

The Biological Weapons Convention New Process

Introduction

As reported in *Bulletin 58* (December 2002), the Fifth Review Conference of the Biological and Toxin Weapons Convention (BWC) resumed in Geneva during 11 to 22 November 2002 after having adjourned on 7 December 2001. At its resumption, its President, Ambassador Tóth, presented his proposal for the final product of the Conference, which was circulated as document BWC/CONF.V/CRP.3. (This and other such official BWC documentation is available at <http://www.opbw.org>.) He said that this was the result of his sustained efforts over the past year to bridge the formidable differences among delegations on the outcome of the Conference. He had consulted widely, in three sets of consultations held in Geneva in the spring, summer and autumn, and again during the week prior to the resumed Review Conference. He had met delegations bilaterally and in group settings. He said that all the possible options for securing a successful outcome to the Conference had been explored.

The proposal in CRP.3, which was in the form of a draft decision establishing follow-up meetings over the next three years, reflected the conclusion he had reached that this was the only outcome that could realistically be expected to ensure a continued multilateral approach to the implementation and strengthening of the Convention in a way that involved all states parties. The draft decision called for a one-week annual meeting of states parties each year until 2006, with each such meeting being preceded by a two-week meeting of experts. Five topics were set out for consideration by these meetings, with a timetable for which topic would be considered in which year.

The Fifth Review Conference considered this proposal, which it became clear was non-negotiable, and agreed the decision recorded in its Final Document (BWC/CONF.V/17):

18. At its eighth plenary meeting on 14 November 2002, the Conference decided by consensus, as follows:

(a) To hold three annual meetings of the States Parties of one week duration each year commencing in 2003 until the Sixth Review Conference, to be held not later than the end of 2006, to discuss, and promote common understanding and effective action on:

- i. The adoption of necessary, national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
- ii. National mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
- iii. 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;
- 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;

v. The content, promulgation, and adoption of codes of conduct for scientists.

(b) All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.

(c) Each meeting of the States Parties will be prepared by a two week meeting of experts. The topics for consideration at each annual meeting of the States Parties will be as follows: items i and ii will be considered in 2003, items iii and iv in 2004, item v in 2005. The first meeting will be chaired by a representative of the Eastern Group, the second by a representative of the Group of Non-Aligned and Other States, and the third by a representative of the Western Group.

(d) The meetings of experts will prepare factual reports describing their work.

(e) The Sixth Review Conference will consider the work of these meetings and decide on further work.

Items (i) and (ii) would be addressed in 2003, (iii) and (iv) in 2004 and (v) in 2005. The structure of the framework was therefore clear, although considerable flexibility had been left for states parties to decide how the topics would be developed. In addition, flexibility would also be maintained by the consensus rule, which would protect the interests of all, and by the fact that the whole process will be reviewed in 2006. Ambassador Tóth said that he believed that the proposal struck the right balance between certainty and flexibility. No state party would be forced into anything it did not expect or does not want by this process; similarly the process would ensure that a forum existed for states parties to continue to explore many and varied ways of addressing the growing challenges facing the Convention.

Ambassador Tóth asked delegations, when considering his proposal, to remember that they should not pretend that the political differences between delegations are not serious. It was necessary to acknowledge this fact, and work with it to make what progress was possible. The alternative would be to allow these differences to dictate a situation in which there would be no work or attention given to the Convention, in a multilateral context, collectively by states parties, until at least 2006. Such a result, in his judgment, would be “a betrayal of the legitimate expectations of the world community that we will fight together against the threat of biological weapons, and work collectively and multilaterally to ensure that the threat is diminished.”

Ambassador Tóth remarked that his proposal was not a traditional Review Conference product. Rather, it was a qualitatively different step into the future, dealing only with what was strictly necessary to enable states parties to move

forward with protecting, maintaining and enhancing the Convention. He was also aware that the proposal was not likely to fully satisfy many, or even any, delegation. He was sure that everyone would be able to think of things that could or should be added. However, he recognised that given the situation, there was no other way forward. It was necessary to reach an agreement, and work together to strengthen the Convention.

During the resumed Fifth Review Conference it was proposed and agreed that Ambassador Tibor Tóth should chair the 2003 meetings.

Preparations for the Meeting of Experts, 2003

During the spring of 2003, Ambassador Tóth consulted with states parties and met with the groups of states. This led to an informal consultation in Geneva on 23 May with representatives of states parties at which Ambassador Tóth set out his ideas as to how the meetings of 2003 might proceed. It was recalled that the mandate of the meetings in 2003 is to “discuss and promote common understanding and effective action” on:

- i. The adoption of necessary, national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
- ii. National mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;

It was also noted that the meetings were not intended to produce any binding obligations or recommendations.

In order to structure the discussion to make good use of the time available, Ambassador Tóth proposed dividing each of the discussion topics into five thematic subtopics so as to focus discussions but not restrict them. Thus, for national measures to implement the prohibitions in the Convention, the thematic subtopics would be:

- Legal, regulatory & administrative
- Prohibitions
- Control
- Practical implementation
- Criminalization and law enforcement

For the second topic, national measures to establish and maintain the security and oversight of pathogenic microorganisms and toxins, the thematic subtopics would be:

- Legal, regulatory & administrative
- Facilities and equipment
- Personnel and handling
- Transport
- Accountability, licensing & accreditation.

In the initial proposal, the two topics would have both been discussed throughout the two week Meeting of Experts with topic (i) being discussed in the morning and topic (ii) in the afternoon. However, states parties made it clear that from the point of view of the participation of national experts, it would be preferable to discuss topic i during the first week and topic (ii) during the second week. This approach was adopted and followed.

In addition, Ambassador Tóth proposed that inputs should be made by states parties in English and in electronic format so as to facilitate the turnaround time for distributing papers to delegations. He proposed that states parties might provide input papers at least 3 or 4 weeks in advance of the meeting. The papers might provide either an overview of national approaches to implementing the prohibitions and of national measures for security and oversight, or approach the issues from a thematic perspective based on national experience. He also proposed that presentations be made by states parties on clearly defined specific issues from a thematic perspective.

Recognising that Inter-Governmental Organizations (IGOs) such as the WHO, FAO, OIE and others had relevant expertise, Ambassador Tóth also proposed to seek their involvement in the Meeting of Experts and to invite them to make presentations.

On 10 June, Ambassador Tóth wrote to all states parties formally to request their input for the Meeting of Experts. He invited states parties to prepare two kinds of input: input papers (to be submitted in advance) and presentations (to be made at the meeting). In addition, states parties were asked to submit a list, along with a brief description, of any national implementing legislation they might already have enacted. The subtopics identified were the same as those identified at the informal consultation on 23 May, and the proposed schedule of work attached to his letter showed state party and IGO presentations followed by structured debate each morning and afternoon, followed each afternoon by compilations.

Subsequently, more detailed schedules for both topic i and topic ii were prepared and circulated by the Secretariat. These broke down the thematic subtopics into two, three or four elements and listed several subelements within each element. In respect of topic i, the thematic subtopic that had previously been “Controls” subsequently became “Restrictions”. The first four thematic subtopics for topic i were divided into four elements and the fifth one subdivided into three elements. As far as topic ii was concerned, a detailed structure initially subdivided the first three thematic subtopics into four elements, the fourth into three and the fifth into two. A later revised structure in early July for topic ii divided the first four thematic subtopics into two elements and the fifth had a single element.

This structure was carried forward into the annotated provisional agenda for the Meeting of Experts (BWC/MSP.2003/MX/3). The 13 pages setting out the thematic subtopics and the elements and subelements for both topics i and ii were described thus: “The following notes correlate to the provisional programme of work, and are provided as a background guide for delegations, without prejudice to national positions, to legal interpretations, or to the substantive work of the Meeting of Experts.”

Other Preparations

In parallel with the consultations carried out by Ambassador Tóth, several other activities were taken forward during the first six months of 2003 in order to assist states parties in preparing for the Meeting of Experts and the subsequent Meeting of States Parties. These included the following: a meeting entitled “Biotechnology, biological weapons and

bioterrorism” organised by IFRI (L’Institut français des relations internationales) in cooperation with the Ministry of Foreign Affairs, the Ministry of Defence and the Commission of Atomic Energy held in Paris on 9 April (BWC/MSP.2003/MX/WP.17); a meeting entitled “Managing the threat from biological weapons: Science, society and secrecy” organised by the Foreign & Commonwealth Office, the University of Bradford and the University of Nottingham held in London on 28 July (BWC/MSP.2003/MX/WP.34); a NATO Advanced Research Workshop (ARW) entitled “Preparedness against bioterrorism and re-emerging diseases — regional capabilities, needs and expectations in Central and Eastern European countries” held in Warsaw during 15 to 18 January (BWC/MSP.2003/MX/WP.33); and a NATO ARW entitled “Maximizing the security and improving oversight of pathogenic microorganisms and toxins” held in Bled, Slovenia on 19 to 21 June (Bradford Briefing Paper (Second Series) No 5 available at <http://www.brad.ac.uk/acad/sbtwc>).

Meeting of Experts, 18 to 29 August 2003: Opening Plenary Session

The Meeting of Experts began on Monday 18 August in a plenary session where Ambassador Tóth welcomed the representatives and experts from so many states parties and urged everyone to work together in a focussed way to make the most of the experts who were at the meeting. Providing experts were 83 states parties, as follows: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Malaysia, Malta, Mexico, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Viet Nam and Yemen. This was only slightly less than the number of states parties which had participated at the Fifth Review Conference and considerably larger than the number of states parties which had participated in the Ad Hoc Group sessions. Over 400 individuals participated which was more than at the Fifth Review Conference and included over 100 legal and scientific experts.

Two signatory states participated: Egypt and Madagascar. One non-signatory state, Israel, was granted observer status. The Convention now has 150 states parties and 16 other signatory states (BWC/MSP.2003/MX/INF.1 dated 14 August 2003) as Antigua & Barbuda, Mali, Palau and Timor Leste (East Timor) have recently acceded. Serbia & Montenegro has replaced Yugoslavia (Former Republic of).

The plenary session adopted the provisional agenda (MX/1) and the provisional programme of work (MX/2), and then considered the rules of procedure. It was proposed and agreed that the rules of procedure of the Fifth Review Conference, as contained in BWC/CONF.V/17, should apply,

mutatis mutandis, although various rules, in particular those relating to subsidiary bodies and to office-holders, are not relevant to the Meeting of Experts and would not apply. The Meeting then considered requests for observer status by Israel, and by nine specialized agencies and inter-governmental organizations (FAO, ICGEB, ICRC, OECD, OPCW, Basel Convention, WHO, OIE and WTO), which were agreed. Ambassador Tóth then said that, as well as IGOs, there was interest on the part of non-governmental organizations (NGOs), which, together with the IGOs, would be making early-morning and lunch-time presentations; 15 NGOs including research institutes were attending the Meeting of Experts. He went on to say that a request had been received from a number of NGOs to make short statements, as had been done at both the Fourth and Fifth Review Conferences by setting aside some time and suspending the formal sessions in order to allow such statements to be made in informal session. He proposed that this same procedure be followed during the Meeting of Experts on the afternoon of Tuesday 19th August from 3 to 4 pm. This was agreed.

A short presentation was then made of the information contained on the second version of the CD-ROM which the Secretariat had compiled of information from states parties on national implementing legislation. The first version had been a preliminary version largely drawn from publicly available information; the information on the second version of the CD-ROM was from 78 states parties — 32 from the NAM, 18 from the Eastern Group and 27 from the WEOG.

Before the plenary session closed there were a few statements made by various delegations. The United Kingdom took the floor first to make a short statement about the death of Dr David Kelly: a eulogy for an admired and respected world expert in the field. Ambassador Tóth then said that he believed a minute’s silence would be appropriate, and all present — between 200 and 300 individuals from about 80 countries — stood in memory of David Kelly.

China then took the floor to note that the security challenges faced by the international community have multiplied and non-traditional security threats, such as terrorism, proliferation of weapons of mass destruction, and transnational crimes, are intertwined with traditional threats. This requires a new security concept featuring mutual trust, mutual benefit, equality and coordination. The important role of the Biological and Toxin Weapons Convention was recognised. With the rapid development of biotechnology and escalation of bioterrorism threats, China believed that it has become all the more imperative and important to discuss, within a multilateral framework, concrete measures to strengthen the effectiveness of the Convention. This Meeting of Experts was the first substantial effort of the international community to strengthen the Convention after the end of the negotiation of the Protocol and it is therefore of great significance. Through the exchange of views and discussions during the multilateral forum, China considered that states parties will formulate or improve their national implementation systems, taking into consideration both their specific national situation and the good experience of others, hence jointly furthering the effective implementation of the Convention.

Cuba then spoke about the importance of showing flexibility in following the proposed programme of work as there were some 115 subtopics to be addressed in the two week period — and some would require more time than others

while some would require less time. Cuba also noted that a final report was due to emerge from this meeting of experts which Cuba expected to be a factual document reflecting the discussions. Cuba wished to know how the Chairman intended to consider the final report. Would there be time to consider, review and adopt the final report?

Brazil then spoke emphasising the importance of multilateral cooperation under the Convention. Brazil considered that the Convention must be verifiable and recognized the importance of multilateral initiatives leading to consensus. Brazil also emphasised the importance of all of the Articles of the Convention, and in particular of Article X. Brazil concluded by noting that its ideas on the way forward were set out in a Working Paper (BWC/MSP.2003/MX/WP.20).

Argentina then spoke about the importance of strengthening the non-proliferation regime and in particular of the regime preventing biological weapons. It would be important to focus on methods that would be sufficiently flexible to accommodate changes in biotechnology.

Ambassador Tóth responded to the query raised by Cuba saying that he agreed that some subtopics would require more time and some would require less time. However, he asked that states parties respect the daily allocation of work as it reflects the availability of experts in Geneva. As to the report, he envisaged this being as procedural and straightforward as realistically possible. He considered that the meeting needed to focus on substantive work during the next two weeks.

The public plenary session then closed with the Meeting of Experts starting to address the first topic in private working session.

IGO Activities

A number of specialized agencies and inter-governmental organizations made presentations either at 0900 hrs prior to the morning session commencing at 1000 hrs of the Meeting of Experts or at 1300 or at 1400 hrs prior to the afternoon session commencing at 1500 hrs of the Meeting of Experts. The 16 presentations were as follows:

- Monday 18 August, 1400 hrs: Ambassador Curtis Ward and Ahmed Seif El-Dawla, *United Nations Security Council Counter-Terrorism Committee*, The Role of the UN Counter-Terrorism Committee in Combating Terrorism.
- Tuesday 19 August, 0900 hrs: Georgios Gouvras, European Commission Health Security Task Force, Commission Communication on Health Security.
- Tuesday 19 August, 1400 hrs: Ralf Trapp and Mtshana Ncube, Organization for the Prohibition of Chemical Weapons, Experiences with National Implementation.
- Wednesday 20 August, 0900 hrs: Ralf Trapp and Mtshana Ncube, Organization for the Prohibition of Chemical Weapons, Outcome of the First Review Conference of the CWC and the Action Plan on National Implementation.
- Friday 22 August, 1400 hrs: Frank Spicka, Interpol, The Role of Interpol in the Fight Against Biological

Weapons and Bioterrorism.

- Monday 25 August, 0900 hrs: Gretchen Stanton Hempel, World Trade Organization, The WTO and the Sanitary and Phytosanitary Measures Agreement.
- Monday 25 August, 1400 hrs: Brad Kay, Nicoletta Previsani, Ottorino Cosivi, World Health Organization, WHO Perspectives on Biosecurity.
- Tuesday 26 August, 0900 hrs: David Nowell. Food and Agriculture Organization, Potential FAO Role in BWC Implementation.
- Tuesday 26 August, 1300 hrs: Piet van der Meer, United Nations Environment Program, Biosafety Capacity Building and Needs Assessment.
- Tuesday 26 August, 1400 hrs: Louis Réchaussat and Toolika Rastogi, Organization for Economic Cooperation and Development, Good Laboratory Practice and Taxonomy of Microorganisms.
- Wednesday 27 August, 0900 hrs: Brad Kay, Nicoletta Previsani, Ottorino Cosivi, World Health Organization, The WHO Laboratory Biosafety Manual 3rd Edition, and Harmonizing Model Regulations on the Transport of Dangerous Goods.
- Wednesday 27 August, 1300 hrs: Robin Coupland and John Borrie, International Committee of the Red Cross, The ICRC's Biotechnology, Weapons and Humanity Project and the International Appeal.
- Wednesday 27 August, 1400hrs: Michael Woodford, World Organization for Animal Health (OIE), The Role of the OIE in the Fight Against Bioterrorism.
- Thursday 28 August, 1400 hrs: Ibrahaim Shafii, Secretariat of the Basel Convention, The Basel Convention and the Control Mechanism Related to Security and Oversight of Pathogenic Microorganisms and Toxins.
- Friday 29 August, 1400 hrs: Decio Ripandelli, International Centre for Genetic Engineering and Biotechnology, ICGEB and the Safe Handling of Pathogens.

These presentations were made in Salle XXIV close to the room in which the Meeting of Experts was being held. Nevertheless, the number of participants who attended these presentations varied considerably, ranging from as few as just over 20 for the early morning (0900 hrs) presentations to around 100 for some of the lunchtime presentations. Numbers fell off in the second week to about 20 to 55.

NGO Activities

In the early afternoon of Tuesday 19 August, the Meeting went into informal session in order to hear short statements (6-8 minutes) from representatives of NGOs. The following spoke:

- Angela Woodward, VERTIC
- Graham S Pearson, Department of Peace Studies, University of Bradford
- Nicholas A Sims, Department of International Relations, London School of Economics and Political Science
- Elisa Harris, Centre for International Security Studies Maryland, University of Maryland
- Jean Pascal Zanders, BioWeapons Prevention Project
- Marie Isabelle Chevrier, Federation of American Scientists
- Jean Pascal Zanders, Stockholm International Peace Research Institute

As at the Fourth and Fifth Review Conferences, the NGO speakers spoke from seats in the room whilst their statements were distributed to all those present. There were over 200 people present in the room during the NGO statements, which received simultaneous translation into the six official UN languages.

Presentations, in Salle XXV, were also made by a number of NGOs after the morning sessions of the Meeting of Experts had concluded, at 1300 hrs. There were five such presentations, as follows:

- Monday 18 August, 1300 hrs: Graham S. Pearson, Department of Peace Studies, University of Bradford and Nicholas A. Sims, Department of International Relations, London School of Economics and Political Science, Maximizing the Benefits of the Inter Review Conference Process.
- Tuesday 19 August, 1300 hrs: Elisa Harris, Center for International Security Studies Maryland, Controlling Dangerous Pathogens Project.
- Wednesday 20 August, 1300 hrs: Angela Woodward, Jill Dekker-Bellamy and Barbara Hatch Rosenberg, BioWeapons Prevention Project, The Status of National Laws to Enforce the BWC, EU Regulations Regarding Mid-range Threat Agents, and The Many Aspects of Pathogen Security.
- Thursday 21 August, 1300 hrs: Helmut Bachmeyer and Thomas Cueni, European Biosafety Association and Interpharma, Swiss Best Practices & Industry Guidelines.
- Monday 25 August, 1300 hrs: Gigi Kwik, Center for Civilian Biodefense Strategies, Self-governance Models for Scientists.

Sandwiches were provided for the first three of these presentations, which were attended by 80 to 100 people.

Outcome of the Meeting of Experts

The Meeting of Experts met in private working sessions during the period 18 to 29 August. In accordance with the programme of work, the first week was devoted to the consideration of necessary national measures to implement the prohibitions set out in the Convention, including the

enactment of penal legislation. The second week (25 to 29 August) was devoted to consideration of national mechanisms to establish and maintain the security and pathogenic microorganisms and toxins.

During the first week, the Meeting of Experts heard national overview statements from 16 states parties on Monday 18 August and in subsequent sessions heard a total of 37 thematic presentations and held a structured general discussion on, *inter alia*, the subtopics of Legal, Regulatory and Administrative (including civil legislation; penal legislation; regulations; and guidelines); Prohibitions (including direct implementation; war materials; development, production, possession and use; and complementary legislation); Restrictions (including classification; operational frameworks; intangible technologies; and sanctions); Practical Implementation and Enforcement (including national infrastructure; international cooperation; education and training; and experts); and Criminalization and Law Enforcement (including information sharing; enforcement; and international agreements).

In the second week, the Meeting of Experts heard national overview statements from 14 states parties on Monday 25 August and in subsequent sessions heard a total of about 30 thematic presentations by states parties and held a structured general discussion on, *inter alia*, the subtopics of Legal, Regulatory and Administrative (including national and international models and standards; and risk assessment, programme design and consequence management); Facilities (including facility planning and management; and storage, containment, custody and disposal of dangerous pathogens); Personnel (including personnel issues for pathogen management; and training and continued education in pathogen security); Transport and Transfer (including issues of transport and transfer of dangerous pathogens; and type of recipient facility); and Oversight and Enforcement (including issues of licensing, accreditation and authorization).

Despite the substantial number of statements, presentations and discussions during the two week Meeting of Experts, the daily sessions generally finished early. However, the overall schedule of IGO presentations at 0900 hrs, morning sessions from 1000 to 1300 hrs, lunchtime presentations by NGOs at 1300hrs and by IGOs at 1400 hrs, and then afternoon sessions from 1500 to 1800 hrs meant that each day's work was quite intensive. In contrast to the proceedings of the Review Conference, there were no Bureau meetings to schedule.

66 Working Papers were submitted by 24 states parties with the numbers submitted by individual states parties ranging from one to nine: Argentina (23), Australia (38, 39, 48, 49, 50, 56), Austria (53), Brazil (20), Bulgaria (58), Canada (26, 27, 28, 29), China (9, 25), Finland (57), France (17, 18, 19), Germany (12, 13, 21, 22, 24, 35, 36, 37, 59), Iran (51, 54, 55), Japan (10, 11), Korea, Republic of (16), Malaysia (52), Mexico (60), Netherlands (14), Poland (33, 44), Russian Federation (1, 31, 32), South Africa (30), Sweden (15), Thailand (61), Ukraine (40, 41, 42, 43), United Kingdom (7, 8, 34, 45, 63, 64, 65, 66), USA (2, 3, 4, 5, 6) and one 130 page long Working Paper (62) by twelve of the EU states (Austria, Belgium, Finland, France, Germany, Ireland, Italy, the Netherlands, Portugal, Spain, Sweden and the United Kingdom).

Towards the end of the Meeting of Experts, it became

known that the NAM had nominated South Africa to be the Chair of the 2004 Meeting of the states parties and the preceding Meeting of Experts.

At the final public plenary session on the afternoon of Friday 29 August, Ambassador Tóth said that agreement had been reached in the morning informally on the report of the Meeting of Experts and he now proposed to take formal action on this. The draft report was then considered and agreed. It consists of a four page factual report (BWC/MSP.2003/MX/4) to which two annexes would be attached: Annex I, listing the documents of the Meeting of Experts including the 66 working papers; and Annex II, containing, in the languages of submission, all the presentations, statements and contributions to the discussion that were provided in writing. As a strictly informal courtesy to delegations, those parts of Annex II that are not in English are accompanied where possible by an informal transcript of the English interpretation.

Ambassador Tóth then made some concluding remarks. He started by noting that the Meeting of Experts had begun a new process that had had a difficult birth among some of the most bitter divisions the states parties have known in the 30-year history of the Biological and Toxin Weapons Convention. He recalled that during his informal consultations earlier in the year he had made it clear to states parties that the success or failure of the new process would depend on them and on the contributions that they were prepared to make. There was a genuine risk that the process could become just an empty exercise, devoid of substance, filling in time until the next Review Conference.

He was therefore very pleased that this Meeting of Experts had been a marked success. He considered that this was a mark of the deep conviction of all states parties as to the importance of the Convention that they had been able to focus on practical actions that will genuinely strengthen the barriers against the development, acquisition and use of biological weapons. He felt that all delegations would agree that the atmosphere and the nature of the discussions has been overwhelmingly collegial and cooperative.

Ambassador Tóth said that the main achievement had been the substantive and thorough exchange that had taken place and the vast amount of useful, practical information that had been shared. He noted the participation of delegations from 83 states parties and applauded states parties for making a significant investment in the future of the Convention by sending experts from capitals. He considered that the wide array of highly qualified participants had engaged in a technical exchange of immense proportions with over 90 presentations being made during the two weeks. He said that, based on feedback from many delegations, it was evident that a great deal of useful, practical and directly applicable information will be taken back to capitals and used directly in strengthening national implementation, both on the legislative side and on the security and oversight side. He was sure that as a direct result of this meeting a number of national implementing measures will be strengthened based on information shared at this meeting.

He went on to say that it was clear that this Meeting of Experts had stimulated some new thinking among states parties. For example, the concept of biosecurity as an overlapping but distinct concept to biosafety had been widely discussed, and it was likely that many delegations would be

encouraging their governments to review policy in this area further. Another example was the concept of complementary legislation, which has a role in strengthening the national legislative net covering biological weapons, as was discussed and clarified during the Meeting of Experts.

He then went on to say that a number of core themes had emerged. States parties from East and West, from North and South, had reiterated many of the same elements as being central requirements for effective national implementation of the prohibitions in the Convention and for effective security and oversight of pathogenic microorganisms and toxins. However, Ambassador Tóth said that he would not attempt to enumerate these common themes now. Rather, over the coming weeks, he would be carefully reviewing all the information provided during the Meeting in order to distill and focus on these key elements for the Meeting of the States Parties in November.

He also noted that various offers of assistance had been made by states parties to other states parties, bilaterally or regionally, in regard to national implementation. Such offers had not come only from the big developed States but also from the smaller States, from different regions. He considered that this important field should be further explored at the November Meeting of States Parties.

Ambassador Tóth said that the November meeting would provide states parties with an opportunity to build on the positive start that has been made by the Meeting of Experts and perhaps to look at how a more direct focus might be put on some key areas of implementation. However, the Meeting of the States Parties would depend on whatever the states parties want it to be. Ambassador Tóth would be consulting widely over the coming weeks and he invited all delegations with ideas to contact him. He very much hoped that the collegial, constructive and practical approach taken at the Meeting of Experts would continue at the Meeting of States Parties.

Reflections

The Meeting of Experts has made a promising start to the new process. It is, however, evident that considerable caution has been taken in regard to trying to identify the *common understanding and effective action* required by the mandate agreed at the Fifth Review Conference. Although some of the information provided to delegations had suggested non-controversial language for common understanding and effective action based primarily on that of the Final Declarations of previous Review Conferences, and other ideas had recalled the practice followed in the previous meetings of experts (VEREX), which led effectively to Chairman's findings, there was little sign of a willingness to make this step forward in preparation for the November meeting. Although the initial Collation of Contributions prepared during the first week had included a half page or page summary of discussions, it became clear that this was not welcomed by a few States parties, and oral summaries were made in the second week.

Given the difficulties encountered at the Fifth Review Conference in 2001 and 2002 (see *Bulletins* 54, December 2001, and 58, December 2002), it seems probable that the judgement was made by the states parties engaged in the Meeting of Experts that it was more important to focus at the

Meeting of Experts on the technical issues and to have a successful meeting in this respect and to leave the question of how best to address the mandate requirement to identify *common understanding and effective action* to the Meeting of States Parties in November 2003. Consequently, there was a distinct and disappointing lack of ambition when considered from the point of view of those who are keen to see progress made towards the recovery and strengthening of the Biological and Toxin Weapons Convention through a

return to the cumulative development of extended understandings leading to effective action at the Sixth Review Conference in 2006.

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

News Chronology

May through July 2003

May The US Counterproliferation Program Review Committee (CPRC) releases its annual *Report on Activities and Programs for Countering Proliferation and NBC Terrorism*. The Committee states that “the development of capabilities to counter WMD terrorist threats is receiving attention throughout [the Department of Defense, the Department of Energy and the intelligence community]”. It says that “an integrated counterproliferation strategy is required, with each component building on the strength of others”. This strategy, it says, “must include nonproliferation efforts to prevent countries from acquiring WMD weapons, counterproliferation programs to deter or interdict the use of WMD weapons, and finally consequence management efforts to respond to the use of WMD”. The CPRC is responsible for making recommendations regarding interdepartmental – specifically Department of Defense, the Department of Energy, the Joint Chiefs of Staff and the intelligence community – activities and programmes to address deficiencies in capabilities for countering WMD proliferation and their means of delivery.

1 May In The Hague, during the ongoing CWC Review Conference [see 28 Apr], NGOs are able to express their views on the CWC at an Open Forum hosted at the Peace Palace by the OPCW Technical Secretariat, whose 240 attendees include OPCW delegates and Director-General Rogelio Pfirter. The keynote address is made by retired Ambassador Adolf von Wagner of Germany, who had chaired the decisive final year of the CWC negotiation. Also making presentations are: Sergey Baronovsky, President of Green Cross Russia, on the subject of ‘Chemical Weapons Destruction in the Russian Federation’; Paul Walker of Global Green, on ‘Chemical Weapons Destruction in the United States’; Nicholas Sims from the London School of Economics, on ‘Status of Implementing Legislation’; René van Sloten from the International Council of Chemical Associations, on ‘Article VI: Activities not Prohibited’; and both Christopher Murphy of the International Union of Pure and Applied Chemistry and Graham Pearson, a Visiting Fellow of the Department of Peace Studies at Bradford University, who discuss the ‘Impact of Scientific Developments’. A panel discussion follows on ‘The Chemical Weapons Ban and the Use of Incapacitants in Warfare and Law Enforcement’, a controversial subject largely neglected by the Review Conference itself. The panel comprises: Robin Coupland of the International Committee of the Red Cross; Daniel Feakes of the Harvard Sussex Program; and Malcolm Dando of the Bradford University Department of Peace Studies. Ambassador von Wagner’s keynote address had been devoted to the topic of this panel.

1 May The UK journal *Nature* publishes the complete genetic sequence of the Ames-strain anthrax bacterium, the

result of four years of research by a team led by Timothy Read at the Institute for Genetic Research, Rockville, Maryland.

1 May In Langley, Virginia, there is a ceremony to mark the opening of the Terrorist Threat Integration Center. Comprising counter-terrorism analysts and agents from the Central Intelligence Agency and the Federal Bureau of Investigation, the Center will act as the hub for analysing terrorism-related intelligence. It will operate from the Central Intelligence Agency’s headquarters until May next year, at which time it will be relocated.

1 May Off the coast of California, US President Bush alights from a fighter jet onto the aircraft carrier USS Abraham Lincoln to declare an end to “major combat operations in Iraq”. His only comment on the reason for going to war is: “We have begun the search for hidden chemical and biological weapons, and already know of hundreds of sites that will be investigated”.

3 May In Mumbai, India, police seize a quantity of cyanide from two military training centres during an operation to arrest six members of the Students Islamic Movement of India, which is suspected of having carried out a recent bombing. Additional Commissioner of Police Rakesh Maria later says that the prime conspirator in the bombings, Saquib Nachan, had looked into contaminating reservoirs around Mumbai with cyanide, stabbing people with knives dipped in the chemical, and mixing it with certain acids before releasing it into the atmosphere.

5 May Timor-Leste deposits its instrument of accession to the BWC with the USA, thereby becoming the 150th party to the Convention.

5 May In Baghdad, US troops arrest Iraqi microbiologist Huda Salih Mahdi Ammash. Ammash – dubbed “Mrs Anthrax” by the media – is believed by western intelligence to have masterminded the reconstitution of Iraq’s biological warfare programme after the 1991 Gulf War. During the 1980s Ammash was awarded a masters of science degree in microbiology from Texas Women’s University at Denton and a doctorate in microbiology from the University of Missouri-Columbia.

5 May In Moscow, Zinoviy Pak, deputy chairman of the Russian State Commission for Chemical Disarmament, tells reporters that the construction of the chemical weapons destruction facility at Kambarka has already begun, with German financial assistance. Germany has stated its readiness to allocate •32 million this year for the construction of the chemdemil facility which will destroy the more than 6,000 tons of lewisite stored at Kambarka. Pak says: “The construction of the facility in