public plenary session on the afternoon of Friday 10 December 2003, the states parties adopted the report of the Meeting of States Parties. This report (BWC/MSP/

2004/3) addresses both the procedural aspects and the operative paragraphs of the Meeting of States Parties. Unlike the report of the Meeting of States Parties in 2003 (MSP/2003/4), the outcome is integrated into the report and not attached as a separate Part II. The report of MSP/2004 has three Annexes: Annex I provides a listing of all the official documents of the meeting, Annex II contained the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topics under discussion at the Meeting of Experts (as contained in the Annex II of the Report of the Meeting of Experts (BWC/MSP/2004/MX/3)), and Annex III contained the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals (as contained in BWC/MSP/2004/L.1). As these will both be translated into all the UN official languages, it ensures that this material is available to all states parties in an available form, unlike the material in 2003, which was uncollated and available only in English.

One paragraph in the Final Report addresses the arrangements for 2005. This states that the Meeting of States Parties approved the nomination by the Western Group of Ambassador John Freeman of the UK as Chairman of the Meeting of Experts and of the Meeting of States Parties in 2005. Furthermore, it was confirmed that the Meeting of Experts would be held in Geneva from 13 to 24 June 2005 and that the Meeting of the states parties would be held in Geneva from 5 to 9 December 2005.

There was agreement to seven paragraphs of substance on the outcome of the meeting – the main additions to the original proposed outcome are shown in bold :

“16 bis. The Meeting of States Parties was preceded by a Meeting of Experts where measures relevant to the two agenda items were discussed in detail. States parties noted that the Meeting of Experts was helpful in promoting common understanding and effective action on the agenda items. They stressed the need for undertaking activities at the national and international levels on these two agenda items in accordance with the decision adopted by consensus in the Final Document of the Fifth Review Conference of the States Parties to the Convention (BWC/CONF.V/ 17) in the section dealing with decisions and recommendations.

17. *On the mandate to discuss, and promote common understanding and effective action on strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants, the states parties recognised that:*

- a) *infectious disease outbreaks can be contained and suppressed through early-detection, immediate response and co-operation and support at the national and international level;*
- b) ***strengthening and broadening national and international surveillance, detection, diagnosis and combating of infectious disease may support the object and purpose of the Convention;***

- c) *the primary responsibility for surveillance, detection, diagnosis and combating of infectious diseases rests with states parties, while the WHO, FAO and OIE have global responsibilities, within their mandates, in this regard. The respective structures, planning and activities of states parties and the WHO, FAO and OIE should be co-ordinated with and complement one another; [Reordered]*
- d) *scientific and technological developments have the potential to significantly improve disease surveillance and response.*

18. *The states parties consequently agreed on the value of:*

- a) *supporting the existing networks of relevant international organisations for the surveillance, detection, diagnosis and combating of infectious diseases and acting to strengthen the WHO, FAO and OIE programmes, within their mandates, for the continued development and strengthening of, and research into, rapid, effective and reliable activities for the surveillance, detection, diagnosis and combating of infectious diseases, including in cases of emergencies of international concern; [Reordered]*
- b) *improving, wherever possible, national and regional disease surveillance capabilities, and, if in a position to do so, assisting and encouraging, with the necessary agreement, other states parties to do the same; [Reordered]*
- c) *working to improve communication on disease surveillance, including with the WHO, FAO and OIE, and among states parties.*

19. *On the mandate to discuss, and promote common understanding and effective action on enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease, the states parties recognised that:*

- a) *capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease **promote the object and purpose of the Convention;***
- b) *States parties' national preparedness and arrangements **substantially contribute to international capabilities** for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;*
- c) *the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution A/Res/45/57, represents **an international institutional mechanism** for investigating cases of alleged use of biological or toxin weapons.*

20. *The states parties consequently agreed on the value of:*

- a) *continuing to develop their own national capacities for response, investigation and mitigation, in cooperation with the relevant international and*

regional organisations, and, if in a position to do so, assisting and encouraging, with the necessary agreement, other states parties to do the same;

- b) *the Sixth Review Conference considering, inter alia, the further development of current procedures for the provision of assistance, by those in a position to do so, to states parties in cases of alleged use of biological weapons or suspicious outbreaks of disease. [Reordered]*

21. *The states parties further considered that in pursuing the above understandings and actions, states parties could, according to their respective circumstances consider the considerations, lessons perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topics under discussion at the Meeting of Experts, as contained in the Annex II of the Report of the Meeting of Experts (BWC/MSP/2004/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2004/L. 1, which are attached to this report as Annex II and III. **These annexes were not discussed or agreed upon and consequently have no status.***

22. *States parties are encouraged to inform the Sixth Review Conference of, inter alia, any actions, measures or other steps that they may have taken on the basis of the **discussions at the 2004 Meeting of Experts and of the** outcome of the 2004 Meeting of States Parties in order to facilitate the Sixth Review Conference's consideration of the work undertaken at the meeting in 2004 and of a decision on any further action in accordance with paragraph 18 (e) of the decision adopted at the Fifth Review Conference (BWC/CONF.V/17)."*

The most significant deletion was of the subparagraph intended to have been included as part of paragraph 20, which in the initial version of the outcome paper would have read:

- b) *that consideration should be given to reviewing the Secretary General's mechanism for investigation of cases of alleged use of biological or toxin weapons and to invite the Secretary General to report to the Sixth Review Conference on any actions that may be taken in this regard on the basis of consideration by the United Nations General Assembly,*

and was revised in the second version of the outcome paper to read:

- b) *consideration being given by the United Nations General Assembly to reviewing the Secretary General's mechanism for investigation of cases of alleged use of biological or toxin weapons, and the Sixth Review Conference considering, inter alia, any actions that may be taken in this regard, bearing in mind that any investigation of alleged use of biological or toxin weapons would be of direct relevance to violations of Article I of the Convention;*

This disagreement reflected the tension already evident from the statements made in the general debate regarding the relevance of the Meeting of States Parties of the BWC to the UN Secretary-General's investigation mechanism even though there was widespread agreement that the UN Secretary-General's mechanism needed reviewing and updating. It was consequently unlikely that there would be consensus regarding the suggestion in the Chairman's synthesis paper that *Recognising that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution A/Res/45/57, represents the only existing international institutional mechanism for investigating cases of alleged use of biological or toxin weapons, states parties authorise the Chairman to write on their behalf to the Secretary-General to request that he review and consider updating the investigation mechanism.* It follows that, in the absence of any specific language in the report of the Meeting of States Parties, it will depend on states parties to consider submitting an appropriate resolution to the First Committee of the General Assembly in autumn 2005. Given that the UK had submitted a working paper on this to the Meeting of Experts, there would be much to be said for the UK and South Africa submitting a joint resolution to the First Committee in autumn 2005.

The outcome of the Meeting of States Parties in 2004 was considerably more substantial than that of the 2003 Meeting. The structure of the substance setting out the elements that states parties recognized – the common understandings – and then setting out what the states parties agreed upon – the effective action – was a significant step forward. In addition, the clear linkage of the outcome in paragraph 22 to the Sixth Review Conference with its call for states parties to inform that Conference of *any actions, measures or other steps they may have taken* is a valuable linkage which should facilitate the work of the Sixth Review Conference in 2006.

In the final plenary session, the United Kingdom, as the Chairman of the meetings in 2005, circulated a letter to all states parties which shared some initial reflections on the subject for 2005, namely, *the content, promulgation, and adoption of codes of conduct for scientists*. An issue of particular relevance will be the purpose seen for any codes of conduct. Although such codes cannot in themselves prevent illegal work on BW by determined states or non-state actors, they can have a part to play in managing risk. It follows that codes may reinforce the international norm against BW and make access to relevant technology more difficult for those bent on misuse. But at the same time, states parties will also want to consider how to guard against codes of conduct constraining science unnecessarily. A further dimension will be the relative roles of the individual and the state party. The Convention does not specify individual responsibility, although Article IV does require national implementing legislation to be put in place by each State Party. This becomes important when there is talk of enforcing the norms/prohibitions through codes of conduct. Third, it is noteworthy that activities relevant to the BWC provisions could go much wider than the biological and medical sciences, for example involving chemists, physicists, engineers and so on. So terms such as “life sciences”, which frequently occur in these types of discussion, though well understood and therefore useful, can sometimes

be too narrow in scope and should be used carefully.

The UK then identified some seven questions that could be examined at the meetings in 2005:

- *How can we raise awareness of the BTWC provisions in the global scientific community and reinforce the responsibilities of scientists?*
- *Should under-graduate and post-graduate education programmes address the ethical and practical aspects of preventing the misuse of science? How can we encourage due consideration of the possible consequences of the misuse of research?*
- *How can we encourage universities, industry, research bodies and government to reflect BTWC issues in their own in-house codes of practice and operational frameworks? Might we consider the introduction of guidance or instructions into existing structures that deal with the safety and ethics of individual experiments and research?*
- *How can we promote the proper use of science-based activities and knowledge and encourage appropriate oversight of such work?*
- *Is it necessary to provide guidance on how to deal with research that throws up unexpected or unpredictable results of relevance to the BTWC prohibitions?*
- *How might we promote consideration among research and project funders of BTWC issues when considering proposals, eg, whether the research could be misused in the future and what steps might help prevent this?*
- *To whom or to what body might an individual turn if he/she suspects that someone else's conduct is in breach of BTWC prohibitions? What safeguards might there be for such individuals? And how might any malign accusations be filtered out?*

The UK also noted that there are other international actors currently considering codes of conduct in contexts which are in some cases more specific and in some cases more general than its own. It will be important to take account of such linked activities, but the UK's remit in 2005 is to examine these issues in the context of the BTWC and it is intended to focus discussion accordingly. The UK concluded by saying that it would write to states parties early next year to offer a suggested timetable and agenda for the Meeting of Experts in June 2005. In the meantime any comments, ideas or suggestions to enhance the preparations for work next year would be welcomed.

Reflections

The atmosphere at the 2004 Meeting of States Parties was more positive than a year ago. It was particularly noticeable in the statements in the General Debate, as well as in some of the NGO statements and activities, that attention is increasingly being given to the Sixth Review Conference in 2006. There was useful recognition that the Review Conference needs to review the Convention in its entirety and that a Final Declaration that builds upon and extends the understandings agreed at previous Review Conferences is a key outcome to maintain the vitality of the Convention. The outcome of the Meeting of States Parties in 2004 was significantly better than that of the corresponding meeting in 2003. Not only was the substance incorporated into the final report but its structure and content were distinctly better. This

augurs well for the Meetings of Experts and of States Parties in 2005 addressing the topic of *the content, promulgation, and adoption of codes of conduct for scientists*.

At the Meeting of States Parties in December 2004 there were two statements in the General Debate made on behalf of a group of states parties – one by Malaysia on behalf of the NAM and Other States Parties, and the other by the Netherlands on behalf of the European Union together with Bulgaria, Romania, Turkey and Croatia as well as Albania, Bosnia & Herzegovina, the Former Yugoslav Republic of Macedonia, Serbia & Montenegro and the EFTA countries, Iceland and Liechtenstein. There was no statement on behalf of the Western Group – the last time there had been such a statement was at the resumption of the Fifth Review Conference in 2002 – or by the Eastern Group. The statement of the NAM was able to draw upon the political statement from the XIV Ministerial Meeting of the NAM in August 2004, whilst the EU statement reflected the political coherence of the EU and its associated states.

The NAM statement called for multilateral negotiations aimed at concluding a non-discriminatory legally binding agreement to strengthen the Convention; a point that was underlined by several of the NAM countries in their subsequent individual statements. The EU statement attached high priority to the reinforcement of the BWC which is the cornerstone of the efforts to prevent biological agents and toxins being developed as weapons and the EU remained committed to develop measures to verify compliance with the BWC.

It was also evident that the states parties at the Meeting of States Parties were aware of – and indeed the chairman had drawn attention in his opening remarks to – the report of the Secretary-General's *High Level Panel on Threats, Challenges and Change* which had been issued on the Thursday

prior to MSP/2004. This had made recommendations of direct relevance to the Convention and some were even relevant to the mandate for this year. Recommendation 27 that *States parties to the Biological and Toxin Weapons Convention should without delay return to negotiations for a credible verification protocol, inviting the active participation of the biotechnology industry* was specifically quoted by Norway and alluded to by New Zealand.

Although there is clearly much to be considered before there are any decisions on whether to implement the recommendations, there is little doubt that future statements on behalf of the NAM and by individual NAM States will not miss any opportunity to cite recommendation 27 as being in support of the NAM position for multilateral negotiations of a legally binding instrument to strengthen the Convention. If no remedial action is taken, it seems probable that there could all too easily be a situation at the Sixth Review Conference that is a repeat of that at the Fifth Review Conference with the states parties **other** than the NAM Group being portrayed as those that have prevented progress. The requirement is for the EU as a coherent political group to devise a package of measures that will together strengthen the Convention that can attract broad support and, should consensus not be forthcoming, can be taken forward by a coalition of the willing on as wide an international basis as possible or perhaps on a regional basis in one or more regions. This would offer the prospect of a successful outcome to the Sixth Review Conference one way or another – either by consensus or by a coalition of the willing.

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

News Chronology

August through October 2004

What follows is taken from issue 66 of the Harvard Sussex Program CBW Chronicle, which provides a fuller coverage of events during the period under report here, and also identifies the sources of information used for each record. All such sources are held in hard copy in the Sussex Harvard Information Bank, which is open to visitors by prior arrangement. For access to the Chronicle, or to the electronic CBW Events Database compiled from it, please apply to Julian Perry Robinson

1 August *The (London) Mail on Sunday* reports that Chairman of the Joint Intelligence Committee John Scarlett tried “with breathtaking highhandedness” to “insert untruths” into a report by the US Iraq Survey Group (ISG) earlier this year [see 30 Mar]. Quoting “senior and credible sources” it states that on 8 March Scarlett sent a confidential e-mail to ISG head Charles Duelfer, inviting him to include in his report ten “golden nuggets”. These so-called ‘nuggets’ included allegations that Iraq had, or was developing, smallpox weapons; that it possessed mobile biological weapons laboratories; and that it possessed or was preparing to build a top-secret rail gun for use in nuclear weapons research. The paper quotes an unidentified ISG source as saying that all the information provided by Scarlett was already known to the ISG by January and that it was therefore “bizarre” that he tried to get such “nonsense” included in the report. Another unnamed source is quoted as saying that Duelfer went through each nugget in detail, however, experts in the ISG were eventually able to

convince him that inclusion of any such information would be dishonest, deceitful and eventually disastrous. The source says that in the end ninety-nine per cent of the ‘nuggets’ were discarded. I would have thought that after his problems with that JIC dossier, Scarlett might have learned his lessons, another source is quoted as saying.

The next day, a spokesman for the Prime Minister, not refuting that Scarlett had indeed sought to influence the content of the ISG report, says: “There is no question of the Government or any of its departments or agencies, and that includes the JIC and its then chairman John Scarlett, seeking to mislead the ISG.” The same day, John Scarlett assumes the post of Head of the UK Secret Intelligence Service, MI6.

Two days later, in a telephone interview with *The (London) Guardian*, Duelfer says: “What [the British] provided was not new information but elements of a previous report, which I decided were not relevant.”

2 August South Korea's nineteenth chemical battalion – responsible for decontamination from Seoul to the southern tip of the Korean peninsula in the event of a North Korean chemical or biological or nuclear attack – enters commission, according to *The Korea Herald*. Quoting an unidentified South Korean military official, the paper says that the battalion will assume the duties of the twenty-third US chemical battalion in 2005. The aforementioned official refuses to say whether the hand-over would take place earlier than planned.

2 August In Tehran, the chairman of the Iranian Supreme National Security Council Foreign Policy Committee says that since the war with Iraq it has been the policy of Iran to take defensive measures against chemical, biological and nuclear attacks. In an interview with IRNA news agency, Seyyed Hoseyn Musavian says that the Ministry of Defence and Armed Forces Logistics is responsible for enforcement of the policy.

2 August US President George Bush announces his intention to create a post of director of national intelligence, having significant authority over the US intelligence community, and to establish a national counter-terrorism centre. The announcement comes on the back of the findings of the 9-11 Commission [see 22 Jul]. Bush says: "The national intelligence director will assume the broader responsibility of leading the intelligence community across our government... The new center will coordinate and monitor counterterrorism plans and activities of all government agencies and departments to ensure effective joint action and that our efforts are unified in priority and purpose." The director, though not a cabinet member, will become the president's principal intelligence adviser, overseeing and co-ordinating the foreign and domestic activities of the intelligence community.

3 August In Novosibirsk, Russia, a delegation of the European Commission visits the State Scientific Centre of Virology and Biotechnology (Vektor). According to a report of the visit by Vektor, the delegation, headed by European Commissioner for Research and Technology Development Philippe Busquin, discusses, amongst other things, the collaboration of Vektor with European Research Centres.

3 August Jordan has banned the import of a fertiliser in tablet form with a view to preventing its potential use as a chemical weapon, according to the Jordanian newspaper *Al-Ghad*. The government has ordered that urea tablets be replaced by the liquid form of the substance. The report also says that trade of acids with concentration levels higher than thirty per cent has also been banned, although the prohibition will not apply to factories, research centres, schools or universities.

3-4 August In Copenhagen, a workshop on *Interdictions Involving Containerized Shipments* takes place under the auspices of the Proliferation Security Initiative (PSI) [see 31 May – 1 Jun]. Delegates recall their commitment to the PSI Statement of Interdiction Principles [see 3-4 Sep 03]. They agree, amongst other things, that boarding containerships at sea is the least desirable option due to the various complexities involved and the practical limitations. Consequently, they determine that interdiction should preferably be undertaken prior to loading, at scheduled ports of call, or, alternatively, by diverting the ship to a viable port.

4 August Egypt has rejected an allegation that President Hosni Mubarak had told former commander of US Central Command General Tommy Franks, before the invasion

of Iraq [see 20 Mar 03], that Iraq possessed WMD, according to the Egyptian daily *Al-Ahram*. Presidential spokesman Maged Abdul Fatah has described as "absolutely devoid of any truth" the allegation made by Franks that earlier appeared in the US *Parade* magazine.

4 August In the USA, using a combination of molecular modelling and protein engineering, scientists have developed an experimental vaccine which fully protects mice from aerosolized ricin, according to *Protein Engineering, Design and Selection*. The research was undertaken by a team led by Mark Olson at the US Army Medical Research Institute of Infectious Diseases (USAMRIID).

5-6 August In Oslo, an Operational Experts Meeting takes place under the auspices of the Proliferation Security Initiative (PSI) [see 3-4 Aug]. Included on the agenda for the meeting is the introduction of a worldwide cargo inspection regime, known as the 24-hour rule, to prevent the illegal transport of weapons of mass destruction and other dangerous items.

8 August The Iraqi interim government declares the re-instatement of capital punishment for *inter alia* the use of biological weapons. The law – which takes effect immediately – applies to both Iraqi citizens and foreigners who commit capital crimes on Iraqi territory. The US-led occupation authority had previously abolished capital punishment in Iraq.

9 August The Russian daily *Pravda* reports the State Commission for Chemical Disarmament as having determined that Russia must increase its chemdemil allocations considerably if it is to honour its commitments under the CWC. The need for an increase in allocations results from a series of setbacks, which include the continuously growing construction costs of disposal facilities due to inflation and rising prices for materials, electricity and fuel, as well as regular delays in Finance Ministry allocations for the relevant work. It is reported that in contrast to around \$175 million allocated in 2004 for this purpose, the 2005 budget will provide around \$433 million.

9 August The German-based Kurdish newspaper *Ozgur Politika* reports on its web site that "chemical weapons are being used in some of the clashes" involving the Turkish Army in Kurdistan.

10 August Uruguay is to purchase around \$800,000 of equipment – which includes "gas detectors to forestall the use of chemical or bacteriological weapons" – to upgrade the capabilities of its army's anti-terrorist unit, 'CEAT', according to the web-based *Latin American Newsletters*.

11 August The US Departments of Defense and Health and Human Services announce that the military will support a Centers for Disease Control and Prevention effort to develop a new anthrax immune globulin (AIG) antigen. Military personnel previously vaccinated against anthrax will be invited to donate some of their blood plasma, which will be used for the production of the AIG.

11 August In Washington, DC, the Federal Appeals Court dismisses a claim – filed four years ago [see 25 Sep 00]– by El-Shifa Pharmaceutical Industries Co for \$50 million in damages as compensation for the destruction by the USA of its premises in Khartoum [see 20 Aug 98]. A second claimant to the lawsuit is Salaheddin Ahmed Mohammed Idris, who purchased \$18 million of shares in the company in 1998, before

the facility was destroyed. The then US President, Bill Clinton, had claimed that the plant was being used to produce chemical weapons. The court rules that the US constitution does not provide for the judiciary to review matters that present political questions such as the authorization of the missile strikes. Judge Raymond Clevenger, the author of the judgment, states: "The enemy property designation here was made in view of the president's 'go/no go' decision regarding the use of force in what is deemed to be a foreign theater of war and in the face of what he perceived to be an imminent terrorist attack on the United States." In concluding that the claimants are not entitled to seek judicial review of the president's designation of the plant as enemy property, Clevenger says, however, that the ruling applies solely to foreign, and not domestic, enemy property designations made by the president in anticipation of an imminent attack on US citizens or military forces.

12 August Uzbek Deputy Foreign Minister Vladimir Norov announces that the USA is to provide Uzbekistan with an additional \$21 million of financing for joint projects aimed at preventing proliferation of biological weapons, including the development of a system for monitoring infectious diseases. The announcement follows discussions between Norov and US Chairman of the Joint Chiefs of Staff General Richard Myers, who is visiting the country. Norov says, that according to the agreement signed between the defence ministries of the two countries in October 2001 [see 22 Oct 01], the initial US aid on the joint projects stood at \$39 million. "Now total US aid under the threat reduction programme (has) reached \$60 million," says Norov.

12 August Iraq did not develop weapons of mass destruction following the 1991 Gulf War, according to the former head of Iraq's nuclear programme. Speaking in an interview on BBC television's *Newsnight* programme, Dr Jaffar Dhia Jaffar, says: "There was no capability. There was no chemical or biological or any weapons of mass destruction." He says he knows this to be a fact because he is "in touch with the people concerned".

12 August The US Government Accountability Office transmits to Congress *Combating Terrorism: DoD Efforts to Improve Installation Preparedness can be with Clarified Responsibilities and Comprehensive Planning*. The report states: "While DoD's September 2003 report generally met the requirements of the [National Defense Authorization Act 2003], it does not represent a comprehensive, results-oriented management plan that could help guide DoD's installation preparedness efforts... In addition, it did not fully describe the national, regional, and local military response capabilities that will be developed, or how these capabilities will be integrated with local civilian capabilities... Two obstacles impede DoD's ability to effectively develop a comprehensive approach to implement installation preparedness efforts. First, while a large number of organizations are engaged in efforts to improve installation preparedness, the responsibilities of two newly established organizations – the Assistant Secretary of Defense for Homeland Defense and the US Northern Command – are evolving, and the installation preparedness related responsibilities of the Assistant Secretary for Homeland Defense is not clearly defined. Second, no single entity has been given the authority and responsibility to integrate and manage department wide installation preparedness efforts."

13 August Marshall Islands Foreign Minister Gerald Zackios and US Deputy Assistant Secretary of State for East Asian and Pacific Affairs Randy Schriver sign a ship-boarding agreement on behalf of their two countries under the auspices

of the Proliferation Security Initiative (PSI) [see 5-6 Aug]. With the signing of similar ship-boarding agreements by Liberia [see 11 Feb] and Panama [see 12 May], and commitments by PSI partners, more than fifty per cent of the commercial shipping fleet dead weight tonnage is now subject to rapid action consent procedures

13 August Ireland is to establish its first national bioterrorism unit to deal with casualties arising from terrorist attacks involving chemical or biological agents such as smallpox, according to *The Irish Times*. The unit, which was recommended by the government's expert group on bioterrorism, will be established in one of the main hospitals in Dublin. Established in the wake of the 11th September terrorist attack on the US, the expert group was tasked with developing a contingency plan for implementation in the event of a chemical or biological attack on the country.

13 August Panama has rejected a US offer to clean up the southern island of San José – used between 1930 and 1968 by the USA to test chemical weapons – according to the Panamanian *La Prensa*. Commenting on the latest [see 18 Sep 03] US proposal to clean up the island, Panamanian Foreign Affairs Minister Harmodio Arias said that the deal was unacceptable as its terms meant that Panama would be left responsible for any damage caused to the island during the clean-up operation. However, US Ambassador to Panama Linda Watt described the proposal as a "final offer", so the paper says.

16 August In Stockton, Utah, the last of more than 53,000 155-millimeter VX artillery projectiles are destroyed at the Tooele chemdemil facility. The US Army Chemical Materials Agency says that the only VX munitions still in storage at the facility are the remaining spray tanks and land mines, which are expected to be destroyed by next spring.

16 August In Multnomah, Oregon, a judge refuses a request by local residents for an injunction against the commencement of the incineration of chemical weapons at the Umatilla chemdemil facility. County Court Judge John Wittmayer says the request for an injunction would best be heard in the state court of appeals. Oregon Court of Appeals Judge Walt Edmonds subsequently gives the claimants ten days to seek an injunction in higher court. The following day, the US Army announces that incineration of the weapons, which was scheduled to commence in three days time, is to commence during the following week owing to a problem relating to filters and the volume of chemical vapour released during a final test run.

Three weeks later, and with no injunction having been filed by the residents in the aforementioned lawsuit, a sarin-filled M-55 rocket, the first of more than 220,000 weapons, is decommissioned. However, a trap door designed to release the fractionalized pieces of the rocket fails to open and delays the decommissioning of any further rockets on the first day. "This is exactly why we work step by step, there are lots of moving parts," says Army spokeswoman Mary Binder.

17 August The Sudanese Airforce, in May, dropped a number of plastic sacks over a village in Dafur which burst on impact producing a "poisonous" cloud of dust, killing two villagers, injuring fifty others, and killing dozens of cattle, according to a report in the *Washington Times*. Villagers of Shegek Karo say that the plane dropped several rectangular plastic sacks containing a white, flour-like powder on a wadi (a dry riverbed) over the lower part of the village. They do not remember the exact date of the attack. When asked whether

he could show the place where the villagers had buried the sacks, the village teacher, Ismail Hagggar, said they were washed away by the water that filled the wadi during the rainy season. Villagers say that five sacks were blown away by the wind. Mukhtar Muhammad, a shopkeeper at the nearby market, says he counted eight sacks. "They were like parcels... They contained something that looked like fine ash and smelled of gunpowder. It made people sick immediately." The Sudanese government has denied past charges of chemical weapons use [see 31 Dec 99 and 17 Jun 03].

17 August In the UK, eight persons arrested across England two weeks ago are charged with *inter alia* "conspiracy to commit a public nuisance by the use of radioactive materials, toxic gases, chemicals and or explosives". The seven persons in question are: Dhiren Barot, Mohammed Naveed Bhatti, Abdul Aziz Jalil, Omar Abdul Rehman, Junade Feroze, Zia Ul Hao and Qaisar Shaffi. The latter is additionally charged with "possessing an extract of the Terrorist's Handbook containing information on the preparation of chemicals, explosive recipes and other information about explosives". All eight are charged with having conspired between January 2000 and the time of their arrest to murder unknown persons. The next day the eight appear in court.

17-19 August In Durban, there takes place the fourteenth Ministerial Conference of the Non-Aligned Movement (NAM), the purpose of which is to review the developments and implementation of decisions taken at the thirteenth Conference of Heads of State or Government of the NAM. The final document adopted by conference states:

"The Ministers regretted unsubstantiated allegations of non-compliance with relevant instruments on [WMD] and called on States Parties to such instruments that make such allegations to follow the procedures set out in those instruments and to provide the necessary substantiation for their allegations....

"[The Ministers of the States Parties to the BWC] recognised the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol to the Convention... They have been deeply disappointed at the inability that has been demonstrated in the endeavours of the States Parties of the BWC to successfully undertake initiatives to strengthen the implementation of the Convention. They further regretted the limited nature of the decision that was taken during the resumed session of the Fifth Review Conference held from 11-15 November 2002...

"[The Ministers of the States Parties to the CWC] reiterated their call on the developed countries to promote international co-operation through the transfer of technology, material and equipment for peaceful purposes in the chemical field and the removal of all and any discriminatory restrictions that are contrary to the letter and spirit of the Convention...

"[The Ministers] welcomed the adoption by consensus of the [UN] General Assembly Resolution 58/48 [see 031208] entitled *Measures to prevent terrorists from acquiring weapons of mass destruction* and underlined the need for this threat to humanity to be addressed within the United Nations framework and through international co-operation... While noting the adoption of the resolution on weapons of mass destruction and non-states actors (S/RES/1540) by the Security Council [see 28 Apr], the Ministers underlined the need to ensure that any action by the Security Council does not undermine existing multilateral treaties on weapons of mass destruction and of international organisations established in this regard, as well as the role of the United Nations General Assembly. The Ministers further cautioned against a practice where the

Security Council utilises its authority to define the legislative requirements for Member States in implementing Security Council decisions."

20 August In Iraq, resistance fighters shell a US base at Qa'idat al-Mazra'ah, near al-Fallujah, with "chemical weapons", according to a Quds Press news agency correspondent, quoting unnamed sources within the Iraqi resistance. The weapons are reported as having been manufactured by the resistance in al-Anbar.

Ten days later, the same accusation is reported by a correspondent of the same news agency quoting the same sources, as having occurred during the previous two days. The report quotes the sources as saying "everything in the base had stood still for seven hours after the forces in the base had been paralysed".

20 August Libya's now renounced chemical-weapons programme [see 19 Dec 03] included procurement from firms in western Europe and the Far East of agent precursors, among them pinacolyl alcohol, a precursor for soman nerve-gas, so *Jane's Intelligence Digest* reports.

20 August *The Los Angeles Times* reports that a US Army investigation into anthrax leaks at the US Army Medical Research Institute of Infectious Diseases (USAMRIID) laboratory at Fort Detrick two years ago [see 20 Apr 02] blames lax practices, which led to a breach of safety. Details of the investigation into the contamination [see 2 May 02] have only now been released under the Freedom of Information Act. The investigator, Colonel David L Hoover of the Walter Reed Army Institute of Research in Silver Spring, Maryland, concludes that "multiple episodes of contamination may have occurred" over an unknown period.

23 August In al-Najaf, Iraq, US forces use "internationally-banned biological weapons", according to the director of the al-Nasiriyah office for Muqtada al-Sadr group (Martyr Al-Sadr), Aws al-Khafaji. Making his comments in a telephone interview with the Qatari-based Al-Jazeera television channel, al-Khafaji says: "I have appealed to the humanitarian organizations to come to examine the bodies of those who died as a result of these biological bombs." [See also 20 Aug]

23 August In Iraq, resistance fighters have killed a prominent Iraqi chemical weapons scientist whom US investigators were questioning at Abu Ghraib prison, so reports *The Washington Times*. Quoting two unidentified US Defense officials, the report says that the scientist in question, who the sources declined to identify, was killed after a volley of mortar rounds was fired into the prison. The report states that the death is at least the fourth hostile-fire killing of Iraqi scientists who have been talking to the Iraq Survey Group. It says that one of the country's most prominent nuclear scientists, Majid Hussein Ali – who had been questioned by the ISG – was found dead earlier this year, shot twice in the back. Last year [see 2 Oct 03], former Head of the ISG David Kay said that two scientists, whom he did not name, co-operating with the ISG were killed. "We think it was because, in fact, he was engaged in discussion with us," said Kay.

23 August In Russia, the Gorny chemdemil facility [see 10 Jun] has now decommissioned 76,539 kg of lewisite, according to the Interfax military news agency, quoting an unidentified spokesman for the Federal Industry Agency.

23 August In Trowbridge, Wiltshire, UK, the inquest into the death of Ronald Maddison at Porton Down in May

1953 resumes after a one-month break [see 19 Jul]. The inquest has thus far heard from more than thirty witnesses.

23-27 August In Almaty, Kazakhstan, the second advanced protection course for specialists and experts from Central Asian countries takes place, as part of the OPCW's national capacity-building project for Central Asia. Financed by the government of Norway, the course aims to develop regional co-operation and networking for national capacity-building against the threat or use of chemical weapons. The objective of the training, conducted by experts from Switzerland using Swiss chemical weapon detection and protection equipment, is to prepare participants to impart knowledge acquired from their training to their national specialists and to assume the role of instructors. In total, thirty-two participants from Afghanistan, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan attend the course.

25 August The Israeli Army has devised a weapon that emits a synthetic version of the odour emitted by skunks that is intended to keep Palestinian protestors at bay, according to Reuters news agency. Unidentified Israeli security officials are reported as saying that trials have shown that the weapon is so pungent it can stay in clothes for as long as five years, say officials. They say the "skunk" bomb is being developed as an alternative way of breaking up protests and stone-throwing confrontations.

26 August In Tokyo, a public secondary school approves the use, from April next year, of a history textbook attacked by critics for having omitted Japanese wartime atrocities such as germ warfare in China during the Second World War. The Education Ministry approved the *New History Textbook* in 2001 amid protests from South Korea and China. Government officials say that the Education Ministry checked the facts enunciated in the book and that approval does not mean the contents reflect official views on history.

26 August The US Department of Defense appeals to the House of Representatives to support a proposal by the Senate that the FY 2005 Defense Authorization Bill provide the President with permanent authority to waive "certain conditions" relating to the funding for the construction of the Russian Shchuch'ye chemdemil facility [see also 8 Dec 03]. Congress has previously granted the President a one-year authority to waive conditions imposed by it, and any others proposed by lawmakers in fiscal years 2002, 2003 and 2004. A bill passed by the House of Representatives renews by one year the President's power to waive restrictions. The DoD appeal states: "The [Shchuch'ye facility] is now under construction and the year-by-year renewal of waiver authority adds an unnecessary step and uncertainty to management of the project... [The Senate proposal] is particularly important now that construction has begun."

27 August At UN headquarters, Secretary-General Kofi Annan transmits to the UN Security Council the eighteenth [see 28 May] quarterly report on the activities of UNMOVIC. Covering the period 1 June to 31 August, the report states that UNMOVIC continued its investigation into scrap metal exported from Iraq by undertaking a number of visits to trading companies in Jordan. It states that "a significant number of items relevant to the UNMOVIC mandate were observed at the scrapyards", including "four chemical-related vessels made of corrosion-resistant material that had been tagged by the Commission as dual-use items." It continues: "According to information received from the trading company representatives, the tagged chemical vessels had been dismantled from the

chemical industrial complex near Fallujah."

The report also responds to a claim made earlier this year [see 30 Mar] by Head of the Iraq Survey Group Charles Duelfer to the US Senate, that the ISG had uncovered "a very robust program for delivery systems that were not reported to the UN." In this regard, appended to the report is an *Assessment of Iraq's remotely piloted and unmanned aerial vehicles programmes*, which the report states is a condensed version of a detailed internal UNMOVIC report on its assessment of Iraq's RPV/UAV programmes. The appendix states: "It could have been technically possible to place a limited quantity of a biological warfare agent on a small RPV platform; however, it would be more problematic to develop an efficient device for the effective dissemination of such small amounts of liquid agent (there is no evidence available to UNMOVIC that Iraq ever mastered the technology to produce dry agents). In addition, there was no indication from inspections or Iraqi documentation available to UNMOVIC that Iraq actually undertook to change the original internal configuration of small RPVs... The small RPV/UAVs were a continuation of earlier programmes and probably reflect Iraqi interest in keeping some production assets employed and keeping abreast with RPV/UAV technology... The information available to UNMOVIC so far suggests that the concept of these RPV/UAVs was for conventional military purposes such as air defence training, data collection and surveillance."

A second appendix to the report comprises a summary of information compiled by UNMOVIC on the *Past storage, handling and deployment of chemical and biological munitions by Iraq*.

29 August *The (Queensland) Daily Mail* reports recently de-classified documents as revealing that during the 1950s a senior Australian military scientist advised the Australian government to use biological weapons to counter "a threatened invasion by over-populated Asiatic countries." Throughout the 1950s Sir Macfarlane Burnet served on a germ warfare sub-committee which reported to the hierarchy of the Australian defence forces. In a speech, Macfarlane is quoted as saying: "There will be some desperate problems facing Australia if Asiatic peoples are revived by adequate nutrition and by conquest of infectious disease... Malnutrition and disease in Asia have alone kept coloured populations in check to our north."

30 August In Tbilisi, Head of the US Senate Foreign Relations Committee Richard Lugar and Georgian Deputy Defence Minister Davit Sikharulidze sign an agreement to establish a joint bio-security centre at the Alekseevka military base in Tbilisi. Under the 'Plus-up' amendment – which will increase US funding from \$15 million to \$30 million – it is envisaged that Georgian scientists will be employed at the centre which will focus chiefly on the prevention of biological and bacteriological threats.

30 August Kenyan Assistant Minister for Environment and Natural Resources Wangari Maathai says that HIV/Aids was a biological weapon manufactured by the developed world to wipe out the black race from developing countries. Addressing a public workshop in Nyeri, Kenya, Maathai says: "We know that the developed nations are using biological warfare, leaving guns to the primitive people. They have the resources to do this... Do not be naive. Aids are not a curse from God to Africans or the black people. It is a tool to control them designed by some evil – minded scientists, but we may not know who particularly did."

31 August From Japan, Kyodo News Service reports

that the Defence Agency is to request 39.4 billion yen to deal with terrorism and guerrilla warfare for FY 2005, 1.3 billion yen of which will be earmarked for the development of reconnaissance vehicles to deal with attack by nuclear, biological or chemical weapons.

31 August The Danish Environmental Protection Agency transmits to the Baltic Marine Environment Protection Commission, also known as the Helsinki Commission (HELCOM), its report on *Dumped Chemical Munitions in the Baltic Sea, 2003*. The report states that twenty-five incidents of fishermen retrieving chemical munitions – generally comprising clay-like “lumps” of “mustard gas”, “sneeze gas” and “tear gas” – occurred in the Baltic Sea last year. The majority of the munitions are reported as being “completely corroded”. Twenty-one of these incidents involved mustard gas with a total weight of approximately 1005 kg. The vast majority of the catches occurred east of Bornholm Island, near the area where large amounts of chemical munitions were dumped after the Second World War. A subsequent HELCOM press release states: “Statistics indicate that 2003 holds the biggest increase in the total amount of incidents and weight of the chemical munitions caught in the Baltic Sea since the mid 1990s. Over the period 1995-2002 about 3-11 incidents were reported each year, with a total weight of munitions not exceeding 512kg. The reason for the increase is unknown. This is probably due to a combination of different factors, like spreading of dumped munitions, and increased fishing near dumping areas. But still the record number of incidents during the last 20 years was in 1991 with 103 catches amounting to 5378kg.”

31 August US Army Dugway Proving Ground (DPG) releases the *Final Environmental Impact Statement [EIS] for Activities Associated with Future Programs at US Army Dugway Proving Ground*. The statement reads: “The Proposed Action described and evaluated in the Future Programs EIS is the implementation of DPG’s planned mission for a 7-year time frame. This mission includes: continuing baseline mission components of testing, technology development, and training with increases in most activity areas; implementing plans for diversification of operations; implementing a Summary Development Plan (SDP) identifying real property planning recommendations for DPG... The purpose of this EIS is to analyze and disclose the potential environmental impacts of the Proposed Action and alternatives in compliance with NEPA [National Environmental Policy Act] requirements... DPG’s goals in preparing this Future Programs EIS are to: maintain compliance with NEPA; evaluate the potential environmental impacts of the Proposed Action and alternatives; improve and coordinate DPG plans to fulfill its mission while protecting human health, sustaining its environment, and maintaining regulatory compliance; document known installation-wide existing environmental conditions; facilitate cost-effectiveness of future DPG NEPA documents by tiering, which is the process of covering a topic in a broad-scope document with further narrow-scope document(s) covering the topic more precisely; assess the potential cumulative impacts to the environment from all DPG activities and other regional activities.” [See also May]

1 September From the UK, the *Emergency Medical Journal* publishes an article stating that “the formulation of CS (o-chlorobenzylidene malononitrile) with MiBK (methyl iso-butyl ketone) used by the police is more harmful than has been previously assumed,” and that consequently new research into the safety of CS spray weapons should be undertaken. The research, undertaken by a team from the Medical Toxicology Unit at Guy’s and St Thomas’ Hospital Trust, London, is based on the responses of medical staff to details of 152 cases of

exposure to the spray as reported in the form of a survey to the National Poisons Information Service in 1998. The symptoms most often reported in the survey were burning sensations and blurred vision; however, blistering, swelling and inflamed skin were also reported. The article states that “adverse effects occurring more than six hours after exposure were also observed, which is in conflict with the recorded immediate, short lived, and self limiting symptoms that PIS [personal incapacitant spray] are designed to cause.” The article concludes that “less concentrated formulations may reduce the severity or persistence of the adverse effects.” In a statement, made one week prior to publication of the article, the Home Office says: “The cases referred to in this report must be taken in context with the number of times CS was actually used. Those presenting themselves for medical attention are likely to be a very small percentage of those sprayed during the period of the study.”

2 September In Israel, ten underground railway stations planned for a Tel Aviv rail system will double-up as large-scale shelters and will be fitted with specialized filters to filter out biological and chemical weapons material in the event of a chemical or biological attack on the city, according to the Associated Press, quoting the weekly military publication *Bamahane*. The report says that the stations, in their role as shelters, will be able to accommodate thirty thousand persons. The new commuter train is reported to be in the planning stages and is not scheduled to be completed until 2010. “The train is planned for a crowded area where there is a shortage of shelters for about 30 percent of the people,” says head of the civilian defense unit of the army’s Home Front Command Uzi Buchbinder.

3 September From the UK, *Population Health Metrics* publishes research showing that symptoms suffered by Gulf War veterans are not unique among veterans in general, and as a consequence casts doubt on the existence of a ‘Gulf War syndrome’. The research team – led by Rosane Nisenbaum of the US Centers for Disease Control and Prevention – concludes: “Our results from independent studies conducted in the UK and US confirmed occurrence of an illness comprised of 4 correlated groups of symptoms (factors) in deployed military personnel from both countries. Similar illness occurred in troops who did not participate in the Gulf War (albeit at lower rates and with different specific characteristics), so we believe that this pattern of symptoms is not unique to Gulf War service nor does it represent a unique illness or ‘Gulf War syndrome’. In fact, similar illnesses to those affecting Gulf War veterans have been noted among veterans of US Civil War and British Boer War. Similar illnesses can also be expected to occur in association with current deployments in Afghanistan and Iraq. A better understanding of predisposing, precipitating, and perpetuating factors must be obtained to provide appropriate care for veterans and to devise prevention strategies. A central question remains: how to resolve whether such illnesses reflect a common pathophysiologic process.”

4 September In Taipei, the *Asian Pacific Intercity Symposium on Anti-Bioterrorism*, convened jointly by the Taiwanese Center for Disease Control (CDC) and the Taiwanese Department of Health, takes place.

Director of the CDC’s Division of Emerging Infectious Diseases Chiu Chan-hsien says that, in order to defend Taiwan against germ warfare, the CDC is stepping up preventive measures and developing emergency response strategies. “The anti-terrorism commission of the Executive Yuan is coordinating intelligence, financial, economic and judicial mechanisms to fend off any attack of biological agents”, says Chiu. According to Chiu, the draft anti-terrorism law has passed

the first review by the legislature, and once ratified, would authorize the creation of an anti-terrorism unit and reinforce the legal basis for a full-scale mobilization in the event of an attack. Chiu also says that the CDC has proposed a four-year budget to finance staff training and the purchase of vaccines, antibiotics and medical facilities; the amount for the first year budget to total around NT \$1.4 billion. He says that the CDC has also organized the National Biological Pathogens Disaster Response System as the backbone of the nation's biosecurity.

6 September In Ningan, in the north-eastern Chinese province of Heilongjiang, 32 Japanese and 160 Chinese experts commence a three-week mission to recover chemical munitions abandoned by the Japanese Imperial Army [see also 16 Jun]. It is estimated that more than 700 such munitions are buried at a steel mill – on a site covering 13,400 square-metres – according to *China Daily*. By the end of the mission more than 2,000 artillery shells are unearthed, 89 of which are chemical shells, according to the Japanese Defence Agency. Under the terms of the CWC, Japan is under an obligation to destroy all chemical munitions abandoned by it in China at the end of the Second World War.

6 September In Faw, Iran, a former commander of the Islamic Revolutionary Guard Corps dies from injuries sustained from Iraqi chemical weapons during the Iran-Iraq war, according to the Islamic Republic News Agency (IRNA). Following news of the death of Davood Karimi, the Ministry of Defence issues a statement which reads: "Shame on those who supplied Saddam Hussein of Iraq with chemical weapons to attack Iranian soldiers (in 1980s). Today, they introduce themselves as advocates of human rights and opponents of the weapons of mass destruction... The Iranian nation, as the great victim of chemical weapons reserve the right to take legal action with the International Court of Justice (ICJ) against supporters of the Iraqi dictator in his horrible crimes against Iranian soldiers."

6 September The Spanish ABC news web site reports that a CBRN emergency preparedness and response unit, the creation of which has been approved by the Ministry of the Interior, will be operational in two years' time. It further reports that the unit will comprise 1,682 highly specialized officers of the Civil Guard, and have a budget of EUR 2.5 million. According to ABC news, the plan to create the unit states: "Islamist terrorism represents a permanent threat of maximum lethality and global scope. Because of their dangerous nature and the seriousness of their concomitant effects, a possible use of CBRN substances or agents for committing terrorist attacks cannot be avoided... [However, the measures are a response] not only to the risk of terrorism but to any other result of accidents caused by chance or as side-effects of terrorist actions."

6-8 September In Buenos Aires, the third in a series [see 15-17 Sep 03] of technical meetings of CWC National Authorities on practical aspects of the CWC transfers regime takes place. Jointly hosted by the government of Argentina and the OPCW, the meeting aims to enhance the understanding of National Authorities regarding the impact of current practice on the non-proliferation efforts of the CWC, to enhance the relevant customs practices, and thus increase the effectiveness of the Convention's chemical transfer regime. Over ninety-five participants from forty-nine states parties and a number of international organizations attend the meeting.

6-10 September In Starum, Norway, TRIPLEX 2004 – an international co-ordination event based on the United

Nations system of emergency/disaster management, including threats arising from weapon of mass destruction – takes place. The exercises, based on various emergency scenarios, aim to increase the awareness of international humanitarian organizations with regard to issues relating to security, to improve inter-agency co-ordination, to improve communication at the field level and to co-ordinate and work with the defence forces involved at the field level. The Norwegian Directorate for Civil Protection and Emergency Planning organizes the event, in co-operation with the United Nations and countries making up the International Humanitarian Partnership. More than three hundred and fifty people from twenty organizations converge on the civil defence training centre to take part in the event.

7 September In Brussels, the European Commission adopts *Security Research: The Next Steps*. Last year [see 7 Oct 03], the Commission established a 'Group of Personalities' to advise on a long-term strategy for security research in the European Union. This group presented its report, *Research for a Secure Europe* to the Commission earlier this year, shortly after the Commission had launched a Preparatory Action in the domain of security research [see 3 Feb]. In *Security Research: The Next Steps*, the Commission responds to the recommendations enunciated in *Research for a Secure Europe*. The next steps include the development of a European Security Research Programme (ESRP), as part of the 7th EU Research Framework Programme (2007-2010); consultation and co-operation with stakeholders, via a European Security Research Advisory Board, which will be set up in 2004; creation of an effective institutional setting which takes into account the EU's relevant policies, namely the Common Foreign and Security Policy, European Security and Defence Policy, and the new European Defence Agency; specific measures for the allocation of contracts and funding in security research. The paper states that the approach adopted by the Commission will ensure that security research under a "Community Framework" can provide strong added value by, *inter alia*, "acknowledging that the availability of new technologies is a key element in the fight against terrorism".

7 September In the UK House of Lords, Lord Butler repeats the criticism in the report of the Butler Inquiry that the government's dossier on Iraqi WMD [see 24 Sep 02] did not make clear that intelligence about claims that Iraq had stockpiles of chemical and biological weapons was "very thin". Speaking publicly for the first time since the release of the Inquiry's report *Review of Intelligence on Weapons of Mass Destruction* [see 14 Jul], he says that the failure to make clear that the intelligence was "very thin" was as "a serious weakness". This "weakness" he says, has "subsequently come home to roost as the conclusion about deployable stocks of chemical and biological weapons have turned out to be wrong".

7 September US Under-Secretary of State for Arms Control and International Security John Bolton praises the launching by the current US administration of "initiatives", as opposed to relying on "cumbersome treaty-based bureaucracies", to counter proliferation of WMD. Writing in the *Financial Times* Bolton says: "The Bush administration is reinventing the non-proliferation regime it inherited, crafting policies to fill gaping holes, reinforcing earlier patchwork fixes, assembling allies, creating precedents and changing perceived realities and stilted legal thinking... This administration is working to make up for decades of stillborn plans, wishful thinking and irresponsible passivity. We're already late, but we are no longer bystanders wringing our hands and hoping that somehow we will find shelter from gathering threats. We are no longer lost in endless international negotiations whose

point seems to be negotiation rather than decision, and no longer waiting beneath the empty protection of a reluctant international body while seeking grudging permission to take measures to protect ourselves... Mr Bush has begun laying the foundation for a comprehensive, root-and-branch approach to the mortal danger of the proliferation of instruments intended for our destruction. We are determined to use every resource at our disposal - using diplomacy regularly, economic pressure when it makes a difference, active law enforcement when appropriate and military force when we must. We are just at the beginning, but it is an extraordinary beginning. Not only are we meeting this ultimate of threats on the field, we are advancing on it, battling not only aggressively, but successfully. And so we must, for the outcome of this battle may hold nothing less than the chance to survive."

7-10 September In Moscow, detectors for locating chemical and biological substances and analysing their composition are among the equipment and weaponry on display at the eighth annual *Interpolitex-2004* and the first *IDELF (International Exhibition of Military Products for Land Forces)-2004* exhibition. Taking place simultaneously, the exhibitions bring together more than four hundred Russian and foreign companies and organizations.

8 September The OPCW Technical Secretariat releases a further Note following completion of the fifteenth official proficiency test, stating that the Director-General has designated eighteen laboratories from seventeen member states for the analysis of authentic samples. Three of the eighteen have, however, been "temporarily suspended" having performed "unsuccessfully" in the above test. The laboratories in question are: the Research Institute for Organic Syntheses, Centre of Ecology, Toxicology and Analytics, Czech Republic; the Laboratory for CWC Verification, Military Institute of Chemistry and Radiometry, Poland; and the Defence Research Agency (FOI), Division of NBC-Defence, Sweden.

8-10 September In Novosibirsk, Russia, a conference on *Development of International Collaboration in Infectious Disease Research* takes place to mark the thirtieth anniversary of the foundation of the Vektor State Scientific Center of Virology and Biotechnology. More than three hundred scientists and specialists from Russia, CIS and other countries attend the conference, which addresses questions of co-operation in the field of biological security, the fight against infectious diseases and the countering of bioterrorism.

9 September Azeri Member of Parliament Elman Mammadov says before the parliamentary commission for security and defence that Iran and Armenia are "involved in the production of chemical weapons" and that if the United Nations were to investigate the matter it could "easily prove this".

9 September Russian State Commission for Chemical Disarmament Chairman Sergei Kiriyenko says that the draft Russian federal budget for 2005 provides for a doubling of chemdemil spending and that there is "no delay" in the decommissioning schedule. However, speaking at a news conference in Tokyo, Kiriyenko says: "Not all the countries that originally promised financial assistance to Russia have complied with their liabilities... Most of the funds are spent inside those countries on internal bureaucracy, while very little reaches Russia to pay for the destruction of chemical weapons."

Five days later, an unidentified source on the Russian Duma Defence Committee is reported by Interfax-AVN news agency as saying that 243.8 million roubles (\$8.35 million) is to be allocated for Russian chemdemil activities in 2005. Three

days thereafter, Nikolai Bezborodov, member of both the State Commission for Chemical Disarmament and the Duma Defence Committee, is reported by the same news agency as saying that Russia will earmark 11.16 billion roubles (\$380 million) in 2005 to bring the chemdemil facility in Kambarka into operation and to complete construction of the facilities at Maradykovsky, Shchuchye, Leonidovka, Pochev, and Kizner. "Everything is being done to fulfil our international commitment to destroy twenty per cent of chemical stockpile by April 2007," says Bezborodov.

9 September Germany and Russia are, amongst other things, to co-ordinate and accelerate their efforts in countering the threat from bioterrorism, according to a joint statement issued by German Chancellor Gerhard Schröder and Russian President Vladimir Putin, and posted on the official web site of the latter. The statement says that the two countries will focus their efforts on "preventing terrorists from obtaining or developing nuclear, chemical, radiological or biological weapons, means of their delivery, as well as related materials, equipment and technologies." They will also step up their "sharing of information on terrorist threats and the results of assessments or analyses of such threats."

9 September In Montevideo, there is a national seminar on the implementation of the chemical weapons non-proliferation regime under the CWC. In conjunction with the seminar, Uruguayan President Jorge Batlle Ibanez signs a presidential decree, expanding the competence and mandate of the Uruguayan National Authority.

9 September The US Government Accountability Office (GAO) transmits to Congress *US Postal Service: Better Guidance is Needed to Ensure an Appropriate Response to Anthrax Contamination*. The report states: "The response to anthrax contamination [following the anthrax mailings in 2001] revealed several lessons, the most important of which is that agencies need to choose a course of action that poses the least risk of harm when considering actions to protect people from uncertain and potentially life-threatening health risks. Because public health officials underestimated the health risks involved, actions to protect postal employees were delayed. In addition, agencies' guidance did not cover all of the circumstances that occurred. The Postal Service has since revised its guidance, but the revised guidance (1) does not define some key terms, including those that would trigger a decision to evacuate a facility, (2) includes some outdated references that could cause confusion during a future response, and (3) does not address certain issues, such as what steps would be taken during the interval between a diagnosis of anthrax in a postal employee and confirmation of the disease. In addition, the guidance does not reflect proactive measures, including facility closures, that the Postal Service has recently implemented in response to suspected contamination... To help ensure that the Postal Service has accurate, clear, comprehensive, and up-to-date guidance for responding to an emergency, we recommend that the Postmaster General, working with other agency officials as appropriate, implement the following two recommendations. First, the Postal Service should revise its December 2003 Interim Guidelines to [*inter alia*] clarify the actions that the Postal Service would take under various scenarios... Second, [...] the Postal Service should establish and meet a definitive time frame for developing interim policies and procedures on paying for [emergency medical treatment] services."

9 September In the USA, the National Research Council of the National Academies releases a report by the

Committee on Genomics Databases for Bioterrorism Threat Agents on *Seeking Security: Pathogens, Open Access, and Genome Databases*. The Committee recommends, amongst other things, as follows: "Policies with regard to release of genome data on microbial pathogens should not change. Rapid, unrestricted public access to primary genome sequence data, annotations of genome data, genome databases, and Internet-based tools for genome analysis should be encouraged... Genomics and genome sequence data should be exploited fully to improve our ability to defend against infectious agents of all types, including those which contribute to epidemic diseases and infant mortality and the naturally occurring or genetically enhanced organisms that could be used in a bioterrorist attack." The report – sponsored by the National Science Foundation, National Institutes of Health, Department of Homeland Security, and the Central Intelligence Agency – builds on the findings of the earlier National Research Council report on *Biotechnology Research in an Age of Terrorism* [see 8 Oct 03]. The latter report recommended improving the screening of experiments prior to their being conducted, in addition to educating scientists to be aware of the risks and benefits associated with their research and to balance them responsibly.

9-10 September In Geneva, a meeting of the G8 Senior Group dealing with questions of proliferation of WMD takes place. The group was created during the G8 Sea Island Summit [see 8-10 Jun]. Among matters discussed is the expansion of the G8 Global Partnership against the spread of weapons and materials of mass destruction, established two years ago [see 26-27 Jun 02].

9-10 September In Mexico City, there takes place the second in a series of three workshops to be held in different regions of the world. This time the theme of the workshop is *Smallpox Biosecurity Preparedness*, and it is organized by the Smallpox Biosecurity Organisation. Participants include, amongst others, twenty-five delegates representing the ministries of health, defence, and also specialists in biosecurity from a number of Latin American Countries. The aim of the workshop is to provide delegates with the opportunity to test their proposed national response and management plans in a simulated smallpox outbreak, and to explore the intra-regional and international implications thereof from a public health and geopolitical standpoint.

10 September Ukrainian presidential candidate Viktor Yushchenko seeks medical treatment at a private clinic in Vienna, the Rudolfinerhaus, four days after becoming ill with what his aides describe as chemical poisoning. He is there for a week undergoing tests for a variety of illnesses. Speaking in the Ukrainian parliament shortly after returning from Vienna, he presents a much changed appearance: his once handsome face now red, swollen and partly paralysed, with one eye persistently watering. Later, staff at the Rudolfinerhaus are quoted as having ruled out deliberate poisoning, with other staff saying that stress, food poisoning or other causes could have led to his illness. In Russia, Ekho Moskvyy radio quotes the director of the clinic, Professor Michael Zimpfer, as stating categorically that Yushchenko had not been poisoned, no evidence of poison having been found in his body. Suspicion, however, persists in several quarters, notwithstanding countervailing assertions and a decision by the Office of the Ukrainian Prosecutor-General to drop its criminal investigation into the matter.

Three months later, on 12 December, Zimpfer says in Vienna that the Rudolfinerhaus clinic has now completed all the relevant medical tests and has conclusively established

that Yushchenko had been deliberately poisoned: "We completed work on blood tests in the past 24 hours, and we have no doubt. It was definitely an attempt to poison him with dioxin". According to Ukrainian News agency, Yushchenko travelled to the clinic two days previously for a further medical examination. Abraham Brouwer, professor of environmental toxicology at the Free University in Amsterdam, is subsequently reported as saying that blood samples taken during the previous weekend in Vienna, which were sent to the University for analysis, show the level of dioxin in Yushchenko's blood as being more than 6,000 times higher than normal. He says that the concentration, about 100,000 units per gram of blood fat, is the second highest ever recorded.

11-14 September In Riyadh, a training programme of the Saudi CWC national Authority takes place. Responding to questions from journalists after officially opening the exercise, Saudi Assistant Under-Secretary for Political Affairs Prince Turki Bin Muhammad Bin Sa'ud al-Kabir says that Saudi Arabia is free from WMD and calls on the international community to pressure Israel to respect obligation set out under the CWC. The following day he also refers to the importance that all states in the Middle East abandon any chemical, biological and nuclear weapons in their possession.

13 September US Secretary of State Colin Powell says he now thinks it "unlikely" that any stockpiles of chemical or biological weapons will be found in Iraq [see also 16 May]. Testifying before the Senate Governmental Affairs Committee, Powell says that "some of the sourcing" used as a basis for his speech to the UN Security Council [see 5 Feb 03] "were flawed, were wrong", and that the sources "had not been vetted widely enough across the intelligence community." He continues: "What ... distressed me is that there were some in the intelligence community who had knowledge that the sourcing was suspect and that was not known to me... They knew at the time I was saying it that some of the sourcing was suspect." Powell says that creating a national intelligence director – one of the recommendations of the 9/11 Commission [see 22 Jul] – would ensure that all the intelligence was brought together and evaluated for officials who make decisions on it. This, he says, would guarantee that "what one person knew, everyone else knew."

13 September In Los Angeles, the Simon Wiesenthal Center hosts a conference on the subject of North Korea's alleged use of chemical weapons on political prisoners and their families, following a recent documentary [see 1 Feb and 28 Jul] on the matter. Representatives from the Center announce their intention to travel to Seoul in two or three months' time to talk to Dr Kim, a defector identified in the documentary, who had been invited to address the conference but who South Korea said was unable to travel "for security reasons".

13-23 September In Madrid, the first assistance and protection course for Latin American and Caribbean states parties takes place under Article 10 of the CWC. Jointly organized by the OPCW and the Spanish government, the course provides training for up to twenty participants involved in planning for, and building support teams in, civilian protection and defence and rescue operations in contaminated areas. It also focuses on appropriate responses and countermeasures in the event of incidents involving chemical-warfare agents and provides an overview of available international assistance. Participants are also be introduced to using protective equipment and to monitoring, detection, decontamination and sampling techniques.

14 September In South Korea, Director-General of the World Health Organization (WHO) Lee Jong-wook calls on the world to prepare for bioterrorism and points out that the WHO is currently taking part in an anti-bioterrorism campaign. Speaking at a press conference, Lee says: "As we have a worldwide network collecting information on outbreaks of diseases, we can determine whether an outbreak is caused naturally or artificially, that is, for the purpose of terror... We'll conduct drills for tackling hypothetical biowarfare by next spring."

15 September In North Korea, Christians are, amongst other things, reported to have been subjected to biological warfare experiments, according to the *International Religious Freedom Report 2004* compiled by the US Department of State. The report states: "[North Korea] deals harshly with all opponents, including those engaging in religious practices deemed unacceptable to the regime. Religious and human rights groups outside of the country have provided numerous, usually unconfirmed, reports that members of underground churches have been beaten, arrested, tortured, or killed because of their religious beliefs. Defectors interviewed by a former humanitarian aid worker claimed that Christians were imprisoned and tortured for reading the Bible and talking about God, and that some Christians were subjected to biological warfare experiments. The Government effectively bars outside observers from confirming these reports. However, the collective weight of anecdotal evidence over the years of harsh treatment of unauthorized religious activity lends credence to such reports."

15 September In Yerevan, Armenia, a seminar on *Controlled List Armenia-EU-USA* takes place, organized jointly by the Armenian Foreign Office and the US Department of Trade, the purpose of which is to discuss the possible development of a national list of controlled dual-function goods. Head of the Armenian Foreign Office Global Security Department Arman Israelyan says that the list is currently being developed and will include *inter alia* goods and equipment relevant to the non-proliferation of chemical, biological and nuclear weapons.

15 September In Darfur, Sudan, Syrian special units – with the authorization of the Sudanese government – used chemical weapons to kill dozens of people in June of this year, according to an article in the Hamburg *Die Welt*. The paper says that it has seen documents from Western intelligence services showing that Syrian officers met with representatives of the Sudanese army in Khartoum in May to discuss how military co-operation between the two countries could be expanded. According to these documents, the Syrian delegation is said to have offered Sudan closer co-operation in the realm of chemical warfare and proposed that the effects of the chemical agents be tested on the rebels of the Sudan People's Liberation Army (SPLA). Since, however, the Sudanese government was involved in peace negotiations with the SPLA at the time, the Sudanese delegation is said to have advised testing the chemical agents on the populace of Darfur instead. The article refers to eyewitness reports as published in various Arab media as having said that at least five aircraft of the Syrian civilian airline (Syrian Arab Airlines) flew from Damascus to Khartoum with specialists from the Syrian college for chemical warfare. The report says it is not known exactly when the operation commenced, but it refers to an article on 2nd August, on the Arab website *Ilaf*, which reported Sudanese eyewitnesses as having seen dozens of frozen bodies being taken to al-Fashr Hospital, Khartoum. Shortly afterwards, Sudanese soldiers are said to have cordoned off a wing of the building.

"German intelligence sources" are, however, reported by Deutsche Presse-Agentur (DPA) as saying that they have no information to confirm the allegation appearing in *Die Welt*. "We find the details very surprising and would have evaluated them differently," according to one of these sources. Asked to comment on the allegation, a spokesman for the Syrian Embassy in Berlin is quoted by DPA as saying: "We have nothing to say on this – the newspaper can write whatever it wants." Meanwhile, US State Department spokesman Richard Boucher says, during a press briefing, "[We] don't have anything on that... I've never seen anything like that in our reporting and the African Union reporting and the other reports on what's happened in Darfur... I have nothing at all that would lead us to believe it might have occurred that way." Asked whether the USA is looking into the allegations, Boucher replies: "If you ask me to, I suppose I will. I wouldn't – I don't know if anybody is looking into it at this point or not, whether anybody is seriously concerned... in general, we'd probably have to look into anything. But as I said, something like transfer and use of chemical weapons would have set off alarm bells if we had known about it." Responding to a request by OPCW Director-General Rogelio Pflirter that Sudan, as a CWC state party, provide its official position and any relevant information with regard to the allegations, the Sudanese Permanent Representative to the OPCW states that Sudan rejects the allegations, there being a lack of any evidence relating thereto.

16 September UN Secretary-General Kofi Annan says that the US-led invasion of Iraq [see 20 Mar 03] was "illegal" and contravened the Charter of the United Nations. When asked during an interview with BBC World Service whether he viewed the invasion as illegal, Annan replies: "Yes, if you wish... I have indicated it was not in conformity with the UN charter from our point of view, from the charter point of view, it was illegal."

17 September In the South Korean National Assembly, Foreign Minister Ban Ki-moon says that South Korea prevented North Korea from importing 70 tons of sodium cyanide from Thailand last year. The Seoul daily *Chosun Ilbo* reports that an unidentified South Korean company sold around 338 tons of sodium cyanide to a Thai company, which then arranged to ship 70 tons of it to North Korea. North Korea is reported to have attempted to import the chemical from Thailand in September last year. The cargo was stopped as a result of "close co-operation between the Thai and South Korean authorities", according to Thai Foreign Ministry spokesman Sihanak Phuangketkeow.

Three days later, South Korean Ministry of Commerce, Industry and Energy official Suh Young-joo says that "no sodium cyanide has been exported to North Korea". Speaking at a press briefing, he says that a domestic company has retrieved the 70 tons of sodium cyanide, out of the 338 tons exported to a company in Thailand in June of last year. "We are trying to track down the missing 195.8 tons of sodium by requesting further investigation by the Thai government," says Suh.

Seven days later, the South Korean Yonhap news agency quotes the South Korean Ministry of Commerce, Industry and Energy as saying that last year a Chinese company re-exported to North Korea 107 tons of sodium cyanide which it had purchased from a South Korean company. The next day, the South Korean Customs Service transmits to the National Assembly's defence committee a report stating that South Korea exported 73,925 tons of sodium cyanide to China and 3,540 tons to Malaysia since 1998.

17 September In London, talks are due between British, Libyan and US officials on the question of an extended

verification system to demonstrate that Libya has permanently given up weapons of mass destruction.

17 September In Washington, DC, the eighth *Legacy Forum* takes place, the subject this year being *Russian and US Chemical Weapons Destruction: Global Security and Nonproliferation*. The forum is hosted by Congressman John Spratt and Congressman Curt Weldon and sponsored by Global Green USA, Green Cross Russia and Green Cross Switzerland. Speakers discuss past successes, failures, and lessons learned from the US and Russian chemdemil programmes, as well as the implications for global security and nonproliferation, Co-operative Threat Reduction initiatives, and the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction [see 26-27 Jun 02].

17 September In the USA, tests undertaken at Newport Chemical Depot show that half of the 1,200 tons of VX stored there contain a stabilizer, which “has the potential to extend [the] schedule for destroying the entire Newport stockpile,” according to Site Manager Jeff Brubaker. The decommissioning, which had been expected to commence in the summer, has already been pushed back until later this year. The Associated Press reports that a previous estimate put the amount of time for the chemdemil at around two years.

18 September The Pakistani Senate adopts the *Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Bill 2004*. Passed four days previously by the National Assembly, the bill, which establishes export controls on goods, technologies, material and equipment, enters into force immediately. Speaking in the Assembly, Deputy Foreign Minister Makhdum Khusro Bakhtyar refers to the obligations to strengthen controls over sensitive materials and technologies as set out under UN Security Council resolution 1540 [see 28 Apr]. He also says that, in accordance with its obligations under the CWC, Pakistan already has similar regulations in force relating to chemical weapons.

18 September *The New York Times* quotes an unidentified intelligence official and an unidentified government official as saying that the US has concluded – in a new intelligence assessment – that it is no longer clear that Cuba has an active, offensive biological weapons programme. The new assessment, according to one of the officials, states that the intelligence community “continues to believe that Cuba has the technical capability to pursue some aspects of an offensive biological weapons program.” One of the officials is quoted as saying: “There is still much about Cuba that is cause for concern, including the production and export of dual-use items and cooperating with countries on the State Department’s list of state sponsors of terrorism... The new assessment is the product of a fresh, hard look at the reporting. [The new standards were] exceptionally stringent in how we treat our sources, evidence and analysis.” US Under-Secretary of State John Bolton has, on a number of occasions, asserted that Cuba had at least a limited offensive biological warfare research and development effort [see 6 May 02] and had also provided dual-use biotechnology to other “rogue states” [see 4 Jun 03].

20 September Bosnia-Herzegovina Defence Minister Nikola Radovanovic is quoted by the SRNA news agency as saying: “The [Bosnia-Herzegovina] armed forces do not have any kind of weapons of mass destruction – nuclear, chemical or biological. They do not have any intentions or experts for developing such weapons.” Radovanovic makes his comments during talks in Sarajevo with the Executive

Secretary of the Provisional Secretariat of the Comprehensive Nuclear Test Ban Treaty Organization, Wolfgang Hoffman.

20 September US President George Bush signs an Executive Order lifting a number of sanctions against Libya as a result of the latter having renounced its WMD programmes [see 19 Dec 03]. A State Department press release states: “The Executive Order ... terminates the National Emergency declared in 1986 under the International Emergency Economic Powers Act; removes remaining economic restrictions on aviation services with Libya, permitting direct scheduled air service and regular passenger charter flights, subject to standard safety and any other regulatory requirements; and unblocks approximately \$1.3 billion in assets frozen under the Libya sanctions program, belonging to both Libyan and non-Libyan entities. In accordance with a general policy of providing a level playing field for US business in Libya, the President has: waived a statutory prohibition in order to enable certain programs of the Departments of Agriculture and Commerce, including export credit guarantee programs; determined to waive the prohibition on the ability of US taxpayers to claim foreign tax credits for taxes paid to Libya... Libya remains designated a State Sponsor of terrorism. The termination of the national emergency will not effect a wide variety of other sanctions imposed on Libya due to its designation as a State Sponsor of terrorism...” The continued designation of Libya as a ‘State Sponsor of terrorism’ prevents it from receiving US arms exports, controls sales of items with military and civilian uses, limits US aid and requires the USA to vote against loans from international financial institutions.

20-21 September In Almaty, Kazakhstan, a conference takes place on *Biosafety, Biosecurity and Nonproliferation for Central Asia and the Caucasus*. It is jointly organized by the Monterey Institute of International Studies and the M Aikimbayev Kazakh Scientific Center for Quarantine and Zoonotic Diseases, and funded by the Canadian government. Attended by around eighty participants, the primary purpose of the conference is to provide non-proliferation training to government officials and public health workers of the region.

20-22 September In Beijing, there is the second [see 031029-31] meeting of CWC National Authorities of states parties in Asia, jointly organized by the government of the People’s Republic of China and the OPCW. More than 130 delegates from 32 countries attend the meeting, the purpose of which is to create a platform for the collective promotion in the region of the goals of the Convention.

21 September The UK *Sun* reports its having been handed a diskette, found on a train in a shopping bag, containing a plan for the evacuation of London in the event of, amongst other things, the use of chemical or biological weapons. The paper reports the 68-page dossier, dated 3 June 2004, entitled *Operation Sassoon: Metropolitan Police Traffic Plan for the Mass Evacuation of London* as stating: “Mass evacuation will result in casualties and probably loss of life. There is a possibility that the road network will become unusable due to gridlock.” The document is reported as saying that drivers escaping a strike on London would be routed on to motorways; special road signs having already been made by the Highways Agency, ready for use in a major alert. Responding to the *Sun* article, *The (London) Guardian* quotes an unidentified police source as saying that the report “would have been available to literally dozens of people and did not contain anything that will impact on current anti-terror operations.”

21 September In Enugu, Nigeria, the Ethnic Nationalities Movement issues a statement following a meeting, which condemns “the violent repressions of legitimate aspirations by Nigerians and the use of chemical weapons as evidenced by the attack on agitators by the Nigerian military in the Niger Delta area last week.” According to the Lagos *This Day*, the statement follows a raid on the hideout of the Asari Dokubo led Niger Delta Volunteer Force by a detachment of troops in Port Harcourt. Leader of the Ijaw National Congress (INC) delegation to the meeting, S A Bobo-Jama, is reported as having said during the meeting that Rivers State was the worst affected with about eleven fishing villages having been destroyed. He is also reported as having said that he had reliable information that the military used chemical weapons during its aerial bombardment of the militia positions, adding that soon after the operations the people started developing rashes, boils and other skin diseases, which could only have been caused by chemical weapons.

Three days later, the Associated Press quotes Nigerian Army spokesman Kanu as saying: “The Task Force has no access to any chemical weapons, and we can’t use what we don’t have.”

22 September Iraqi Justice Minister Malik Dohan al-Hassan tells the BBC that he supports the release of biological weapons scientist Dr Rihab Rashid Taha al-Azawi [see 12 May 03] and microbiologist Dr Huda Salih Mahdi Ammash [see 5 May 03] – both in US custody – as part of a general review of which prisoners should remain in custody. Speaking in an interview with the BBC television, al-Hassan says: “This subject has been under discussion for a month. We set up committees and they have been meeting for more than 21 days. All this has nothing to do with the kidnapping [of UK hostage Kenneth Bigley].” Meanwhile, *The Guardian* (London) reports al-Hassan as saying: “We couldn’t find any wrongdoing they have committed... The Americans said we should keep them because they are security detainees. I told them that those we can’t find any wrongdoing against should be released.” Iraqi Minister of State Kassim Daoud also tells journalists in Baghdad that the Iraqi judiciary had decided that there was not enough evidence to justify the women’s continued detention and that medical and security checks were taking place prior to their conditional release. By the end of the day, however, US and Iraqi officials appear to have agreed that neither of the two scientists would be released. A spokesman for the US embassy says: “[T]he two women are in legal and physical custody of the multinational forces in Iraq and neither will be released imminently.”

22-23 September In Hradec Kralove, Czech Republic, at the the fourth *Conference of Military Medical Doctors and Pharmacists* presentations are made on, amongst other subjects, the risks of smallpox; food bioterrorism; tabun intoxication; new chemical warfare ‘reactivators’; mustard gas; nerve agents; and non-lethal weapons. The conference takes place at the Military School of Health Sciences and is attended by around eighty participants from the Czech, Slovak and Polish armies.

22-23 September In Washington, DC, the Federation of American Scientists (FAS) Biosecurity Education Advisory Panel convenes for its first meeting. The purpose of the meeting is for the panel, which brings together experts in bioethics, biology research, and the growing field of bio-security, to advise the FAS on its project *Biosecurity Education for Biology Researchers*. The aim of the project is to promote awareness, discussion and analysis of the ethical dimensions of research that has implications for biosecurity.

23 September The Solomon Islands deposits its instrument of accession to the CWC with the UN Secretary-General, thus becoming – in thirty days – the 165th party to the Convention.

23 September In Zimbabwe, ten people have died from the effects of tear gas fired by police directly into the homes of the residents of a settlement near Harare on 2 September, according to Amnesty International, citing eyewitness accounts. In a press release, in which it calls for an independent inquiry into the matter, Amnesty International cites residents of the settlement as saying that all the deceased – several of whom were reported to have pre-existing illnesses, including tuberculosis – had been exposed to the gas. It says that hundreds of residents have complained of “chest and stomach pains, nose bleeding and other ill-effects” following the police operation. The press release adds: “This excessive use of force by Zimbabwe Republic Police is appalling. Firing tear gas into a confined space is completely contrary to international human rights standards on the use of force by law enforcement officials because of the danger posed to those exposed.”

Responding to the above allegation, Police spokesman Wayne Bvudzijena is quoted by the Associated Press as saying: “In the event of unnatural deaths, police are notified and reports are made. We are not aware of any such reports.” Four days later, he says: “We are surprised about this allegation... and we know it’s not true.”

Ten days subsequently, Amnesty International reports that an eleventh person has died from her injuries following the operation on 2 September.

23 September In London, the ‘Come Clean’ WMD Awareness Programme is launched. ‘Come Clean’, a non-governmental organization, describes itself as being “dedicated to providing trustworthy and up to date information on [WMD] world wide”. Speaking at the event, Mikhail Gorbachev gives a wide-ranging speech on global security issues.

23 September The US State Department has imposed sanctions on fourteen entities for having “engaged in activities that require the imposition of measures pursuant to Section 3 of the Iran Nonproliferation Act of 2000”. The said Act provides “for penalties on entities for the transfer to Iran, since 1 January 1999, of equipment and technology controlled under multilateral export control lists [, etc]...” Those black-listed comprise seven Chinese, two Indian, one North Korean, one Spanish, one Russian, one Ukrainian and one Belarus entity.

Commenting a week later at a press conference in Moscow on the imposition of sanctions on Belvneshpromservis Co, Belarussian Ambassador to Russia Vladimir Grigoryev says: “Belarus does not possess any such technologies, and it is immoral to allege we are taking part in the project. That won’t do.”

23-24 September In Quito, more than one hundred protestors call for the Ecuadorian Foreign Ministry to demand that Colombia halt the aerial spraying of coca and poppy plantations with herbicides, which they say is carried out as close as ten kilometres from the border, so reports the Inter Press Service (IPS) news agency. Indigenous peoples inhabiting the northern border of Ecuador, in the province of Sucumbíos, claim that the spraying of glyphosate, executed under Plan Colombia, has caused them to suffer skin lesions and has also damaged their food crops.

The next day, the protests continue with the protestors spraying the plants surrounding the Foreign Ministry with glyphosate. Meanwhile, the Paris-based International

Federation of Human Rights (FIDH) files an *amicus curiae* brief before the Constitutional Court to support a request that the government explain what action it has taken to protect the complainants from the effects of the crop sprayings. Ecuadorian Deputy Foreign Minister Edwin Johnson tells IPS that the protests do not represent the entire population of Sucumbíos, but “certain groups that are making these demands with an ulterior motive: gaining indemnification.” He argues that the lesions shown by the indigenous protesters are a symptom of diseases that are typical of the Amazon jungle region, rather than a consequence of aerial sprayings in Colombia. Johnson says that a year ago, the Colombian air force stopped spraying drug crops within ten kilometres of the border. He also says that a series of scientific studies ordered along the border by the governments of Ecuador and Colombia with the support of United Nations and Organisation of American States institutions and agencies concluded that the spraying posed no dangers.

24 September In Russia, *Izvestiya* publishes a report on the Soviet biological weapons programme and the defection to the UK, in October 1989, of founding director of the Institute of Ultra Pure Biological Preparations Vladimir Pasechnik. The author of the report, Leonid Zaval’skii, links Pasechnik’s death [see 21 Nov 01], from an infarct, to a “mysterious wave of death” involving eleven high-level scientists whose work was connected to the development of biological weapons. Zaval’skii reports that, since 11 September 2001, fifty expert microbiologists have died suddenly or committed suicide. He also refers to the death of “at least” five Russian microbiologists on a plane brought down by a Ukrainian missile over the Black Sea. The report also refers to the murder of Vladimir Korshunov who was found dead in a Moscow street with a broken skull. Korshunov was employed at Moscow State University where he worked on a vaccine against biological weapons.

24 September Russia has announced that its Pathogen Defence Programme – The Creation of Methods and Means of Defending the Population and Environment Against Hazardous and Extremely Hazardous Pathogens in Natural and Man-Made Emergency Situations During the Period 1999 to 2005 – will be suspended in 2005, according to the daily *Izvestiya*. General Director of the State Scientific Centre of Virology and Biotechnology (Vektor) Lev Sandakhchiev is quoted as saying: “Our Centre and many other scientific centres with a biological profile, are completely dependent on this programme.”

24 September The German Bundesrat approves draft legislation to allow the Bundeswehr to use, amongst other things, tear gas during operations not on German territory [see 1 Jul]. Arguing in favour of the law, the federal government had said that in its foreign operations the Bundeswehr must also be able to have recourse to other means, beneath the threshold of firearms, that can be deployed to combat disturbances. The approval by the Bundesrat comes just over two weeks after Bundestag approved the legislation.

25 September The Budapest daily *Népszabadság* reports the Hungarian Defense Ministry as having acknowledged that Hungary possessed chemical weapons during the Cold War era and had conducted military exercises using small quantities of agent during the 1960s and the 1970s. The paper quotes the Ministry’s communications spokesman, Peter Matyuc, as saying that since 1990 Hungary has, in accordance with its obligations under international law, worked to reduce its chemical weapons stockpiles to below the

permitted level – for use in testing protective equipment – and has destroyed the residue. The article quotes unidentified sources as saying that the agents in question are mustard gas, nerve agent and lewisite, and that the upper limit of the quantity thereof is in the range of a few kilograms.

27 September At UN headquarters, the Chairman of the Committee established pursuant to Security Council resolution 1540 [see 28 Apr] says the Committee has “passed the threshold of virtual activity to real-life operation”. Speaking at a press conference, Mihnea Ioan Motoc, of Romania, notes that the Committee was nearing the 28th October deadline for the submission of the first national reports, and stresses the obligation for all States to report to it. Responding to a question on country reports, Motoc commends the fact that two countries – Turkmenistan and Malta – had submitted their reports one month in advance of the deadline, adding that other countries were in an advanced stage of their report preparation: in some cases, outlines had been circulated. He says that the Committee has also initiated work in another area envisaged by the resolution, namely inter-organizational co-operation. In this regard, Motoc says he has written to the Director-General of the OPCW and the Director-General of the IAEA to express his readiness to meet in the future.

27-29 September In Moscow, the first annual Chemical Science and Commercialization Conference takes place, organized by the International Science and Technology Center (Moscow) and sponsored by the US Department of State Bio-Chem Redirect Program [see 12 May]. The aim of the conference is to introduce select chemical research and production institutes in Russia and Eurasia to potential Western industrial partners, investors and collaborators. Among those making presentations is former Director of the Stepnogorsk National Biotechnology Center Gennadiy Lepeshkin. The conference brings together more than three hundred persons representing forty companies and twenty-six research or production institutes in Russia and Eurasia. Global Security Newswire quotes “nonproliferation experts” as saying that the conference is the first time an effort has been made to engage chemical weapons scientists from the former Soviet Union.

27 September-1 October In Slovenska Lupca, Slovakia, a training course on providing assistance and protection against chemical weapons takes place at the Institute of Civil Protection. The training course is an annual event offered by the Slovak government under Article 10 of the CWC, offering participants a basic understanding of chemical weapons protection and national capacity building so as to assist them in training civilians in protection against chemical weapons in their respective countries. Fifteen specialists and experts from ten states parties — Albania, Algeria, Bulgaria, Brunei, Busnia & Herzegovina, Malaysia, Turkey, Uzbekistan, Vietnam and Iran — participate in the course.

27 September-1 October In Newport, USA, the Naval War College hosts the first Proliferation Security Initiative (PSI) maritime interdiction simulation [see also 19-22 Apr]. Delegates from seventeen states – Australia, Canada, Denmark, France, Germany, Greece, Italy, Japan, the Netherlands, Norway, Poland, Portugal, Russia, Singapore, Spain, UK and USA – participate in a series of intensive simulations designed to test decision-making in relation to potential interdictions of proliferation-related shipments.

28 September In Brighton, UK, Prime Minister Tony Blair apologizes for faulty intelligence on Iraqi weapons of mass destruction [see 24 Sep 02], but nevertheless defends

the US-led invasion of Iraq [see 20 Mar 03]. Speaking before delegates at the annual Labour Party conference, Blair says: "The problem is I can apologise for the information that turned out to be wrong, but I can't, sincerely at least, apologise for removing Saddam...The world is a better place with Saddam in prison not in power."

29 September The South Korean Ministry of Defence has predicted that should North Korea use chemical weapons "in a full-scale way", it would result in 2.19 million military and civilian casualties in the South within the first month of fighting, according to the South Korean *Chosun Ilbo*. The paper cites "2003 military research material" as predicting that North Korea would use "740 [tons] of chemical weapons all over the country within the first three days of fighting, killing or injuring 290,000 soldiers and 1.9 million civilians within a month, a total of 2.19 million dead and injured." The newspaper also says that the Ministry has estimated that "North Korea would use 70 [tons] of chemical weapons in the Seoul area alone, killing or injuring 1.2 million people." North Korea, it reports, is currently estimated to possess 2,500 - 5,000 [tons] of seventeen types of chemical weapons, including nerve, blistering, blood, asphyxiating and gas agents.

29 September In Greenbelt, USA, a federal grand jury charges an individual on six counts, including possession of unregistered toxins, an offence that carries a maximum sentence of life imprisonment. Myron Tereshchuk is currently imprisoned in Virginia having pleaded guilty in June to extortion in attempting to force MicroPatent, a trademark information company, to pay him \$17 million. Whilst searching his home in March, FBI agents found, amongst other things, items relating to ricin production.

30 September Sierra Leone deposits its instrument of accession to the CWC with the UN Secretary-General, thus becoming – in thirty days – the 166th party to the Convention.

October In the USA, the National Institute of Justice publishes a report on *Department of Defense Nonlethal Weapons and Equipment Review: A Research Guide for Civil Law Enforcement and Corrections*. The report, written by National Security Research, Inc, is intended to "inform Federal, State, and local agencies about the Department of Defense (DoD) Joint Nonlethal Weapons Program and the less-lethal weapons and equipment used by civil law enforcement agencies." The introduction to the report states that: "This review does not address issues surrounding DoD's Joint Nonlethal Weapons Program or issues related to nonlethal weapons research and development programs."

1 October In Geneva, the ongoing 111th session of the Assembly of the Inter-Parliamentary Union adopts a resolution on "the role of parliaments in strengthening multilateral regimes for non-proliferation of weapons and for disarmament, in the light of new security challenges." Among its operative paragraphs, the resolution: "Urges national parliaments to press their governments to sign, accede to and ratify, as appropriate, all conventions, treaties and other international instruments aimed at ensuring non-proliferation, arms control, disarmament and greater international security, and to implement them fully; ... Insists on the need to strengthen further the BTWC, in particular to establish a legally binding mechanism for its verification; ... Further calls on all countries to intensify efforts for the implementation of Security Council resolution 1540 (2004) and of United Nations General Assembly resolution 58/48, to prevent the spread of weapons

of mass destruction and their means of delivery, and to consolidate policies aimed at preventing the transfer, especially to terrorists, of equipment, materials and technology which may be used for the proliferation of such weapons."

1 October In the USA, *Science* magazine leaks details of a forthcoming report by the Research Advisory Committee on Gulf War Veterans' Illnesses which breaks with previous studies by concluding that there is a "probable link" between veterans' neurological damage and exposure to neurotoxins. The report states that "a substantial proportion of Gulf War veterans are ill with multisymptom conditions not explained by wartime stress or psychiatric illness." It says that possible sources of exposure are sarin from an Iraqi weapons depot blown up by American forces in 1991 [see 21 Jun 96], pyridostigmine bromide or pesticides used to protect soldiers from insects. The Committee's report attracts more attention, particularly in the UK, when details are leaked by the *New York Times* two weeks later. The report's conclusions lead to calls in the UK for the Ministry of Defence to accept the existence of Gulf War syndrome. In response to the report, US Secretary of Veterans Affairs Anthony Principi announces that his Department will no longer fund research studies that focus on stress as the primary cause for Gulf War veterans' illnesses and he commits \$15 million in FY05 to support research recommended by the report, including a new program to identify and evaluate treatments for Gulf War veterans. The final version of the report is released publicly a month later.

On the same day, the *American Journal of Medicine* publishes research by one member of the Research Advisory Committee on Gulf War Veterans' Illnesses which suggests that veterans with Gulf War syndrome appear to have subtle damage to the parasympathetic nervous system, likely caused by low-level exposure to the chemical warfare agent sarin. During the research, Dr Robert Haley of the University of Texas Southwestern Medical Center observed 19 healthy veterans and 22 with Gulf War illnesses over a 24-hour period, measuring several indicators of nervous system function. While the healthy veterans showed a normal increase in parasympathetic activity during sleep, resulting in a decline in heart rate, the ill veterans did not. Their night-time heart rates were, on average, eight beats per minute faster than those without the syndrome.

1 October In New York, Matthew Meselson, Thomas Dudley Cabot Professor of Natural Sciences at Harvard University and co-director of the Harvard Sussex Program is presented with the 2004 Lasker Award for Special Achievement in Medical Science. The award, granted by the Albert and Mary Lasker Foundation, recognizes a "lifetime career that combines penetrating discovery in molecular biology with creative leadership in the public policy of chemical and biological weapons."

2 October Deadline for CWC states parties to submit declarations regarding projected and anticipated production in 2005 at Schedule 1 facilities. By the deadline, 14 states parties had submitted information.

2 October From the USA, it is reported that US efforts to redirect Iraqi scientists away from WMD programmes are stalled [see 24 Jun]. Despite having announced the creation of the Iraqi International Center for Science and Industry [see 18 Dec 03], and having plans for a dozen workshops and seminars for hundreds of specialists from Iraq's old nuclear, biological and chemical weapons programmes, little has actually been achieved due to the worsening security situation in Iraq and a lack of funding. Anne Harrington, Deputy Director of the US State Department's

Office of Proliferation Threat Reduction, predicts that the coming year "is going to be a very challenging year for all programs". Only \$2 million has been found for the programme and no new money for Iraq has been specified in the Administration's budget request.

2 October In the USA, the Army's Armament Research Development and Engineering Center at Picatinny Arsenal, New Jersey, issues a solicitation for a 15-20km range 155mm artillery shell capable of carrying a non-lethal "liquid payload". Payload agent effectiveness will be tested at the Army Edgewood Chemical Biological Center.

3 October In the USA, the *New York Times* reports that the FBI might have become aware of Dr Kenneth Berry [see 5 Aug] in relation to the 2001 anthrax mailings due to his interest in bioterrorism issues. Since his and his parents houses were raided, Berry has neither been charged nor named as a suspect in the 3-year investigation into the mailings. Instead, the newspaper cites unidentified federal officials as saying that the raids were intended to eliminate Berry from their inquiries and that the searches had yielded nothing incriminating. In 1997 Berry had founded an organization to train first responders, and colleagues are cited as believing that he was "connected" in Washington. However, the *New York Times* reports that Berry had falsified his educational credentials and had overemphasized his relationship with the Defense Threat Reduction Agency. The newspaper also reports that former Chief of Product Development at Fort Detrick William Patrick III had given Berry a two-day course in late 2000 on using pathogens, including anthrax, as weapons.

4 October In Iraq, according to WorldNetDaily, another chemical munition has been found, reportedly a 122mm Borak rocket warhead that contains traces of sarin. Two days later, WorldNetDaily publishes pictures, apparently obtained from a US Army source in Iraq, of what it alleges is the interior of one of the trailers initially believed [see 28 May 03] to be Iraqi mobile biological weapons facilities. WorldNetDaily states that the "rare glimpse" inside the trailer "indicates the most likely use for the mobile unit was the production of biological agents and not hydrogen [see 15 Jun 03]." It also states that the trailer matches "in design and configuration the mobile weapons labs US intelligence learned about several years ago from an Iraqi scientist." [but see 28 Mar].

4 October At UN headquarters, during the ongoing 59th session of the General Assembly, the First Committee (Disarmament and International Security) begins its general debate. The debate phase of the Committee's work concludes on 14 October. Thematic discussion on the items before the Committee and the introduction and consideration of draft resolutions begins on 18 October. The Committee finally concludes its work on 5 November.

4 October At the Council on Foreign Relations in New York, US Secretary of Defense Donald Rumsfeld appears to downplay links between Saddam Hussein's Iraq and al-Qaeda. During the question and answer session following his speech, he responds to a question on the links between the two as follows: "I have seen the answer to that question migrate in the intelligence community over the period of a year in the most amazing way. Second, there are differences in the intelligence community as to what the relationship was. To my knowledge, I have not seen any strong, hard evidence that links the two." The statement is seen by many as contradictory to statements by other Bush Administration officials and Secretary Rumsfeld soon issues a clarification

to his answer which he states was "regrettably misunderstood". In the clarification Secretary Rumsfeld states: "I have acknowledged since September 2002 that there were ties between Al Qaeda and Iraq."

4 October In the USA, the Sunshine Project publishes *Mandate for Failure: The State of Institutional Biosafety Committees in an Age of Biological Weapons Research*. The 52-page report contains the results of the eight-month survey of 390 institutional biosafety committees which the Project initiated earlier in the year [see 14 Apr]. The committees are local bodies operating under non-binding guidelines managed by the National Institutes of Health which have recently been given a new 'biosecurity' mandate to oversee the conduct of dual-use research with biological weapons agents [see 4 Mar]. However, the survey shows that the IBC system is in a "state of disrepair" and that there is "a crisis in biological research transparency in the United States." In response to the survey's request for copies of IBC meeting minutes, less than 5 per cent submitted a response assessed as "adequate", while 45 per cent were unable or unwilling to respond, despite the fact that the NIH guidelines require them to do so.

The report recommends: "The IBC system and, hence, the US approach to review of biological weapons research will only be made effective by making it a matter of law. A regulated system should establish real, enforceable consequences for noncompliance and a level playing field by making binding regulations equally apply to all institutions conducting biological weapons and biotechnology research. This will bring together the fractured oversight of federal laboratories, bring in the private sector, and create more robust and responsible committees in all sectors by providing a sorely needed incentive for compliance. Absent these requirements, [National Science Advisory Board on Biosecurity] mandates are destined to fail because they cannot be practically implemented and enforced."

4-6 October In Montreux, Switzerland, there is the 6th International Security Forum. On 5 October, a workshop on *Biological Weapons – Easy to Develop, Difficult to Deploy?* is hosted by the Centre for Security Studies, Swiss Federal Institute of Technology in cooperation with the Swiss Federal Office for Public Health.

4-8 October In Plovdiv, Bulgaria, there is the Eighth Annual Workshop to Coordinate Assistance and Protection under the CWC.

5 October In the USA, the Department of Health and Human Services announces a shortage of flu vaccine caused by a manufacturing problem in the Chiron vaccine plant in Liverpool in the UK. The US government had been relying on Chiron to produce 46 million to 48 million of the 100 million doses planned for this year. The rest was to be produced by one other vaccine manufacturer, Aventis, leaving the US vulnerable to any problems in supply. Chiron's licence for the vaccine has been revoked by the UK Medicines and Healthcare Products Regulatory Agency, due to bacterial contamination at the plant. Following the announcement, there is debate as to whether the Bush Administration is right to be spending over \$5 billion on new vaccines against potential biological warfare agents under its BioShield programme when there are such problems with the vaccine against flu, a disease which kills 36,000 people every year in the USA.

5 October From Pyongyang, the North Korean government criticizes the decision of South Korea to tighten

export controls on sodium cyanide [see 17 Sep]. The official *Rodong Sinmun* newspaper says: "The attitude taken by the South Korean authorities towards the export of sodium cyanide is related to a fundamental issue showing whether they stand for national cooperation or cooperation with the outside forces." The newspaper adds: "Deals in sodium cyanide are being done among countries on the principle of meeting each other's needs for their economic performance and progress. Therefore, it would pose no problem in trade."

6 October In New Zealand, the Health Committee of the House of Representatives publishes the report of its inquiry into the exposure of New Zealand defence personnel to Agent Orange and other defoliant chemicals during the Vietnam War and any health effects of that exposure. The Committee's 297-page report makes a number of recommendations to the government, including: "that it accept that New Zealand's Vietnam veterans were exposed to a toxic environment ... ; that it publicly acknowledge that successive governments have failed to recognise that Vietnam veterans were exposed to a toxic environment during their service"

6 October In Moscow, the State Commission on Chemical Disarmament convenes to consider the chemdemil budget and priorities for 2005. Chairman Sergey Kiriyyenko says: "We have defined three main areas: the safety of storing toxic agents, ways to increase funding, and the adjustment of the chemical weapons disposal programme." Kiriyyenko says that funding for the chemdemil programme will almost double in 2005 to 11.16 billion roubles. Of this, 2.5 billion roubles is expected to be from foreign donors. Priorities for 2005 will be focused on the safety and security of chemical weapons disposal; ensuring the smooth operation of the chemical weapons destruction facility in Gornyy; observing the schedule of demolition of the chemical weapons production facilities in Volgograd, Novocheboksarsk and Dzerzhinsk; conducting research and experimental programmes for selecting and perfecting methods of eliminating toxic agents, and providing social guarantees for local residents. The Commission also decides to fund an environmental study, which has been demanded by ecological groups, of the areas where military toxic substances had been stored or destroyed prior to 1993.

6 October In the USA, the CIA releases the long-awaited *Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD*. The three-volume, 966-page report presents the findings of the Iraq Survey Group's (ISG) investigations into Iraq's WMD programmes from June 2003 until September 2004. Special Adviser to the Director of Central Intelligence on Iraq's WMD Programmes Charles Duelfer and Brigadier General Joseph McMenamin, military commander of the ISG, appear before the Senate Armed Services Committee to answer questions on their report. On the Iraqi regime's "strategic intent", the report states: "Saddam wanted to recreate Iraq's WMD capability—which was essentially destroyed in 1991—after sanctions were removed and Iraq's economy stabilized, but probably with a different mix of capabilities to that which previously existed. Saddam aspired to develop a nuclear capability—in an incremental fashion, irrespective of international pressure and the resulting economic risks—but he intended to focus on ballistic missile and tactical chemical warfare (CW) capabilities."

On chemical weapons, the report's key findings are: "Saddam never abandoned his intentions to resume a CW effort when sanctions were lifted and conditions were judged favourable: Saddam and many Iraqis regarded CW as a proven weapon against an enemy's superior numerical strength, a

weapon that had saved the nation at least once already—during the Iran-Iraq war—and contributed to deterring the Coalition in 1991 from advancing to Baghdad.

"While a small number of old, abandoned chemical munitions have been discovered, ISG judges that Iraq unilaterally destroyed its undeclared chemical weapons stockpile in 1991." The report later states that, beginning in May 2004, the ISG recovered a total of 53 pre-1991 Gulf War chemical munitions, among them a "152mm binary sarin artillery projectile containing a 40 per cent concentration of sarin" [see 15 May] which was rigged as an improvised roadside explosive device.

"Iraq's CW program was crippled by the Gulf war and the legitimate chemical industry, which suffered under sanctions, only began to recover in the mid-1990s. Subsequent changes in the management of key military and civilian organizations, followed by an influx of funding and resources, provided Iraq with the ability to reinvigorate its industrial base. [...]

"The way Iraq organized its chemical industry after the mid-1990s allowed it to conserve the knowledge-base needed to restart a CW program, conduct a modest amount of dual-use research, and partially recover from the decline of its production capability caused by the effects of the Gulf War and UN-sponsored destruction and sanctions. Iraq implemented a rigorous and formalized system of nationwide research and production of chemicals, but ISG will not be able to resolve whether Iraq intended the system to underpin any CW-related efforts. [...]

"Iraq constructed a number of new plants starting in the mid-1990s that enhanced its chemical infrastructure, although its overall industry had not fully recovered from the effects of sanctions, and had not regained pre-1991 technical sophistication or production capabilities prior to Operation Iraqi Freedom (OIF). [...]

"Iraq's historical ability to implement simple solutions to weaponization challenges allowed Iraq to retain the capability to weaponize CW agent when the need arose. Because of the risk of discovery and consequences for ending UN sanctions, Iraq would have significantly jeopardized its chances of having sanctions lifted or no longer enforced if the UN or [a] foreign entity had discovered that Iraq had undertaken any weaponization activities. [...]

"Saddam's Leadership Defense Plan consisted of a tactical doctrine taught to all Iraqi officers and included the concept of a 'red-line' or last line of defense. However, ISG has no information that the plan ever included a trigger for CW use. Despite reported high-level discussions about the use of chemical weapons in the defense of Iraq [see 28 Mar 03], information acquired after OIF does not confirm the inclusion of CW in Iraq's tactical planning for OIF. We believe these were mostly theoretical discussions and do not imply the existence of undiscovered CW munitions.

"Discussions concerning WMD, particularly leading up to OIF, would have been highly compartmentalized within the Regime. ISG found no credible evidence that any field elements knew about plans for CW use during Operation Iraqi Freedom. [...]

"ISG uncovered information that the Iraqi Intelligence Service (IIS) maintained throughout 1991 to 2003 a set of undeclared covert laboratories to research and test various chemicals and poisons, primarily for intelligence operations. [...]

"ISG investigated a series of key pre-OIF indicators [see 5 Feb 03] involving the possible movement and storage of chemical weapons, focusing on 11 major depots assessed to have possible links to CW [see 10 Nov 03]. A review of documents, interviews, available reporting, and site

exploitations revealed alternate, plausible explanations for activities noted prior to OIF which, at the time, were believed to be CW-related. [...]

The ISG report later contains information on the 'al-Abud' network, a grouping of Iraqi insurgents who in late 2003 and early 2004 actively sought chemical weapons for use against occupying troops. Young or inexperienced chemists recruited by the network attempted to produce tabun, nitrogen mustard and ricin. While the ISG has been able to disrupt the al-Abud network and neutralize its chemists and chemical suppliers, the network's leaders and financiers remain at large and alleged chemical munitions remain unaccounted for. The ISG report states: "The most alarming aspect of the al-Abud network is how quickly and effectively the group was able to mobilize key resources and tap relevant expertise to develop a program for weaponizing CW agents. If the insurgents had been able to acquire the necessary materials, fine tune their agent production techniques, and better understand the principals behind effectively dispersing CW, then the consequences of the al-Abud network's project could have been devastating to Coalition Forces."

On biological weapons, the key findings of the report are: "The Biological Warfare (BW) program was born of the Iraqi Intelligence Service (IIS) and this service retained its connections with the program either directly or indirectly throughout its existence. [...]"

"In 1991, Saddam Husayn regarded BW as an integral element of his arsenal of WMD weapons, and would have used it if the need arose. [...]"

"ISG judges that Iraq's actions between 1991 and 1996 demonstrate that the state intended to preserve its BW capability and return to a steady, methodical progress toward a mature BW program when and if the opportunity arose. [...]"

"In practical terms, with the destruction of the Al Hakim facility [see 20 Jun 96], Iraq abandoned its ambition to obtain advanced BW weapons quickly. ISG found no direct evidence that Iraq, after 1996, had plans for a new BW program or was conducting BW-specific work for military purposes. Indeed, from the mid-1990s, despite evidence of continuing interest in nuclear and chemical weapons, there appears to be a complete absence of discussion or even interest in BW at the Presidential level.

"Iraq would have faced great difficulty in re-establishing an effective BW agent production capability. Nevertheless, after 1996 Iraq still had a significant dual-use capability—some declared—readily useful for BW if the Regime chose to use it to pursue a BW program. Moreover, Iraq still possessed its most important BW asset, the scientific know-how of its BW cadre. [...]"

"Depending on its scale, Iraq could have re-established an elementary BW program within a few weeks to a few months of a decision to do so, but ISG discovered no indications that the Regime was pursuing such a course. [...]"

"ISG judges that in 1991 and 1992, Iraq appears to have destroyed its undeclared stocks of BW weapons and probably destroyed remaining holdings of bulk BW agent. However ISG lacks evidence to document complete destruction. Iraq retained some BW-related seed stocks until their discovery after Operation Iraqi Freedom (OIF) [see 2 Oct 03]. [...]"

"ISG is aware of BW-applicable research since 1996, but ISG judges it was not conducted in connection with a BW program. [...]"

"The IIS had a series of laboratories that conducted biological work including research into BW agents for assassination purposes until the mid-1990s. ISG has not been able to establish the scope and nature of the work at these laboratories or determine whether any of the work was related

to military development of BW agent. [...]"

"In spite of exhaustive investigation, ISG found no evidence that Iraq possessed, or was developing BW agent production systems mounted on road vehicles or railway wagons [see 5 Feb 03]. ... Although ISG has conducted a thorough investigation of every aspect of this information, it has not found any equipment suitable for such a program, nor has ISG positively identified any sites. No documents have been uncovered. Interviews with individuals suspected of involvement have all proved negative. ISG harbors severe doubts about the source's credibility in regards to the breakout program [see also 9 Jul]. ISG thoroughly examined two trailers captured in 2003 [see 7 May 03], suspected of being mobile BW agent production units, and investigated the associated evidence. ISG judges that its Iraqi makers almost certainly designed and built the equipment exclusively for the generation of hydrogen. It is impractical to use the equipment for the production and weaponization of BW agent."

6 October In the US Senate, the Health, Education, Labor and Pensions Committee and the Judiciary Committee convene a joint hearing on *BioShield II: Responding to An Ever-Changing Threat*. During the hearing, pharmaceutical manufacturers plead for stronger liability protection, while an infectious disease expert urges a broadening of the provisions to encourage antibiotic development.

7 October At UN headquarters, the United Nations Institute for Disarmament Research (UNIDIR), the Arms Control Center's Scientists Working Group on Chemical and Biological Weapons, the Verification Training and Information Centre (VERTIC) and the NGO Committee on Disarmament, Peace and Security co-sponsor a forum on "Should the UN Have a Standing Capability for WMD Investigations?" Addressing the meeting are Ambassador Henrik Salander, the Secretary-General of the WMD Commission, Barbara Hatch Rosenberg, the Chair of the Scientists Working Group on CBW at the Center for Arms Control and Non-Proliferation and W Pal S Sidhu of the International Peace Academy.

7 October From London, *Nature* magazine publishes research on the 1918 'Spanish' influenza pandemic. The research, undertaken by Yoshihiro Kawaoka of the University of Wisconsin at Madison in the USA, shows that adding the 1918 gene for the surface protein haemagglutinin (HA) to modern viruses made them far deadlier to mice. The team reports that HA has an unexpected capacity for sending the body's immune system into overdrive, causing inflammation, haemorrhage and death. The experiment involved the insertion of genes from the 1918 strain into modern flu viruses creating a "highly virulent recombinant virus". The team conclude that: "Once the properties of the ... HA gene that gave rise to its lethal infectivity are better understood, it should be possible to devise effective control measures and to improve global surveillance networks for influenza viruses that pose the greatest threat to humans as well as other animal species."

Following publication of the research, there is much debate, including on ProMed, about the containment level at which the experiment was carried out and the risks of such a recombinant flu virus escaping from the laboratory. Kawaoka's research was initially carried out in a BSL-4 facility at Canada's National Microbiology Laboratory in Winnipeg. However, the team then decided the viruses were safe enough to handle at the next level down, and did the rest of the work across the border in a BSL-3Ag lab in Madison. Kawaoka reports that while survivors of the 1918 pandemic have a high level of antibody to the engineered virus, people infected recently with

a similar flu virus do not: "Thus, a large section of the population would be susceptible to an outbreak of a 1918-like influenza virus." The head of the WHO's global influenza programme, Dr Klaus Stohr, is quoted as saying: "What we mustn't forget is that what they're working on is not the 1918 virus. [But] if we find ... some disagreement internationally on which level of bio-safety is the appropriate one, then we would definitely consider pulling a group of experts together and come up with a WHO opinion on this subject."

7 October In London, the Wellcome Trust and the Royal Society, the UK's national academy of science, jointly convene a meeting *Do No Harm: Reducing the Potential for the Misuse of Life Science Research*. The meeting brings together practising life scientists with policy makers, funders and other interested parties to identify what the issues are and how they might be addressed. The report of the meeting, which is published some two months later, lists a number of key points arising from the meeting and possible next steps: "Research institutions and funding agencies need to consider how to build on existing processes for reviewing research projects to ensure that risks of misuse are assessed in an appropriate and timely manner; Preventing publication of basic research would not prevent the misuse of advances in the life sciences; Self governance by the scientific community was favoured, rather than new legislation; Although some scepticism was expressed about the value of codes of conduct, it was suggested that the scientific community should take the lead in determining any codes of conduct or good practice, to pre-empt their introduction through legislation or other 'top down' approaches; Education and awareness-raising training are needed to ensure that scientists at all levels are aware of their legal and ethical responsibilities and consider the possible consequences of their research."

7 October In the USA, Secretary of Health and Human Services Tommy Thompson announces four new contracts totalling more than \$232 million to fund the development of new vaccines against smallpox, plague and tularaemia. The National Institute of Allergy and Infectious Diseases (NIAID) will administer two contracts totalling up to \$177 million for the continuation [see 030225] of advanced development of MVA vaccines against smallpox. The three-year contracts were awarded to Bavarian Nordic and Acambis. Avecia Biotechnology wins a three-year \$50.7 million contract to cover the manufacture of a new plague vaccine as well as animal testing and initial human trials. In addition, NIAID modifies an existing contract with DynPort Vaccine Company to include the manufacture of a pilot batch of live, attenuated tularemia vaccine. The three-year, \$4.5 million contract modification also covers stability testing of the vaccine.

7 October In Washington, DC, US District Judge Reggie Walton criticizes federal officials for continuing to talk to the media about Stephen Hatfill in relation to their investigation of the 2001 anthrax mailings. Responding to Hatfill's lawyer's complaints that his name is still being leaked, Judge Walton says: "I am troubled. It undermines what this country is about: that people are treated fairly. If they didn't have the information to indict him, it's wrong to drag his name through the mud. And if the innuendo and whisper campaign is continuing, that's what they're doing." In contrast to his earlier opinion [see 29 Mar], Judge Walton expresses doubt that the FBI is close to catching the perpetrator of the mailings: "Candidly, from my review of the classified information, it doesn't seem to me that anything is going to happen in the near future that's going to change the status quo". Judge Walton also expresses impatience that the Department of Justice has

requested a further six months for it to submit its written depositions, and orders the Department to respond to Hatfill's allegations within 30 days.

Two weeks later, lawyers for the Justice Department and Stephen Hatfill again appear before Judge Walton. They have reached a compromise allowing Hatfill's lawyers to depose journalists, although depositions against Federal officials will be delayed for a further six months to prevent the inadvertent disclosure of sensitive information in the ongoing investigation. The use of waiver forms to reveal the identity of sources used by journalists in their stories is criticized by some.

8 October From OPCW headquarters, the Technical Secretariat issues a press release describing the response of the Sudanese government to a request for clarification from the OPCW Director-General following allegations of the use of chemical weapons in Darfur [see 15 Sep]. The press release describes how, in its response, the Sudanese government "categorically rejects the allegations, which in the view of the Sudanese Government lack any evidence." In addition, the Sudanese Permanent Representative to the OPCW states that "Sudan, as a State Party to the Convention on the Prohibition of Chemical Weapons, is totally committed to its substance and objectives, and is an active proponent of the Convention's universality and implementation."

8 October In the UK, the High Court rules in favour of a former soldier who was subjected to chemical weapons testing at Porton Down. A Pensions Appeal Tribunal had ruled that Thomas Roche's illness was not "attributable to service", but Mr Justice Davis rules that the Tribunal had "erred in law" in rejecting Roche's pension application. He says that the tribunal had taken a wrong approach to expert evidence used to rule out the possibility of a causal link and must reconsider the case.

8 October In the USA, the US Army announces the availability of the Final Environmental Impact Statement [see 27 Aug 02] for its proposed expansion of facilities at the Dugway Proving Ground. The FEIS says that: "Overall, the biological defense testing program would more than double as measured by the number of tests. Biological agent and stimulant use would also show substantial increases with the Proposed Action." Under the plans, Dugway would also almost double its chemical defence activities: "As the nation's only chemical agent defense proving ground, [Dugway Proving Ground] is the primary location for testing of chemical defense equipment for the [Department of Defense]. Based on concerns about potential use of chemical agents in the future, the US is strengthening its chemical agent defense program. As with biological defense testing measures, the Army has been given the lead among armed services for testing and evaluation related to chemical agent defense." Counterterrorism would be expanded "from a minimal activity to a substantial mission component." In addition, the plan proposes a permanent annex to the Lothar Salomon Life Sciences Test Facility, where biological defence tests are run and which is currently using four temporary modular BSL-2 and 3 laboratories. The FEIS says that Dugway is the only Army installation large and remote enough to conduct "comprehensive and realistic" testing of biological and chemical systems, munitions, smoke and obscurants, without posing a risk to public safety.

8-10 October At Wiston House in the UK, there is a Wilton Park conference on *Chemical and Biological Weapons: Confronting New Challenges*, convened in

cooperation with the Chemical and Biological Arms Control Institute (CBACI). Making presentations are: Patrick Lamb, Counter-Proliferation Department, UK Foreign and Commonwealth Office; Don Mahley, Deputy Assistant Secretary of State for Arms Control Implementation, US Department of State; Alexander Khodakov, Director for Special Projects, OPCW; Volker Beck, Adviser for Biological and Chemical Weapons, Department for Disarmament and Arms Control, German Federal Foreign Office; Brian Eyre, Chairman, Royal Society Committee on Science Aspects of International Security; Ronald Lehman, Director, Center for Global Security Research, Lawrence Livermore National Laboratory; Tuan H Nguyen, Herbert York Postdoctoral Fellow, Center for Global Security Research, Lawrence Livermore National Laboratory; Stacey Knobler, Director, Forum on Microbial Threats, Institute of Medicine; and Terence Taylor, President and Executive Director, International Institute for Strategic Studies–US. Participants to the conference hear reports from US and UK government officials on lessons for CBW non-proliferation from Iraq and Libya.

9 October In Kenya, the recently announced winner of the 2004 Nobel Peace Prize, Wangari Maathai, says that HIV/AIDS was researched and developed by scientists in developed countries to “punish the Blacks” [see also 30 Aug]. Maathai says: “Although I am a biologist, I have not done any research. I may not be able to say who developed the [HIV] virus but it was meant to wipe out the Black race.” In an interview with *Time* magazine, she says: “I have no idea who created aids and whether it is a biological agent or not. But I do know things like that don’t come from the moon. I have always thought that it is important to tell people the truth, but I guess there is some truth that must not be too exposed. ... I am sure people know where it came from. And I’m quite sure it did not come from the monkeys. Why can’t we be encouraged to ask ourselves these questions?” Two months later, when she is awarded the Peace Prize in Oslo, Maathai denies ever having alleged that AIDS was deliberately caused: “I neither say nor believe that the virus was developed by white people or white powers in order to destroy the African people. Such views are wicked and destructive.” She tells Norwegian television: “I didn’t say what was reported that I said, and I don’t believe in that either. But I want to confirm that this is a destroying illness for all. It’s important that we tell our people how to protect themselves against the illness, how to receive treatment and how to protect future generations.”

10 October In India, personnel from the parliamentary security team are being sent for nuclear, chemical and biological training at the Defence Research and Development Organization (DRDO) in Gwalior, so it is reported.

10 October In the USA, the *Chicago Tribune* reports on the impending launch by the National Memorial Institute for the Prevention of Terrorism (MIPT) of its *Terrorism Knowledge Base*. The publicly accessible database carries information on over 18,000 terrorist incidents and 1,000 terrorist groups stretching back to 1968. The database can be searched by a variety of criteria including terrorist group, region, date, type of incident, number of casualties and weapons used. The newspaper reports that the database lists 15 incidents of biological terrorism, 12 of which were the anthrax mailings in the USA in late 2001.

10 October In the USA, a former commander of Dover Air Force Base, Colonel Felix Grieder, says that military officials used his troops as guinea pigs in illegal medical experiments under the government’s controversial anthrax

vaccination programme [see 5 May 99]. Colonel Grieder is quoted in the Wilmington *News Journal* as saying: “In my opinion, there was illegal medical experimentation going on.” He alleges that the military intentionally put squalene into the anthrax vaccine given to personnel at the airbase, although the military argues that any contamination occurred accidentally. Reacting to Grieder’s allegations, Delaware’s congressional delegation write to Secretary of Defense Donald Rumsfeld asking him to conduct an investigation into the claims. Two weeks later, Assistant Secretary of Defense for Health Affairs William Winkenwerder replies to the Congressmen saying that the vaccine is safe and that no personnel were subjected to medical experiments. He also states that the allegations have already been investigated and proven to be unfounded and declines to say whether the Department of Defense will conduct an inquiry or cooperate with an independent one.

11 October In Moscow, deputy director of the Federal Agency for Industry Viktor Kholstov gives reporters details of the report on its chemdemil activities which Russia will present to the forthcoming thirty-eighth session of the OPCW Executive Council. Kholstov says: “We will inform the OPCW Executive Council of the destruction of chemical weapons stockpiles and of the construction of detoxification plants in compliance with the terms set up for Russia by the conference of the OPCW last year.” He says that Russia will meet its 2007 chemdemil deadline by “destroying the stockpiles at Gornyy and by putting into operation the Kambarka plant in Udmurtia in 2005 and the Maradykovskiy plant in Kirov Region in 2006.” Of Russia’s eight Chemical Weapons Production Facilities awaiting destruction, Kholstov says: “Six of these have been destroyed, and the other two will have been terminated by 29 April 2007. We are going to have our amendments to the conversion at two chemical facilities in Volgograd adopted at the forthcoming session.” Following the session, Russian Foreign Ministry spokesman Aleksandr Yakovenko says that Russia “will fulfil its obligations to destroy 20 per cent of chemical weapons stockpiles by 29 April 2007.” He continues: “Russia has presented the session with information on the course of the destruction of chemical weapons in our country and on the construction of new facilities for this purpose [see 6 Oct]. This will enable us to fulfil our obligations to destroy 20 per cent of chemical weapons stockpiles by 29 April 2007.”

11 October In Luxembourg, representatives of the European Union and Emomali Rakhmonov, the President of Tajikistan, sign a Partnership and Cooperation Agreement. The agreement is one of the first agreements between the EU and a third country which includes the new non-proliferation clause [see 17 Nov 03].

11 October In the UK, death of Peter Kerr, the 12th Marquis of Lothian, aged 82. As Parliamentary Under-Secretary at the Foreign Office from 1970-72 with responsibility for African affairs and disarmament, Lothian strongly advocated the 1972 Biological Weapons Convention.

11 October In London, the Foreign and Commonwealth Office hosts the 17th session of the HSP London CBW Seminar at which John Ellis van Courtland Moon, Professor of History Emeritus at Fitchburg State College, speaks on *The Korean War and After: Responding to Allegations about Biological or Chemical Weapons*.

11 October In the USA, there is an impending shortage of rhesus macaque monkeys that is likely to impede

future biodefence research projects, so *Congressional Quarterly* reports. The price of individual monkeys has risen as demand has increased and as the supply of monkeys from China has decreased. Many monkeys are already allocated to AIDS research, and biodefence scientists are concerned that there would not be enough monkeys if there was a sudden surge in demand to respond to a bioterrorist attack. According to Michael Hopmeier, a special adviser to the US Surgeon General, the Pentagon's Defense Advanced Research Projects Agency and other government agencies: "Today it is an area of concern. In the near future, it's going to be a significant problem."

11-12 October In Kuala Lumpur, there is an international workshop on smallpox biosecurity organized by the Smallpox Biosecurity Organization [see 21-22 Oct 03] for countries in Asia and the Pacific. The workshop is sponsored by smallpox vaccine manufacturer Acambis and endorsed by Imperial College London and the Université de Lausanne. It is the third in a series [see 9-10 Sep]. The workshop is facilitated by Marie Chevrier of the University of Texas and Professor Ricardo Wittek of the University of Lausanne, Institute for Animal Biology, and includes a fictional scenario in which terrorists release smallpox. Presenters at the workshop include: Dr Roger Roffey of the Swedish Defence Research Agency; Dr Paul Blum, Director of Clinical Operations, Acambis; Dr Joanne Cono, Senior Medical Officer, Bioterrorism Preparedness and Response Program, Centers for Disease Control and Prevention, USA; Caroline Hiser, Principal Analyst, EWA Information and Infrastructure Technologies; Dr J Michael Lane, Professor Emeritus, Emory University School of Medicine, previously head of the smallpox eradication programme at the CDC; Dr Ali Kahn, Associate Director for Science, CDC; Dr Prasert Thongcharoen, Professor Emeritus Division of Virology, Department of Microbiology, Faculty of Medicine, Mahidol University, Thailand; Colonel Henri Garrigue, Biologics Expert, WMD Centre, NATO HQ; and Dr Nirmal Singh, Deputy Director of Disease Control, Disease Control Division, Ministry of Health, Malaysia.

11-12 October In London, at Chatham House, the Royal Institute for International Affairs hosts a two day conference on *Global Non-proliferation and Counter-terrorism: UN Security Council Resolution 1540* in association with the Netherlands Institute of International Relations and the UK Foreign and Commonwealth Office. Among the speakers are: Ambassador Mihnea Motoc, Chair of the 1540 Committee; Rogelio Pflirter, Director-General of the OPCW; Ron Manley, former OPCW Director of Verification; Andrew Semmel, Deputy Assistant Secretary of State for Nonproliferation, US Department of State; Ron Lehman, Director, Center for Global Security Research, Lawrence Livermore National Laboratory; Gerald Epstein, Senior Fellow, Homeland Security Program, Center for Strategic and International Affairs; Barry Kellman, International Weapons Control Center, De Paul University College of Law; Terence Taylor, President and Executive Director, IISS-US; and Elizabeth Prescott, American Academy for the Advancement of Science Congressional Fellow, US Senate Committee on Health, Education, Labor and Pensions.

12 October In Bishkek, Kyrgyzstan, Foreign Minister Askar Aytmatov presents Kyrgyzstan's instrument of accession to the BWC to his Russian counterpart, Sergey Lavrov, thereby making Kyrgyzstan the 153rd state party to the treaty. Foreign Minister Lavrov tells reporters: "We welcome the completion in Kyrgyzstan of the Convention accession procedures and highly appreciate the fact that Kyrgyzstan chose Russia as one of the depositaries of this document for

the delivery of the appropriate instruments. The main significance of this step is that now, when the struggle against the proliferation of weapons of mass destruction is one of the most urgent tasks, when this task is directly connected with the fight against international terrorism, any steps to strengthen the international legal regime for the nonproliferation of weapons of mass destruction are a reflection of the high sense of responsibility of the respective states. That's how Russia regards this important decision of the leadership of Kyrgyzstan."

12 October In the UK House of Commons, Secretary of State for Foreign and Commonwealth Affairs Jack Straw announces, in a written ministerial statement, that the lines of intelligence reporting on the '45-minute' claim [see 24 Sep 02] and on Iraqi production of biological agent have been formally withdrawn by the Chief of the Secret Intelligence Service (MI6). The statement reads: "The report on the review of intelligence on weapons of mass destruction chaired by Lord Butler of Brockwell, published on 14 July 2004 ... , highlighted in chapter 5.9 the importance of effective scrutiny and validation of human intelligence sources, and concluded that validation of sources after the war had thrown doubt on a high proportion of the sources and their reports. Specifically, the review concluded that the validity of the line of reporting which included the 45 minutes intelligence had come into question; it further concluded that reporting received from a liaison service on Iraqi production of biological agent was seriously flawed. The Chief of SIS has now written to the Intelligence and Security Committee (ISC) to inform the Committee that, as a result of further investigation by SIS, both these lines of intelligence reporting have been formally withdrawn. This is normal practice in such cases." Despite the withdrawal, Secretary Straw tells the House: "But I do not accept, even with hindsight, that we were wrong to act as we did in the circumstances that we faced at the time. Even after reading all the evidence detailed by the Iraq Survey Group [see 6 Oct], it is still hard to believe that any regime could behave in so self-destructive a manner as to pretend that it had forbidden weaponry, when in fact it had not." Saying that "the evidence that we put forward was a view that was widely shared at the time by other foreign intelligence agencies", Straw releases a document revealing that former UNMOVIC Executive Chairman Hans Blix also shared that assessment. The 12 March 2002 letter from a UK official in New York reports Blix's comments on an early draft of the UK's September 2002 dossier: "On the whole, Blix liked section 6—he felt it did not exaggerate the facts, nor revert to rhetoric, probably both desirable for its credibility."

12 October At the Anniston Chemical Activity in Alabama, the last of the 42,738 GB-filled M55 rockets have been transferred from their storage igloos to the Anniston Chemical Agent Disposal Facility. On 26 October, a team of OPCW inspectors arrives for the tenth such visit to the facility to verify that accurate records are being kept of the transporting of munitions from the storage to the destruction facility. On 29 October, the Chemical Materials Agency reports that all of the M55 rockets stored at Anniston have been destroyed by the chemdemil facility. Storage crews will now begin training for shipment of 8-inch artillery shells containing GB, the next type of munition scheduled for destruction, which is anticipated to begin in December.

12 October In the USA, the journal *Biosecurity and Bioterrorism: Biodefense Strategy, Practice, and Science* publishes a survey of leaders from US government, academia and industry regarding US biodefence countermeasures. The survey, conducted by researchers from the Center for

Biosecurity of the University of Pittsburgh Medical Center, demonstrates that those surveyed believe “that the measures the US government has taken to date, including the passage of the BioShield legislation [see 21 Jul], will not be enough to entice pharmaceutical industry leaders into this field and will not produce the countermeasures the nation needs for a truly effective biodefense.” Instead, the survey found “a widely shared sentiment that an ‘organism-by-organism’ approach is not an effective long-term strategy for countermeasure development. The number of potential threat agents (and engineered agents) is much too large to have a ‘one-bug-one-drug’ approach. In the long-term, new paradigms for countering infectious disease will be needed, and the overall drug development process must be shortened.” In terms of the threat, “most” survey respondents “felt that a naturally occurring epidemic caused by an emerging pathogen for which we do not currently have countermeasures is a virtual certainty. There were a range of views regarding what the most probable bioterrorist scenarios of the future might be, with some believing that attacks with well-known existing bioweapons like anthrax are most likely and others being most worried about attacks with bioengineered pathogens.” A common concern was that BioShield does not address the liability concerns of the companies from which countermeasures are sought.

12-13 October In Lillestrøm, Norway, there is the second Norwegian International Defence Seminar, this year on *Defence Against Weapons of Mass Destruction: International Cooperation and National Preparedness*. The seminar is organized by the Forsvarets Forskningsinstitutt (FFI), the Norwegian Defence Research Establishment. Among the speakers are: Professor Malcolm Dando, Department of Peace Studies, University of Bradford, speaking on “The Vital Role of Multilateral Disarmament Treaties in Preventing the Use of Weapons of Mass Destruction Both in War and by Terrorists”; Dr Thomas Inch, Former Chief Executive of the Royal Society of Chemistry, speaking on “Chemical Weapons - Perception and Reality”; Dr Amy Smithson, Senior Fellow, Center for Strategic and International Studies, speaking on “Bioterrorism: Gauging the Threat of Bioterrorism, Preparing to Respond”; Dr Jonathan Tucker, Senior Researcher, Monterey Institute of International Studies, speaking on “Global Governance of Contentious Science: The Case of the WHO’s Oversight of Smallpox Virus Research”; and Dr Brynjar Lia, Senior Researcher, FFI, Kjeller, speaking on “al-Qaida’s CBRN Programme: Lessons and Implications.” The speakers’ presentations are later posted on the internet.

12-15 October At OPCW headquarters, the Executive Council reconvenes [see 29 Jun – 1 Jul] for its thirty-eighth regular session. [For further details, see *Progress in The Hague* above].

13 October In Moscow, the upper house of the Federal Assembly, the Federation Council, sends a parliamentary request to Prime Minister Mikhail Fradkov expressing concern about the implementation of Russia’s chemdemil programme and Russia’s ability to meet its CWC obligations. The chamber asks Prime Minister Fradkov to allocate additional funding to the chemdemil programme to allow Russia to destroy 20 per cent of its stockpile by 29 April 2007.

13 October In the UK House of Commons, following the withdrawal the previous day of certain intelligence on Iraq’s suspected chemical and biological weapons programmes [see 12 Oct], Prime Minister Tony Blair says: “I made it abundantly clear—and do so again—at the time of the Butler report [see 14 Jul] that I take full responsibility and,

indeed, apologise for any information given in good faith that has subsequently turned out to be wrong. That is entirely proper; I have already done that. I do not accept in any way that there was any deception of anyone. ... I cannot bring myself to say that I misrepresented the evidence because I do not accept that I did.”

13 October In the USA, details of a 361-page US Army report into problems with anthrax contamination at the US Army Medical Research Institute of Infectious Diseases (USAMRIID) at Fort Detrick during the investigation into the 2001 anthrax mailings are reported in *USA Today*. The report, obtained under the *Freedom of Information Act*, details how a range of handling mistakes probably led to the contamination of ancillary areas within the BSL-3 laboratory where anthrax samples were being analysed. Over eight months, USAMRIID researchers ran tests on 30,000 suspect envelopes, packages and other items that arrived at the laboratory and also tested about 320,000 environmental samples. During the investigation into the contamination, colonies of three anthrax strains, Sterne, Vollum 1B and Ames, were found outside the containment laboratory. The investigators concluded that the Sterne and Vollum 1B colonies had probably persisted for years, even back to the US offensive BW programme. The report does not state whether the Ames strain came from the letter sent to Senator Daschle. The *USA Today* article says that the problems at Fort Detrick identified in the report raise broader safety concerns, particularly given the plans to build many more laboratories handling lethal pathogens across the USA, some in urban areas. The newspaper quotes biodefence expert Alan Zelicoff: “The message here from a scientific and policy standpoint is profound. Facilities that are medical and microbiological may not be suitably equipped for dealing with aerosolized versions of the organisms that they otherwise deal with in great safety. ... These facilities probably ought not be located in a heavily populated area. How do you contain smoke?”

13 October At Dugway Proving Ground in the USA, the last of 22 recovered chemical weapons is destroyed by the mobile Explosive Destruction System. The weapons had been fired on the Ground’s ranges in tests over past decades. Among the munitions destroyed are 13 mustard mortars, two sarin bomblets and seven containers of distilled sulfur mustard.

13-14 October In Arbil, Iraq, at the Kurdistan National Assembly there is a conference on genocide and the crimes of the Ba’athist regime in Kurdistan. Among the events covered during the conference is the use of chemical weapons against the Kurds in the late 1980s [see 18 Mar 88].

13-15 October In Almaty, Kazakhstan, the government and the OPCW Technical Secretariat organize the Second Regional Workshop for Central Asian National Authorities.

14 October In the USA, the National Nuclear Security Administration announces the expansion of its efforts to train border guards and customs officials worldwide to combat the threat posed by the illicit smuggling of WMD-related equipment and technology. The NNSA export control office has designed a new Commodity Identification Training (CIT) curriculum to educate and train customs inspectors and border enforcement personnel from around the world in techniques of detection and interdiction. By the end of November, these training courses will be conducted in coordination with 11 countries, including Lithuania, Latvia, Georgia, Turkey, Thailand and Ukraine.

14-15 October At the Swedish Defence Research Agency in Umeå there is a NATO Partnership for Peace workshop on environmental and industrial health hazards and public health concerns in international missions. Among the speakers are Cornelius Wolterbeek of the NATO WMD Centre who speaks on "NATO's updated nuclear, biological and chemical agent threat evaluation".

15 October In Moscow, Chief Public Health Officer Gennadiy Onishchenko tells reporters that "Russia needs a biological security program to ensure that it does not fall behind the rest of the world." He identifies two specific areas of concern: "The first is the rapid development of biotechnology as a scientific discipline. Impressive successes have been achieved in this field: the human genome, the use of transgenes, the creation of medications based on the achievements of bioengineering, preparations relating to immune biology. For the sake of national security it is vitally important that we do not lag behind the rest of the world in the development of these fields. The second is the problem of protecting particularly dangerous production facilities, ensuring compliance with technological and security requirements at these installations and the presence of professional skilled personnel. Dependence upon imports of foodstuffs and medications constitutes a serious threat." During the interview, he also recalls the effect of the 2001 anthrax mailings in the USA on Russia: "The first instance was fall 2001, when it was necessary to investigate more than 600 envelopes suspected of carrying traces of malignant anthrax spores. Staffers from the city's health and epidemic centers travelled to the post office to collect them wearing anti-plague suits. And indeed they did find one envelope bearing malignant anthrax microbes - it was addressed to the United States Consulate in Yekaterinberg [see 1 Nov 01]."

15 October In Kaliningrad, the adviser of the federal agency for safe storage and destruction of chemical weapons of the Russian Defence Ministry, Anatoly Karpov, says that Russia's chemical weapons stockpile will be completely destroyed by 2012.

15 October From Tripoli, during a visit by German Chancellor Gerhard Schröder, Libyan leader Colonel Ghaddafi says that Western nations should thank him for his "services to international peace" in renouncing Libya's WMD programmes [see 19 Dec 03].

15 October In Belfast, Northern Ireland, former internees and republican prisoners gather to mark the 30th anniversary of the burning of Long Kesh prison. On 15 October 1974, around 800 internees and prisoners took over the prison and began to burn its buildings. The prison was only retaken the following day by a major military operation during which the internees and prisoners allege British troops used CR gas, rather than the CS gas which rioters had prepared themselves for. Former inmate Kevin Carson tells the Belfast *Irish News*: "We could cope with CS gas because people were used to it and we had the respirators. But this CR gas was different. The canisters from the helicopter exploded 100 feet from the ground into dozens of cluster bombs which fell all over the pitches. The first physical feeling I had was of drowning. My body felt as if it was filling up with fluid. Other men felt as if they were on fire. Men were lying on the ground choking and screaming." Thirty years on, the use of the gas is still causing controversy: "[They] denied using CR gas, but a few weeks later their doctors tested everyone's blood. We hadn't asked for tests and were never given the results. Since then an awful lot of the men who inhaled the gas on the pitches have

developed cancer. Many have died and we are calling on the British government to come clean on what gas was used on us. [They] were eventually forced to admit that CR gas was sent to Long Kesh but still deny actually using it [see also 14 Oct 00]."

15 October In the UK, a mineshaft in the Forest of Dean that was used to store mustard gas is to be capped, according to reports.

16 October From Qatar, the Doha *Al-Sharq* publishes an interview with Abd-al-Fattah Badawi, who is described as "Egypt's representative in the International Programme for Verification of Chemical Weapons." During the interview, Badawi says: "The agreement on the ban of chemical weapons has, to a certain extent, limited the trend towards chemical weapons. But the conferences I attended in Stockholm predicted that in the next 10 years biological weapons would be predominant, which would pose a very serious threat, due to the fact that the 21st century is the century of genetic engineering and biotechnology. ... It is the biological weapon which is the worst and most dangerous weapon. Its destructive power exceeds several times that of nuclear and chemical weapons." Badawi also claims that AIDS was produced by the US Army [see also 9 Oct]: "The AIDS virus appeared as a result of research by the US Army, and it then got out of control. The United States has missions in Africa to test this virus, according to a German report. But the virus got out of control and so the epidemic spread in Africa and then Europe and America. The virus is transferred through sexual relationship and also blood transfusion. ... But human beings did not make sex with apes. The virus was actually extracted from apes for the purpose of using it as a biological weapon. But, it got out of control and developed and scientists failed so far to find a serum for it."

17 October In Israel, the Israel Defence Force is to deploy a new acoustic 'non-lethal' weapon in response to criticism of its use of tear gas against Palestinians in the Occupied Territories and of the lack of 'non-lethal' alternatives to live ammunition [see 1 Oct 03], so the London *Sunday Telegraph* reports. The system, known as The Shout, uses a high intensity, high frequency sound beam to incapacitate targets up to 100 yards away without causing them permanent physical damage. According to an IDF spokesman: "The Shout produces an intolerable sound, which either completely neutralises the subject or drives the person to escape the scene. The system has undergone a series of tests by the IDF's Medical Corps, which determined it causes no permanent physical damage."

17 October From London, *Al-Sharq al-Awsat* interviews Giovanni di Stefano, the controversial lawyer who is to represent Saddam Hussein. During the interview Di Stefano says that he has enough evidence to prove that Saddam did not use any chemical weapons against Iraqi Kurds. He also says that he met Osama Bin Laden in Baghdad in 1998 and that UNSCOM Executive Chairman Richard Butler saw the two men meeting.

17 October In Amman, Jordan's military prosecutor Lt Col Mahmoud Obeidat issues indictments for 13 individuals suspected of involvement in an earlier terrorist plot [see 13 Apr] to attack targets in the city with chemical weapons. Among the 13 is Abu Musab al-Zarqawi, currently believed to be in Iraq and responsible for the deaths of a number of foreign hostages. The State Security Court has already sentenced al-Zarqawi to death and the USA has offered a \$25

million reward for his capture. Although al-Zarqawi has denied that chemical weapons were to be used in the attack, the indictment says that an experiment conducted under the supervision of the military prosecutor, using small amounts of the chemicals found, "led to a strong explosion and a poison cloud which spread over an area of 500 meters." Besides al-Zarqawi, three other men are also still on the run and will be tried *in absentia*. If convicted by the State Security Court, 12 of the men face the death penalty.

18 October From Azerbaijan, the Baku *Yeni Musavat* reports that one of two members of Egyptian Islamic Jihad arrested in the country has said that the terrorist group has chemical and biological weapons which it intends to use against selected US targets. According to Ahmad Salam Mubarak, the weapons have been acquired from countries in the former Soviet Union. Mubarak and Izem Hafiz Mubarak claim that they were captured by CIA operatives. Both men have been handed over to the Egyptian authorities, thus inciting threats of revenge attacks on Azerbaijan from Islamic Jihad.

18 October In Tehran, the new Iraqi ambassador to Iran is interviewed by journalists. Majid Abbas Shaykh says: "Saddam Husayn had weapons of mass destruction and was a person who used chemical weapons against his own people in Halabja. The Iranian nation wasn't safe from Saddam's chemical attacks. The Iranian victims of these attacks are still suffering. If Saddam was given a better opportunity, he would have made more use of these weapons." He adds: "Before his ouster, Saddam sold his weapons of mass destruction to other countries in order to prove that he didn't possess such weapons."

18 October In France, police are investigating written threats against food and cosmetics companies warning that their products will be poisoned unless they each pay EUR1 million. An unidentified group calling itself AZF made the threats against eight multinational companies in July, but officials have found no evidence of a pending poison plot, says a national police spokesman. He refuses to name the companies but adds: "We are taking it seriously. Corporate blackmail like this can be disastrous for the companies concerned, even if the threat isn't real. The top priority now is to identify the blackmailers."

18 October In Brussels, the New Defence Agenda's Bioterrorism Reporting Group [see 21 Jun] convenes for its second meeting, *Countering Bioterrorism: Science, Technology and Oversight*, co-organized with Acambis [see 11-12 Oct] and Symphogen. Approximately 40 representatives from national governments, industry and European Union institutions gather to "review the increasing risks Europe faces, assess the adequacy of its current response mechanisms, and formulate recommendations to EU policymakers." A month later, the NDA publishes a report reflecting the Group's first two meetings and making three recommendations: "Improved national defences against bioterrorist attacks are needed – especially regarding laboratory resources and R&D; there is a need for international coordination of effective crisis response; and a real-time reporting system needs to be developed." The Group's next meeting will be on 25 January 2005 on *Next Generation Threat Reduction: Bioterrorism's Challenges and Solutions*.

19 October In Brussels, the European Union and Syria finally sign an Association Agreement in the presence of Syrian Foreign Minister Faruq al-Shara and European Commissioner for External Relations Chris Patten,

thus completing the grid of agreements with the EU's Mediterranean Partners. Like all Association Agreements, the documents covers political, economic and social and cultural matters. However, negotiation of the agreement had proved contentious [see 8 Apr] as it was one of the first [see also 11 Oct] to be drafted since the EU decided to include a non-proliferation clause in all new agreements [see 17 Nov 03]. The agreement must now be submitted to decision-making bodies on both sides and later ratified by Parliaments. Besides the Syrian and Tajik agreements, the non-proliferation clause has also been inserted into a draft Stabilization and Association Agreement with Albania. Discussions are under way in the context of negotiations of an interregional Association Agreement with Mercosur, a free trade agreement with the Gulf Cooperation Council countries and the review of the ACP-EU Cotonou agreement with 77 African, Caribbean and Pacific states. In addition, under the EU's new European Neighbourhood Policy, draft action plans containing WMD chapters have been negotiated with Ukraine, Moldova, Tunisia, Morocco, Israel, Jordan and the Palestinian Authority.

19 October In Israel, the Supreme Court issues an order nisi on a petition filed by the Legal Center for Arab Minority Rights in Israel instructing the state to provide, within two months, an explanation for crop-spraying operations over Bedouin villages in the Negev. The Court also extends an earlier injunction [see 22 Mar] which prohibits the state from aerially spraying the crops in question.

19 October In Moscow, the head of a parliamentary investigation into the siege and subsequent massacre at a school in Beslan in North Ossetia says that the terrorists had taken unidentified drugs which allowed them to continue fighting despite being badly wounded and presumably in great pain. Senator Alexander Torshin says that the General Prosecutors Office has identified the substance as heroin. Torshin says: "But I'm not satisfied with the response, because we know pretty much about the effects of heroin, and about the effects of other narcotics. I think something absolutely new was used there."

19 October At UN headquarters, during the ongoing 59th session of the General Assembly, the Polish delegation in the First Committee [see 4 Oct] introduce a draft resolution on the CWC (A/C.1/59/L.16). Malaysia, on behalf of the Non-Aligned Movement introduces a draft resolution on measures to uphold the authority of the 1925 Geneva Protocol (A/C.1/59/L.12). Hungary introduces a draft resolution on the BWC (A/C.1/59/L.17). The CWC draft is later approved by the Committee without a vote on 27 October and by the General Assembly without a vote on 3 December (A/RES/59/72). The Geneva Protocol resolution is also approved by the Committee on 27 October by a recorded vote of 165 in favour to none against, with 3 abstentions (Israel, Marshall Islands and USA) and is adopted by the General Assembly on 3 December by a recorded vote of 179 in favour to none against with 5 abstentions (Israel, Marshall Islands, Micronesia, Palau, USA) (A/RES/59/70). The BWC resolution is approved by the Committee without a vote on 3 November and by the General Assembly on 3 December, again without a vote (A/RES/59/110).

19 October In the USA, Basic Books publishes *Vaccine A: The Covert Pentagon Experiment That's Killing Our Soldiers – And Why GI's Are Only The First Victims* by Gary Matsumoto. The book argues that illnesses associated with Gulf War syndrome can be linked to the anthrax vaccine which Matsumoto believes is unsafe due to the addition of squalene [see 10 Oct].

19 October From the USA, research is published in the *Proceedings of the National Academy of Sciences* which demonstrates how, on a molecular level, the smallpox virus attacks its host. The research, funded by the National Institute of Allergy and Infectious Diseases, uses a newly-developed primate model which is also described in *PNAS*. The research uses DNA microarrays to analyze host gene expression patterns in sequential blood samples from each of 22 infected cynomolgus macaques. The monkeys had been infected as part of a WHO-approved experiment to develop an animal model with a disease course with features consistent with human smallpox. By exposing monkeys to both aerosolized virus and inoculation, the researchers achieved their goal of "producing serious, systemic disease with features of human smallpox." However, they add that: "[F]urther developmental work is required to model the full spectrum of human disease more faithfully."

19-20 October In Harare, the Zimbabwean government and the OPCW Technical Secretariat organize the Second Regional Meeting of CWC National Authorities in Africa.

19-20 October In Dublin, there is Jane's Less Lethal Weapons 2004 Conference on *Critical Incident Intervention Including Less-Lethal Weapons in War and Peace*. The conference attracts protests and demonstrations by activists concerned that some of the weapons being exhibited could be used in torture.

19-20 October At UN headquarters, the Inter-Parliamentary Union [see 1 Oct] convenes its annual parliamentary hearing at the United Nations. The topic of this year's meeting is *From Disarmament to Lasting Peace: Defining the Parliamentary Role*. The UN Department for Disarmament Affairs prepares a background note on "Strengthening international regimes for arms control and disarmament".

20 October In Brussels, the European Commission adopts four communications on terrorism, including one on "Preparedness and consequence management in the fight against terrorism" which gives an overview of the Commission's civil protection framework and its health protection programmes.

20 October At UN headquarters, Madagascar deposits its instrument of ratification of the CWC with the Secretary-General. In 30 days time, Madagascar will therefore become the 167th state party to the treaty.

20 October In Strasbourg, France, the Grand Chamber of the European Court of Human Rights begins hearing the case of *Roche v. the United Kingdom*, first submitted to the European Commission of Human Rights eight years ago [see 2 Feb 96]. Thomas Michael Roche [see 8 Oct] is a former soldier who was exposed to mustard gas and nerve agent at Porton Down in 1963. Roche's lawyers are arguing that Roche was denied adequate access to information concerning the tests he underwent at Porton Down in violation of Articles 8 (right to respect for private life) and 10 (freedom of expression) of the European Convention on Human Rights. A verdict is expected later this year, or early in 2005.

20 October US President George Bush issues a presidential determination authorizing the use of Cooperative Threat Reduction funds for the destruction of Albania's chemical weapons stockpile [see 23-24 Apr]. The chemdemil operations will be carried out by the Department of Defense.

The determination states that the obligation of CTR funds will "permit the United States to take advantage of an opportunity to achieve longstanding nonproliferation goals." A press release issued a day later by Senator Richard Lugar says that it will be the first time that CTR money will be spent outside of Russia. The release states: "I am pleased that President Bush has embraced the Nunn-Lugar concept and has endorsed efforts to apply it worldwide. ... Nunn-Lugar has developed a unique capability to meet a variety of proliferation threats and I am excited that it will address this unique threat present in Albania." Albania has already received US assistance to secure the Chemical Weapons Storage Facility (of which there are pictures on Senator Lugar's website) which contains 16 tons of bulk chemical agent. The USA will now contribute \$20 million to the project which is expected to take two years to complete. According to unidentified US officials quoted in the *Washington Post*, the chemical weapons were acquired more than 15 years ago by Albania's former Communist government. Albania's current government has said that it discovered the stockpile while surveying the country for hidden small arms caches placed in remote areas by the former government, according to the newspaper.

20 October In Washington, DC, OPCW Director-General Rogelio Pflirter meets Assistant Secretary of State for Arms Control Stephen Rademaker, Assistant Secretary for International Organization Affairs Kim Holmes and other senior State Department officials. He also meets the Chair of the Organization of American States' Committee on Hemispheric Security, Carmen Marina Gutiérrez Salazar.

21 October In the UK, the Secretary of State for Foreign and Commonwealth Affairs presents to Parliament the second annual report on the UK contribution to the UN, entitled *The United Kingdom in the United Nations*. On counter-proliferation, the report states: "The UK had highlighted for some time the lack of effective Security Council action to deal with the major threat to international peace and security posed by the proliferation of Weapons of Mass Destruction. The Council had not held a generic discussion of this issue since 1992 [see 31 Jan 92], although it had obviously dealt specifically with the threat posed by Iraq's prohibited weapons programmes." An annexed paper setting out the Government's views on some of the issues being considered by the High Level Panel on Threats, Challenges and Change [see 031103] states: "A more direct Security Council role on terrorism or proliferation may be necessary in response to more specific threats, particularly those where terrorism or proliferation at state level is a threat. In this context, the presence of terrorism or WMD would be a significant factor affecting decisions on when military intervention is necessary. There may be other ways in which the UN can act to strengthen the multilateral proliferation regimes, such as introducing a verification regime for the Biological and Toxin Weapons Convention"

21 October In the UK House of Commons, the Public Administration Select Committee takes evidence from Lord Butler of Brockwell, the chairman of the Committee to Review Intelligence on Weapons of Mass Destruction [see 14 Jul and see also 7 Sep]. Responding to criticism that his report failed to pass judgement on the policy decisions of the government and did not single out individuals for blame, Lord Butler says: "If we had come across evidence of distortion or wilful negligence, we would have not hesitated to identify that and those concerned with it. It would have been a heavy responsibility and one where it would have been improper for us to say that we think the government should resign on this issue. One is talking about people's futures and reputations,

and that is not a light matter, although it is sometimes treated lightly in the public discussion of these matters.” In his evidence to the Committee, Lord Butler also describes how government ministers tried to resist demands from his inquiry to see key documents, notably the Attorney-General’s legal opinion on the legality of military action against Iraq: “There were moments when we had a bit of tension with the government about whether they would disclose documents to us. One of those was the attorney general’s legal opinion. Had we gone public [saying] we think this is relevant to our committee and the Government had not given us access to it, we would have had huge public and media support and that was an important leverage on the Government.”

21 October At UN headquarters, during the ongoing 59th session of the General Assembly, OPCW Director-General Rogelio Pflirter addresses the Assembly and presents the OPCW’s report on the implementation of the CWC over the previous two years.

21 October In the US Senate, Senator Carl Levin, the ranking Democrat on the Armed Services Committee, publishes a report of an inquiry by his staff into the alternative analysis of the issue of an Iraq-al Qaeda relationship. The report focuses on the establishment of a non-Intelligence Community source of intelligence analysis in the office of Under Secretary of Defense for Policy Douglas Feith, and the extent to which policymakers utilized that alternative source rather than the analyses produced by the Intelligence Community with regard to the issue of any relationship between Iraq and al Qaeda before the Iraq war. The report argues that intelligence relating to the Iraq-al-Qaeda relationship was exaggerated by high ranking officials in the Department of Defense to support the Administration’s decision to invade Iraq when the intelligence assessments of the Intelligence Community did not make a sufficiently compelling case.

21 October In Boston, USA, a student is killed after being hit in the face by a pepper-spray-filled ‘non-lethal’ round fired by police during a disturbance following a baseball game. The projectile, fired from an FN 303 compressed-air launcher, contained oleoresin capsicum and is “specially designed to break up on impact, thereby eliminating any risk of penetration injury”, according to the manufacturer’s website. However, the 21 year-old female student died after the projectile penetrated her eye socket. Two separate police investigations are subsequently launched to discover whether police had adequate training, whether the launcher worked properly and whether police made the correct decision in using the weapons to control the crowd.

21 October In Washington, DC, the Center for International Policy and the Center for Defense Information co-host a conference on *The Evidence for Keeping Cuba on the US List of Terrorist States*. Addressing the conference, Jonathan Tucker of the Monterey Institute Center for Nonproliferation Studies describes a recent visit with other experts to four military facilities in Cuba. Referring to US allegations of biological weapons research in Cuba [see 9 Oct 03 but see also 18 Sep], Tucker says: “We can’t give Cuba a clean bill of health, but we have no evidence to support these allegations. They have the capability, but so do we.” Tucker says that the facilities were producing items such as cartilage capsules for vitamin supplements and vaccines to combat diseases such as Hepatitis B.

22 October In Almaty, Kazakhstan, foreign ministers of the 17-nation Conference on Interaction and

Confidence Building Measures in Asia (CICA) meet. They adopt a declaration which includes the following: “We reaffirm that proliferation of nuclear, chemical and biological weapons and their means of delivery pose a threat to international peace and security, and call upon all states to fulfill their respective obligations in the sphere of disarmament and non-proliferation. In this regard, it is vital to prevent terrorist and criminal groups from attempts to acquire nuclear, chemical, biological and radiological weapons, their means of delivery and related materials and multilateral efforts to reduce this threat should be greatly encouraged.”

22 October In London, Czech Ambassador Stefan Fule pledges another £40,000 [see 10 Oct 03] to support chemdemil operations in Russia. The money is to be managed by the UK Ministry of Defence under its bilateral agreement on chemdemil with Russia [see 20 Dec 01]. The Czech contribution will be used to fund construction at the Shchuch’ye Chemical Weapons Destruction Facility.

25 October In Tehran, the Iranian Cabinet approves implementing legislation for the CWC, according to government spokesman Abdollah Ramezanzadeh. Briefing reporters, Ramezanzadeh says: “According to the draft, Iran’s Customs Administration is required to declare the statistics on all the exported and imported chemicals listed in the triple tables of the related treaty to the relevant national secretariat. Based on one of the articles of the draft, except the materials listed in the treaty, production, proliferation, stockpiling, use, threat to use, direct or indirect transportation of chemical weapons, as well as assistance in setting up the related production units by anyone is banned.” The bill must now be sent to the parliament for finalization.

25 October In Shikhany, Russia, there is growing unrest at the State Organic Synthesis Technology Institute which is on the verge of bankruptcy and where the staff have not been paid for over a year. The institute, which used to develop the Soviet Union’s chemical weapons, has been in financial trouble for years [see 18 Feb 94]. It owes 100 million roubles to energy companies and its own employees and is now without power. A number of Institute staff have written to Russian Emergencies Minister Sergey Shoygu warning of an impending natural disaster if nothing is done to safeguard the chemical agents stored there. Staff have decided to go on hunger strike if their wages are not paid by the end of the month. An unidentified member of staff is quoted on Russian television as saying: “In this situation anyone can be persuaded, anyone. Anything can be bought now. The issue is to die or to survive. It is only fear of God that may restrain one, many innocent people will die.”

25 October In the UK, the British Medical Association publishes *Biotechnology, Weapons and Humanity II*, an updated version of an earlier report [see 21 Jan 99]. Again, the principal author is Professor Malcolm Dando of the Department of Peace Studies at Bradford University. At the launch of the report, Professor Dando says: “The problem is that the same technology being used to develop new vaccines and find cures for Alzheimer’s and other debilitating diseases could also be used for malign purposes. That is why it is essential that an ethical code be developed for scientists. Questions need to be asked about where research could lead, where the results will be published and who has access to the data.” Dr Vivienne Nathanson, the BMA Head of Science and Ethics, says: “The situation today is arguably worse than it was when we published our last report five years ago. The very existence of international laws to protect us is being

questioned, the anthrax attacks in the US in 2001 caused widespread panic and fear, and most worryingly of all, it's never been easier to develop biological weapons – all you have to do is look on the internet.”

The report contains the following recommendations: “States should find ways of agreeing and strengthening the Biological and Toxin Weapons Convention (BTWC) when it comes up for review in 2006 – any agreement should be legally-binding; States should hold a conference on the 30th anniversary of the BTWC (26 March 2005) where they should demonstrate that they have met all their obligations under the BTWC; Governments must pass legislation to implement fully the requirements of the BTWC; Governments should commit to supporting the appeal of the International Committee of the Red Cross (ICRC) on biological weapons; Scientists must be aware of how their work might impact on legal and ethical norms that prohibit the development and use of biological weapons; Scientists should discuss with funders whether research into some areas should be prohibited because of the danger of results being used in the development of prohibited weapons.”

25 October In the US House of Representatives, the Democratic staff of the Select Committee on Homeland Security publish a report on *Bioterrorism: America Still Unprepared*. The report states: “Based on surveys and interviews with over a 100 state and local public health officials, this investigation has concluded that our nation is not prepared to distribute federally supplied vaccines and medicines quickly enough to respond successfully to a bioterror threat or other public health emergency, such as pandemic flu.” The report therefore recommends: “In order to achieve adequate preparedness, strong and sustained funding, of at least \$1 billion per year, should be provided to state and local health agencies to ensure they build and maintain vaccine and drug distribution capabilities. The Administration must also immediately develop a coherent and comprehensive national biodefense strategy to reach consensus on what biological threats we face and how we should prepare. State and local governments, who have a crucial role in response, must be included in establishing benchmarks and timetables for achieving full preparedness. Finally, the National Guard should take a more prominent role in homeland security by building a specialized capacity to respond to a bioterror attack or public health emergency.”

25 October In Jackson, Tennessee, police arrest a man following a seven-month investigation into his attempts to procure chemical weapons. Demetrius ‘Van’ Crocker is charged the following day with attempting to acquire chemical weapons, explosives and weapons of mass destruction to attack government buildings. During the undercover investigation, Crocker had indicated his desire to buy chemical weapons and an undercover agent actually handed to Crocker what he had been led to believe was the sarin precursor difluoro, whereupon he was arrested. Crocker admired Adolf Hitler and had an absolute hatred for the US government. He told a witness: “It would be a good thing if somebody could detonate some sort of weapon of mass destruction in Washington, DC, while both the US Congress and Senate were in session.” Crocker told the undercover agent how he had enjoyed hearing the news of the sarin attack on the Tokyo subway [see 20 Mar 95]. If convicted on all charges, Crocker faces more than 20 years in prison and \$750,000 in fines.

25-27 October In the sea off Sagami Bay, southwest of Tokyo, Japan hosts a maritime interdiction

exercise under the umbrella of the Proliferation Security Initiative (PSI). Exercise *Team Samurai* is the twelfth PSI exercise since September 2003 [see 12-14 Sep 03] and the first to be hosted by Japan. The exercise involves nine ships from Japan, the USA, Australia and France and observers from Canada, Cambodia, Germany, Greece, Italy, the Netherlands, New Zealand, Norway, Philippines, Poland, Portugal, Russia, Singapore, Spain, Sweden, Thailand, Turkey, and the UK. The exercise scenario simulates the interception of two ships suspected of transporting sarin. US Undersecretary of State for Arms Control and International Security John Bolton observes the exercise from the aircraft carrier USS Kitty Hawk. Despite being invited to observe the exercise, China and South Korea do not participate for fear of further antagonizing North Korea which describes the exercise as an “ultimate war action”. A Chinese Foreign Ministry spokeswoman is quoted as saying: “The activities may entail military interception, so we have reservations about PSI. That’s why we don’t take part in this initiative.” Addressing an audience at the Tokyo American Center during his visit, Undersecretary Bolton thanks Japan for hosting *Team Samurai* and says: “North Korea, Iran, and Syria, among others, are clearly states of proliferation concern; we believe that PSI partners should be ready to scrutinize shipments going to or from such states or terrorist groups.”

26-27 October In Moscow, the Moscow Medical Academy organizes a conference on *Molecular Medicine and Biosecurity*. Addressing the conference, Russia’s Chief Public Health Officer, Gennady Onishchenko, says Russia is lagging at least 15 years behind the rest of the world in genetic research as a result of a standstill of the national programme in this area. Onishchenko says that Russia needs a united state policy in the area of biological security, particularly for those biological and chemical agents which may be used as weapons.

27 October In Washington, DC, US District Judge Emmet Sullivan sets aside a final rule and order by the Food and Drug Administration [see 28 Jun 02] that declared the anthrax vaccine safe and effective. Judge Emmet’s ruling prevents the Department of Defense from forcing troops to be vaccinated for anthrax without either getting their informed consent or obtaining a special order from President George Bush. Judge Emmet says: “By refusing to give the American public an opportunity to submit meaningful comments on the anthrax vaccine’s classification, the agency violated the Administrative Procedures Act. Congress has prohibited the administration of investigational drugs to service members without their consent. This court will not permit the government to circumvent this requirement.” The ruling comes in a lawsuit brought by six unidentified military and civilian Pentagon personnel [see 7 Jan]. Responding to the ruling, the Department of Defense issues a statement in which it says it will pause the Anthrax Vaccine Immunization Program pending clarification of the legal issues. The statement adds: “DoD remains convinced that the anthrax immunization program complies with all the legal requirements and that the anthrax vaccine is safe and effective.”

27 October In the USA, facilities that have been identified as potentially attractive targets for terrorist attack due to the presence of large volumes of hazardous materials have not done an adequate job of preventing and preparing for such an event, according to a survey of its local unions conducted by the Paper, Allied-Industrial, Chemical and Energy Workers (PACE) International Union.

28 October In the UK, John Morrison [see 11

Jul], a former Deputy Chief of Defence Intelligence tells the BBC Radio 4 *Today* programme that intelligence has been used as a “tool in the public debate” since Labour came to power in 1997. Morrison says: “There was a culture of news management which came in after 1997 which I had not seen before and intelligence got swept up in that.” He continues: “I felt somebody had to speak up about the misuse of intelligence by MI6, in not handling it properly, the misuse of intelligence by the senior management in the Defence Intelligence Staff and misuse of intelligence terminology by the prime minister in talking about a threat when no threat existed.” Expanding on the definition of “threat”, Morrison says: “In intelligence terms, threat is a combination of capability and intention. If you have got the capability but you don’t intend to do anyone any harm, you are not a threat. If you have got the intention but not the capability, then again you are not a threat. Now, we all thought Saddam had some weapons of mass destruction capability but there was never any realistic suggestion that he intended to use it. The only circumstances we thought ... he might use it was as a last resort if he was attacked. In the end, as we know, he did not have any WMD so he could not have been a threat in the correct intelligence term.” Regarding his dismissal as an advisor to the Parliamentary Intelligence and Security Committee, Morrison says: “The function of intelligence is to speak truth unto power. If it doesn’t do that, it fails and I felt somebody had to speak up for intelligence standards. I did that. I got sacked and I don’t regret it for a moment.” In a statement, the Ministry of Defence says: “At the time of operations there is a thirst for information in the media which the press office tries to satisfy within reasonable limits. The press office will work closely with all parts of the department, including the Defence Intelligence Service, to obtain this information. John Morrison is quite clear in his interview with the *Today* programme that he doesn’t allege any improper pressure or misuse of intelligence occurred during the two operations in question.”

28 October Deadline for the submission of national reports on the implementation of UN Security Council

resolution 1540 [see 28 Apr] to the 1540 Committee.

29 October In Nagorno-Karabakh, laboratories have been set up on occupied Azeri territory which may be producing biological weapons, according to the deputy chairman of the Azerbaijani national bioethics commission and director of the Human Rights Institute of the National Academy of Sciences, Rovsan Mustafayev. He says of the laboratories: “Their purpose is not fully clear. Who has set them up, what is their purpose? But there is some information that there is a connection between them and biological weapons.”

29 October In Dushanbe, Tajikistan, the newly arrived Canadian ambassador welcomes Tajikistan’s intention [see 22 Oct] to join the BWC.

29-31 October In Saintes, France, there is a Rally for International Disarmament (Nuclear, Biological and Chemical) organized by ACDN France (Action of Citizens for Nuclear Disarmament), the network ‘Out of the Nuclear Age’ and Abolition 2000 UK. Among the speakers is Peter Nicholls of Abolition 2000 UK and the Department of Biological Sciences of the University of Essex talking on “The effects of bio-weapons on living beings”.

31 October From Falluja, Iraq, insurgents claim that they will use mortar rounds and rockets filled with chemicals against US and Iraqi forces that are preparing to retake the city. Insurgent commanders are reported as saying that some of the weapons are filled with cyanide. Resistance in the city is said to have been organized by a military committee made up of former officers in Saddam Hussein’s army, including experts on chemical warfare.

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

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ESRC Research Seminars

New Approaches to WMD Proliferation

HSP Sussex, cooperating with the Mountbatten Centre for International Studies, University of Southampton, and other academic institutions in the UK, has been awarded funding by the UK Economic and Social Research Council (ESRC) to organize a series of seminars on "new approaches to WMD proliferation" during 2005-06. This seminar series aims to encourage and support the active participation of new entrants to this field of study, among academia, government, non-governmental organizations, industry and the media, in an exploration of the conceptual issues surrounding the contemporary shift in the anti-WMD paradigm. The seminars aim to increase collaboration between scholars studying chemical, biological, radiological, and nuclear weapons and thus develop inter-disciplinary approaches to problems. In addition, the seminar series will improve engagement with non-academics in government, non-governmental organizations, industry and the media. Funds are available to support attendance by postgraduate students and younger researchers based in the UK. The first seminar will be held at the University of Sussex on 13-14 April 2005, followed by five more seminars at different academic institutions during 2005-06. Anyone interested in participating should contact Daniel Feakes d.feakes@sussex.ac.uk or Caitriona McLeish c.a.mcleish@sussex.ac.uk or check the HSP website where further details will be posted in the New Year.

The Future of the Bulletin

Times have changed greatly since 1988 when we began publishing this quarterly Bulletin. Yet its type of content, underlying philosophy and basic format have remained largely unchanged. Moreover, CBW has become a more prominent subject in national and international politics, and developments affecting its future seem to be becoming more frequent. So HSP has had to put more of its resources, which are increasingly limited, into monitoring what is happening in order to ensure that the Bulletin continues to provide a reliable systematic record. The time has thus come for HSP to consider radical changes in the Bulletin.

We therefore invite you our readers to state your views on what we ought to do. The basic purposes of the Bulletin should, we think, remain what they have always been: (a) to monitor, in a worldwide fashion, the state of the norm against weaponization of disease, including infectious disease, and hostile exploitation of biotechnology; and (b) to publicize possible ways for strengthening that norm. Both these, however, are engaging others besides HSP, so should we go on publishing the Bulletin at all? Why? Should particular features be emphasized or, conversely, discontinued? Should we pay more attention to the future than to the past? Surely not; but we could, for instance, eliminate the News Chronology from the Bulletin. We might instead publish it in a place on our website that only subscribers could access, perhaps updating it more often than once every three months. Or should we narrow our coverage, for example by paying less attention to the details of what the OPCW is doing or to the activities of those pressing for an OPBW? Again, should we raise the subscription prices closer to the full economic costs of the Bulletin, which HSP is currently subsidizing at a rate of about \$75,000 per issue? There is no shortage of options, but we need your guidance in identifying the best of them.

So please send your comments to Julian Perry Robinson at HSP at the University of Sussex, preferably by e-mail to j.p.p.robinson@sussex.ac.uk. Thank you!

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