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Report from Geneva

Review no 24

## The Biological Weapons Convention Meeting of States Parties, 2005

As reported in *Bulletin 68* (June 2005), the Meeting of Experts of the States Parties of the Biological and Toxin Weapons Convention (BWC) on 13 to 24 June 2005 had made significant progress in considering the single topic identified for 2005:

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

by producing a report (BWC/MSP/2005/MX/3 dated 5 August 2005 – this and other official BWC documentation is available at <http://www.opbw.org>). Attached to the report as Annex I was 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, as in the report from MX/2004 a year earlier, stated that "[t]he 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 2005 and in its consideration of how best to "discuss, and promote common understanding and effective action on" the topic in accordance with the decision of the Fifth Review Conference.'

This provided the States Parties with an excellent starting point from which to develop language to meet the requirement of the mandate for the Meeting of State Parties in December 2005 to 'discuss, and promote common understandings and effective action'.

### **Preparations for the Meeting of States Parties, 2005**

The Final Report (BWC/MSP/2004/MX/3 dated 5 August 2005) of the Meeting of Experts comprised a report of 5 pages together with Annex I, a 39 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 topic under discussion at the Meeting; and Annex II, a 6 page listing of the documents of the Meeting of Experts.

The Chairman, Ambassador John Freeman of the UK, wrote to the States Parties on 20 September 2004 to say that he intended to continue to follow precedent established in previous years of this process and will work with the regional groups and individual States Parties closely and transparently. To that end he attached a five page synthesis of the Annex to the report of the Meeting of Experts encompassing the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions from that

meeting. This synthesis document clustered the many ideas expressed at the meeting in a logical way removing the repetitions, but remained based on the discussions at the Meeting of Experts and did not include any new ideas or concepts. The Chairman said that it is not meant to be prescriptive or to prejudice the work in December but he hoped it would be a useful tool in preparing for that meeting and provide an indication of areas where States Parties might look to find common understanding and effective action as directed by our mandate.

The clusters in the synthesis document (subsequently circulated in all languages at MSP/2005 as MSP/2005/L.1 dated 16 November 2005) were:

### **General Considerations**

- Purpose and Benefits

- Desirable Qualities

- Scope, Form and Structure

### **Content of Codes of Conduct**

- Principles

- References to Norms, Laws and Standards

- Ethical Guidance

- Notification, Sanctions and Consequence

### **Adoption of Codes of Conduct**

- Principles

- Wider Involvement

- Methods

### **Promulgation of Codes of Conduct**

- Principles

- Methods

For each cluster, a preambular paragraph was followed by a series of bullet points thus following a format similar to that which had been adopted in the final reports of MSP/2003 and MSP/2004. However, the language used in the preambular paragraphs for each cluster in the synthesis paper prepared for MSP/2005 was less assured – using “*suggested that*”, rather than the “*States Parties should*” used in the synthesis paper prepared for MSP/2004.

The Chairman’s letter of 20 September 2005 went on to set out a proposed timetable for the week with an opening plenary session on the morning of Monday 5 December followed by an afternoon session for IOs/NGOs noting that if any of the International Organisations which spoke to MX/2005 ask for an opportunity to update us he would consider such interventions on the Monday afternoon. Should other experts from the Meeting of Experts also wish to update MSP/2005, he would circulate their comments in writing to all delegations. He also planned to set aside an hour or so to allow NGOs to address the Meeting of States Parties, as has been the case in the last two years.

Tuesday and Wednesday would be set aside for the discussion of the topic, with the hope that late on Wednesday or early on Thursday the Chairman would circulate draft language for the report. Thursday would be available for consultation with a view to the adoption of the report on the Friday. In addition, the Chairman’s letter noted that the Secretariat has also suggested that States Parties will wish to discuss administrative arrangements relevant to the 2006 Review Conference, in particular the budget and he would ensure time is made available for this.

In New York, in the First Committee of the United Nations General Assembly, Hungary on 12 October 2005 introduced a draft resolution (A/C.1/60/L.33) on the BWC. In its operative paragraphs, the resolution 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. In the third operative paragraph, the resolution:

“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 2005 on the topic of the content, promulgation and adoption of codes of conduct for scientists; and calls upon the States parties to the Convention to participate in its implementation;*”

The fourth operative paragraph “*Welcomes the significant participation of the States parties at the meetings of the States parties and meetings of experts to date and the constructive and useful exchange of information achieved, and welcomes also the discussion and the promotion of common understanding and effective action on agreed topic*” reflects the general feeling that the discussions at the annual meetings have been useful.

The fifth operative paragraph looks ahead to the Sixth Review Conference saying that “*the Sixth Review Conference will be held in Geneva in 2006 and the dates will be formally agreed by the preparatory committee for that Conference, which will be open to all States parties to the Convention and which will meet in Geneva during the week beginning 24 April 2006.*” Unlike previous comparable resolutions, this one did not give the precise dates for either the preparatory committee or for the Review Conference itself.

As expected, the First Committee adopted this draft resolution without a vote on 28 October 2005. It was subsequently approved by the General Assembly without a vote on 8 December 2005 as A/RES/60/96.

### **Other Preparations**

On the weekend of 3-4 December 2005 before the Meeting of States Parties, there was a workshop in Geneva of the Pugwash Study Group on the Implementation of the Chemical and Biological Weapons Conventions entitled “*Achieving a Successful Outcome of the Sixth Review Conference.*” About 80 participants from 20 countries had a very useful and intense exchange of views which focussed on a successful outcome to the Sixth Review Conference in 2006.

### **Meeting of States Parties, 5 to 9 December 2005: Opening Plenary Session**

The Meeting of States Parties began on Monday 5 December 2005 in a plenary session when the Chairman, John Freeman of the UK, welcomed the representatives from the States Parties. 87 States Parties participated in the Meeting of States Parties — five more than in the Meeting of Experts, as

Albania, Belarus, Bhutan, Bosnia-Herzegovina, Costa Rica, Ecuador, Ghana, Kyrgyzstan, Lesotho, Oman, Senegal, Sri Lanka, Sudan, The former Yugoslav Republic of Macedonia and Venezuela participated in December, whilst Afghanistan, Bahrein, Benin, Cambodia, Georgia, Iraq, Kenya, Luxembourg, Qatar and Singapore did not. Seven Signatory States participated: Egypt, Haiti, Madagascar, Myanmar, the Syrian Arab Republic, the United Arab Emirates and the United Republic of Tanzania; four more (Haiti, Myanmar, the United Arab Emirates and the United Republic of Tanzania) than in June. Two State neither Party or Signatory, Israel and Kazakhstan, were granted Observer status; one more (Kazakhstan) than in June. The Convention now has 155 States Parties and 16 Signatory States (see BWC/MSP/2005/MX/INF.5).

Four intergovernmental organizations (ICGEB, ICRC, OECD and OPCW) participated as observers as did UNIDIR and UNMOVIC and 18 NGOs (BWPP, CACNP, CSIS, INES, Inter Academy Panel, Kodikanai Institute of Technology (India), Pugwash, Queen's University Belfast, South African History Archive, SIPRI, LSE, The US National Academies – USA, The University of Bradford, The University of Exeter, The University of Hamburg, Tri-Valley Cares, VERTIC, and the Wellcome Trust). Over 380 individuals from States Parties participated, of whom just under 170 had come from capitals.

In the opening formalities, the provisional agenda (MSP/2005/1) and the provisional programme of work (MSP/2005/2) for the meeting were formally adopted, although one slight change to the programme of work was noted in that on the Monday afternoon the statements by IGOs would be taken prior to the informal session in which NGOs would be able to make statements. The rules of procedure of the Fifth Review Conference (as annexed to CONF.V/17) were formally adopted which would apply *mutatis mutandis*. The Chairman said that four specialized agencies had requested that they participate as observers: ICGEB, ICRC, OECD and the OPCW. This participation was agreed. The Chairman went on to note that there was a considerable NGO participation with significant lunchtime meetings. 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 2004 and at the Meeting of Experts in 2005, NGOs could make statements to the States Parties in informal session on Monday afternoon immediately after the statements by the IGOs. This was agreed, concluding the formalities.

John Freeman went on to say that his synthesis paper was now available in all languages as BWC/MSP/2005/L.1. He also reminded delegations that all working papers would be distributed in the language of their submission only, whilst the report and any substantive documents would be translated into all languages. He reminded delegations that documents were available from the UN document system and that this was frequently the easiest way to obtain them.

He went on to say that one of the guests of the Meeting of Experts, the Inter Academy Panel on International Issues, had formally agreed a “*Statement on Biosecurity*” that was relevant to the work of the Meeting of States Parties, and this would be circulated to delegations. He concluded his opening remarks by saying that he looked forward to a productive week in accordance with the mandate for the Meeting.

## **Political Statements**

The meeting then continued with the General Debate in which a message was first delivered on behalf of the Secretary-General and then 29 statements were made by States Parties in the following sequence: Malaysia on behalf of the Non-Aligned Movement (NAM), UK on behalf of the EU, Canada, China, Japan, Russian Federation, Saudi Arabia, Germany, Sweden, New Zealand, USA, Switzerland, Argentina, India, Norway, Iran, Morocco, Algeria, Brazil, Australia, Belarus, Mexico, Indonesia, Jordan, France, Nigeria, Nigeria, Kazakhstan (a State not Party to the Convention), Ukraine, Italy and Pakistan. Many of the statements made by the States Parties took the opportunity to look ahead to the Sixth Review Conference in 2006.

The message from the **Secretary-General** noted that this year marked the anniversary of two major treaties addressing the terrible threat posed by biological weapons. In regard to the Geneva Protocol, “*it is appropriate to call on the countries that still maintain reservations to the Protocol to withdraw them, since other conventions agreed to since then have rendered them obsolete.*” In considering the 30th anniversary of the entry into force of the Biological and Toxin Weapons Convention, this “*remains at least as relevant today, given the challenges of the time*” and “[*t*]here has never been more urgent need for international commitment to the universal application and full compliance with the Convention”.

The Secretary-General went on to say “*looking ahead to next year's review conference, this is a major opportunity to reaffirm the ban on biological and toxin weapons. It will also provide a chance to address the threat posed by the possible use of such weapons by terrorists. ... It is increasingly understood that bolstering the biological security regime has become a matter of tremendous importance for global health and international peace and security. I urge you to recognize how much is at stake, and to make concerted efforts to ensure that next year's Review Conference succeeds in its task.*”

**Malaysia** spoke on behalf of the **NAM and Other States Parties**, and noted that like the rest of the international community, “*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. In the light of this development, 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 “[*t*]he high importance the Group attaches to an effective and verifiable BWC, implemented in a comprehensive manner cannot be overemphasized”, and said that “[*t*]he Group further recognizes the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol to the Convention. We believe that the effective contribution of the Convention to international and regional peace and security would be enhanced through universal adherence to the Convention. The Group stresses the particular importance of all States

*Parties to pursuer the objectives that were set forth by the Fourth Review Conference in 1996, as we strongly believe that the only sustainable method of strengthening the Convention is through multilateral negotiations aimed at concluding a non-discriminatory legally binding instrument, dealing with all the Articles of the Convention in a balanced and comprehensive manner.”*

The statement concluded by reemphasizing *“the Group’s commitment towards preserving multilateralism as the only vehicle for preventing the reprehensible use of disease as instruments of terror and war in a sustainable way.”*

The **UK** then spoke on behalf of the **European Union** and also **Bulgaria, Romania, Turkey and Croatia** as well as **Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro** and the EFTA country, **Norway**, and **Ukraine and the Republic of Moldova**. The statement began by saying that the *“European Union continues to attach high priority to the strengthening of the Biological and Toxin Weapons Convention (BTWC). The Convention remains the fundamental legal and normative foundation of our individual and collective obligation to biological disarmament, our efforts to prevent the proliferation of biological and toxin weapons, and the means to counter the threat of biological agents and toxins being developed as weapons. The EU remains committed to developing measures to verify compliance with the BTWC.”*

The EU went on to say that, as a demonstration of its support, it hopes to finalise soon a Joint Action to enhance the universality of the Convention through outreach and to help States Parties improve their national implementation through the provision of assistance. In regard to the Meeting of States Parties, the EU considers that the task *“this week is to make recommendations for the way forward. ... In broad terms, the EU supports an outcome that recognizes the value of codes of conduct related to the legal, ethical and normative elements of the prohibition on biological and toxin weapons and the potential usefulness of the instrument for supplementing national implementation measures. ... The EU believes we should leave this Meeting of States Parties with a clear commitment to further work in this area, to be undertaken at the most appropriate levels.”*

Looking ahead to the Review Conference, the EU said that it had already begun its planning for the Review Conference and that *“without losing sight of the long-term objectives for the Convention, the EU believes that the Review Conference must contribute actively to continued enhancement of the implementation of the BTWC and that our efforts should focus on specific, feasible and practical enhancements to strengthen the Convention and its implementation. To that end, and building on the success and the lessons of the current work programme, we believe there should be a further intersessional work programme and are currently considering the topics that could usefully be covered in such a programme.”*

The EU concluded by reiterating that *“the States Parties to the BTWC must be fully alert to the challenges posed by biological and toxin weapons and their potential use. We cannot shirk our responsibilities and we must address the threat by whatever means we can. The Review Conference in 2006 is a good opportunity to take this important work forward.”*

**Canada** then spoke, saying that it had found the entire 2003 – 2005 intersessional process had been a positive and constructive experience. However, they did not represent the sum total of activity necessary to support the Convention. Looking ahead to the Review Conference in 2006, the statement said that *“Canada views the Biological and Toxin Weapons Convention as a vital convention embodying a comprehensive and crucial prohibition. We stress the need for us all to be fully engaged in promoting the Convention’s universality, in ensuring its implementation and in reinforcing its authority. In this regard, the Review Conference represents a major opportunity to take a fresh look at our progress to date and to address areas of deficiency.”* The statement went on to say that *“States Parties, in our view, need to start examining possibilities for Review Conference ‘deliverables’.* A Canadian non-paper that looks forward to the 2006 Conference has been circulated .... Among the ideas spelled out in the paper are: the formulation of action plans for BTWC universalization and national implementation; the further elaboration of transparency and confidence-building measures; continued annual BTWC meetings; the establishment of a BTWC Scientific Advisory Board; and provision for BTWC implementation support. These are the types of practical steps that the membership should consider adopting to reinforce the strength and authority of this Treaty which bans a deadly class of WMD.” The statement concluded by calling for a session devoted this week to future perspectives, which would clearly help us to advance our preparations for next year’s meetings, rather than leaving all policy-rich discussion to lunch-time events.

**China** then spoke, saying that *“the rapid development and enormous potential of biotechnology and life science have greatly contributed to the fight against diseases and safeguard of health by mankind. However, they have also brought new challenges to the prevention of the bio-terrorism threat and abuse of bio-research for weapon purposes.”* The statement went on to say that *“the 6th Review Conference of the BWC which will be held next year will review the implementation of all the articles of the BWC. It will be of great significance in strengthening the effectiveness of the BWC and affecting the way ahead of the multilateral process for biological disarmament. The international community should seize the chance to further explore the measures on strengthening the BWC in the multilateral framework. The rapid development of biotechnology, the possible prevalence of cross-border infectious diseases and the danger of bio-terrorists remind us of the necessity and urgency to strengthen the BWC. China is always supportive of strengthening the the effectiveness of the BWC in a comprehensive manner in the multilateral framework and is ready to work with other States Parties to contribute to the success of the Review Conference.”*

**Japan** spoke next, providing views on the code of conduct for scientists, and then noting that the three-year programme of work will be completed with the conclusion of this meeting. The statement went on to say that *“one of our tasks at the Sixth Review Conference next year will be to consider the work of the meetings for the past three years and decide on any further action. Therefore, it is essential*

*this stage, for the States Parties to commence preparatory work, such as examine the outcomes of these meetings, identify the elements that can contribute to the strengthening of the BWC, and specify further concrete actions.” Japan concluded by saying that “this meeting will be the last opportunity for many States Parties to meet before the Preparatory Committee next year. Therefore, for the successful outcome of next year’s Review Conference, Japan would like to encourage the States Parties to make full use of this opportunity to informally exchange their views. Furthermore, in order to ensure the smooth commencement of the Preparatory Committee, Japan hopes that the necessary procedural arrangements will be made without delay.”*

**The Russian Federation** then spoke, saying that *“the development of the global situation since the last annual meeting of States parties ... in December 2004 has once again confirmed the relevance of our efforts aimed at identifying the ways to strengthen the BTWC.”* The statement noted that 2005 had marked the 30th anniversary of the entry into force of the Convention, the confirmation of the significance of the BTWC in UN SCR 1540 and the reflection in the G8 Gleneagles statement. The statement went on to say that *“we would like to stress that we consider biologists’ codes of conduct as one of the additional measures in terms of BTWC compliance. At the same time, our priority in insuring an effective implementation of the Convention bans is the adoption of the appropriate national legislation, including criminal legislation. Meanwhile, we are still of the opinion that the task of strengthening the Convention through the development of a legally binding mechanism of the verification of its compliance remains relevant.”* The Russian statement concluded by saying that they have hope *“that by the time the Sixth BTWC Review Conference starts in 2006, we will be equipped with specific ideas. We think that the results of our implementation of the triennial program of work must be reflected in the outcome documents of the Sixth Review Conference which is already in preparation.”*

**Saudi Arabia** then spoke, stating that the Convention unquestionably forms a sound basis on which to address the delicate situation needed to concert international peaceful efforts for security and stability. The statement went on to outline the steps being taken by its government authorities to meet the provisions of the Convention.

**Germany** then spoke, first reflecting upon the Meeting of Experts, and going on to say that *“it would be most advantageous if States Parties were in a position to report to the Sixth Review Conference that they have taken action to remedy shortcomings identified at the 2003 to 2005 Meetings.”* The statement then asked whether any future system of further meetings after the Review Conference in 2006 would result *“in further direct regime consolidation, enforcement and adaptation to new needs?”* to which the German answer is a clear yes. In looking ahead to the Review Conference, Germany noted that *“the second task for the Review Conference will be to review the Convention’s operation in the light of developments since the last Conference. It has to be kept in mind here that the last final review document, within the meaning of Article XII,*

*dates back to 1996. States Parties must conduct a full and comprehensive review of the Convention and produce a final document that reflects this work and sets a credible future course.”* The statement went on to say that *“[i]n the longer term, Germany remains committed to developing measures to verify compliance with the BTWC. The Review Conference is an important opportunity to agree on specific and realistic measures to strengthen both the Convention itself and compliance with it.”* Germany concluded by saying *“[u]niversality remains an important goal and the RevCon should agree on a practical strategy towards that aim, including the possible adoption of an action plan. Germany, together with all EU partners, remains committed to developing measures to verify compliance with the BTWC. For the time being, the annual return of CBMs plays an important role by offering an official, transparent and systematic demonstration of ongoing compliance with the BTWC, as well as fulfilling commitments undertaken at Review Conferences.”*

**Sweden** then spoke, noting that *“concrete suggestions were made [by the UN High Level Panel report and the S-G’s report In Larger Freedom] on how to strengthen the implementation of the BTWC. The UN Summit in September failed to bring any of these suggestions forward. It is now incumbent on us, the States Parties, to do what is necessary to ensure a strong and viable regime.”* The statement went on to look ahead to the Review Conference saying *“we need to thoroughly review all aspects of the operations of the Treaty, in accordance with its article XII, and in so doing be guided by the substance at hand. This includes measures to strengthen the implementation of the Convention, to help States fulfil their obligations, to reduce the threat from biological weapons and agents and to move towards universal adherence. One key issue will be how to further the process of developing effective measures to verify compliance with the Convention. Recent failures to achieve a viable verification regime must not prevent us from seeking common understanding and substantive ways forward. In the process we must be creative and avoid becoming bogged down in traditional trenches. The stakes are much too high.”* Sweden concluded by saying that *“[t]he tasks ahead are challenging. But the realities of biological warfare or terror are such that we cannot afford to fail. Realistic ambitions are those that match these realities.”*

**New Zealand** then spoke, welcoming the Chairman’s synthesis paper and looking forward to the adoption of non-binding guidance. The statement then said *“we see merit in states parties beginning to reflect on new ideas to take the Convention forward in 2006. New Zealand will certainly be among those seeking to strengthen the Convention. In that respect we welcome ideas that have been circulated informally by other participants. We support proposed action plans for universality and national implementation, including through encouragement in relevant regional forums and in bilateral contacts. We also support strengthening the treaty secretariat, especially because we do not wish to lose sight of capacity constraints that may hinder small developing countries’ implementation efforts.”*

The **USA** then spoke, looking back at the successful Meeting of Experts in June 2005 and welcoming the fact that the Inter Academy Panel (IAP) had on 1 December released basic principles relating to the construction of codes of conduct which had been formally endorsed by 69 of the 92 IAP members. The statement goes on to note that, as we enter the final meeting of the 2003 – 2005 Work Program, *“the expert discussions, and related preparatory and follow-on work, has created renewed awareness of the importance of effective national measures and how such measures are a key component in stemming the threat of biological weapons. Indeed, in the consideration of how to strengthen and make more effective the BWC regime, the strengthening of national efforts to implement the Convention are key.”* The statement concludes by saying *“we hope that the unique efforts of this year can be captured in some overarching manner and we look forward to a thorough review of national progress on all the Work Program topics at the Review Conference next year.”*

**Switzerland** then spoke saying that *“this follow-up process will take us up to the next review conference in 2006, which we hope will adopt specific recommendations in the light of the efforts of the past three years.”* In regard to the adoption of a universal code of behaviour, Switzerland said that *“it needs to be accompanied by implementation at the national level, and the results need to be communicated to the States Parties. .... We believe that every State Party to the BWC should be in a position to give periodical reports of the implementation of the code.”* Looking ahead to the Review Conference, Switzerland said that it *“believes that it time for us all carefully to prepare for the 6th Review Conference of the BWC which will take place in Geneva in 2006. In this context, we welcome the proposals formulated by Canada in the non-paper that was circulated in September 2005.”*

**Argentina** then spoke, pointing out that, in the light of developments in biotechnology, it was necessary to raise the awareness of the risks associated with the abuse of biotechnology. In regard to the Review Conference in 2006, which needed to strengthen the Convention in all of its aspects, Argentina supported the Canadian idea of providing time this week to consider informally the issues for the Review Conference.

**India** then spoke, noting that the BWC has some intrinsic weaknesses and that *“India, therefore, fully supports initiatives to strengthen the Convention, ensure its full implementation by all States Parties and make it universal.”* The statement took stock of the present intersessional process and then looked ahead to the Review Conference saying that *“we believe it will provide an opportunity to review the implementation of the Convention in its entirety, and consider steps that may contribute to strengthening the Convention, further its implementation, and promote universal adherence to it. .... In this regard, we would like to stress the importance of promoting universal adherence to the Convention and full compliance by States Parties to all their obligations under the Convention. States Parties assume obligations and implement them in good faith, trusting that fellow States Parties would do the same. However, this assurance,*

*that other States Parties are complying with their obligations, is reinforced by our ability to verify the compliance and detect non-compliance. The fear that non-compliance may be detected acts as an effective deterrence against non-compliance. Verification is also useful for its transparency enhancing quality, which in turn helps in promoting confidence. We believe that inclusion of a mechanism to verify compliance and detect non-compliance with the Convention will strengthen the instrument. The next Review Conference will provide a fresh opportunity to consider this issue.”*

**Norway** then spoke, saying that *“we are to embark on preparations for the Review Conference next year. In this process we should be ambitious, but also realistic. We need progress, given the continued and enhanced threat by bioterrorism and challenges posed by advances in biotechnology. We must strengthen the BTWC. We must involve all stakeholders in our deliberations. We must build on experiences gained over the last ten years, while aiming for do-able and feasible options. That would include measures to ensure full compliance with the BTWC. That would also include measures to further enhance the effectiveness of Confidence Building Measures.”*

**Iran** then spoke, saying that *“we still believe that the effective strengthening of the implementation of the BTWC is only possible through the adoption of a comprehensive, multilaterally negotiated and legally binding international instrument.”* The statement then went on to say that *“the mandate of this process as spelt out in the Final Document of the Fifth Review Conference is to promote a common understanding and effective action on the five specific items.... it is left to the Sixth Review Conference in 2006 to ... decide on the further action required. It is also pertinent to note that the purpose of the present process is to promote and not to reach a common understanding as sometimes extrapolated. Reaching a common understanding includes an element of negotiation among States parties which is not the purpose of the current process.”*

**Morocco** then spoke, saying that there was an urgent need to strengthen the Convention through the multilateral negotiation of a legally binding instrument. Morocco noted that the CBMs had been agreed at the Second and Third Review Conference in order to reduce ambiguities. The statement went on to recognize the usefulness of drafting and implementing of codes of conduct to ensure that the life sciences are not misused in any way.

**Algeria** then spoke, noting that the threat posed by biological weapons to peace and international security and the developments in the life sciences all led to the importance of negotiation in a multilateral framework of a legally binding instrument to strengthen the Convention as a verification mechanism is needed to guarantee implementation. On codes of conduct, Algeria welcomed the Chairman’s synthesis, and believed that it should be possible to establish standards for codes of conduct.

**Brazil** then spoke saying that *“Brazil strongly believes that States-Parties to this Convention must not repeat the*



*deadlocks of the past, and again miss the chance to address and overcome the obstacles on the way to the goal of an effective, verifiable and equitable system for ensuring compliance with the BWC.”* Brazil went on to say that *“we approach the 2006 Review Conference, when States-Parties will once more have the chance to consider the ways and means of advancing the goals of the Convention in a comprehensive manner, and to adopt measures aimed at filling the institutional gap that has hitherto prevented full implementation of its terms, in particular in the realm of verification of compliance.”*

**Australia** then spoke saying that the three year programme had been valuable as, taken in its entirety, the programme has examined a range of measures that would assist States Parties in their implementation of the Convention. Looking ahead to the Review Conference, Australia said *“the Review Conference next year presents an opportunity for States Parties to further the objectives of their treaty.... We are inclined to agree that practical steps on such issues such as universalisation, confidence-building measures and national implementation could usefully reinforce the BWC. Australia believes that States Parties must make the most of our meeting in 2006 to strengthen implementation of the BWC. We can ill afford to stand still while the threats of proliferation and terrorism are evolving.”*

**Belarus** then spoke welcoming the Chairman’s synthesis document and the principles for codes of conduct whether existing or new ones. The statement went on to say that the Belarus parliament was examining a draft law to incorporate the latest advances in biosafety and consider how to promote transparency.

**Mexico** then spoke saying that they regretted the limited scope of the decision of the Fifth Review Conference and looked forward to a more comprehensive approach being adopted next year as an effective verification protocol was needed to free humanity from the possibility of biological and toxin agents being used as weapons.

The morning session then concluded with an announcement that the afternoon session would commence with statements by Indonesia, Jordan and France prior to the statements from IGOs.

**Indonesia** spoke first, saying that *“Indonesia is of the opinion that the Member States should continue to develop verification regime that the Convention could be implemented effectively to overcome the evolution of types of threats of international peace and security.”* The statement went on to address codes of conduct and said that *“we may hope that a common understanding envisaged in a more concrete proposal could be reached”* at this Meeting of the States Parties.

**Jordan** then spoke, saying that previous meetings had outlined the mechanism of response to biological weapons and recognizing the potential proliferation of biological agents in terrorist activities, called for States Parties *“to work together from now on to determine new and clear milestones of cooperation among state-parties”* which should focus on

exchanging information on protective measures against known and emerging diseases, preventing the spread of outbreaks of such diseases and the provision of assistance by developed countries in combating outbreaks of disease.

**France** then spoke to recall that a Franco-Swiss International Seminar had been held in Geneva on 9-10 June 2005 to mark the 80th anniversary of the signing of the Geneva Protocol. Copies were provided of the Final Declaration of that seminar which called on *“those States which have made reservations upon accession to the Protocol to consider constructively the withdrawal of such reservations.”* The declaration went on to say that *“our two countries call for the continuation, with the greatest energy, of the efforts initiated eighty years ago in order to ensure the total prohibition of chemical and biological weapons. More than ever, we must make the best use of the multilateral instruments at our disposal: norms, verification mechanisms, confidence-building measures, which are mutually complementary and intrinsically linked for this purpose.”*

The afternoon session then continued with the statements made by IGOs and then, in informal session, the statements made by NGOs. On the Tuesday morning, 6 December 2005, a further three statements were made by Nigeria, Kazakhstan (a State not Party to the Convention) and the Ukraine.

**Nigeria** spoke first saying that *“Nigeria believes that Code of Conduct is not only desirable but is absolutely necessary. Code of Conduct would promote accountability, transparency and create a safer environment for all. ... My delegation believes that if there is political will, generic universal Code of Conduct could be developed and its application could also be mandatory.”*

**Kazakhstan** then outlined the progress that it was making towards accession to the Convention and said that this was currently an urgent matter for the parliament as the lower house had recommended that Kazakhstan adhere to the Convention and the Senate now has to approve this.

**Ukraine** then spoke saying that it believes *“it is necessary that the international community implements appropriate measures and intensifies its efforts to increase the effectiveness and, what is also very important, universality of the Convention, as well as of its regime as a powerful tool to control the proliferation of biological weapons.”* The statement then went on to consider codes of conduct pointing out that they must have common features – or in other words, must be harmonized and to note that codes need to be implemented at three levels; local or institutional; national; and international.

The Meeting of States Parties then went into working session during which a statement was made by Italy.

**Italy** spoke welcoming the Chairman’s synthesis document and saying that this was an appropriate basis for an outcome document of this Meeting of States Parties. Italy went on to say what it considered were important elements of codes and concluded by saying that *“the issue of the role of scientists and the codes of conduct should continue to be*

addressed and monitored both at the Review Conference and during the following intersessional period.”

On the morning of Wednesday 7 December 2005, Pakistan made its statement.

**Pakistan** spoke, noting that “we need to maintain a delicate balance between negative applications of biosciences and development of technology for peaceful and legitimate purposes. ... The primary object of codes of conduct should be to preserve the benign uses and stem the malign uses of biosciences.” The statement went on to say that “aware-ness raising minimizes the risks of diversion of peaceful research to the weaponisation of biotechnology. It will also enhance effective implementation of the Convention.”

### **Inter Governmental Organisations**

On the afternoon of Monday 5 December 2005, statements were made by three of the IGOs that had addressed the Meeting of Experts in June 2005: OECD, OPCW and ICGEB. Although in June seven IGOs – UNESCO, ICGEB, ICRC, OECD, OPCW, FAO and OIE – had made statements, it was evident that the Chairman’s letter of 20 September 2005, saying that if any of the International Organisations which spoke to MX/2005 ask for an opportunity to update the Meeting of States Parties such interventions would be considered on the Monday afternoon, had been sent only to the States Parties and not to the IGOs. Consequently, the statements were only made by those IGOs that were aware of, and had advised the Secretariat that they wished to speak at, the Meeting of States Parties.

The **OECD** statement noted that the OECD had a network of depositaries of biological materials. It said that they had had a group of experts which had been considering biosecurity measures since November 2004, and which had had their final meeting in November 2005 with a view to finalizing such biosecurity measures in 2006. The statement concluded by mentioning the OECD International Futures Programme Biosecurity Project at [www.biosecuritycodes.org](http://www.biosecuritycodes.org)

The **OPCW** presentation noted that the OPCW and IUPAC had been addressing the topic of education and codes of conduct as part of an action following on from the First CWC Review Conference which had agreed on the need to raise awareness of that Convention. The presentation noted that the First CWC Review Conference had resulted in two Action Plans: one for universality and one for national implementation measures. An update on the current status of these action plans was provided – the CWC currently has 175 States Parties, 11 Signatories and 8 Non-Signatory States. The presentation went on to report on the successful IUPAC/OPCW workshop held in Oxford in July 2005, which had shown that few chemists were aware of the CWC and the need for education, outreach and codes of conduct for chemists.

The **ICGEB** presentation said that a lot of work had been done by ICGEB on codes of conduct since the Meeting of Experts in June 2005. A number of points that were relevant to codes were addressed noting that there had been very

ample debate amongst the small community of scientists who had been following this issue. ICGEB concluded by saying that they could play an important role and would aim to complete their analysis before the Review Conference in 2006.

### **Non Governmental Organisations**

As already noted, the opening plenary session had agreed that non-governmental organizations (NGOs) could make short statements in informal session during the afternoon session on Monday 5 December 2005. Short statements were made by the following ten NGOs:

- Graham S. Pearson, Department of Peace Studies, University of Bradford.
- Kathryn Nixdorff, International Network of Engineers and Scientists for Global Responsibility (INES)
- Marie Chevrier, Scientists Working Group on CBW, Center for Arms Control and Non-Proliferation
- Angela Woodward, VERTIC
- Nicholas A. Sims, London School of Economics
- Brian Rappert, University of Exeter
- Jean Pascal Zanders, BioWeapons Prevention Project
- Richard Guthrie, Stockholm International Peace Research Institute
- Iris Hunger, Study Group on Biological Arms Control, University of Hamburg
- Sergei Batsanov, Pugwash Conferences on Science and World Affairs

Short introductions were then made to statements from three NGOs who were not present in Geneva

- Society for the Study of Peace and Conflict, New Delhi, India (introduced by Jean Pascal Zanders BWPP)
- Pax Christi International (introduced by Malcolm Dando, University of Bradford)
- Tri-Valley CAREs (Communities Against a Radioactive Environment) (introduced by Kathryn McLaughlin, BWPP)

As at the Fourth and Fifth Review Conferences and at previous Meetings of Experts and Meetings of the States Parties, 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 which, with simultaneous translation into the six official UN languages, enabled the NGOs to communicate their views to all present.

The **University of Bradford** statement first said that an international effort on education, awareness raising and codes of conduct in the life sciences area will bring significant benefits for peace and security by helping to achieve in-depth compliance with the Convention throughout academia, industry and government. It then went on to consider the Sixth Review Conference in 2006, recommending that a modular approach be adopted so that agreement is achieved on as much as possible, and setting out a list of some eleven modular points.

The **INES** statement said that a code of conduct is an essential element for raising awareness and delineating the responsibilities of those working in the life sciences to aid in



the effort to reduce and minimize the dual-use risks involving work in areas of relevance to the Convention. It then went on to look ahead to the Sixth Review Conference urging in the light of the enormous advances in science and technology in the life sciences that the Review Conference reaffirm that the prohibitions should embrace all such advances and that the States Parties should establish a mechanism whereby States Parties can collectively and interactively respond to advances in science and technology more frequently than at five year intervals.

The **Scientists Working Group on CBW** statement pointed out that a code of conduct is one means of strengthening the norm against the possession and use of biological and toxin weapons and of incorporating that norm into the very culture of the life sciences. It then set out five elements that they considered should be included in all such codes. The statement went on to urge States Parties to develop mandatory multi-level oversight and review mechanisms applicable to all activities in the life sciences having dual-use potential.

The **VERTIC** statement said that the annual meetings have facilitated a constructive dialogue on certain issues related to implementation of the Convention. However, VERTIC considers that the complexity of national implementation warrants an ongoing process beyond the Sixth Review Conference in 2006. The establishment of some type of mechanism, such as a clearing house, focal point or support unit would be a useful means of further strengthening national implementation and coordinating implementation support.

The **London School of Economics** statement pointed out the importance of ensuring that codes of conduct apply to all those engaged in scientific activity and not solely to scientists and that such codes should be seen to apply with equal vigour to those in government employment as well as to those in industry and academia. Looking ahead to the Sixth Review Conference, the statement urged that States Parties should organise themselves to make more frequent and systematic use of scientific advice, offered collectively to the States Parties as a whole.

The **University of Exeter** statement urged that the outcome of the Meeting of States Parties should not only agree to the value of codes of conduct but should offer as much as it can in the way of substantive proposals for the nature of such codes. Looking ahead to the Sixth Review Conference, it was proposed that a new Confidence-Building Measure should be adopted under which the States Parties exchange information about the adoption and implementation of codes of conduct related to the prohibitions in the Convention. Furthermore, consideration should be given to addressing education and outreach at a subsequent annual meeting of the States Parties.

The **BWPP** statement looked ahead to the Sixth Review Conference in 2006 by addressing how universalization of the Convention might be achieved, pointing out that the institutional deficit of the Convention needs to be addressed. The statement went on to identify the need for a concrete implementation of Article X as a way in which tangible benefits could be recognized from adhering to the Convention.

The **SIPRI** statement pointed out that codes of conduct and practice for scientists can have an important impact on the life sciences and offer a means to address the dual-use/dual-purpose dilemma. However, codes of conduct also need to be considered for scientists outside the biological sciences as their expertise could be used to support biological-weapons related activities. The statement also pointed out the importance of codes of conduct incorporating the Convention's 'general purpose criterion' thereby ensuring that the code remains relevant regardless of future scientific and technological developments. It was pointed out that the States Parties should also consider incorporating codes of conduct into the Confidence-Building Measure exchanges.

The **Study Group on Arms Control at Hamburg University** statement looked ahead to the Sixth Review Conference pointing out that the possibility to verify compliance with agreed obligations is an integral part of effective arms control and disarmament. The statement went on to say that routine information collection is already being undertaken for the existing Confidence-Building Measures (CBMs) and urged that the Sixth Review Conference should strengthen the CBMs by agreeing measures to promote regular participation, by focusing the CBM topics and associated forms onto the most relevant data, and by developing a follow-up process.

The **Pugwash Conferences on Science and World Affairs** statement reported on the outcome of the Workshop on "*Achieving a Successful Outcome of the Sixth Review Conference*" at which there was support for systematic well-planned actions to improve national implementation of the Convention including the provision of help to States Parties as well as developing a more modern system of information exchange and communication among States Parties. In addition, there was wide support for a more systematic action by States Parties to achieve universality of adherence to the Convention.

As already noted, the following three statements from NGOs whose representatives were unable to be in Geneva were briefly presented.

The brief introduction of the statement by the **Society for the Study of Peace and Conflict, New Delhi, India** pointed out the potential dangers from the misuse of advances in science and technology and said that a code of conduct needed to be in place for all scientists irrespective of the nature, place or scope of their work.

The brief introduction of the **Pax Christi** statement supported the creation and adoption of a general code of ethical principles within codes of practice that are, where possible, extensions of existing codes for health and safety. It went on to urge States Parties to work towards the international criminalization of the activities prohibited under the Convention.

The brief introduction of the **Tri-Valley CAREs** statement addressed concerns about the activities relating to the life sciences carried out within US nuclear weapons laboratories at Livermore, and called upon all nuclear weapons states to pledge not to collocate such biological agent facilities within classified nuclear weapons facilities.

The Chairman then closed the informal session thanking the NGOs for their contributions.

### **Lunchtime Presentations**

Lunchtime presentations were also made on five days:

**Monday 5 December 2005** Seminar arranged by Department of Peace Studies, University of Bradford and the Quaker United Nations Office Geneva entitled “*Code of Conduct for the Life Sciences*”: Malcolm R. Dando Bradford Briefing Paper No. 18, *Raising Awareness: A Hippocratic Oath for Life Scientists*; Graham S Pearson Bradford Briefing Paper No. 19, *Education, Outreach and Codes of Conduct: OPCW and IUPAC Activity*; and Nicholas A Sims (LSE) Bradford Review Conference Paper No. 15, *The BTWC Sixth Review Conference in 2006*.

**Tuesday 6 December 2005** Seminar arranged by the BioWeapons Prevention Project entitled “*Taking the BTWC Forward: The 6th Review Conference and Beyond*”: Ambassador Paul Meyer (Canada) *Strengthening the BTWC: Some Initial Ideas*; Angela Woodward (VERTIC) *Implementation Support and Other Dimensions of Universality*; and Iris Hunger (Study Group on Biological Arms Control) *Transparency and Confidence: The Future Role of CBMs*.

**Wednesday 7 December 2005** Seminar organized by the National Academies and the Royal Society entitled “*Measures to Address Biosecurity Challenges*”. Dr Sergio Pastrana (Cuban Academy of Sciences) on the InterAcademy Panel on biosecurity, Dr Robert Mathews (Australia) on the International Union of Pure and Applied Chemistry education project, David Carr (Wellcome Trust) on the Wellcome Trust – UK Medical Research Council – UK BBSRC joint statement on managing risks of misuse associated with grant funding activities, and David Sawaya (OECD) on the OECD biosecurity website and its initial operation.

**Thursday 8 December 2005** Seminar organized by the BioWeapons Prevention Project entitled “*Article X of the BTWC: Managing Technology Transfers Beyond the 6th Review Conference*.” Dr. Kalpana Chittaranjan (India) *Role of BTWC’s Article X on India’s Biotechnology Development*; Dr Jean Pascal Zanders (BWPP) *A Novel Approach to Confidence and Transparency in Technology Transfers*; and Filippa Corneliussen (BIOS Centre, LSE) *Technology Transfers through Accreditation*.

**Friday 9 December 2005** Seminar organized by VERTIC entitled “*Technical Assistance for BWC Implementation*.” Angela Woodward (VERTIC) *VERTIC’s Guide to national implementation of the BWC and BW-aspects of UN Security Council Resolution 1540 (2004)*; Andreas Persbo (VERTIC) *Technical assistance for national implementation*; and Adrian Baciu (Coordinator, Bio-Terrorism Prevention Programme, OIPC-Interpol) *Technical assistance and training for law enforcement*.

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

The Meeting of States Parties held four public meetings on 5, 6 and 9 December 2005, and also met in five working sessions

during the period from 6 to 9 December 2005.

There were two working papers submitted by States Parties – one submitted by India (WP.1) and the other by Russia (WP.2).

At the final public plenary session on Friday 9 December 2005, the States Parties adopted the report of the Meeting of States Parties. This report (BWC/MSP/2005/3), as at the Meeting of States Parties in 2004, addresses both the procedural aspects and the operative paragraphs of the Meeting of States Parties. The report of MSP/2005 has two Annexes: Annex I contained the synthesis of considerations, lessons, perspectives, recommendations, conclusions and proposals (as contained in BWC/MSP/2005/L.1) and Annex II provides a listing of all the official documents of the meeting. Unlike the report of the Meeting of the States Parties in 2004 (BWC/MSP/2004/3), there was no inclusion of an Annex containing 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/2005/MX/3)). As in the Final Report of MSP/2004, the paragraph relating to Annex I in the Final Report of MSP/2005 contains the sentence that “This annex was not discussed or agreed upon and consequently has no status.”

One paragraph in the Final Report addresses the arrangements for the Review Conference in 2006. This states that the Meeting of States Parties noted the nomination by the Group of Non-Aligned and Other States of Ambassador Masood Khan of Pakistan to be President of the Sixth Review Conference and Chairman of the Preparatory Committee. It was further agreed that the Preparatory Committee for the Sixth Review Conference would be held in Geneva from 26 to 28 April 2006, and that the Sixth Review Conference would be held in Geneva within the period of 20 November to 8 December 2006, with the precise dates of the Conference to be decided by the Preparatory Committee. In addition, it was noted that the cost estimates for the Preparatory Committee and the Sixth Review Conference, as contained in document BWC/MSP/2005/INF.1 were approved.

There was agreement to five paragraphs of substance on the outcome of the meeting:

18. *On the mandate to discuss, and promote common understanding and effective action on the content, promulgation and adoption of codes of conduct for scientists, the States Parties recognised that:*

(a) *while the primary responsibility for implementing the Convention rests with States Parties, codes of conduct, voluntarily adopted, for scientists in the fields relevant to the Convention can support the object and purpose of the Convention by making a significant and effective contribution, in conjunction with other measures including national legislation, to combating the present and future threats posed by biological and toxin weapons, as well as by raising awareness of the Convention, and by helping relevant actors to fulfil their legal, regulatory and professional obligations and ethical principles;*

- (b) *codes of conduct should reflect the provisions of the Convention and contribute to national implementation measures;*
- (c) *a range of different approaches exist to develop codes of conduct in view of differences in national requirements and circumstances;*
- (d) *codes of conduct should avoid impeding scientific discovery, placing undue constraints on research or international cooperation and exchange for peaceful purposes;*
- (e) *science should be used for peaceful purposes only but has the potential to be misused in ways that are prohibited by the Convention, and therefore codes of conduct should require and enable relevant actors to have a clear understanding of the content, purpose and reasonably foreseeable consequences of their activities, and of the need to abide by the obligations contained in the Convention.*

19. *The States Parties recognised that all those with a responsibility for, or legitimate interest in, codes of conduct should be involved in their development, promulgation and adoption. The States Parties agreed on the value of codes of conduct applying not just to scientists, but to all those involved in scientific activity, including managers and technical and ancillary staff.*

20. *On the content of codes of conduct, recognising the principles listed in paragraph 18, the States Parties agreed on the importance of codes of conduct being:*

- (a) *compatible with national legislation and regulatory controls and contributing to national implementation measures;*
- (b) *simple, clear and easily understandable both to scientists and to wider civil society;*
- (c) *relevant, helpful and effective for guiding relevant actors in making decisions and taking action in accordance with the purposes and objectives of the Convention;*
- (d) *sufficiently broad in scope;*
- (e) *regularly reviewed, evaluated for effectiveness, and revised as necessary.*

21. *On the adoption of codes of conduct, recognising that it is important to build on and coordinate with existing efforts, and avoid imposing burdensome and duplicative measures, the States Parties agreed on the value of:*

- (a) *demonstrating the benefits of codes and encouraging relevant actors to develop codes themselves;*
- (b) *using existing codes, mechanisms, frameworks and bodies as far as possible; and*
- (c) *tailoring adoption strategies according to the needs of each relevant sector.*

22. *On the promulgation of codes of conduct, recognising that codes of conduct will be most effective if they, and the principles underlying them, are widely known and understood, the States Parties agreed on the value of continuous efforts on promulgation through appropriate channels.*

This agreed outcome was developed from the original proposed outcome which was provided by the Chairman on the afternoon of Wednesday 7 December 2005. This initial proposed text had consisted of six textual paragraphs which effectively built upon the material in the synthesis document which had been widely welcomed in the opening statements to the Meeting of States Parties. The proposed opening paragraph would have set the scene:

*On the mandate to discuss, and promote common understanding and effective action on the content, promulgation and adoption of codes of conduct for scientists, the States Parties recognised that codes of conduct for scientists can support the object and purpose of the Convention by making a significant and effective contribution, in conjunction with other measures, to combating the present and future threats posed by biological and toxin weapons and bioterrorism, as well as by raising awareness of the Convention and of the potential risks inherent in scientific activity, and by helping scientists and other relevant actors to fulfil their legal, regulatory, professional and ethical obligations.*

Successive paragraphs dealt with those to whom codes should apply, the content, the value, the adoption and the promulgation of codes. This proposed outcome was thus different in format from that which had been adopted at the Meeting of States Parties in 2004 and would have demonstrated a maturing of the outcome of the consideration of the topic for 2005.

Such a textual approach to the outcome failed to attract consensus and the second version circulated on 8 December 2005 followed a similar format to that in the Final Report of MSP/2004 with four paragraphs listing a number of subitems, first on points recognized by the States Parties, then on the content, adoption and promulgation of codes of conduct. The final version saw much of this draft carried forward with amendment, although the subitems relating to the promulgation of codes were lost.

The principal changes made to the second draft in arriving at the final agreed and adopted version are shown below underlined:

18. *On the mandate to discuss, and promote common understanding and effective action on the content, promulgation and adoption of codes of conduct for scientists, the States Parties recognised that:*

- (a) *while the primary responsibility for implementing the Convention rests with States Parties, codes of conduct, voluntarily adopted, for scientists in the fields relevant to the Convention can support the object and purpose of the Convention by making a significant and effective contribution, in conjunction with other measures including national legislation, to combating the present and future threats posed by biological and toxin weapons, as well as by raising awareness of the Convention, and by helping relevant actors to fulfil their legal, regulatory and professional obligations and ethical principles;*
- (b) *codes of conductg should reflect the provisions of the Convention [rephrased] and contribute to national*

implementation measures;

- (c) a range of different approaches exist to develop codes of conduct in view of differences in national requirements and circumstances; [previously 9b)]
- (d) codes of conduct should avoid impeding scientific discovery, placing undue constraints on research or international cooperation and exchange for peaceful purposes;
- (e) science should be used for peaceful purposes only but has the potential to be misused in ways that are prohibited by the Convention, and therefore codes of conduct should require and enable relevant actors to have a clear understanding of the content, purpose and reasonably foreseeable consequences of their activities, and of the need to abide by the obligations contained in the Convention.

19. The States Parties recognised that all those with a responsibility for, or legitimate interest in, codes of conduct should be involved in their development, promulgation and adoption. [Considerably shortened] The States Parties agreed on the value of codes of conduct applying not just to scientists, but to all those involved in scientific activity, including managers and technical and ancillary staff.

20. On the content of codes of conduct, recognising the principles listed in paragraph 18, the States Parties agreed on the importance of codes of conduct being:

- (a) compatible with national legislation and regulatory controls and contributing to national implementation measures;
- (b) simple, clear and easily understandable both to scientists and to wider civil society;
- (c) relevant, helpful and effective for guiding relevant actors in making decisions and taking action in accordance with the purposes and objectives of the Convention;
- (d) sufficiently broad in scope;[curtailed]
- (e) regularly reviewed, evaluated for effectiveness, and revised as necessary.

21. On the adoption of codes of conduct, recognising that it is important to build on and coordinate with existing efforts, and avoid imposing burdensome and duplicative measures, the States Parties agreed on the value of:

- (a) demonstrating the benefits of codes and encouraging relevant actors to develop codes themselves;
- (b) using existing codes, mechanisms, frameworks and bodies as far as possible; and
- (c) tailoring adoption strategies according to the needs of each relevant sector.

22. On the promulgation of codes of conduct, recognising that codes of conduct will be most effective if they, and the principles underlying them, are widely known and understood, the States Parties agreed on the value of continuous efforts on promulgation through appropriate channels. [Curtailed by deletion of five subitems on achieving promulgation]

These substantive paragraphs were followed by two paragraphs, which were similar to those that had been adopted in the Final Report of MSP/2004, which in the Final Report for MSP/2005 stated that;

23. 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 topic under discussion at the Meeting of Experts, as contained in Annex I of the Report of the Meeting of Experts (BWC/MSP/2005/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2005/L.1, which is attached to this report as Annex I. This annex was not discussed or agreed upon and consequently has no status.

24. 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 2005 Meeting of Experts and of the outcome of the 2005 Meeting of States Parties in order to facilitate the Sixth Review Conference's consideration of the work undertaken at the meetings in 2005 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).

### **Reflections**

The atmosphere at the 2005 Meeting of States Parties was positive despite the failure of the UN Summit in September 2005 to agree any language on disarmament and non-proliferation. It was particularly noticeable in the statements in the General Debate, as well as in some of the NGO statements and activities, that increasing attention is 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. There was widespread acknowledgement of the desirability of an initiative to achieve universality of the Convention and of the need also to agree actions to improve national implementation measures. In addition, there was similarly widespread support for improving the Confidence-Building Measures.

The outcome of the Meeting of States Parties in 2005 was similar in structure and content to that of the corresponding meeting in 2004. However, the inability of the States Parties to take a further step forward by adopting a more textual approach, as proposed by the Chairman, to the substantive outcome, despite the widespread statements of support for the synthesis document, served as a reminder that the States Parties appear to be most at ease in following similar approaches to those adopted previously. This sends a clear message in regard to the Sixth Review Conference in 2006 that a successful outcome is most likely to be achieved through following a similar Article by Article review approach to that adopted in the earlier Review Conferences. Proposals to

adopt a different approach are likely to lead to much time being spent in debate about how to proceed and risks failing to meet the requirements of Article XII of the Convention that the Review Conference shall “review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention ... are being realized. Such review shall take into account any new scientific and technological developments relevant to the Convention.”

Preparations for the Sixth Review Conference in 2006 were expedited through the noting in the Final Report of the nomination by the Group of Non-Aligned and Other States of Ambassador Masood Khan of Pakistan as President of the Sixth Review Conference and Chairman of the Preparatory Committee. The determination that the Preparatory Committee

would be held in Geneva from 26 to 28 April 2006 was welcomed, even if the precise dates of the Review Conference within the period of 20 November to 8 December 2006 would be decided by the Preparatory Committee. The cost estimates were approved for a three week Review Conference. It is strongly recommended that the Review Conference should fill three weeks as this is the first opportunity for a comprehensive review of the operation of all Articles of the Convention since the Third Review Conference in 1991.

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

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## News Chronology

## May through October 2005

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*What follows is taken from issues 69+70 of the Harvard Sussex Program CBW Chronicle, which provide a fuller coverage of events during the period under report here, and also identify the sources of information used for each record. All such sources are held 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.*

**May** Albanian chemical weapons are the subject of a report in *Global Partnership Update* by Vladimir Orlov of the Moscow-based Center for Policy Studies in Russia (PIR Center), who had travelled to Albania in April. Based on his “travels and conversations” Orlov writes: “[In the 1970s and 1980s the Albanian leader Enver Hoxha] built 750,000 bunkers and imported large quantities of weapons including several hundred canisters of lethal military chemicals... These chemicals, stored in bunkers about 25 km away from Tirana, included yperite, or sulfur mustard, as well as lewisite and adamsite... Altogether, the bunkers hold nearly 600 vessels containing about 16 tons of ‘bulk agent’... It is believed the chemical agents were imported during the 1980s... It appears China is to blame.” [See also 20 Oct 04 and 10 Jan]

**2 May** The Helsinki Commission (HELCOM) reports that “only 4 small scale incidents of World War II chemical munitions caught by fishermen in the Baltic Sea were reported during last year, compared to 25 in 2003”. The Commission states that, whilst this is the lowest number since 1999, experts are not yet attributing any specific trends to the drop in the numbers. The highest number of incidents during the last 20 years was in 1991, when there were 103 catches amounting to 5378 kg. The report, which was prepared by Denmark on the basis of information received as of 9 April 2005, found that the majority of chemical munitions caught were “completely corroded and represented lumps of mustard gas and sneeze gas”. According to HELCOM, the governing body of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, “about 40,000 tonnes of chemical munitions were dumped into the Baltic Sea after the Second World War – mostly in the area to the east of Bornholm, south-east of Gotland and south of Little Belt”. It states that it is estimated that the said chemical munitions “contained some 13,000 tonnes of chemical warfare agents”.

**2-3 May** In Lisbon, a basic course for personnel from Portuguese-speaking states parties involved in the national implementation of the CWC takes place. The aim of the course, which is jointly organized by the government of Portugal and the OPCW, is to increase the ability of parties to comply with their obligations under the CWC. It is primarily intended for personnel of the national authorities of Brazil, Cape Verde, Sao Tome and Principe, Mozambique and Timor Leste; delegations from Angola and Guinea-Bissau, though not parties to the CWC, also participate. In total, the course brings together thirty participants.

**2-5 May** In Kansas City, Missouri, an *International Symposium on Agroterrorism*, hosted by the Federal Bureau of Investigation Heart of America Joint Terrorism Task Force, takes place. Attending the symposium are around 750 people from law enforcement, agriculture, food processing, science, health, government and medicine. The purpose of the symposium is to discuss ways to: “prevent an act of Agroterrorism in the US through a well coordinated intelligence collection, analysis and dissemination process”; “develop a technical and tactical response capability sufficient to neutralize and eliminate a potential attack”; and “educate the agriculture community on the role of law enforcement in responding to threats directed at the nation’s food supply”.

**2-6 May** In Punta del Este, Uruguay, the first Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants (POPs) 2001 takes place. The Convention, which currently has 98 parties, calls for, *inter alia*, international action on 12 POPs grouped into three categories: 1) pesticides: aldrin, chlordane, DDT, dieldrin, endrin, hepta-chlor, mirex and toxaphene; 2) industrial chemicals: hexa-chlorobenzene (HCB) and polychlorinated biphenyls (PCBs); and 3) unintentionally produced POPs: dioxins and furans.