

**REPORT FROM GENEVA:  
THE BIOLOGICAL WEAPONS  
CONVENTION MEETING OF STATES  
PARTIES DECEMBER 2012**

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March 2013

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# Report from Geneva: The Biological Weapons Convention Meeting of States Parties December 2012

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## Introduction

As reported in the *Review No 36* (September 2012), the Meeting of Experts of the States Parties to the Biological and Toxin Weapons Convention (BWC) was held in Geneva under the Chairmanship of Ambassador Boujemâa Delmi of Algeria on 16 to 20 July 2012 *to discuss, and promote common understanding and effective action on those issues identified for inclusion in the intersessional programme.* The Seventh Review Conference in December 2011 had decided that:

*the following topics shall be Standing Agenda Items, which will be addressed at meetings of both the Meeting of Experts and Meeting of States Parties in every year from 2012–2015:*

- (a) Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X;*
- (b) Review of developments in the field of science and technology related to the Convention;*
- (c) Strengthening national implementation.*

and that

*the following other items will be discussed during the intersessional programme in the years indicated:*

- (a) How to enable fuller participation in the CBMs (2012 and 2013);*

The Meeting of Experts produced a report (BWC/MSP/2012/MX/3 dated 3 August 2012 – this and other official BWC documentation is available at <http://www.unog.ch/bwc>) to which was attached as Annex I a paper prepared by the Chairman listing the considerations, lessons, perspectives, recommendations, conclusions, and proposals drawn from the presentations, statements, working papers and interventions on the topic under discussion at the Meeting. The report, as in the reports from the Meetings of Experts in previous years, stated that *It was the Chairman's view that the paper could assist delegations in their preparations for the Meeting of States Parties in December 2012 and in its consideration of how best to "discuss, and promote common understanding and effective action on" the topics in accordance with the decision of the Seventh 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

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December 2012 to ‘*discuss, and promote common understandings and effective action*’.

## **Preparation for the Meeting of States Parties, 10 to 14 December 2012**

The Final Report (BWC/MSP/2012/MX/3 dated 3 August 2012) of the Meeting of Experts comprised a 4-page together with two Annexes. Annex I is a 44-page listing of the considerations, lessons, perspectives, recommendations, conclusions, and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topics under discussion at the Meeting. Annex II, is a 3-page listing of the documents of the Meeting of Experts. Annex I with its 44 pages addressing three standing agenda items and a biennial topic was, as might be expected, somewhat longer than the comparable Annex I from MX/2010, which had 32 pages and addressed a single topic.

The Chairman, Ambassador Boujemâa Delmi of Algeria, wrote to the States Parties on 27 September 2012 to say that *Our task now is to take this wealth of information and ideas and consider how we might transform it into common understandings and effective action at the Meeting of States Parties. As promised, to help us in this task, I have under my own responsibility distilled the ideas and proposals made at the Meeting of Experts into a synthesis paper. This is attached for your consideration. Naturally, not every detail or individual proposal has been included, but I have tried to cover the main themes and capture at least the essence of the various ideas put forward. I hope you will find the synthesis paper useful for your preparations for the Meeting of States Parties.* Ambassador Delmi set out his ideas for the programme of work, saying that *As for the programme of work, I will be consulting delegations on the best way to manage our time. My initial suggestion is to devote the first day to procedural matters, statements from any high-level visitors, the general debate, and NGO statements. Later in the week, we will need to allocate one session for consideration of progress on universalization and the annual ISU report, and at least one session for consideration of our draft report. The remaining sessions can be allocated to the three standing agenda items and the biennial item. I would suggest that consideration of each item would allow us to reach common understanding at this Meeting of States Parties on concrete actions, and where needed to continue further discussion on the item in Meetings in subsequent years.* In his letter, Ambassador Delmi also said *As this is the first Meeting of States Parties of the new, re-structured intersessional programme, I would like to invite the heads of relevant international organizations to address States Parties on the opening day, to set out their priorities in areas of common interest and their views on the opportunities for cooperation and collaboration with the BWC over the course of the intersessional programme. I would propose to invite the heads of the WHO, OIE, FAO, OPCW and INTERPOL, as well as the United Nations High Representative for Disarmament Affairs, and would welcome any other suggestions you might have.* In regard to the outcome of the meeting, Ambassador Delmi asked for *ideas on how we can make the Meeting of States Parties, and the intersessional programme in general, more responsive to the needs and aspirations of States Parties in genuinely improving the effectiveness of the Convention and reducing the risks posed by biological weapons.* To this letter was attached the 9 page synthesis document subsequently issued, prior to the Meeting of States

Parties, as MSP/2012/L.1 dated 1 October 2012.

Ambassador Delmi subsequently wrote again to States Parties on 21 November 2012, saying that following consultations *I would like to propose one change to the provisional agenda circulated with my letter of 27 September (and now available in all languages as BWC/MSP/2012/1). I would suggest adding an additional item 4 bis, "Consideration of the report of the Meeting of Experts", in accordance with the specific decision of the Seventh Review Conference that the Meeting of Experts "will prepare for the consideration of the Meeting of States Parties a factual report reflecting its deliberations" and that the Meeting of States Parties will, inter alia, consider that report (BWC/CONF.VII/7, Part III, paragraphs 12 and 13 refer).*

In regard to universalization, Ambassador Delmi submitted his report on universalization activities to the Meeting of States Parties as MSP/2012/3 dated 19 November 2012. The report of the Implementation Support Unit was made available prior to the Meeting of States Parties as an advance version of MSP/2012/2 dated 19 November 2012.

In New York in the First Committee of the United Nations General Assembly, Hungary on 19 October 2012 introduced a draft resolution (A/C.1/67/L.29) on the BWC which begins by noting with satisfaction the number of States that have become Party to the Convention, and:

*Reaffirming* its call upon all signatory States that have not yet ratified the Convention to do so without delay, and calling upon those States that have not signed the Convention to become parties thereto at the earliest possible date, thus contributing to the achievement of universal adherence to the Convention,

In its operative paragraphs the resolution:

2. *Notes with appreciation* the decision of the Seventh Review Conference that standing agenda items (a) cooperation and assistance, with a particular focus on strengthening cooperation and assistance under article X, (b) review of developments in the field of science and technology related to the Convention, and (c) strengthening national implementation, shall be addressed at both the meeting of experts and the meeting of States parties, every year from 2012 to 2015;

3. *Also notes with appreciation* that the Seventh Review Conference decided that the questions of (a) how to enable fuller participation in the confidence-building measures, and (b) how to strengthen implementation of article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States parties, shall be discussed in 2012 and 13 and 2014 and 15, respectively, during the 2012-2015 Intersessional Process;

4. *Notes with satisfaction* that the restructured meeting of experts, held in Geneva from 16 to 20 July 2012, successfully addressed topics under the three standing agenda items and the biennial item on the agenda;

As expected, the First Committee adopted this draft resolution without a vote on 7 November 2012. It was subsequently approved by the General Assembly without a vote on 3 December 2012 as A/RES/67/77.

A useful side event was organized by Ambassador Urs Schmid of Switzerland, a Vice Chairman for MSP/2012, on 22 October 2012 in the margins of the 67th session of the First Committee of the United Nations General Assembly. The purpose of the meeting was to raise the awareness of a certain number of States not Party to the BWC concerning the importance of adhering to this instrument. The meeting sought to target as a priority those States not Party which are not represented at Geneva. It also targeted a certain number of States which have a presence at Geneva although the small size of their mission means that the question of adherence to the BWC does not represent an important priority.

After intensive efforts, supported by the three Depositary states, the following six States took part in the meeting: Andorra, Cote d'Ivoire, Guinea, Haiti, Myanmar, South Sudan. Ambassador Urs Schmid took the chair and was supported by Ambassador Djamel Moktefi, Deputy Permanent Representative of Algeria to the United Nations at New York, and Ambassador Remigiusz Henczel, Permanent Representative of Poland to the United Nations at Geneva. The three Depositary states of the BWC, together with Australia and a representative of the United Nations Office for Disarmament Affairs, also participated.

At the meeting, the importance of the BWC for international security was underlined. The advantages which flow from the status of State Party to the BWC were stressed. The various means available to support a State in the process of acceding to the Convention were highlighted. This was particularly opportune, as the discussions showed that the States which took part in the meeting face different challenges in this regard. Moreover, the States which participated have emphasised the importance of pursuing awareness-raising efforts about the Convention at the appropriate level in capitals.

## **Other Preparations**

On the weekend of 8-9 December 2012, before the Meeting of States Parties, the Pugwash Study Group on the Implementation of the Chemical and Biological Weapons Conventions held a workshop in Geneva entitled *Maximising Benefits in the Intersessional Period 2012-2015 and Beyond*. Some 40 participants from 12 countries and three international organizations had a very useful and intense exchange of views which focused both on the Intersessional Process for 2012 – 2015 and on looking ahead beyond the Intersessional Process to how the BWC might be strengthened in a longer-term perspective.

## **Meeting of States Parties, 10 to 14 December 2012: Opening Plenary Session**

The Meeting of States Parties began on Monday 10 December 2012 in a plenary session when the Chairman, Ambassador Boujemâa Delmi of Algeria, welcomed the representatives from the States Parties. He said that this was a particularly important

meeting as it was the first Meeting of States Parties of the new Intersessional Process when we should establish a methodology for our work. He warmly welcomed the Marshall Islands which had acceded to the BWC on 15 November 2012 thereby increasing the number of States Parties to 166.

Before moving to the formal business of the Meeting, Ambassador Delmi said that, as noted in his letter to States Parties of 27 September 2012, he had invited high-level representatives of other international organizations to set out their priorities in areas of common interest and their views on the opportunities for cooperation and collaboration with the BWC over the course of the Intersessional Process. His letter of 27 September indicated that he would invite the heads of the World Health Organization (WHO), the World Organisation for Animal Health (OIE), the Food and Agriculture Organization (FAO), the Organisation for the Prohibition of Chemical Weapons (OPCW) and INTERPOL, as well as the United Nations High Representative for Disarmament Affairs. However, in the event, only the Director General of the OIE, Dr Bernard Vallat, and the Deputy Director-General of the OPCW, Ambassador Grace Asirwatham, responded to his invitation. They were the first speakers.

Although the WHO made a statement on the Wednesday morning to the Meeting of States Parties, it is a pity that the highly relevant statement made the following week by the Director General of the WHO and entitled *Biological security as part of health security* could not have been brought forward and made by the Director General to the opening session of the Meeting of States Parties. Instead, it was presented to what was effectively a side event on Monday 17 December, immediately after the Meeting of States Parties had concluded on Friday 14 December. This side event was called *Global Health Security Collaboration between the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction and International Organizations* and it was an occasion to highlight the accomplishments of the Global Partnership Biosecurity Sub-Working Group and its program of work to counter biological threats, including an emphasis on bringing the health and security sectors together. Other speakers at this event, as well as the Director General of the WHO, were the Director General Dr Bernard Vallat of the OIE, and the Deputy Director General Dr Dan Gustafson of the FAO. It is equally unfortunate that the FAO did not respond to the invitation of the Chairman of the Meeting of States Parties to address the MSP in the same way as the Director General of the OIE did.

**Dr Bernard Vallat**, Director General of the **OIE**, speaking to the Meeting of States Parties, said that he wished *to highlight how the World Organisation for Animal Health, the OIE, can work with the BWC towards common goals, and to explain why strong, well-governed veterinary services lie at the heart of preventing animal pathogens from being used as biological weapons directed against humans, animals or both.* He noted that of *the 178 OIE Member Countries, 157 are also members of the BWC.* He went on to say that *because implementation of OIE's standards will help the BWC to meet their goals I would urge you to provide high-level political support worldwide to encourage greater compliance with them, by using any possible international and national channels that promote global security.* He urged all States Parties to contribute to ensuring that all stocks of rinderpest are destroyed so that outbreaks cannot recur. Finally, he said he would like to express his *gratitude to the BWC for its ongoing support and most positive collaboration, as we work towards the common objective of*

*reducing biological threats. The BWC's collaboration and outreach has been so successful thanks to the enthusiasm, commitment, and competence of the ISU [Implementation Support Unit]. I would also like to recognize the support that OIE has received from several BWC countries in helping to build global capacity for stronger animal health and veterinary public health systems.*

**Ambassador Grace Asirwatham**, Deputy Director-General of the **OPCW** then spoke, saying that *Many parallels exist in the implementation of the BWC and the CWC. These two regimes are committed to banning two of the three categories of weapons of mass destruction known to humankind.* She highlighted progress made by the CWC in the past year before going on to *point out some of the main areas of convergence between the CWC and the BWC.* In regard to the latter she noted that *Assistance and protection in the case of use of chemical or biological weapons is indeed an area of common interest for the CWC and the BWC regimes.* She went on to say that *Another area in which our experiences may be shared is national implementation, which is a clear prerequisite for the effective functioning of both treaties.* In this regard *The efforts of the OPCW and the BWC Implementation Support Unit to achieve effective implementation parallel very smoothly the United Nations' own efforts to stop the spread of weapons of mass destruction. The OPCW has shared its expertise and experiences at forums organized by the United Nations to support the implementation of UN Security Council resolution 1540. ... Together with the United Nations, we are creating a safety net of prohibitions that can reliably constrain attempts to make or use these deadly materials.* She then went on to say *The lessons learned in promoting the fundamental objectives of one treaty can be of relevance and use in the case of the other, especially in areas where strong commonalities exist. This is most relevant in the area of advances in science and technology. Both the BWC and CWC are disarmament treaties tied closely to science. At the same time, the global trade and manufacture of chemicals is developing at a fast rate. The dynamic nature and the swift pace of advances in science and technology have a direct impact on our own work.* She also noted that another area in which there are commonalities between the two Conventions is that of *education and outreach where, as experience within the BWC has shown, improving education and outreach is a long-term process and will require concerted efforts by all stakeholders on many different levels.*

The Chairman, Ambassador Delmi, thanked the two guest speakers, noting that the CWC and BWC are very closely linked and that the BWC will continue to work closely together with the CWC. He said this concluded the high level segment of the Meeting and he then moved on to the business of the meeting. In regard to the adoption of the Agenda, he noted that a revised agenda (BWC/MSP/2012/1/Rev.1) had been circulated in all languages. This was adopted. The programme of work (BWC/MSP/2012/4), – which follows the approach proposed in his letter of 27 September 2012 to States Parties and in the regional group consultations, allocating equal time to each of the three standing agenda items and the biennial item – had likewise been circulated. Time had been set aside for the NGOs to make brief statements in an informal session on Monday afternoon. The programme was adopted. The Chairman then turned to rules of procedure, and said that he proposed that the rules of procedure of the Seventh Review Conference should be applied *mutatis mutandis* as at the Meeting of Experts. This was agreed.



In regard to participation, he said that one State neither party nor signatory – Israel – had requested observer status and this was so decided. Later in the meeting, Mauritania was also given observer status. Several international organizations – the ICRC, INTERPOL, NATO, WHO, OIE, the OPCW and the EU – had also requested observer status and this was so decided.

The Chairman then moved to consideration of Agenda item 4. *bis* Consideration of the report of the Meeting of Experts. He noted that this had been issued as BWC/MSP/2012/MX/3 together with Corr.1, and proposed that the Meeting take note of the report of the Meeting of Experts. This was so decided.

The Chairman then noted that several papers had been issued. First, his synthesis document attached to his letter of 27 September 2012 had been issued in all languages (BWC/MSP/2012/L.1 dated 1 October 2012) – he emphasized that this had been prepared on his initiative and was not a negotiated document. The report (BWC/MSP/2012/2) of the Implementation Support Unit (ISU) had been circulated and would be considered on Thursday afternoon. He also noted that as usual all Working Papers would be issued in their language of submission only whilst reports and other substantive documents would be available in all languages. He also said that all documents would be available electronically on [unog.ch/bwc](http://unog.ch/bwc) and he recommended all participants to check that website regularly.

One hundred and one States Parties to the Convention participated in the Meeting of States Parties as follows: Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Bhutan, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Mexico, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Viet Nam, and Yemen.

This was eighteen more than at the Meeting of Experts, as twenty States Parties – Albania, Armenia, Bhutan, Democratic Republic of the Congo, Dominican Republic, Ecuador, Latvia, Liechtenstein, Luxembourg, Mongolia, Montenegro, New Zealand, Oman, Republic of Moldova, Rwanda, Swaziland, The former Yugoslav Republic of Macedonia, Venezuela, Viet Nam, and Yemen – participated at MSP/2012 in December whilst 2 States Parties – Bosnia and Herzegovina, and Uganda – who had participated at MX/2012 in July did not attend the MSP/2012 in December.

Three Signatory States participated – Haiti, Myanmar and Nepal – the same number as at MX/2012 as Nepal participated at MSP/2012 whilst Egypt which had

participated at MX/2012 did not attend MSP/2012. Two States neither Party nor Signatory, Israel and Mauritania, were granted Observer status; the same number as at MX/2012 as Mauritania participated at MSP/2012, whilst Namibia which had participated at MX/2012 did not do so at MSP/2012. The report of the Meeting of States Parties (MSP/2012/5) records that six international organizations were granted observer status: The European Union, the ICRC, NATO, the OPCW, the WHO, and OIE; however, the list of participants for the Meeting of States Parties (MSP/2012/INF.2 and INF.2/Add.1) includes no participants from the WHO. This was the same number as at MX/2012 in July when INTERPOL participated and NATO did not. 21 Non-Governmental Organizations and research institutes were present – a similar number to that at MX/2012. The Convention at the time of MSP/2012 had 166 States Parties and 12 Signatory States following the accession of the Marshall Islands on 15 November 2012. [Subsequently, Cameroon acceded on 18 January 2013, Nauru acceded on 5 March 2013, Guyana ratified on 26 March 2013 and Malawi ratified on 2 April 2013 bringing the total number of States Parties to 170 and the number of Signatory States to 10.]

There were over 520 participants at the Meeting of States Parties of whom 445 came from States Parties including some 193 participants from capitals. This was considerably better than the participation at the Meeting of Experts in July 2012 when there were close to 400 participants at the Meeting of Experts of whom over 320 came from States Parties, including over 150 participants from capitals.

**The Chairman** then made his introductory remarks by proposing that the Meeting of States Parties should proceed along similar lines to previous years in accordance with the mandate to *promote common understanding and effective action on those issues identified for inclusion in the intersessional programme*. He noted that the Meeting of States Parties was not seeking to negotiate legally binding agreements. He observed that the available material consisted of the synthesis document, of Annex I to the report of the Meeting of Experts which had sought to capture all ideas expressed at the Meeting of Experts, the Working Papers submitted for the Meeting of States Parties and any new ideas that arose during debate and discussion during the coming week. He emphasized that it was up to the States Parties to focus debate on the areas worthy of attention. He was seeking a useful practical result that maintained the consensual and creative spirit shown at the Meeting of Experts in July. He also noted that consideration would be given later in the week to universalisation and to the report of the Implementation Support Unit (ISU).

## **General Debate, Monday 10 December 2012**

The Chairman then opened the **General Debate**.

**Iran** spoke on behalf of the Group of the Non-Aligned Movement and other States, saying that the Group would like to reiterate its position as reflected in the final document of the Tehran NAM Summit held on 26 to 31 August 2012 in which: *The Heads of State or Government of the NAM States Parties to the Biological and Toxin Weapons Convention (BTWC) reaffirmed that the possibility of any use of bacteriological (biological) agents and toxins as weapons should be completely excluded, and the conviction that such use would be repugnant to the conscience of*

*mankind. They recognized the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention. They reiterated their call to promote international cooperation for peaceful purposes, including scientific exchange. They ... highlighted that the Convention on Biological and Toxin Weapons forms a whole and that, although it is possible to consider certain aspects separately, it is critical to deal with all of the issues interrelated to this Convention in a balanced and comprehensive manner.*

The NAM Summit final document went on to welcome the outcome of the Seventh Review Conference and encouraged all States Parties to implement Article X as set out in paragraphs 50–61 of the Final Document of the Seventh Review Conference. They also welcomed the inclusion of cooperation and assistance as one of the Standing Agenda items of the Intersessional Process.

The statement made by Iran on behalf of the NAM went on to say: *We are pleased that after lots of work and preparation, painstaking negotiations and many compromises by states we reached a successful conclusion of the Seventh Review Conference. Its final document represent a delicate balance regarding, structure, modality and different issues of the BWC that should be followed in the inter-sessional period from 2012-15.*

Iran went on to say that by adoption of the final outcome of the Seventh Review Conference, States Parties agreed on the continuation of the past inter-sessional structure and *pursuing the same objective of the past inter-sessional program which is to discuss, and promote common understanding and effective action on the pre-defined issues without any decision making power as any decisions for further action on the outcome of the meetings in the inter-sessional program will be taken by the next Review Conference.* Iran then said that *We believe that the Meetings of Experts should be utilized for in-depth technical discussions of the relevant aspects under the different agenda items in order to prepare for the Meetings of States Parties to promote common understanding and effective action on these issues.*

Iran went on to say *We recognize the importance of the BWC and its role in the total ban on all biological and toxin weapons. The Group re-emphasize that multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement, dealing with all Articles of the Convention in a balanced and comprehensive manner would sustainably strengthen the Convention. In this context we believe that that the respective mandates of this Convention and other international organizations should be respected, while utilizing the experiences of the relevant multilateral organizations dealing with human and animal health on issues that are of direct relevance to the Convention.* The statement concluded by noting that *We are also of the view that the universality of the Convention is of high priority and importance and therefore practical steps should be taken to achieve this goal. In this context we emphasized the need for states that are not signatories to the convention to display political will by joining the BWC. We call upon non parties particularly those with advanced biotechnology to join the Convention without further delay.* Iran stressed that *At this stage I would like to emphasize that maintaining the delicate balance reached in the 7th Review Conference outcome is of utmost importance for this Group. We hope that this delicate balance will be preserved through the entire intersessional program.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 9 April 2013 shows that Iran did not submit a CBM in 2012]

**Canada** on behalf of the JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand) presented a statement which noted that the Seventh Review Conference was able *to reach consensus on a number of forward-looking initiatives. The Conference showed that strengthening the BTWC is a long-term project, but also that there are urgent priorities that require our attention. While States Parties were unable to agree on important proposals aimed at improving the Convention, some useful incremental steps were taken. Our new programme of work, wherein we cover three standing agenda items and a fourth biennial topic, represents a positive step forward in addressing the substance of our Convention in a more focussed manner.* The statement went on to note that the Meeting of Experts had taken place in July and congratulated the Chairman *for launching a useful initial exchange and encourage you to further refine the meeting arrangements in order to take better advantage of, and benefit more from, the technical expertise of the meeting's speakers. This week's event, the first of the new Meeting of States Parties, gives the chance to discuss the policy aspects of the agreed-upon themes, taking into account the discussions that took place in July and the Chair's recommendations. Our working methods this week will also likely represent a good first effort, which will need refinement in the coming years. But this MSP has the opportunity to identify effective action that could be taken individually or collectively, as appropriate, to address the challenges we are facing.*

The statement then went on to highlight the JACKSNNZ views on key agenda items saying *Firstly, the JACKSNNZ believe that effective national implementation remains the cornerstone of the BTWC. Strengthening implementation at the national, regional and international levels remains the best way available to States Parties to ensure their compliance with their obligations under Article I and thereby enhancing the Convention's security norm. Therefore, at ... the Review Conference, we pressed for issues of national implementation to be taken up in the 2012-2015 intersessional process, including matters related to improving confidence in compliance. In this regard, JACKSNNZ members have been actively engaged in developing options to further explore means of improving national implementation.* The statement then drew attention to a paper submitted by Canada and Switzerland which is *an update to our Compliance Assessment initiative, in order to further demonstrate that options to evaluate compliance and implementation exist outside of legally-binding protocols.* The statement went on *to underscore that the JACKSNNZ renew our call for universality in the BTWC.* The statement concluded by saying that *Confidence Building Measures remain an essential tool for transparency for the BTWC. All seven JACKSNNZ countries have submitted CBMs, most of which are available publicly on the ISU website.* It added that *We believe further refinements are needed to improve the functionality of the CBM forms and encourage further States Parties to submit them.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Canada submitted a CBM in 2012 and that this is publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Japan** then spoke, saying that they were fully associated with the JACKSNNZ statement. The statement went on to say that *Japan ... welcomes the consensus*

*decisions of the 7th Review Conference last December which laid out important measures contributing to the strengthening of the implementation of the Convention. Among those, we place particular emphasis on the following three areas. First, in regard to advances in science and technology, States Parties should continually follow recent developments in the field of life science, and reflect those developments in the national implementation of the Convention, as appropriate, to prevent the possession and use of biological weapons by both states and non-state actors. In this regard, Japan believes that it is essential for scientists to get involved in the introduction of educational programmes, the establishment of voluntary codes of conduct in dual-use issues, and the promotion of further awareness activities. The statement went on: Second, Japan attaches great importance to strengthening national implementation in order to further reinforce the BWC. We consider that it would be beneficial if each State Party enhanced national implementation and shared their experiences among each other. In this regard, CBMs not only promote transparency and increase mutual trust among States Parties, but also play a role in reviewing the domestic state of national implementation. Japan then said that, thirdly In exercising international cooperation under Article X, Japan is of the view that it is necessary to consider the following points. 1) Assistance should meet the differing circumstances of each recipient state; 2) such assistance needs to be carried out in a manner that contributes to the non-proliferation of biological weapons; 3) multilateral, bilateral, and regional cooperation should be coordinated to avoid duplication; 4) assistance should contribute to the promotion of biosecurity and biosafety; and, 5) assistance should aid the development of human resources through education and training.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Japan submitted a CBM in 2012 and that this is publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Pakistan** then spoke, saying that they were associated with the statement delivered by Iran on behalf of the Group of Non-Aligned Movement and Other States Parties. Pakistan's statement went on to say *We acknowledge the important successes achieved by the 7th Review Conference. The Review Conference agreed on a Final Declaration embodying a common vision for the Convention and its implementation and thus achieved an optimum outcome. We consider this meeting to play a vital role in setting the course for the current inter-sessional period (2012 – 2015) and hopes that it will carry out its work in line with the mandate given by the 7th BWC Review Conference.* The statement then said *Pakistan attaches great importance to the Biological and Toxins Weapons Convention and remains committed to implementing all provisions of the Convention. We welcome the decision of the 7th Review Conference to include cooperation and assistance as one of the standing agenda items, with a particular focus on strengthening Article X implementation.* The statement went on: *We are hopeful that together we will be able to find practical ways to fully implement Article X of the Convention. For Pakistan the full, effective and nondiscriminatory implementation of the Article X of the BWC remains essential for the realization of this Convention's objectives.* The statement then outlined Pakistan's national regulatory framework and added that *Through our inter-agency consultative process, we have drafted BTWC enabling legislation which has been tabled before our Parliament and it is going through the legislative process in the Parliament.* Pakistan went on to urge that more be done to universalize the Convention. In regard to CBMs, the statement noted that *we believe that the CBMs cannot be a tool for assessing*

*compliance by the States Parties, for which the only method is a legally binding mechanism with verification provisions, and went on to say that The BWC was, and is, a security instrument. Over much of its history, its members have argued over the need to add verification machinery to the treaty. While these efforts did not succeed - for well known reasons - ... the failure of our efforts do not diminish the importance of verification machinery. Introduction of a limited and selective compliance mechanism through incremental steps would not work. We reiterate that the only sustainable method of strengthening the Convention is through multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement, including on verification provisions, dealing with all the Articles of the Convention in a balanced and comprehensive manner.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Pakistan submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

The **Russian Federation** then spoke, saying *The final document adopted at the Seventh BTWC Review Conference is well-balanced. We believe that the basis for joint work towards a strengthened BTWC regime is the implementation of the decisions of the Seventh Review Conference.* The statement then elaborated on each of the four topics to be addressed at the Meeting of States Parties – the three Standing Agenda items and the biennial topic on CBMs. On Cooperation and Assistance, the statement said that *Russia regards the fulfillment of obligations under Article X of the Convention as an important factor of the States Parties' cooperation in peaceful biological activities aimed at enhancing their biosafety capacities and, therefore the strengthening of the BTWC regime. Such activities should be open and transparent.* It went on: *We believe it necessary to establish specific criteria that help to understand which modes of assistance lie within the scope of Article X. At present, the concept of such assistance is vague. It is not a hidden fact that certain projects and programs of donor countries have little relevance to the BTWC subject matter, and "parallel" reports are generated within such international organizations as the WTO [presumably WHO (ed.)], OIE and FAO. We, the BTWC States Parties, should focus rather on achieving the purposes of the Convention set forth primarily in its Articles I and III, i.e. never to develop, produce, stockpile, acquire or transfer biological weapons.* In regard to scientific and technological advances the statement said that *The Russian Federation stands ready for an impartial analysis of the biological risks, challenges and threats linked to the rapid development of the life sciences, convergence of modern trends in biology, chemistry and computer science. However, the term "international risk management system" remains unclear. ... We propose to consider specific criteria to ensure that scientific studies are classified as dual-use activities and their hazard levels are clearly set.* On national implementation, the statement said *Russia views the national implementation of the BTWC by the States Parties as a crucial element of its consolidation and reaffirms its commitment to respect Russia's obligations under the Convention.* On the biennial topic of Confidence-Building Measures, the statement said *We regard the CBMs as an important transparency tool and the main and essential element of the Convention verification mechanism. .... We have repeatedly stated that the adoption of the international verification mechanism to monitor States Parties' implementation of the BTWC can build a better confidence in the inviolability of the Convention regime. Regrettably, we still fail to arrange a substantial discussion on verification. However, Russia is not the only one who has been addressing this issue.*

*Our common aspirations let us see the ways for placing the issue of verification mechanism on the agenda of the next Review Conference and following intersessional program. We are confident that the sooner we start our substantial discussions of the issue the earlier we get tangible progress on strengthening the BTWC regime. Let me commend the attempts of some countries to promote 'voluntary transparency measures' as a substitute for verification. We do not mind to enhance openness but we doubt that the suggested measures will look more like an 'awareness-raising' visit of political elite will contribute to confidence-building in practice. On the contrary, such false transparency may create an illusion of the irrelevance of verification. We cannot accept it and look forward to further substantial discussions on the matter.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that the Russian Federation submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**China** then spoke, saying that *Along with the breakthrough of developments of bio-science and technology as well as the deepening trends of globalization and informatization, eliminating the threats posed by biological weapons and strengthening biosafety and security have become a consensus of the international community. Under the new circumstances, the importance of the Convention has become more prominent than ever. The States Parties bear equal responsibility and obligation to strengthen the universality and effectiveness of the Convention ....* The statement went on to say *We would like to ... reiterate our proposals on ways to cope with the challenges brought by the advancement of bio-science and technology. First, States Parties should continue to promote the multilateral process of biological arms control and strengthen the effectiveness of the Convention. Second, States Parties should implement biosafety and biosecurity regulation, strengthen laboratory biosecurity as well as export control of biological dual-use items and technologies. Third, it is necessary to carry out biosafety and biosecurity education to raise awareness of relevant personnel. Fourth, exchange of experience and cooperation in relevant areas should be further promoted.* In regard to national implementation, the statement said that *China always upholds that measures to strengthen national implementation should be carried out gradually and on a voluntary basis and the best compliance mechanism is to conclude a protocol with verification regime to enhance the effectiveness of the Convention comprehensively.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that China submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Argentina** then spoke, saying that they would like first to discuss cooperation and assistance and noting that the development of databases has responded to a long-held wish to create concrete mechanisms to exchange information and technology among States Parties without hindering economic development. They added that the synthesis document provides a list of issues that will facilitate identification of commitments and responsibilities that States must assume in order to fully implement the provisions of Article X. Guaranteeing the exchange of equipment and technology, developing training for personnel in the areas of biosecurity and biosafety, as well as bearing in mind the progress made in other organizations such as the WHO, are undoubtedly steps in the right direction. The statement went on to consider advances

in science and technology, where the possibility that has been put forward to address the issue of education and awareness-raising is very positive. It is noted that this includes voluntary codes of conduct. Codes of conduct should be seen both as a means of raising awareness of the potential for improper use of biological weapons, as well as a tool for educational programmes in the scientific and academic fields. Then in regard to national implementation, the statement noted the efforts that have been made in the area of national implementation and that it will be necessary to continue working on controls in the area of transfers, biosafety and biosecurity and training as well. In this regard international cooperation is fundamental as well as cooperation at the regional and bilateral level.

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Argentina submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Ukraine** then spoke, saying *We consider the Convention to be the proper multilateral forum for developing international cooperation in the field of bio-safety and bio-security ...* In regard to scientific and technological advances, it is important to make *joint efforts aimed at raising awareness among scientists concerning the BWC regime and possible risks that may emerge from the lack of knowledge.* The statement continued: *Another priority ... ought to be effective response in case of alleged use of biological or toxin agents. Strengthening regional and international cooperation gains particular importance for the prevention of bio-threats as well as providing timely assistance to the affected countries.* The statement went on to say that Ukraine supports *the idea that education and awareness-raising are efficient tools for fighting misuse of developments in Biology* and for that reason the Ukraine joined the Working Paper submitted to the Seventh Review Conference by the JACKSNNZ and other States Parties on possible approaches to education and awareness-raising. However, *Despite all the efforts up to now there still seems to be very limited awareness of the BWC and biothreats arising from progress in biology amongst life scientists and academic community. There is a need to foster the development and implementation of codes of conduct and educational processes that would be required to underpin the proper functioning of such codes and efficient international cooperation in the field.* The statement went on to outline various steps that had recently been taken by Ukraine and said that Ukraine aligned itself with the statement to be made by the European Union.

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Ukraine submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Cuba** then spoke saying that they fully supported the statement made by Iran on behalf of the Non-Aligned Movement. The statement went on to say that the Convention on Biological Weapons is to be perceived as a whole: therefore, it is essential that each of its issues be addressed in an interrelated, balanced and comprehensive fashion. These issues may refer to regulation compliance or to promotion efforts. It added that Cuba highlighted the importance of negotiating a legally-binding, multilaterally negotiated, non-discriminatory and appropriately balanced protocol. Such a protocol should strengthen the Convention in all its aspects. Cuba did not understand why such an important step cannot be taken bearing in mind that only one State of the international community is opposed to it. In regard to cooperation and assistance, Cuba expressed concern that, although the Seventh



Review Conference was indeed a step, at the slow pace of implementation of the decisions taken therein, in particular the low level of offers of assistance and requests for assistance that are included in the database of international cooperation. The statement went on to reiterate that the Seventh Review Conference agreed to maintain the same format as the previous Intersessional Process, including analysis of a number of standing agenda items and others as well, after long and complex negotiations. In that regard and for that reason, Cuba does not support any proposal which might change that situation. It is important to maintain balance in our analysis of the agreed issues, as well as the current structure for the debate. This will enable both a successful Intersessional Process and also an appropriate means of preparing for the Eighth Review Conference.

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Cuba submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Bangladesh** then spoke, saying that they aligned themselves with the statement made by Iran on behalf of the Non-Aligned Movement. Bangladesh's statement went on to say that *the additional understandings reached in seven review conferences over last three and a half decades have further strengthened the effectiveness of the Convention*. It then said in regard to universality that *some key States in the Middle East and in our region are yet to accede to or ratify the convention, which is a matter of concern for all of us. Besides some developing States, particularly some LDCs [Least Developed Countries], also remains out of the treaty. We call upon all these states to consider accession to the convention without delay. In this regard, Bangladesh calls for enhanced international cooperation and support to LDCs that are yet to join the Convention. This will facilitate their accession to the Convention at an early date. Bangladesh supports a concerted campaign, over the next couple of years, towards making the Convention universal*. The statement went on to call for the full and effective implementation of Article X, saying *We need to develop appropriate procedures for promoting full, effective and non-discriminatory implementation of Article X*. In regard to national implementation, the statement said that *State parties should regularly update their national implementation legislation and regulations for meeting the challenges posed by new scientific and technological developments. Education and awareness-raising among the relevant stakeholders about the risks and benefits of life sciences and biotechnology are also important to ensure the implementation of the convention. Bangladesh recognizes the need for national capacity building in the fields of bio-safety and bio-security....* In regard to CBMs, the statement recommended four initiatives and went on to say that *The ultimate goals of the CBMs should be to achieve a fully verifiable regime. After all, the real success of the convention will depend on the effectiveness of the verification regime*.

[[www.unog/bwc](http://www.unog/bwc) accessed on 9 April 2013 shows that Bangladesh did not submit a CBM in 2012]

**Brazil** then spoke saying that Brazil fully associates itself with the statement made by Iran on behalf of the Non-Aligned Movement. Brazil's statement went on to say in regard to the Standing Agenda Item on cooperation and assistance that *discussions within the BWC have shown the unequivocal importance of prioritizing capacity-building with a view to successfully implementing the Convention. We believe that*

*actions and initiatives in this regard should be the object of request by recipient countries and added that Brazil welcomes the establishment of an electronic platform to convey offers and demands of cooperation. In regard to the Standing Agenda Item on science and technology, Brazil said that Bioethics should be promoted by each State, and we consider a more constructive and efficient approach to this important issue would be the approach of education and awareness-raising about risks and benefits of life sciences and biotechnology. On national implementation they said Each State Party should ideally be prompted to raise its necessities on national implementation and, by means of a request for cooperation, receive support from countries able to provide it. On CBMs, Brazil said we support initiatives such as regional or international seminars to enhance States' capabilities to provide information ... We continue to believe that the strengthening of CBMs cannot replace the existence of an effective verification regime based on a Protocol to the BWC, to be negotiated by States Parties.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Brazil submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Australia** then spoke saying *Australia is grateful for the synthesis paper you have prepared for us and looks forward to engaging across our agenda items so that we may build on the understandings from the previous two intersessional processes. But Australia hopes that this meeting will allow us to look ahead and to shape our collective future. The statement went on to say In this regard, we as States Parties could choose one of two approaches. On the one hand, we could rely on positions held for the last couple of decades and based on traditional arms control paradigms that may not fit well with the contemporary realities of the life sciences. On the other hand, we could engage critically, creatively and practically with those realities: the realities of rapid scientific and technological developments and the increasing globalisation of the biotechnology sector. If we chose the latter approach, we can start to set a clearer path to the Eighth Review Conference. Australia chooses the latter and it is pleasing to see that other States Parties are doing so as well. Australia then said To this end, Australia is submitting a short working paper whose title expresses its key point: we need to talk about compliance. Australia looks forward, including in the context of the standing agenda item on strengthening national implementation, to a focused examination from 2013 of key questions about what constitutes compliance with the Convention and how States Parties can better demonstrate their compliance.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Australia submitted a CBM in 2012 and that this is publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**India** then spoke, saying that India associates itself with the statement made by Iran on behalf of the Non-Aligned Movement. India's statement went on to say *We reiterate our commitment to improving the effectiveness of the BWC and strengthening its implementation and universalization. We believe this is necessary in view of the new challenges to international peace and security emanating from proliferation trends, including the threat posed by terrorists or non-state actors seeking access to biological agents or toxins for terrorist purposes. States Parties must ensure that their commitments and obligations under the Convention are fully and effectively implemented. India went on to say that A central element of the operation of the*

*Convention is compliance by all States parties with their obligations under the Convention. In a multilateral treaty such as the BWC, verification of compliance is critically important for States parties in order to be collectively reassured that the provisions of the Convention are being realized. We believe that only a multilaterally agreed mechanism for verification of compliance can provide the assurance of observance of compliance obligations by States Parties and act as a deterrence against non-compliance. The statement went on to say that India welcomed the decision to include review of S & T developments as a standing agenda item and added that An important aspect of these discussions will be how to balance risks and benefits of biological sciences given their dual-use nature. In regard to national implementation, India said that India has always emphasized the responsibility of States Parties to fully implement their obligations under the Convention and adopt requisite national measures to this end. It went on: We believe that effective national export controls are important in ensuring that biological agents and toxins are only used for peaceful purposes, and do not fall into the hands of terrorists. ... We also support assistance for States Parties seeking such support in strengthening their respective national systems for biosafety and biosecurity. The statement went on to say India continues to attach high importance to the full and effective implementation of Article X of the Convention and added that we believe that strengthened implementation of Article III would ensure that the cooperation envisaged under Article X is not abused. In regard to CBMs, India said we wish to stress that CBMs are an important transparency measure to enhance trust in implementation of the Convention. ... we should look at ways to increase the number of States Parties making CBM submissions from the current rate of about 40%. ... CBMs are not an alternative to an effective multilaterally agreed mechanism for verification of compliance.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 9 April 2013 shows that India submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Iran** then spoke saying that Iran associated itself with the statement made on behalf of the Non-Aligned Movement. The statement continued: *The BWC was established with the main objective of the total ban and elimination of bacteriological and toxin weapons but it has yet to ascertain the full achievement of this goal. We believe that the only sustainable way for regime building in the BWC and strengthening this convention is through the legally binding instrument to comprehensively strengthen the convention including in the area of international cooperation for peaceful purposes. The statement went on to say We also believe that the effective contribution of the convention to international and regional peace and security would be enhanced through universal adherence to the convention; therefore the Universality of the Convention is of high importance. ... we support the adoption of an action plan comprising of concrete measures with targeted timelines for ensuring the universality of the Convention. We are also of the firm belief that pending the accession of the nonsignatories to the convention, States Parties shall refrain from any transfer of biological agents, toxins, equipment, materials, technology to them. In regard to cooperation and assistance, Iran said We believe that there is an urgent need for the establishment of a mechanism on Article X; in this vein we supported the NAM Working Paper on Article X. This mechanism should be based on a non discriminatory multilaterally negotiated and universally acceptable approach to the transfer of biological items and technology for peaceful purposes, including by the adoption of multilaterally negotiated Guidelines*

*specifying legal obligations of all parties, the denial redress procedures and devising remedial measures for the rejected cases. In regard to CBMs, Iran said that the mandate of this inter-sessional program is examining different ways to enable fuller participation in the CBMs. The CBMs mechanism as a voluntary measure established with purpose of enhancing the confidence among States Parties. We have also participated in this process. However, we do share the view that the CBMs shall not constitute a mechanism for verification of compliance. The statement went on to say that Pursuing very offensive bio-defense programs and involvement in the cases like H5N1 that affect many articles of the convention by some countries and at the same time embarking on unrealistic approaches and opening the fractious debates of the Review conference like the issue of Peer Review and trying to tilt the delicate balance of its final document by them would only complicate the discussions in the inter-sessional program and adversely affect the goal of reaching common understanding. The Inter-sessional program shall be directed towards the strengthening of the Convention in its entirety.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 9 April 2013 shows that Iran did not submit a CBM in 2012]

**Kenya** then spoke, saying that they associated themselves with the statement made by Iran on behalf of the Non-Aligned Movement. Kenya supported multilateral cooperation and exchange of information particularly in regard to preparing an effective response to bioterror attacks. The statement then outlined a number of activities that had been undertaken by Kenya in regard to dual-use research, a biotechnology awareness raising strategy, and biosafety and biosecurity. Kenya had established a Chemical and Biological Weapons Conventions Committee in 2009 and had legislative bills in 2011 and 2012. The importance of sharing experience between policy-makers and stakeholders was emphasized. Outreach to stakeholders and to civil society was underway as were steps to implement the International Health Regulations (2005). Kenya was keen to see progress in regard to strengthening laboratory biosafety and biosecurity, reinforcement of biosecurity and promotion of universalization.

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Kenya submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

The Chairman then closed the meeting at the end of the morning session, and invited the Secretary, Richard Lennane, to advise participants of two lunch-time events – the first organized by the OPCW Scientific Advisory Board Technical Working Groups entitled *Convergence of Biology and Chemistry & Education and Outreach*, and the second organized by France and UNIDIR entitled *Peer Review*. The general debate would resume in the afternoon at 15.00.

## **General Debate: Afternoon Session, Monday 10 December 2012**

The afternoon session began with **Moldova** making a statement, which they began by saying that they were in full agreement with the EU statement. Moldova went on to say that *The round of annual meetings 2012–2015, decided by the Review Conference, give us the opportunity to identify mechanisms and a practical course of actions so as to respond to new challenges in the field of non-proliferation, to achieve a better*

*implementation of national legislation, to strengthen assistance and cooperation, including at the regional and sub-regional levels and to fulfil all other objectives that fall under the Convention's scope. The statement went on to express thanks to the USA and to Romania for the *Trilateral US-Romania-Moldova Forum* which represents a first step in the Eastern European Partnership and coordination on combating biological threats potentially born out of the convergence of criminal and terrorist networks. The statement went on to welcome the synthesis paper and said *We see the value of and support the proposals put forward under the chapters dealing with resource mobilization, capacity building and, respectively, coordination with international and regional organizations. The statement added that Moldova recognizes the value of other proposals and the recommendations presented under the two other standing agenda items and the biennial topic....**

[[www.unog/bwc](http://www.unog/bwc) accessed on 9 April 2013 shows that Moldova did not submit a CBM in 2012]

**Morocco** then spoke, saying that this meeting is taking place in a context where the international community faces the risk of the use of WMD: these risks are exacerbated by instability, rife in certain parts of the world and also the opportunities for diversion of technological evolution in the area of life sciences for malign ends. The statement went on to say that in order to counter these changes, it is important to operationalize the articles of the Convention and to ensure its universality. Morocco, therefore, remains convinced that setting up an effective mechanism for the multilateral operationalization of Article X of the Convention would be a determining factor to ensure its universality and would help compliance with its provisions. The statement then noted that it is important to look to the future of the Convention and to recall that the Biological Weapons Convention is an incomplete instrument because it does not have a verification mechanism taking into account all the articles of the Convention.

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Morocco submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

The **United States of America** then spoke, saying that *Today's biological weapons threat is a complex challenge, requiring a layered, nuanced and integrated response. It went on: *We are here today to fulfill the mandate given to us by the Seventh Review Conference: to promote common understandings and effective action on cooperation and assistance, on science and technology, on ways to strengthen national implementation, and on participation in the Confidence-Building Measures. This is important work: reaching clear understandings and pragmatic, meaningful actions will strengthen the Convention, and demonstrate the value of effective multilateralism. My delegation will, therefore, be seeking to conclude this meeting with a clear, specific, forward-looking report. Our working papers submitted to the Meeting of Experts included specific proposals for inclusion in the report of this meeting, and I refer you to them. It is important to remember, however, that while agreeing on new understandings and new actions is important, there is a great deal for each of us to do, acting individually and in like-minded groups, to implement the obligations of the Convention and the understandings already reached. We should never lose sight of that.** The statement went on to address cooperation and assistance and to emphasise the importance of sustainable biosafety and biosecurity as well as the importance of

the biennial Article X reports requested by the Seventh Review Conference. On Article X, the statement said *We also hope that we will emphasize the importance of the biennial Article X reports requested by the Seventh Review Conference: these reports should be as detailed and specific as possible about opportunities, challenges, and needs – and they should form the basis for our discussions, so that we can grapple with real facts and practical challenges, rather than ideological debates.* In regard to national implementation, the statement went on to say that *Presentations at the Meeting of Experts in July demonstrated that a great deal of progress is being made on strengthening national implementation of the Convention – but it is also clear that a great deal more progress is needed. We need to deepen and clarify our shared understandings of what is required for full and effective implementation of the BTWC. We also need to improve our understanding of the status of implementation across States Parties, so that we can assess the situation, provide encouragement and assistance, and measure progress. The ideas of our French, Canadian, and Swiss colleagues for peer review and assessment processes may be very relevant here. And we need to urge States Parties to take practical steps to strengthen biosafety and biosecurity – not only in the laboratory, but in transportation, sample handling, and at all other stages.* In regard to CBMs, the statement said that *CBMs do not build confidence unless they are thoughtfully prepared and thoughtfully examined. This MSP should therefore call not only for steps to increase submissions, but also steps, such as automation, open publication, and voluntarily-funded translation, that will facilitate greater understanding and thus build confidence.*

The statement continued: *My government stands ready to advise and assist those who may require support to complete this important task.* In addition, the statement looked ahead to the 2014-15 biennial topic on Article VII, saying *My government knows, from experience with international responses to a variety of international disasters and public health emergencies – that it is also a difficult one. If we are to achieve meaningful results in 2014 and 2015, we should begin now to identify barriers to prompt, effective international response.* It added that *The devastation from Hurricane Katrina [generated] an outpouring of international assistance on a scale we had never before experienced. My government received offers of assistance from over 150 governments and international organizations – and discovered that we had no procedures to evaluate, prioritize, or manage such offers. The lesson here applies equally to response to a disease outbreak, whether deliberate or natural in origin: In many cases, assistance – no matter how welcome – poses enormous logistical or regulatory challenges that cannot be addressed in the midst of a crisis. Based on this experience, the United States developed, and is continuing to refine, an International Assistance System – an internal framework under which we have examined some of those logical and regulatory challenges, developed general policies and priorities, and for the first time created a formal, organized system to manage international offers of emergency assistance.* The statement concluded by saying *I think of this week as a test of whether we can live up to the high expectations that were set by the Review Conference, of whether we can agree on ways to promote common understanding and effective action across such a wide range of important topics. I think we can, and I look forward to working with you to achieve these goals.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that the United States of America submitted a CBM in 2012 and that this is publicly available on the

[unog.ch/bwc](http://unog.ch/bwc) website]

**The Philippines** then spoke, saying that they wished to thank Iran for its coordination of the Non-Aligned Movement in preparation for this meeting. The statement went on to say that *The rapid pace of developments in science and technology, especially in the fields of biotechnology, genetic engineering and microbiology, has brought to the forefront the imperative need to enhance cooperation in strengthening biosecurity and biosafety at the bilateral, regional and international levels. The Philippines attaches importance to strengthening the implementation of the Biological Weapons Convention and has been actively engaged in advancing biosecurity and biosafety cooperation in the Asia-Pacific region.* The statement went on to outline steps being taken by the ASEAN Regional Forum, saying *The Philippines, in partnership with Australia and the United States, has hosted annual workshops within the ambit of the ASEAN Regional Forum (ARF) on the themes of Biological Threat reduction, Biorisk Management, Disease Surveillance and Detection, Preparedness and response from 2009 to 2012.* It noted that *Our three delegations have jointly submitted a Working Paper to the Meeting which further describes the ARF workshops, and discusses its significance in advancing biosecurity, biosafety and life sciences cooperation, the essence of the BWC, in the Asia-Pacific region.* The statement then outlined a number of activities recently carried out by the Philippines. It went on to say in regard to the synthesis paper that *The Philippines would like to highlight the need to enhance cooperation and technical assistance in the development of the biotechnological capabilities of States Parties in addressing bio-terrorism.* It noted that *The Philippines also views with utmost importance the need to explore closer synergies between the BWC and the OPCW, WHO, OIE and FAO given the inter-relationship among their respective mandates, thrusts and activities.* It added that *An issue that the Philippines believes should also merit the closer attention of the international community is the safe transport of infectious pathogens. The transportation sector has a significant role to play in implementing the BWC, especially in ensuring the security of infectious pathogens and their non-diversion to terrorists.* The statement concluded by saying *Let us all continue to work together to develop long-term strategies and enhance immediate cooperation for the advancement of life sciences, biosafety and biosecurity globally.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 9 April 2013 shows that the Philippines did not submit a CBM in 2012]

**Turkey** then spoke, saying that *Turkey has been aiming to increase activities in this domain, namely legislative work, academic curriculum, awareness raising, improvement of analysis-laboratory capacities, scientific research, acquisition of new equipment and such.* The statement then said that *National measures for biosafety were given impetus in 2000, when Turkey signed “The Cartagena Protocol on Biosafety”.* Accordingly, *the inter-agency process for awareness has been initiated. The law on National Biosafety was approved by the Turkish Parliament in March 2010. ... The law identifies the principles and procedures for managing, auditing and monitoring activities related to genetically modified organisms and by-products obtained through modern biotechnology.* The statement went on to note the importance of any new scientific and technological development relevant to the Convention, as well as the importance of international cooperation under Article X, and saying that *International cooperation has also a role in our universalization efforts.* On

CBMs, the statement said that Turkey had made its CBM publicly available on the ISU website and added *We encourage all the States Parties to do so. The statement concluded by saying *However, the Convention lacks a verification regime, which for Turkey, is a useful mechanism like the Chemical Weapons Convention. We believe a similar mechanism in the BWC will enable to strengthen the Convention's effectiveness.**

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Turkey submitted a CBM in 2012 and that this is publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Chile** then spoke, saying that the dual use of scientific knowledge is a challenge that we all need to face and for us to do this we need to strengthen and update ethical and professional standards of biological sciences, as well as the mechanisms of control and early warning. Chile is very grateful for the working document presented by Canada on this topic. This document submitted gives us a lot of information about the importance of education and ethics in the development of professionals in the field of biological sciences. Note should be taken of the recommendations contained in it and, wherever possible, to ensure that the centres of study and their curricula should adapt to meet these new challenges. The statement went on to say that confidence in compliance is important. However, as the Convention does not have an effective verification regime, the confidence-building measures will continue to carry out a key role in promoting transparency. It is extremely important, therefore, to continue our efforts to enhance the regime. The numerous initiatives aimed at strengthening the confidence-building measures are acknowledged and Chile is very interested in the French initiative on this topic. The peer review system is a multilateral practice which has been shown to be efficient and transparent. We must analyse this proposal in greater detail. The statement went on to say that cooperation continues to be a central axis of this Convention – however, a balance between Articles X and VII needs to be maintained. Innovative ways to implement Article X of the Convention are needed and we need to ensure that national capacities are strengthened for vigilance, prevention and response accordance with Article VII; the broadest possible exchange of equipment, material and scientific and technological information for peaceful purposes in accordance with Article X should be facilitated; and national capacities in the areas of education and awareness-raising should be enhanced. The statement said that Chile has some experience in national implementation and developing an authority which implements this Convention which it could share in South-South or triangular cooperation. The statement concluded by noting the importance of national implementation and calling for closer cooperation between the BWC, WHO, OIE, FAO, UN and OPCW so that the benefits from the synergies between their mandates can be maximized.

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Chile submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Libya** then spoke, saying that following the success of the Seventh Review Conference, it was important to implement the recommendations of that Conference. In regard to Article X, the statement said that every State Party needed to take tangible measures to ensure compliance with Article X and thereby encourage economic and technological development. Scientific exchanges between States Parties should be



encouraged and assistance provided in training in the area of biological sciences and increasing human capacity. The statement added that efforts need to be made to ensure an improved compliance with the Convention, and improved cooperation in the area of the peaceful use of biotechnology and the use of agents and toxins, in order to diagnose diseases and put an end to the increasing number of diseases.

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Libya submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Kazakhstan** then spoke, saying that *Kazakhstan is among those countries which integrated all main provisions of the Convention to its national legislation. Shutting down of the Aral biological testing ground, liquidation of Stepnogorsk complex and reorientation of research institutes and facilities involved in manufacturing dual-use products (Almaty bio-factory, Agricultural Research Institute, etc) are a vivid demonstration of our adherence to the BWC, as well as our concrete contribution to the global disarmament and non-proliferation process. From the very day when the BWC entered into force, no single state has declared about possession of biological weapons. At the same time, we have no reliable and verified information on the complete cessation or absence of such programs.* The statement noted that there was a thin line between legitimate activities in the life sciences and making biological weapons. It went on: *Universalization of the Convention is yet another vital topic to be addressed at the earliest possible way. We strongly believe that accession of all members of the international community to the BWC is the next logical step towards complete ban on the use of the biological technologies, agents and toxins for military purposes.* The statement noted that *Nowadays, biological security is the crucial matter of global scale.* It then went on to outline a number of activities carried out by Kazakhstan. The statement continued: *Elaboration of effective and mutually agreed verification mechanisms would be a guarantee that the BWC is not violated and the regime of prohibition of biological and toxin weapons functions well. Both transparency and confidence-building measures are important and useful, but they are not as good as we want it to be as they cannot fully justify our hopes for a safer world. We are committed to full-fledged and constructive dialogue to use biotechnologies solely for a peaceful purpose, to work out general principles of industrial (pharmaceutical) enterprises' inspection, which must be enforced by additional legally binding instruments of verification.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 9 April 2013 shows that Kazakhstan did not submit a CBM in 2012]

**Mexico** then spoke, saying that Mexico continues to regret that legal provisions are lacking in the Convention to monitor and establish its full implementation. This shortcoming leads us to principles of verification and irreversibility and transfer which should form the framework of any disarmament process. Mexico said that criteria need to be defined which indicate the fulfilment of the provisions of the Convention and the measure of the impact of progress in life sciences in the Convention. Mexico hopes that this new Intersessional Process will generate the confidence which is essential to be able to remedy this situation and continue to strengthen the regime established by the Convention. However, Mexico stressed that the absence of provisions covering the verification of the fulfilment of the Convention should not be interpreted as an excuse

for States not to fulfil their provisions and obligations or not to make progress in the national implementation of the Convention. The statement also noted that one achievement of this new Intersessional Process was to enable a more systematic consideration of science and technology, recognizing the need for preventative action to ensure that developments in science and technology would be complementary to the BWC. The statement went on to say that Mexico appreciated the very high value of expert meetings and how useful these are to strengthen and increase the contact networks and links and to make professionals of life sciences aware of the risks that are inherent in their activities. In this regard, Mexico supports the initiative which was submitted by Spain on the consideration of a code of conduct for scientists who are working with biological and toxin agents in States Parties. This is a topic where we believe the Convention has an opportunity to make headway in implementing its goals. Mexico hopes this proposal will be discussed in a detailed way in the course of the next few days. CBMs are a valuable resource to help strengthen the Convention and we continue to be concerned by the low level of participation in the CBMs.

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Mexico submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Malaysia** then spoke, saying that they associated themselves with the statement made by Iran on behalf of the Non-Aligned Movement. Malaysia's statement went on: *The 7th Review Conference ... was significant in providing further momentum to move the BWC process forward with the times, to focus on the issues which States Parties felt to be most relevant, and to provide the foundations for the Intersessional Process in the run-up to the 8th Review Conference.* It continued: *Malaysia is of the view that further steps should be implemented to ensure universal participation in the CBMs, create greater awareness measures on the CBM requirements, and also conduct regular training sessions to assist relevant parties in demonstrating their compliance in an open, systematic and continuous manner.* In regard to cooperation and assistance, Malaysia said *it is imperative for States Parties to develop an effective mechanism to successfully implement Article X of the Convention to ensure efficient mobilisation and maximum utilisation of resources.* On national implementation, Malaysia said that they are at present finalizing their Biological Weapons Bill which will be part of Malaysia's statutory framework to operationalize the implementation of the BWC in Malaysia. The statement then said *An additional item of importance which we should not lose the opportunity to discuss is strengthening the effective implementation of the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention. Concrete steps need to be taken in this regard.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Malaysia submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Indonesia** then spoke, saying that they associated themselves with the statement made by Iran on behalf of the Non-Aligned Movement. Indonesia continued: *The effectiveness of the Biological Weapons Convention needs to be improved in order to take necessary measures to overcome the intertwined traditional and non-traditional security threats. This becomes the responsibility of States Parties to focus on implementing what had been agreed upon in the [Review] Conference.* It then went on to note the great importance of international cooperation and full implementation of

Article X, and added that *In terms of national implementation of certain provisions of the Convention, partnership between experts in bio-security/non-proliferation and public health is also an area that should be enhanced. For example, a closer cooperation between WHO and the Implementation Support Unit of the Biological Weapons Convention in order to build an integrated approach on bio-security and bio-safety needs to be undertaken.* The statement concluded by saying that *Indonesia is also of the view that the universalization of the Convention is crucial.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 9 April 2013 shows that Indonesia did not submit a CBM in 2012]

**Latvia** then spoke, saying that Latvia aligns itself with the statement that will be made on behalf of the European Union (EU). The statement continued: *Latvia believes that constant observation of developments in science and technology, strict national legislation on biosecurity and biosafety as well as in export controls, the universal adherence to the BTWC with increased and effective transparency mechanisms among the States Parties of the BTWC are among the most fundamental measures to minimize the threat of malicious use of the biological sciences.* The statement went on to outline steps being taken by Latvia in regard to export and transit controls and then addressed shortcomings in regard to the prevention of the illicit-trafficking of WMD-related materials in maritime commerce and trade. It said *Latvia believes that modernization of maritime surveillance systems to enable effective detection of WMD-related trafficking at sea and an enhancement of sub-regional, regional and international cooperation, including the signing of bilateral and multilateral standing agreements on interdiction and boarding of vessels at sea, would strongly contribute to our shared commitment in countering WMD-related proliferation.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that Latvia submitted a CBM in 2012 and that this is publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

This completed the afternoon session of the Plenary Debate. The Chairman closed the formal session and immediately continued in informal session with statements by NGOs.

## **NGO Informal Session**

Statements were made by the following eleven NGOs:

- **University of Bradford**, Division of Peace Studies – Graham S. Pearson
- **VERTIC** (Verification Research, Training and Information Centre) – Yasemin Balci
- **INES** (International Network of Scientists and Engineers for Global Responsibility) – Kathryn Nixdorff
- **Landau Network Centro Volta in Italy, Defence Medical College of Japan and Bradford Disarmament Research Centre** – Tatyana Novosiolova
- **University of London**, King's College & London School of Economics – Nicholas A. Sims
- **Pax Christi International** – Trevor Griffiths

- **Research Group for Biological Arms Control**, University of Hamburg – Gunnar Jeremias
- **Biosecurity Working Group of the InterAcademy Panel on International Issues** – Janucz Kocik
- **International Council for Life Sciences** – Tim Trevan
- **Biosafety and Biosecurity International Consortium** – Abeer Sirawan
- **Global Health and Security Consultants** – Ali A. Mohammadi

These statements are all available on the [unog.ch/bwc](http://unog.ch/bwc) website.

Following the NGO statements, the Chairman thanked the NGOs for their contributions and the direct relevance of their advice. He hoped that the NGOs would stay for the remainder of the Meeting of States Parties.

The informal session was then closed and the formal session resumed with the Chairman noting that there were four speakers left on his list for the General Debate: the Republic of Korea, Nigeria, South Africa and Algeria. These statements would be made on Tuesday morning and then the meeting would go on to consider agenda item 6: *Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X.*

Richard Lennane then announced that there would be a side event at 09.00 am on Tuesday morning when Canada would make a presentation on *Biosafety and Biosecurity Training and Education for Life Scientists*. Australia then requested the floor to announce a Western Group Meeting, and also to support the Chairman's remarks in thanking the NGOs for their contributions. The Chairman then closed the formal session, noting that the European Union and the World Health Organisation would also make statements in the General Debate on the Tuesday morning.

It should be noted that, as at the Sixth Review Conference and at the subsequent Meetings of Experts and Meetings of States Parties, Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP) provided daily reports on the Meeting of States Parties that were made available in hard copy to the delegations as well as electronically. These reports can be found via <http://www.bwpp.org/reports.html>.

## **Side Events**

There were a number of side events during the Meeting of States Parties – there were two at lunchtime each day from Monday to Thursday – apart from Wednesday when there was one side event – and others on Tuesday, Wednesday, Thursday and Friday from 09.00 to 10.00 am prior to the morning session. The side events were as follows:

### ***Monday 10 December 2012***

13.00 – 15.00 *OPCW Scientific Advisory Board Temporary Working Groups on the Convergence of Biology and Chemistry and on Education and Outreach* – Room XXIV

- *Developments in Science and Technology – report by the Scientific Advisory Board to the Third Review Conference*, Stefan Mogul, Chairman of the

OPCW Scientific Advisory Board (SAB)

- *Overview (with a focus on beneficial purposes for chemical defence)*, Robin Black, Member of the SAB and the Member of the Temporary Working Group on Convergence
- *Improvements in Enzyme Design Relevant to CW Agent Destruction*, Piers Millett, Member of the Temporary Working Group on Convergence
- *Overview*, Djafer Benachour, Chairman of the Temporary Working Group on Education and Outreach
- *Education and Outreach: Challenges and Opportunities for the CWC and BWC*, Jo Husbands, Member of the Temporary Working Group on Education and Outreach

13:00 – 15:00 UNIDIR & France – *Exploring Options for a BTWC Peer Review Mechanism* – Room XXV

Chair: Theresa Hitchens, Director, UNIDIR

- Ambassador Jean-Hugues Simon-Michel, France, *Opening remarks*
- Richard Lennane, ISU, *Approaching Compliance: New Paths*
- James Revill, University of Sussex, *A Peer-Review Mechanism for the Biological and Toxin Weapons Convention* (UNIDIR Report)
- Christopher Andrew Halliday, Canada, *Compliance Assessment: A Tool for the National Implementation of the BTWC*

### **Tuesday 11 December 2012**

09.00 – 10.00 Canada – *Awareness of the Dual-Use Challenges into Biosafety and Biosecurity Training and Education for Life Scientists* – Room XXIV

13.00 - 15.00 IAP: Global Network of Science Academies - Room XXIV

Chair: Gabriel Ogunmola, Nigerian Academy of Sciences

- *Overview of the IAP Biosecurity Working Group*, Sergio Pastrana, Cuban Academy of Sciences
- Examples of recent activities undertaken by member academies
- *Brain Waves Module 3: Neuroscience, conflict and security*, Elinor Buxton, The Royal Society
- *Recent Activities from the Chinese Academy of Sciences*, Lei Zhang, Chinese Academy of Sciences
- *Recent Activities from the Australian Academy of Science*, Sue Meek, Australian Academy of Science
- *Biological Security Problems: Analysis of the risks*. Sergey Zavriev, Russian Academy of Agricultural Sciences

13:00 – 15:00 European Union – *Launch of the new Joint Action in support of the BTWC* – Room XXV

- *Stakeholdership in BTWC Implementation*, Jean Pascal Zanders, European Union Institute for Security Studies

### **Wednesday 12 December 2012**

09.00 – 10.00 *The InterSessional Process, Science and Education*, University of Bath, University of Bradford and Landau Network Centro Volta – Room XXIV

13.00 –15.00 *Technology, Trade and Transparency: Lessons from other treaty regimes*, Research Group for Biological Arms Control (University of Hamburg) – Room XXIV

### **Thursday 13 December 2012**

09.00 – 10.00 *Dutch Biosecurity Toolkit to Enhance Self-Regulation*, Netherlands, Sander Banus of the Dutch National Institute of Public Health and the Environment (RIVM), Room XXIV

13:00 – 15:00 Belgium - *Health Crisis Response: Light Mobile Laboratories for Rapid & Reliable Identification of pathogens* by Prof Colonel Jean-Luc Gala, Room XXIV.

13:00 – 15:00 *Responsible Research for Global Biosecurity: Progress to Date*, Green Cross International - Room XXV

### **Friday 14 December 2012**

09.00 – 10.00 *Facilitating National Implementation through Assistance and Cooperation: US, UK and Canadian Programs* - Room XXIV

Some of the presentations made at these side events are available on the [unog.ch/bwc](http://unog.ch/bwc) website.

## **Tuesday 11 December 2012**

The General Debate resumed on the morning of Tuesday 11 December 2012 with further statements by States Parties.

### **General Debate, Tuesday 11 December 2012**

The Chairman resumed the General Debate saying that he had four States Parties and two international organisations on his list of speakers. Consideration would then be given to Agenda item 6 on cooperation and assistance.

The **Republic of Korea** then spoke, saying that they aligned themselves with the statement of the JACKSNNZ group made by Canada. Korea went on to say that *It is my delegation's consistent view that the path to strengthen the implementation of the Convention should start with effective national implementation by each State party, which should be complemented with strong confidence-building. Strong efforts in these areas are of even greater importance considering the fact that the dual-use nature and rapid development of biotechnology present unprecedented risks and*

*create difficulty in clarifying distinctions between peaceful and prohibited uses under the Convention. The statement went on to say that In addition to the penal legislation, tightened national export controls and regulations on bio-safety and bio-security, it is urgent for scientific bodies and the industry to establish and abide by voluntary regulations such as the code of conduct for the field. The statement then noted that confidence-building through international cooperation and assistance is another building block in our effort to strengthen and universalize the prohibition of biological and toxin weapons. ... As a means to promote transparency and confidence between State parties, the CBM is a valuable tool for the implementation of the Convention. The statement went on to say that the BWC is the first multilateral treaty in history to prohibit a certain kind of weapon of mass destruction. Against this backdrop, I would like to draw your attention to the fact that many States have not joined the Convention in comparison to other WMD-related conventions such as the NPT. The universalization of the Convention is a pending issue, and my delegation would like to urge those States that have not yet joined the Convention to do so.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that the Republic of Korea submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Nigeria** then spoke, saying that they associated themselves with the statement made by Iran on behalf of the Non-Aligned Movement (NAM). Nigeria went on to say *The outcome of the 7th Review Conference provided a reaffirmation of our commitment towards the realization of the goals of the Convention ....* The statement then noted that *Nigeria considers the issue of international cooperation under Article X as very essential in realizing the goals of the BWC. ... There is no doubt that exchanges among states contribute to the building of capacity, and we welcome that as long as such exchanges are purely for peaceful purposes.* It continued: *One other area that elicits attention is how to deal with developments in life sciences and other new inventions in science and technology, some of which have implications for the BWC. There is a need not only to look at the negative implications but also to give equal consideration to such developments that are meant to benefit peaceful uses.* The statement concluded by noting *At present Nigeria is putting in place legislation that would prohibit the production and application of biological products for any purpose other than that which would be peaceful and uplift the quality of life of its citizens.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 9 April 2013 shows that Nigeria did not submit a CBM in 2012]

**South Africa** then spoke, saying that they associated themselves with the statement delivered by Iran on behalf of the Non-Aligned Movement and Other States Parties to the BTWC. The statement went on to say *Allow me, at the outset, to reiterate South Africa's commitment to the strengthening of the Biological and Toxin Weapons Convention (BTWC). ... South Africa shares the view that a legally-binding instrument is necessary to strengthen the Convention as a whole and to improve its implementation. Such an instrument should remain our goal. However, my delegation does not believe that the only way to achieve this is through full-time negotiations. While agreement on such a process remains a source of frustration and disappointment for many delegations, my delegation has remained willing to explore other means of*

*strengthening the Convention. It is in this context that South Africa submitted proposals to the Seventh Review Conference aimed at achieving what should be our shared objective of strengthening the Convention and its implementation. While we were disappointed that a stronger, forward-looking outcome could not be achieved, we nevertheless regard the outcome of the Review Conference as a modest forward movement towards progress. The statement continued: It is therefore imperative that the structures and agenda agreed to in 2011 be used optimally so as to build a solid foundation on which the next Review Conference could achieve success. For this reason, South Africa has submitted a working paper for this meeting that endeavours to reflect on the Meetings of Experts (MXPs). The statement then said that Unfortunately, the technical discussions during the formal MXP in July this year did not provide sufficient material for an MXP report that would effectively promote common understanding and effective action on the issues raised. Some of the side-events held on the margins of the MXP generated more in-depth technical discussions, however, these were not part of the formal MXP. In spite of initial concerns that there would be too little time during MXP, not all the available time was utilized. A change in the general approach to the MXP may therefore be required in order to ensure that the intersessional process serves the purpose for which it was created. The statement then said in regard to cooperation and assistance: During the MXP, discussions under this standing agenda item primarily involved the reiteration of national positions, while the functioning of the database that was established by the Seventh Review Conference did not attract much debate and interaction. There was also no concrete effort made to identify aspects to improve international cooperation and assistance that could be considered in order to reach common understandings. In regard to developments in science and technology, the statement noted that although a number of at the MXP, Regrettably there was no substantive engagement on these presentations and, therefore, opportunities to come to useful common understandings were lost. In addition, a number of very useful discussions took place during lunch time side events, but these were not attended by all delegations or part of the formal MXP. The statement went on to say that it is necessary to have more focused technical discussions on specific aspects to ensure that common understanding and effective action can be achieved. A number of specific proposals were then put forward for the Chairman to consider in the development of the programme for the MXP.*

[[www.unog/bwc](http://www.unog/bwc) accessed on 20 January 2013 shows that South Africa submitted a CBM in 2012 and that this is not publicly available on the [unog.ch/bwc](http://unog.ch/bwc) website]

**Algeria** then spoke, saying that they associated themselves with the statement delivered by Iran on behalf of the Non-Aligned Movement and Other States Parties. The statement went on to say that Algeria considered that the adoption of a legally binding, non-discriminatory, multilateral instrument is indispensable for establishing the necessary transparency as regards States Parties' compliance with the various provisions of the Convention. In regard to Article X, the statement underlined the importance of the effective implementation of this Article in order to mobilise the necessary resources and to facilitate the widest possible exchange of equipment, scientific materials and technological information for peaceful purposes from the developed countries to the developing countries. It went on to add that cooperation activities ought to concentrate *inter alia* on the strengthening of developing countries' capacities in the areas of public health and socioeconomic development, as well as on



preparing these countries to respond to biological threats in an efficacious and timely manner. The statement said that the African continent is the least prepared to face biological threats, and deserves particular attention. On national implementation, Algeria said that a legal framework to give effect to the obligations under the Convention is necessary for the credibility and effectiveness of the regime. This framework should include legal, including penal, measures; measures of biosafety and biosecurity; measures of control over transfers of biological materials and equipment to prevent their use or diversion for prohibited purposes. Furthermore, codes of conduct and biological ethics are important for raising the awareness of the community of scientists carrying out relevant activities and for promoting a culture of responsibility among this community; such measures ought to complement national legal measures. In regard to CBMs, Algeria said that the CBMs are important and all efforts to facilitate and simplify their form are supported; however, such measures should not be thought to be a substitute for the regime of verification or to be assimilated to a compliance mechanism for the Convention. The statement concluded by noting that the Intersessional Process is not an end in itself. Its objective must be understood in a wider perspective as aiming to reinforce the authority of the Convention and to reaffirm its value as a multilateral instrument.

[[www.unog/bwc](http://www.unog/bwc) accessed on 9 April 2013 shows that Algeria did not submit a CBM in 2012]

**Peru** then spoke, saying that they wished to comply with the obligations of the Convention and thus they needed to adopt all appropriate measures. They outlined a recent Regional Workshop that has been carried out with UNODA, States Parties and civil society. Peru recognized that there was a clear commitment to prevent any such weapons being acquired or used. They were keen to strengthen cooperation under this Convention. The statement noted that Peru had prepared a draft law to implement the Convention.

[[www.unog/bwc](http://www.unog/bwc) accessed on 9 April 2013 shows that Peru did not submit a CBM in 2012]

This completed the statements made by States Parties. It was noted that there were 32 statements: two (by the NAM and by JACKSNNZ) on behalf of two groups of States Parties, 20 by States Parties within the NAM, 3 by States Parties within the JACKSNNZ group. Three statements by Moldova, Latvia and Ukraine supported the EU statement which was not made until the international organizations were invited at the end of the General Debate to make statements. This was in marked contrast to the situation two months earlier at the United Nations First Committee in New York when, the General Debate saw opening statements on Monday 8 October 2012 by the NAM, the EU, the African Group, the New Agenda Coalition, the Community of Latin American and Caribbean States followed by individual States. It is noted that in the First Committee General Debate statements are made by the Ambassadors from several EU Member States – in 2012, these included statements by Spain, France, United Kingdom, Portugal, Hungary, Denmark and Ireland.

The Chairman then invited representatives of international organizations – the European Union and the World Health Organisation – to make statements. Two others,

which would normally have spoken at this point – the OIE and OPCW – had already made their statements in the high-level segment preceding the General Debate. It was noteworthy that no statement was made by the FAO or the ICRC, both international organizations that have contributed to the General Debate on other occasions.

The **European Union** then spoke, saying that the statement was on behalf of the European Union, and that Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Bosnia and Herzegovina, Ukraine, Republic of Moldova, Armenia and Georgia also aligned themselves with the statement. It went on to say: *We actively promote the universality, national implementation of and full compliance with the Convention. We remain committed in the long term towards identifying effective ways to strengthen and verify compliance with the Convention.* The statement went on to say that *The EU and its member States remain in cooperation with and providing support to third countries* and went on to outline what had been done from 2006 and that a new Council Decision had been adopted on 23 July 2012 with the objectives of: *promoting universality of the Convention, supporting the national implementation of the BTWC and supporting the work of the 2012-2015 inter-sessional programme with a view to strengthening the Convention's implementation and effectiveness.* The statement continued: *The EU is also actively engaged in supporting improvements in biosafety and biosecurity ... and we are working on a new Council Decision in this regard.* It then said that *The Review of developments in the field of science and technology related to the Convention is an issue of great and continuing importance to the European Union. We will continue to contribute to discussions here and we consider it essential to establish stronger and sustained links between the scientific and the diplomatic communities. We also believe it is important that the CWC and BTWC communities work together more closely as issues such as biology and chemistry convergence clearly have implications for both Conventions.* On national implementation, the statement said that *Our common aim should be supporting and strengthening, where necessary, national implementation measures, including criminal legislation, biosafety- and biosecurity measures in life science institutions control over pathogenic micro-organisms and toxins [,and] export control for dual-use agents and technologies. This new intersessional process offers the opportunity to consider ways and means, including innovative approaches, to enhance national implementation through voluntary exchanges of information and the sharing of best practices among States Parties.* The statement concluded in regard to CBMs, saying: *We note that the discussion on CBMs at the Experts' Meeting earlier this year was not as far reaching as it could have been; we hope that the final sessions devoted to this topic next year will be more substantive and include consideration of rather more fundamental questions on the purpose of CBMs as these too have a bearing on the level and nature of annual participation. It is not too early to start thinking about how we approach the CBM issue at the Eighth Review Conference.*

The **World Health Organisation** then spoke, describing the reaction at WHO and internationally to a sequence of events that started with a Promed alert issued on 21 September 2012 regarding a new coronavirus infection in June 2012: *The response which included sharing information through designated focal points in countries, communicating through secure channels and to the public for public health action, and the implementation of specific core capacities in countries illustrates how the International Health Regulations, which entered into force in 2007, were designed to*

*function. It continued: The on-going response and preparedness activities to the novel coronavirus illustrates precisely how the International Health Regulations have to be applied in order to coordinate an international action against a common threat. We are confronted by the convergence of risks that drive the emergence, amplification and globalization of public health threats. An effective IHR will protect international public health security against all hazards ... The statement then noted that The vision of a global alert and response system built on the principles of partnership, transparency and technical excellence, relies on two essential components. First, strong national public health systems able to maintain active surveillance of diseases and public health events, able to rapidly investigate reports, assess public health risk, share information, and implement public health control measures. Secondly, an effective international system that supports disease control programmes to contain specific public health threats, is able to continually assess the global picture of public health threats, and is prepared to rapidly respond to unexpected internationally spreading events. The statement went on to say that Challenges remain. Of the 195 State parties to the IHR, 119 countries have requested extension beyond the June 2012 deadline for core capacity implementation. It added: Furthermore, the WHO is working multi-sectorally, with a wide range of stakeholders, including governments, scientific institutions and society, to assess the needs and gaps in managing potential "dual-use research of concern" (DURC), and to determine how to best support countries with guidance to manage DURC in the future. The statement concluded by saying that it is WHO's belief that health consequences of the deliberate use of biological and toxin agents can best be managed by robust and resilient public health alert and response systems. .... It is not new structures that are needed, but a commitment to the importance of international collaboration, transparency and technical excellence through the International Health Regulations.*

This completed the General Debate.

The Programme of Work (BWC/MSP/2012/4) adopted on Monday had the subject *Agenda Item 6: Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X* scheduled for the morning session of Tuesday and *Agenda Item 7: Review of developments in the field of science and technology related to the Convention* scheduled for discussion in the afternoon session of Tuesday.

### **Standing Agenda Item on Cooperation and Assistance I**

On Tuesday 11 December 2012 at 11.10, the Chairman opened consideration of *Agenda Item 6: Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X*. 22 statements were then made; by Iran (on behalf of the NAM), by France, Netherlands, Belarus, Switzerland, Canada, Mexico, Russian Federation, EU, Italy, UK, Brazil, Portugal, Cuba, India, Malaysia, China, Australia, US, Japan, Ghana and Germany. The Republic of Korea wished to speak but agreed to wait until Agenda item 6 was considered again on Thursday morning, as the reduced time available after completion of the General Debate on the Tuesday morning had been exhausted.

## **Standing Agenda Item on Science and Technology I**

On Tuesday afternoon, consideration moved on to *Agenda Item 7: Review of developments in the field of science and technology related to the Convention*, with the Vice Chairman, Cezary Lusinski of Poland in the Chair. 14 statements were made: by Iran (on behalf of the NAM), by Ukraine, Cuba, Switzerland, France, Netherlands, UK, Spain, Poland, Spain (in association with Chile, Colombia and Mexico), Mexico, Australia, Japan and India. The Tuesday afternoon session finished at 17.15 when the ISU announced the side event for Wednesday morning as well as ongoing consultations.

## **Wednesday 12 December 2012**

### **Standing Agenda Item on Strengthening National Implementation I**

On Wednesday morning, 12 December 2012, the Chairman opened the session by noting that Mauritania had requested that they participate as an observer. He noted that Mauritania had already started the process towards accession to the Convention in its capital. It was agreed that Mauritania should participate as an observer.

The meeting then went on to consider *Agenda Item 8: Strengthening national implementation*. 18 statements were made: by Iran (on behalf of the NAM), by Chile, Denmark, France, Canada, Cuba, Switzerland, Republic of Korea, India, Netherlands, Russian Federation, Malaysia, China, UK, Australia, Iraq, US and Germany. The morning session was completed at 12.35, when the Chairman said that the Vice Chairman, Ambassador Urs Schmid of Switzerland, would chair the afternoon session on CBMs.

### **Biennial Item: how to enable fuller participation in the Confidence-Building Measures I**

The afternoon session on Wednesday 12 December 2012 considered *Agenda Item 9: How to enable fuller participation in the CBMs*. 14 statements were made: by Iran (on behalf of the NAM), by France, Canada, UK, Switzerland, Germany, India, Sweden, US, Cuba, Australia, Pakistan, Iran (national) and Belgium. The discussion essentially ended at 16.28. The Chairman then invited any further comments and Australia raised the question of considering an electronic format for the CBMs, as this appeared to be the way in which form filling was moving. The ISU was invited to respond, and they said that an informal gathering to discuss this would be held on Thursday afternoon.

The Chairman then said this concluded the session. Richard Lennane advised on the side event to be held on Thursday morning and said that the provisional list of participants should be available by noon on Thursday. The session ended at 16.40.

## **Thursday 13 December 2012**

The programme (BWC/MSP/2012/4) proposed that the Thursday morning should provide a second round of discussion of the following:

- 10.00–11.00: Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X (agenda item 6)
- 11.00–12.00: Review of developments in the field of science and technology related to the Convention (agenda item 7)
- 12.00–13.00: Strengthening national implementation (agenda item 8)

followed in the afternoon by consideration of:

- 15.00–16.00: How to enable fuller participation in the CBMs (agenda item 9)
- 16.00–17.00: Progress with universalization of the Convention (agenda item 10)
  - Reports from the Chairman and States Parties on universalization activities
- 17.00–18.00: Annual report of the Implementation Support Unit (agenda item 11)

In the event the second round of discussions was very short.

### **Standing Agenda Item on Cooperation and Assistance II**

Statements were made by 3 States Parties: the Republic of Korea, Algeria and Iran, occupying some 20 minutes.

### **Standing Agenda Item on Science and Technology II**

Statements were made by 2 States Parties: Chile and the UK, occupying some 10 minutes.

### **Standing Agenda Item on Strengthening National Implementation II**

Statements were made by 3 States Parties: Algeria, Japan and Chile, occupying some 15 minutes.

### **Discussion about proposals for improving the work programme and organization of the Intersessional Process**

The opportunity was then taken to have a discussion about Working Paper No. 7 submitted by South Africa entitled *The intersessional process: comments and proposals*. This working paper proposed certain improvements to the work programme and organization of the Intersessional Process, within the agreed agenda, and *inter alia* made the point that:

*the technical discussions during the formal MXP in July 2012 regrettably did*

*not provide sufficient material for an MXP report that would effectively promote common understanding and effective action on the issues raised. Some of the side-events held on the margins of the MXP generated more in-depth technical discussions; however, these were not part of the formal MXP.*

and went on to note that:

*In spite of initial concerns that there would be too little time to do all the work, not all the available time was utilised during the July 2012 MXP and there are indications that that tendency will continue unless there is a change in the general approach to the MXP.*

There was a lively discussion with some 19 States Parties making statements and interventions in the subsequent hour. The States Parties participating in the discussion were South Africa, India, UK, US, Australia, Cuba, Belarus, Germany, Iran, Netherlands, Pakistan, Belgium, Cuba, India, South Africa, Australia, China and Denmark. The Chairman then closed this discussion by proposing that this be sent for consultations, and it was so decided.

The Chairman then moved on to the second round discussion on the first item originally scheduled for the afternoon.

### **Biennial Item: how to enable fuller participation in the Confidence-Building Measures II**

A statement was made by one State Party: Japan, occupying some 5 minutes.

### **Report of the Meeting of States Parties**

The meeting then went to consideration of the first draft of the organizational paragraphs of the report of the meeting that had been distributed in the room at 10.25 on Thursday morning as *Draft report [of] the Meeting of States Parties issued by Chairman 13 December 2012*. The Secretary, Richard Lennane, took the meeting through the draft paragraphs. He drew attention to the new paragraph 35 which reflected the need for the Meeting of States Parties to specify their requirements for documentation services for the meetings of the Convention. He also noted a new wording for the opening of paragraph 31 which proposed the following language:

*31. States Parties are encouraged to inform subsequent meetings of the intersessional programme of, inter alia, any actions, measures or other steps that they may have taken on the basis of the discussions at the 2012 Meeting of Experts and the outcome of the 2012 Meeting of States Parties, in order to further promote common understanding and effective action and to facilitate the Eighth Review Conference's consideration of the work and outcome of these meetings and its decision on any further action, in accordance with the decision of the Seventh Review Conference (BWC/CONF.VII/7, Part III, paragraph 15).*

There was considerable discussion about the language in paragraph 31 and after debate the eventual wording that appeared in paragraph 47 of the Report (BWC/MSP/2012/5) was agreed:

*47. States Parties are encouraged to continue sharing information at subsequent meetings of the intersessional programme on any actions, measures or other steps that they may have taken on issues under consideration in the intersessional programme, in order to further promote common understanding and effective action and to facilitate the Eighth Review Conference's consideration of the work and outcome of these meetings and its decision on any further action, in accordance with the decision of the Seventh Review Conference (BWC/CONF.VII/7, Part III, paragraph 15).*

There was also some debate about the language in paragraph 32 of the first draft on universalization which stated:

*... called on all States Parties to continue to promote universalization, and to support the universalization activities of the Chairman and the Implementation Support Unit, in accordance with the decision of the Seventh Review Conference.*

After debate the eventual wording that appeared in paragraph 48 of the Report (BWC/MSP/2012/5) was agreed:

*... called on all States Parties to continue to promote universalization, and to support the universalization activities of the Chairman with support from the Implementation Support Unit, in accordance with the decision of the Seventh Review Conference.*

The Thursday morning session finished with the agreement to send some of the proposed amendments off to consultations.

## **Progress with universalization of the Convention**

The Thursday afternoon session began by considering Agenda item 10: *Progress with universalization of the Convention*. The Vice Chair Ambassador Urs Schmid presented the report BWC/MSP/2012/3, and described the awareness-raising meeting that he had organised together with the support of the three Depositaries in the margins of the First Committee meetings in New York on 22 October 2012. Six states not yet party to the Convention had taken part: Andorra, Cote d'Ivoire, Guinea, Haiti, Myanmar, South Sudan.

The next speaker was Myanmar, who informed the Meeting of States Parties that his government was engaging with the UN and international organisations across a range of multilateral arms control instruments, and expected to ratify its signature on the Convention when the internal process of national reconciliation was further advanced; this must take priority. In the subsequent discussion, the US pointed out that there were still only 166 States Parties and this was too low. The US had written to the US Ambassador in each non-party where the US has diplomatic representation, asking for

a demarche to the host government. Germany said it had been active too and stressed the importance of universalization efforts being more than single actions: they have to be sustainable.

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

The meeting went on to consider the annual report of the ISU (BWC/MSP/2012/2). Richard Lennane spoke mostly on the documentation issue and the proposed new Annex II to the Report of the Meeting of States Parties. Informal arrangements with the UN's Document Management Service would no longer suffice. It was important that the States Parties should state their collective requirements.

The ISU report notes in its conclusion that:

*The decision of the Seventh Review Conference to mandate additional tasks to the Unit without increasing its resources did pose a challenge, however, and the concerns raised in the 2011 ISU report to the Seventh Review Conference about the capacity of the ISU to respond to the requests of States Parties and the geographic distribution of ISU activity remain unresolved – and have even been exacerbated.*

Richard Lennane pointed out that having only three - soon to be reduced to two by maternity leave - members of the ISU to carry out all its functions was a challenge.

## **Report of the Meeting of States Parties**

The meeting was then adjourned for about 40 minutes to enable delegations to read the first draft of the substantive paragraphs for the report of the meeting. These were entitled *Paragraphs for insertion into the Draft Report* issued by the *Chairman 13 December 2012 15.30*. The Chairman then invited first reactions and responses were made by Iran (on behalf of the NAM), US, Cuba, Norway, UK, Switzerland, Iran (national), and Australia. The Chairman then closed the meeting shortly after 18.00 and invited delegations to meet him for consultations in a committee room commencing at 19.00. It is understood that these consultations continued for a couple of hours.

## **Friday 14 December 2012**

A revised version of the organizational paragraphs of the Report of the Meeting of States Parties was available at the start of the Friday morning session as BWC/MSP/2012/CRP.1 entitled *Draft Report of the Meeting of States Parties Submitted by the Chairman*. The Chairman started the morning session by reviewing this revised version which attracted no comment.

The Chairman then distributed a revised version of the substantive paragraphs entitled *Revised paragraphs for insertion into the Draft Report* issued by the *Chairman 14 December 2012 10.00*. He then adjourned the meeting for about 50 minutes to allow delegations time to read the revised paragraphs. The meeting



resumed at 11.30. Although a number of delegations expressed regret that the report of the MSP had not gone further, they indicated that they were content with the revised draft paragraphs. However, other delegations expressed concern about certain of the revised paragraphs. The Chairman then adjourned the meeting at 12.00 and invited delegations to participate in consultations in a separate committee room.

At the time appointed for the start of the afternoon session (15.00), delegations were advised that the Chairman proposed to resume at 17.00 after further consultations. At 17.20 a further draft of the substantive paragraphs entitled *Re-revised paragraphs for insertion into the Draft Report* issued by the *Chairman 14 December 2012 17.00* was circulated to delegations in the room.

The meeting resumed at 17.40 when the Chairman started by reviewing BWC/MSP/2012/CRP.1 – the organizational paragraphs of the report – section by section, which was agreed.

At 17.45, the meeting moved on to consider Agenda item 12: *Arrangements for the Meeting of Experts and Meeting of States Parties in 2013*. The United States on behalf of the Depositaries proposed 12 to 16 August 2013 for the Meeting of Experts, and 9 to 13 December 2013 for the Meeting of States Parties. These were agreed. Estonia on behalf of the East European Group then nominated Judit Koromi of Hungary as the Chairman for 2013. Iran on behalf of the NAM proposed Ambassador Mazlan Muhammad of Malaysia as one of the Vice-chairs and Australia on behalf of the Western Group nominated Ambassador Urs Schmid of Switzerland as the other Vice-chair. These nominations were agreed.

The meeting then went on to consider the *Re-revised paragraphs for insertion into the Draft Report* and these were agreed. The complete report of the meeting was adopted at 17.56.

There were then closing statements by Iran for NAM, Australia for the Western Group, Estonia for the EEG, China, Mexico, Hungary (when Judit Koromi spoke accepting her nomination as Chairman for 2013) and Cuba. Ambassador Delmi then concluded the meeting, giving particular credit to Hamza Khelif, Counsellor in the Permanent Mission of Algeria at Geneva, for ensuring continuity during the change of Ambassador, and for helping him throughout the MX and MSP.

## **Working Papers**

Twelve working papers were submitted by States Parties (one by each of Canada, China, France, Iraq, Poland, South Africa, UK, and the USA, one jointly by Australia, the Philippines and the United States of America, one jointly by Australia, Canada, Japan, New Zealand and Switzerland, one jointly by Canada, the Czech Republic and Switzerland, and one jointly by Chile, Colombia, Mexico, Italy and Spain). One INF document (BWC/MSP/2012/INF.1) entitled *International activities of the Government of Canada related to Article X of the Biological and Toxin Weapons Convention: Update 2012* was submitted by Canada. The working papers covered a range of topics:

- **BWC/MSP/2012/WP.1** entitled *Next steps on the CBMs: some key questions for 2013*, submitted by the United Kingdom, in which it is proposed that the Meeting of Experts in 2013 should address:

*(a) Lessons learned from national compilation of CBM returns; issues and problems encountered and possible solutions. How does the information submitted in annual returns contribute to the stated goals of the CBMs? How do we demonstrate the value added?*

*(b) What assistance do States Parties need to improve the quantity and quality of returns?*

*(c) What further technical changes are required to help improve returns?*

*(d) How should the CBM regime evolve? Do we have clarity in the underlying purpose and how does this impact on return rate and on quality of returns?*

- **BWC/MSP/2012/WP.2** entitled *The crucial role of life scientists in the effective implementation of the BTWC*, submitted by Poland, in which proposals prepared by an e-group of life scientists were put forward:

*The States Parties recognise that all those engaged in the life sciences need to be aware of the prohibitions and obligations of the Convention in order to achieve effective implementation and the States Parties agree that:*

*(a) increased efforts be made nationally, regionally and internationally to ensure that all those engaged in the life sciences are aware of the Convention and its prohibitions and obligations;*

*(b) steps be taken nationally to ensure that biosafety, biosecurity and the prohibitions and obligations of the Convention are included within the provisions for education of all life scientists and the associated institutional structures and practices;*

*(c) steps be taken nationally to promote interaction between national authorities and national stakeholders in government, academia and industry;*

*(d) steps be taken nationally, regionally and internationally to enhance awareness amongst all those engaged in the life sciences and associated fields, including those working outside the traditional institutional and commercial environment, as well as members of the public, of the prohibitions and obligations of the Convention;*

*(e) States Parties be requested to advise subsequent Meetings of the States Parties of the steps they have taken in regard to the above so that the experience gained and best practices can be shared for the benefit of all States Parties.*

- **BWC/MSP/2012/WP.3** entitled *The United States Government's Bio-transparency and Openness Initiative*, submitted by the United States of

America. This outlined a set of unilateral, voluntary planned activities for the US Bio-transparency and Openness Initiative. The goal of the initiative is to help build understanding of the US biodefense programs, encourage transparency among all States Parties, and demonstrate US work in countering biological threats and improving global health security.

- **BWC/MSP/2012/WP.4** entitled *Considerations and recommendations to inculcate awareness of the dual-use challenge into biosafety and biosecurity training and education for life scientists in States Parties* submitted by Canada. This concludes that:

*15. A compressive curriculum integrating dual-use, biosafety, biosecurity and bioethics, increases awareness among life scientists, provides them with new information, perspectives and tools. It also develops champions of biosafety, biosecurity, and bioethics within their own jurisdictions and organizations. Increased education and awareness not only promotes BTWC compliance, but also provides the foundation for a change in culture and practice which would support the establishment of a norm among life scientists.*

*16. We encourage States Parties to carry out and report back on a wide range of forward-looking initiatives to improve the awareness and education of life and associated scientists and technologists during the annual Meetings of Experts and of States Parties leading up to the Eighth Review Conference in order that best practices can be identified and implemented in many different States.*

- **BWC/MSP/2012/WP.5** entitled *National implementation measures in the Republic of Iraq*, submitted by Iraq, is in Arabic. It is understood to describe national implementation measures for the BTWC being carried out in Iraq.
- **BWC/MSP/2012/WP.6** entitled *National implementation of the BTWC: compliance assessment: update*, submitted by Canada, the Czech Republic and Switzerland. This paper carries forward the Canadian initiative to examine the broader perspective of assessing compliance by examining and assessing the regulatory program that has been implemented to ensure compliance by regulatory/legislated requirement. It recalls that the concept paper submitted by Canada (BWC/MSP/2010/WP.3/Rev.1) during the 2010 Meeting of the States Parties detailed a compliance assessment concept which proposed that compliance assessment can be achieved by examining the implementation measures a State Party has taken, as well as efforts to administer and enforce the measures on an ongoing basis. The MSP/2012 working paper provides an initial declaration from the Czech Republic and updates from Canada and Switzerland to their respective declarations made in the working paper submitted in 2011 to the Seventh Review Conference but which due to an oversight by the Secretariat was not produced until the Meeting of Experts in 2012 when it was issued as BWC/MSP/2012/MX/WP.17. The MSP/2012 working paper concludes by noting that:

*Discussions on compliance assessment, as well as other possible measures for verifying compliance to the BTWC, should continue as part of the standing agenda item on strengthening national implementation during the remainder of the 2012–2015 intersessional process and at the Eighth Review Conference in 2016.*

- **BWC/MSP/2012/WP.7** entitled *The intersessional process: comments and proposals* submitted by South Africa. This noted that during the Intersessional Process in 2012 the technical discussions during the formal MXP in July 2012 regrettably did not provide sufficient material for an MXP report that would effectively promote common understanding and effective action on the issues raised. Some of the side-events held on the margins of the MXP generated more in-depth technical discussions; however, these were not part of the formal MXP. It also noted that *In spite of initial concerns that there would be too little time to do all the work, not all the available time was utilised during the July 2012 MXP and there are indications that that tendency will continue unless there is a change in the general approach to the MXP.* This working paper makes proposals that in the 2013 and subsequent Intersessional Process, whilst generalised discussions and statements by delegations will always be useful, *it is necessary to have more focussed technical discussions on specific aspects to ensure that common understanding and effective action is achieved.*
- **BWC/MSP/2012/WP.8** entitled *Regional cooperative efforts to combat biological threats: the ASEAN Regional Forum workshops*, submitted by Australia, the Philippines and the United States of America. This reports that the recently completed series of ASEAN Regional Forum workshops was a highly successful demonstration of the principle that cooperation at the regional or sub-regional level can play an important role in strengthening national capacities to implement the Biological Weapons Convention. These workshops were an important step in enhancing the biosecurity of the Asia-Pacific region and, at the same time, further facilitating the peaceful use of the biological sciences in the region. The paper concludes that:

*The successful conclusion of this series of workshops demonstrates the utility of the ASEAN Regional Forum as a means to encourage multilateral coordination on challenging issues that directly related to the Biological Weapons Convention and support the work of the Intersessional Process. These meetings stand as an example of how regional entities can and should come together to discuss challenges, identify solutions, and share lessons learned as a means to advance regional cooperation on biological threat reduction.*

- **BWC/MSP/2012/WP.9** entitled *Código de Conducta para Científicos* (Code of conduct for scientists) submitted by Chile, Colombia, Spain, Italy and Mexico. This paper is in Spanish with an unofficial English translation attached. The paper sets out elements of a code of conduct and notes that

*The present Code of Conduct is of general application to all staff using scientific methods in Natural, Veterinary; Agricultural and Social Sciences, as well as in Medicine, Mathematics and Engineering, provided they are relevant for the CBW. It is also noted that In drafting this Code of Conduct, other already-existing codes have been taken into account, as well as the contributions made by several States Parties. The present Code is proposed for consultation purposes and to assist those States Parties interested in publishing similar codes at the national level.*

- **BWC/MSP/2012/WP.10** entitled *International cooperation* submitted by China. This outlines some of the main areas of international cooperation carried out by China. It proposes that:

*States Parties could strengthen international cooperation and exchange in the following three aspects:*

*(a) **Information exchange and cooperation.** States Parties should strengthen information exchange related to advancement of bioscience and technology, sharing the new achievements in this regard, notifying each other about the development which might pose potential threats, and enhancing screening and monitoring relatively. It is also important to improve existing notification mechanism on disease outbreaks and strengthen the information sharing in counter-bioterrorism and other biosafety issues.*

*(b) **Technology exchange and cooperation.** States Parties should promote biotechnology exchange and cooperation, through joint research, technology transfer and other forms, especially by transferring technology and equipments to developing countries to enhance their capacity on response to disease outbreaks, biosafety and health care, and by removing the export restrictions against the objectives of international cooperation.*

*(c) **Personnel exchange and cooperation.** States Parties should strengthen exchange and cooperation by hosting training programs, making study tour, holding workshops and exchanging students in areas such as national implementation, bioscience and technology and biosafety management, training personnel for implementation of the Convention, and sharing views and experience in research, biosafety management and so on.*

- **BWC/MSP/2012/WP.11** entitled *We need to talk about compliance* submitted by Australia, Canada, Japan, New Zealand and Switzerland. This paper noted that a working paper (BWC/CONF.VII/WP.11) submitted by Australia, Japan and New Zealand to the Seventh Review Conference proposed that in addressing compliance issues, a conceptual discussion should take place around two broad questions:

- (a) *What constitutes compliance with the BWC?*
- (b) *How can States Parties better demonstrate their compliance with the BWC and thereby enhance assurance for other States Parties?*

The MSP/2012 working paper states that *These questions remain valid and need to be considered during the current intersessional period – notably in the context of the standing agenda item on strengthening national implementation – with a view to promoting common understanding and effective action.* The paper goes on to state that *Australia, Canada, Japan, New Zealand and Switzerland recommend that the Chair of the 2013 Meeting of States Parties provide under sub-item (e) of the standing agenda item on strengthening national implementation for an initial conceptual discussion at the Meeting of Experts in 2013 designed to promote common understanding of what constitutes compliance with the BWC and effective action to enhance assurance of compliance.* The paper concludes by stating that:

*To facilitate and focus this discussion, Australia, Canada, Japan, New Zealand and Switzerland also invite States Parties to provide views on the questions posed in paragraph 3 above [these are the two broad questions reproduced above at the end of the previous paragraph] to the Implementation Support Unit (ISU) by 30 June 2013, and request the ISU, in accordance with its mandate to facilitate communication among States Parties, to compile and circulate those views ahead of the Meeting of Experts in 2013.*

*8. In offering their views, States Parties could consider additional questions, such as:*

- (a) whether there would be a role for declarations in demonstrating compliance, and if so, whether additional information to that which is already requested in the current CBMs would enhance assurance of compliance;*
  - (b) whether the consultation and cooperation mechanisms under Article V require further development, including, for example, consideration of mutually agreed visits to sites of compliance concern;*
  - (c) whether mechanisms for the investigation of alleged use of biological weapons (Article VI) require further attention, including the role of the UN Secretary-General's Investigation Mechanism;*
  - (d) the potential impact of advances in the life sciences on demonstrating compliance and enhancing assurance of compliance, including, for example, the impact of rapid advances in bio-forensics.*
- **BWC/MSP/2012/WP.12** entitled *Etude de l'UNIDIR sur la création d'un mécanisme de revue par les pairs dans le cadre de la Convention d'interdiction des armes biologiques et à toxines. [A Peer-Review Mechanism for the Biological and Toxin Weapons Convention]* submitted

by France. This paper notes that:

*At the Seventh Review Conference of the Biological and Toxin Weapons Convention (BTWC) in December 2011, a working paper submitted by France sought to initiate debate on the potential of developing a peer-review system for the BTWC to build confidence in the implementation of the Convention. The concept of peer review has precedent in the activities of a number of other international organizations, yet the objectives, format, participants, and structure of peer-review mechanisms vary. Accordingly, this study seeks to take forward this debate by looking at what peer review is, how it works elsewhere, how it could be applied in the context of the BTWC, what would be required to move forward, and what possible advantages or disadvantages a peer-review process would confer to the BTWC in light of the Convention's recent history.*

The paper concludes by stating that:

*This study concludes that the advantages would outweigh the disadvantages and a peer-review system that looks at broad implementation of the Convention could be an attractive and effective way of moving the overall confidence in the Convention forward through a systematic review of national compliance of individual States parties with its obligations, thereby enhancing international confidence in the Convention.*

These are useful Working Papers which help to take forward the work of the Intersessional Process. However, because the focus at the Meeting of States Parties is very much on developing language for the substantive paragraphs from the synthesis submitted by the Chairman (MSP/2012/L.1 dated 1 October 2012) rather than considering any new proposals put forward in Working Papers at the Meeting of States Parties, the useful ideas proposed are not reflected in the substantive paragraphs of the report of the States Parties. The effect of this practice is to underline the importance of ensuring that new proposals are explicitly stated in any Working Papers or statements or presentations made to the Meeting of Experts, and to take care that these proposals are indeed subsequently captured accurately in Annex I to the report of the Meeting of Experts. In any case, the proposals made in the Working Papers submitted to MSP/2012 merit further consideration and discussion during the 2013 Meeting of Experts, and should usefully be carried forward to the Meeting of States Parties in 2013. It would be very good in the preparations for the Meeting of Experts in 2013, if the Secretariat was to prepare an INF. document that provided an *aide memoire* for the States Parties that succinctly summarised the key points in the Working Papers submitted to MSP/2012.

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

In this section, consideration is given to the evolution of the report of the Meeting of States Parties and to the development of the substantive paragraphs of that report.

On **Thursday morning** a note annotated *Chairman 13 December 2012* and headed *Draft report [of] the Meeting of States Parties* was distributed at 10.25. This comprised a draft of the procedural aspects of the report that left a gap between paragraphs 17 and 30 for the insertion of the substantive paragraphs. Later, on Thursday afternoon, a note annotated *Implementation Support Unit 13 December 2012* and headed *Annex II Documentation requirements for meetings of the Convention* was distributed at 15.45. This provided a draft for Annex II which was referred to in paragraph 35 of the draft report circulated by the Chairman on Tuesday morning. Paragraph 35 included *the Meeting of States Parties specified the requirements for documentation services for meetings of the Convention set out in Annex II.*

In addition, a proposal submitted by India was circulated at 15.45 for amendment of paragraph 31 of the draft report circulated by the Chairman on Tuesday morning. This amendment (additions shown in **bold** and deletions so indicated) was as follows:

31. States Parties are encouraged to **continue sharing information at** inform subsequent meetings of the intersessional programme ~~on~~ ~~of~~ ~~inter-alia~~ any actions, measures or other steps that they may have taken on the ~~basis of the discussions at the 2012 Meeting of Experts and the outcome of the 2012 Meeting of States Parties~~ **issues under consideration in the intersessional programme**, in order to further promote common understanding and effective action and to facilitate the Eighth Review Conference's consideration of the work and outcome of these meetings and its decision on any further action, in accordance with the decision of the Seventh Review Conference (BWC/CONF.VII/7, Part III, paragraph 15).

This amendment was accepted and incorporated into the draft report of the meeting (BWC/MSP/2012/CRP.1) that was available on Friday morning 14 December 2012 at 10.15, and into the final report of the meeting of States Parties (BWC/MSP/2012/5).

### **Thursday afternoon 15.30 version, 13 December 2012**

On **Thursday afternoon** a note annotated *Chairman 13 December 2012 15.30* and headed *Paragraphs for insertion into the Draft Report* was distributed at 16.45 with a request that first reactions be provided at 17.30. This draft was as follows:

*18. In accordance with the decision of the Seventh Review Conference, and recalling the common understandings reached during the 2003–2005 and 2007–2010 intersessional work programmes, States Parties developed common understandings on each of the three standing agenda items and the biennial item.*

#### ***A. Standing agenda item: cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X***

*19. States Parties recalled the Seventh Review Conference stressed the importance of implementation of this Article and recalled that States Parties have a legal obligation to facilitate and have the right to participate in the fullest*



*possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and not to hamper the economic and technological development of States Parties.*

*20. States Parties agreed on the importance of taking full advantage of the 2012–2015 intersessional process to strengthen international cooperation and assistance, including through this standing agenda item, as well as tools created at the Seventh Review Conference for reports on the implementation of Article X, the database for requests for and offers to provide assistance, and the sponsorship programme.*

*21. States Parties agreed to work together to further enhance the functioning of the database system to facilitate requests for and offers of exchange of assistance and cooperation, and continue to assess the utility of the database in view of its intended purpose.*

*22. States Parties agreed to continue to work together to target and mobilize resources to address needs for assistance and cooperation, including in particular from developed to developing States Parties, and from international and regional organizations and other relevant stakeholders. In this regard, States Parties agreed on the value of improving coordination with relevant international and regional organizations and other relevant stakeholders, in full conformity with their respective mandates.*

*23. In addressing a range of specific measures for the full and comprehensive implementation of Article X, States Parties recognized the value of ensuring that cooperation and assistance:*

- (a) Meets differing national circumstances;*
- (b) Promotes sharing of best practices and lessons learned;*
- (c) Facilitates the fullest possible exchange of equipment, materials and scientific and technological information for peaceful purposes;*
- (d) Furthers information exchange and cooperation;*
- (e) Enables technical exchange and cooperation, including developing national capacity to address biorisk and threats;*
- (f) Contributes to building human resources;*
- (g) Contributes to preventing the proliferation of biological weapons, including through capacity building for national implementation;*

*24. In addressing challenges and obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology, States Parties noted the specific value of:*

- (a) Improving coordination of key activities in order to enhance synergy and avoid duplication.*
- (b) Furthering consideration of the challenges associated with the provision of sustainable biosafety and biosecurity capabilities in low-resource settings;*

- (c) Identifying and addressing specific impediments to the provision or receipt of international assistance in response to an attack or unusual disease outbreak;*
- (d) Continued consideration of obstacles to international cooperation challenges and obstacles to developing international cooperation under Article X and possible means of overcoming these;*

*25. States Parties agreed on the importance of strengthening national capacity through international cooperation to prevent accidental or deliberate releases of biological agents, as well as for detecting, reporting, and responding to outbreaks of infectious disease or biological weapons attacks, including through:*

- (a) Identifying and addressing gaps and needs for, facilitating the relevant exchange of equipment, materials, and scientific and technological information;*
- (b) Promoting collaborative research and development including through exchange of scientists and providing training opportunities in advanced laboratories;*
- (c) Building regional partnerships to enhance disease surveillance and containment initiatives;*
- (d) Reinforcing defences against new and emerging diseases through stronger national capacity for detection, surveillance, and diagnosis, as well as containing outbreaks at their source, and decontaminating them;*
- (e) Promoting interagency cooperation and multi-sectoral cooperation to prepare for, detect, and respond to infectious disease outbreaks, whether natural, accidental, or deliberate in nature;*
- (f) Developing and implementing, at the national level, appropriate, sustainable, and effective laboratory safety and security measures, including by making use of existing frameworks, such as the WHO's Laboratory Biorisk Management Strategic Framework for Action 2012–2016. Such efforts should also address the transport of biological agents and toxins.*

*26. In light of rapid developments in the life sciences, States Parties identified a need to continue to strengthen international cooperation to ensure all States Parties have access to the benefits of biotechnology, genetic engineering, microbiology and other related areas. States Parties agreed on the value of domestic legislative, regulatory and policy arrangements to promote activities not prohibited by the Convention and foster innovation in the life sciences, including in industry and academic and research institutions.*

*27. States Parties agreed on the importance of continuing discussions to move further towards full and effective implementation of Article X obligations.*

***B. Standing agenda item: review of developments in the field of science and technology related to the Convention***

*28. States Parties reviewed various enabling technologies, including, for*

*example, in: bioinformatics; computational biology; DNA microarrays; gene synthesis technology; high-throughput mass spectrometry; high-throughput sequencing; nanotechnology; synthetic biology; systems biology; and whole-genome directed evolution. States Parties agreed that these developments would provide for faster, cheaper, and easier application of biological science and technology. These enabling technologies can affect how science is conducted and applied. This will bring both benefits and challenges for the Convention which may require action by States Parties.*

*29. States Parties agreed that certain developments in science and technology have potential benefits for the Convention, including: improved identification of agents for both public health and security purposes; increasing capacity to investigate the possible use of biological weapons; improved understanding of the nature of disease; and better healthcare technologies such as improved, more efficient and economical vaccines, antibiotics, and their means of delivery, as well as point-of-care diagnostic systems.*

*30. States Parties also agreed that certain developments in science and technology have the potential for use contrary to the provisions of the Convention now or in the future. These developments include, inter alia, increased capacity to manipulate the pathogenicity, host-specificity, transmissibility, resistance to drugs, or ability to overcome host immunity to pathogens; to synthesize pathogens and toxins without cultivation of microorganisms or using other natural sources; to identify new mechanisms to disrupt the healthy functioning of humans, animals and plants; and to develop novel means of delivering biological agents and toxins.*

*31. States Parties identified opportunities for maximising benefits from these enabling technologies while minimizing risks of their application for prohibited purposes, including, for example, supporting:*

*(a) The development of steps to ensure the fullest possible flow of scientific information and technology in full conformity with the provisions of the Convention;*

*(b) Enhanced national oversight of dual use research of concern without hampering the fullest possible exchange of knowledge and technology for peaceful purposes;*

*(c) Improved use of available sequence and function data;*

*(d) Enhanced reference databases to support identification of agents; and*

*(e) Promotion of the beneficial applications of gene synthesis technologies while safeguarding security through harmonized screening of commercial gene production.*

*32. States Parties noted these enabling technologies were the result of a convergence of different sciences and technologies. States Parties recognized the relevance to the Convention of an increasing convergence of scientific disciplines, in particular biology and chemistry. This convergence increases the importance of building and sustaining coordination between the Convention and*

*the Chemical Weapons Convention, such as by improving communication between the ISU and the OPCW while respecting the legal and institutional bases of each convention.*

*33. States Parties reiterated the importance of measures to increase awareness among scientists, academia and industry of the Convention and related regional and national laws and regulations. States Parties noted the value, on a voluntary basis of using of codes of conduct based on the principles of autonomy, beneficence and integrity. In this regard, States Parties can provide international leadership, facilitate coordination and promote communication. Further to the common understanding identified in 2008, States Parties recognized the value of:*

- (a) National measures for promoting interaction between national authorities and the scientific community;*
- (b) More systematic integration of domestic law enforcement agencies into national awareness raising efforts;*
- (c) Strengthening linkages between biosafety and biosecurity training and broader issues of responsible conduct;*
- (d) Adding relevant elements to existing codes, where they exist, as an alternative to developing new codes;*
- (e) Supporting the addition of relevant material into professional training courses;*
- (f) Producing training material in additional languages;*
- (g) National guidelines and practical tools for use by individuals and organizations when faced with novel or unexpected situations; as well as*
- (h) Enabling specific outreach for those working outside of institutional research and commercial environments.*

*34. States Parties recognized the value of supporting, as appropriate, relative initiatives by the scientific community and invited the scientific community to share its views at future Meetings of Experts on how States Parties might better support the community's efforts relevant to the Convention. States Parties were encouraged to inform future Meetings of Experts of actions they have taken in light of developments in science and technology as well as to further education and outreach efforts.*

### ***C. Standing agenda item: strengthening national implementation***

*35. States Parties agreed to work individually and collectively to strengthen national implementation, taking into account differences in national circumstances and legal and constitutional processes. States Parties agreed on the need to pursue national implementation through the current intersessional programme to foster regional and sub-regional cooperation to promote awareness of the Convention and strengthen regional discussions on the topics of the current intersessional programme. States Parties recognized the value of elaborating further the existing understandings on national implementation.*

*36. States Parties agreed the balanced, full, effective and non-discriminatory*

*implementation of the Convention would benefit from:*

- (a) Improved understanding of the status of implementation;*
- (b) Innovative voluntary approaches to examine and enhance national implementation;*
- (c) Sharing best practices and experiences;*
- (d) Continuously updating and enforcing national measures;*
- (e) Strengthening national institutions;*
- (f) Establishing comprehensive control systems for activities involving pathogens and toxins; and*
- (g) Enhancing, in conformity with national laws and regulations, coordination between government departments and national regulators, enforcement agencies and scientific institutions as well as collaboration with experts outside of government.*

*37. States Parties agreed on the need for strong national biological risk management frameworks to maximize the benefits of, and minimize the risks from, relevant science and technology. States Parties noted the value of measures to mitigate biological risks, including:*

- (a) National policies on how best to balance scientific freedom and progress with legitimate security concerns, including in the publication of scientific articles;*
- (b) Robust national oversight frameworks, such as to identify and mitigate risks at the earliest possible stage in, and manage risks throughout, the research cycle;*
- (c) Enhanced capacity-building and education on biosafety and biosecurity; and*
- (d) Coordination among national communities dealing with the Convention, export controls and law enforcement.*

***D. Biennial item: how to enable fuller participation in the Confidence-building Measures (CBMs)***

*38. States Parties recognized the importance of annual exchanges of information to provide transparency and build mutual trust among States Parties.*

*39. Taking into account the technical difficulties experienced by some States Parties in completing full and timely CBM submissions, States Parties agreed to work to: find ways to improve participation, including through raising awareness and training; make the CBM submissions more user-friendly; stressing their utility in improving domestic cooperation and for gathering insights into relevant national activity; provide technical assistance and support to States Parties requesting it; and to further develop electronic means of submission.*

*40. States Parties agreed on the importance of all States Parties participating in, and reiterating to others the importance of, the CBMs. States Parties recalled that they are to designate a National Point of Contact as agreed at the Sixth*

*Review Conference and reiterated at the Seventh Review Conference.*

[It is noted that the draft substantive paragraphs comprised 9 paragraphs on the Standing Agenda Item on cooperation and assistance, 7 paragraphs on the Standing Agenda Item on science and technology, 3 paragraphs on the Standing Agenda Item on strengthening national implementation and 3 paragraphs on the biennial topic on CBMs.]

### **Friday morning 10.00 version, 14 December 2012**

The next draft of the substantive paragraphs was distributed at 10.30 **on Friday morning** in a note annotated *Chairman 14 December 2012 10.00* and headed *Revised paragraphs for insertion into the Draft Report*. This draft (additions shown in **bold** and deletions so indicated) was as follows:

*18. In accordance with the decision of the Seventh Review Conference, and recalling the common understandings reached during the 2003–2005 and 2007–2010 intersessional work programmes, States Parties developed common understandings on each of the three standing agenda items and the biennial item.*

#### ***A. Standing agenda item: cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X***

*19. States Parties recalled the ~~Seventh Review Conference stressed the importance of implementation of this Article and recalled that States Parties have a~~ **their** legal obligation to facilitate and ~~have the~~ **their** right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and not to hamper the economic and technological development of States Parties.*

*20. States Parties agreed on the importance of taking full advantage of the 2012–2015 intersessional process ~~to strengthen international cooperation and assistance, including through this standing agenda item, as well as tools created at the other outcomes of the Seventh Review Conference, for reports on the implementation of Article X, the database for requests for and offers to provide assistance, and the sponsorship programme~~ **to strengthen international cooperation and assistance.***

*21. States Parties agreed to work together to further enhance the functioning of the database system to facilitate requests for and offers of exchange of assistance and cooperation, and continue to assess the utility of the database in view of its intended purpose.*

*22. States Parties agreed to continue to work together to target and mobilize resources, **including financial resources**, to address **gaps and needs** for assistance and cooperation, including in particular from developed to developing States Parties, and from international and regional organizations and*

*other relevant stakeholders. In this regard, States Parties agreed on the value of improving coordination with relevant international and regional organizations and other relevant stakeholders, in full conformity with their respective mandates.*

*23. In addressing a range of specific measures for the full and comprehensive implementation of Article X, States Parties recognized the value of ensuring that cooperation and assistance:*

- (a) Meets differing national circumstances;*
- (b) Promotes sharing of best practices and lessons learned;*
- (c) Facilitates the fullest possible exchange of equipment, materials and scientific and technological information for peaceful purposes;*
- (d) Furthers information exchange and cooperation;*
- (e) Enables technical exchange and cooperation, including developing national capacity to address biorisk and threats **management***
- (f) Contributes to building human resources;*
- (g) Contributes to preventing the proliferation of biological weapons, including through ~~capacity building for national implementation~~ **capacity**;*

*24. In addressing challenges and obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology, States Parties noted the specific value of:*

- (a) Improving coordination of key activities in order to enhance synergy and avoid duplication.*
- (b) Furthering consideration of the challenges associated with the provision of sustainable biosafety and biosecurity capabilities, **in particular** in low-resource settings;*
- (c) Identifying and addressing specific impediments to the provision or receipt of international assistance in response to an attack or unusual disease outbreak;*
- (d) Continued consideration of **challenges and** obstacles ~~to international cooperation~~ ~~challenges and obstacles~~ to developing international cooperation under Article X and possible means of overcoming these;*

*25. States Parties agreed on the importance of strengthening national capacity through international cooperation to prevent accidental or deliberate releases of biological agents, as well as for detecting, reporting, and responding to outbreaks of infectious disease or biological weapons attacks, including through:*

- (a) Identifying and addressing gaps and needs for, facilitating the relevant exchange of equipment, materials, and scientific and technological information;*
- (b) Promoting collaborative research and development including through exchange of scientists and providing training opportunities in advanced laboratories;*
- (c) Building regional partnerships to enhance disease surveillance and*

containment initiatives;

*(d) Reinforcing defences against new and emerging diseases through stronger national capacity for detection, surveillance, and diagnosis, as well as containing outbreaks at their source, and decontaminating them;*

~~*(e) Promoting interagency cooperation and multi-sectoral cooperation to prepare for, detect, and respond to infectious disease outbreaks, whether natural, accidental, or deliberate in nature;*~~

~~*(f) Developing and implementing, at the national level, appropriate, sustainable, and effective laboratory safety and security measures, including by making use of existing frameworks, such as the WHO's Laboratory Biorisk Management Strategic Framework for Action 2012–2016. Such efforts should also address the transport of biological agents and toxins.*~~

26. In light of rapid developments in the life sciences, States Parties identified a need to continue to strengthen international cooperation to ensure all States Parties have access to the benefits of biotechnology, genetic engineering, microbiology and other related areas. States Parties agreed on the value of domestic legislative, regulatory and policy arrangements to promote activities not prohibited by the Convention and foster innovation in the life sciences, including in industry and academic and research institutions. **In this context, States Parties noted that strengthened implementation of Article III would ensure that cooperation under Article X is not abused.**

27. States Parties agreed on the importance of continuing discussions to move further towards full and effective implementation of Article X obligations.

#### **B. Standing agenda item: review of developments in the field of science and technology related to the Convention**

28. States Parties reviewed various enabling technologies, including, for example, in: bioinformatics; computational biology; DNA microarrays; gene synthesis technology; high-throughput mass spectrometry; high-throughput sequencing; nanotechnology; synthetic biology; systems biology; and whole-genome directed evolution. States Parties agreed that these developments would provide for faster, cheaper, and easier application of biological science and technology. These enabling technologies can affect how science is conducted and applied. This will bring both benefits and challenges for the Convention which may require action by States Parties.

29. States Parties agreed that certain developments in science and technology have potential benefits for the Convention, including: improved identification of agents for both public health and security purposes; increasing capacity to investigate the possible use of biological weapons; improved understanding of the nature of disease; and better healthcare technologies such as improved, more efficient and economical vaccines, antibiotics, and their means of delivery, as well as point-of-care diagnostic systems.

30. States Parties also agreed that certain developments in science and



technology have the potential for use contrary to the provisions of the Convention now or in the future. These developments include, inter alia, increased capacity to manipulate the pathogenicity, host-specificity, transmissibility, resistance to drugs, or ability to overcome host immunity to pathogens; to synthesize pathogens and toxins without cultivation of microorganisms or using other natural sources; to identify new mechanisms to disrupt the healthy functioning of humans, animals and plants; and to develop novel means of delivering biological agents and toxins. **States Parties also agreed on the importance of facilitating the fullest possible exchange of such developments where their use is fully consistent with the peaceful object and purpose of the Convention.**

31. States Parties identified opportunities for maximising benefits from these enabling technologies while minimizing risks of their application for prohibited purposes, including, for example, supporting:

~~(a) The development of steps to ensure the fullest possible flow of scientific information and technology in full conformity with the provisions of the Convention;~~ **Efforts to ensure the fullest possible exchange of equipment, materials and scientific and technological information and in full conformity with the provisions of the Convention;**

(b) Enhanced national oversight of dual use research of concern without hampering the fullest possible exchange of knowledge and technology for peaceful purposes;

**(c) Continued discussion under the Convention of dual use research of concern;**

(d) Improved use **by relevant national agencies** of available sequence and function data;

(e) Enhanced reference databases to support identification of agents **by relevant national agencies;** and

(f) Promotion of the beneficial applications of gene synthesis technologies while ~~safeguarding security through harmonized screening of commercial gene production~~ **ensuring their use is fully consistent with the peaceful object and purpose of the Convention.**

32. States Parties noted these enabling technologies were the result of a convergence of different sciences and technologies. States Parties recognized the relevance to the Convention of an increasing convergence of scientific disciplines, in particular biology and chemistry. This convergence increases the importance of building and sustaining coordination between the Convention and the Chemical Weapons Convention, ~~such as by improving communication between the ISU and the OPCW~~ **their respective States Parties and associated stakeholders**, while respecting the legal and institutional bases of each convention.

33. States Parties reiterated the importance of measures, **in accordance with national laws and regulations**, to increase awareness among scientists, academia and industry of the Convention and related ~~regional and national laws and regulations~~. States Parties noted the value, on a voluntary basis of using of

*codes, of conduct including those based on the principles of autonomy, beneficence and integrity. In this regard, States Parties can provide international leadership, facilitate coordination and promote communication. Further to the common understanding identified in 2008, States Parties recognized the value of pursuing various national measures, in accordance with national needs and circumstances, such as:*

- (a) National measures for Promoting interaction between relevant national authorities and the scientific community;*
- (b) More systematic integration of domestic law enforcement agencies into national awareness raising efforts;*
- (b) Strengthening linkages between biosafety and biosecurity training and broader issues of responsible conduct;*
- (c) Adding Encouraging the addition of relevant elements to existing codes, where they exist, as an alternative to developing new codes;*
- (d) Supporting the addition inclusion of relevant material into professional training courses;*
- (f) Producing training material in additional languages;*
- (e) National guidelines and Developing practical tools for use by individuals and organizations when faced with novel or unexpected situations; as well as*
- (f) Enabling specific outreach for those working outside of institutional research and commercial environments.*

*34. States Parties recognized the value of supporting, as appropriate, relative initiatives by valuable contribution to their work of the scientific community and invited agreed on the importance of continuing to encourage the scientific community to share its views at future Meetings of Experts on how States Parties might better support the community's efforts relevant to the Convention participate, as appropriate, in the intersessional programme. States Parties were encouraged to inform future Meetings of Experts of actions they have taken in light of developments in science and technology as well as to further education and outreach efforts.*

### **C. Standing agenda item: strengthening national implementation**

*34bis. States Parties recalled their legal obligation, in accordance with their constitutional processes, to take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of biological weapons and to prevent their transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organizations to manufacture or otherwise acquire them.*

*35. States Parties agreed to work individually and collectively to strengthen national implementation, taking into account differences in national circumstances and legal and constitutional processes. States Parties agreed on the need to pursue national implementation through the current intersessional programme to foster regional and sub-regional cooperation to promote*

awareness of the Convention and strengthen regional discussions on the topics of the current intersessional programme. States Parties recognized the value of elaborating further the existing **common** understandings on national implementation **identified in 2003 and 2007**.

36. States Parties agreed the ~~balanced, full, effective and non-discriminatory~~ **comprehensive national** implementation of the Convention ~~would~~ **could** benefit from, **depending on national needs and circumstances**:

~~(a) Improved understanding of~~ **Accurate and up-to-date information on the status of implementation;**

~~(b) Innovative voluntary approaches to examine and enhance national implementation;~~

~~(c) Sharing best practices and experiences;~~

~~(c) Continuously updating and enforcing national measures;~~

~~(d) Strengthening~~ **the national institutions which play a role in national implementation;**

~~(e) Making more use of experts outside of government, including specialized actors from civil society;~~

~~(f) Establishing comprehensive control systems for activities involving pathogens and toxins; and~~

~~(f) Enhancing , in conformity with national laws and regulations, coordination and international cooperation between national regulators and scientific institutions; and between government departments and national regulators, enforcement agencies and scientific institutions as well as collaboration with experts outside of government.~~

~~(g) Promoting interagency coordination and multi-sectoral cooperation to prepare for, detect, and respond to infectious disease outbreaks whether natural, accidental, or deliberate in nature.~~

37. States Parties agreed on the need for strong national biological risk management frameworks to maximize the benefits of, and minimize the risks from, relevant science and technology. States Parties noted the value of measures to mitigate biological risks, including:

~~(a) National policies on how best to balance scientific freedom and progress with legitimate security concerns, including in the publication of scientific articles;~~

~~(b) Robust **Suitable** national oversight frameworks, such as to identify and mitigate risks at the earliest possible stage in, and manage risks throughout, the research cycle;~~

~~(c) Enhanced capacity-building and education on biosafety and biosecurity; and~~

~~(d) Coordination among national communities dealing with **government agencies and other relevant national stakeholders dealing with matters relevant to the Convention**; export controls and law enforcement.~~

***(e) Appropriate, sustainable, and effective laboratory safety and security measures, including those based on existing frameworks, such as the WHO's Laboratory Biorisk Management Strategic Framework for Action 2012–2016.***

***37bis. States Parties recognized the importance of regional and sub-regional cooperation in assisting national implementation of the Convention and agreed to work together to promote awareness of the implementation of the Convention, to strengthen regional discussions on the intersessional topics and their application, and to support key regional actors in defining needs and requirements for national implementation.***

***D. Biennial item: how to enable fuller participation in the Confidence-building Measures (CBMs)***

***38. States Parties recognized the importance of annual exchanges of information to provide transparency and build mutual trust among States Parties.***

***39. Taking into account the technical difficulties experienced by some States Parties in completing full and timely CBM submissions, States Parties agreed to work to:***

***(a) Find ways to improve participation, including through raising awareness and training;***

***(b) Make the CBM submissions more user-friendly;***

***(c) Promote ~~stressing~~ their possible utility in improving domestic cooperation and for gathering insights into relevant national activity;***

***(d) Provide technical assistance and support to States Parties, on request, for preparing and submitting CBM submissions; ~~requesting it; and~~***

***(e) ~~to~~ Further develop electronic means of submission participation; and***

***(f) Improve access to the information submitted in CBMs, including through the provision of voluntary translations of CBM submissions.***

***39bis. In addressing the challenge of enabling further participation in the CBMs, States Parties noted the specific value of exploring the full range of factors that may play a role in facilitating or impeding the participation of States Parties in annual exchanges of information. States Parties agreed to continue to discuss these factors at the remaining sessions devoted to this agenda item in 2013.***

***40. States Parties agreed on the importance of all States Parties participating in, and reiterating to others the importance of, the CBMs. States Parties recalled that they are to designate a National Point of Contact as agreed at the Sixth Review Conference and reiterated at the Seventh Review Conference.***

***40bis. States Parties recognized the value of the Chairman writing each year to all States Parties urging them to submit their CBMs without delay.***

[It is noted that the revised draft substantive paragraphs now comprised 9 (as before) paragraphs on the Standing Agenda Item on cooperation and assistance, 7 (as before) paragraphs on the Standing Agenda Item on science and technology, 5 (previously 3) paragraphs on the Standing Agenda Item on strengthening national implementation and 5 (previously 3) paragraphs on the biennial topic on CBMs.]

### **Friday afternoon 17.00 version, 14 December 2012**

The next draft of the substantive paragraphs was distributed at 17.20 on **Friday afternoon** in a note annotated *Chairman 14 December 2012 17.00* and headed *Revised paragraphs for insertion into the Draft Report*. This draft (additions shown in **bold** and deletions so indicated) was as follows:

*18. In accordance with the decision of the Seventh Review Conference, and recalling the common understandings reached during the 2003–2005 and 2007–2010 intersessional work programmes, States Parties developed common understandings on each of the three standing agenda items and the biennial item.*

#### ***A. Standing agenda item: cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X***

*19. States Parties recalled their legal obligation to facilitate and their right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and not to hamper the economic and technological development of States Parties.*

*20. States Parties agreed on the importance of taking full advantage of the 2012–2015 intersessional process, as well as the other outcomes of the Seventh Review Conference, to strengthen international cooperation and assistance. **States Parties recognized the value of elaborating further the existing common understandings related to Article X.***

*21. States Parties agreed to work together to further enhance the functioning of the database system to facilitate requests for and offers of exchange of assistance and cooperation, and continue to assess the utility of the database in view of its intended purpose.*

*22. States Parties agreed to continue to work together to target and mobilize resources, including financial resources, to address gaps and needs for assistance and cooperation, including in particular from developed to developing States Parties, and from international and regional organizations and other relevant stakeholders. In this regard, States Parties agreed on the value of improving coordination with relevant international and regional organizations and other relevant stakeholders, in full conformity with their respective mandates.*

23. In addressing a range of specific measures for the full and comprehensive implementation of Article X **taking into account all of its provisions, including facilitation of cooperation and assistance, including in terms of equipment, materials and scientific and technological information for peaceful purposes, and identification of critical gaps and needs in these areas**, States Parties recognized the value of ensuring that cooperation and assistance:

- (a) Meets differing national circumstances;
- (b) Promotes sharing of best practices and lessons learned;
- (c) Facilitates the fullest possible exchange of equipment, materials and scientific and technological information for peaceful purposes;
- (d) Furthers information exchange and cooperation;
- (e) Enables technical exchange and cooperation, including developing national capacity to address biorisk management;
- (f) Contributes to building human resources;
- (g) Contributes to preventing the proliferation of biological weapons, including through building national capacity;

24. In addressing challenges and obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology, **including equipment and material, for peaceful purposes to their full potential, and possible means of overcoming these**, States Parties noted the specific value of:

- (a) Improving coordination of key activities in order to enhance synergy and avoid duplication.
- (b) ~~Furthering consideration of~~ **Continuing discussion on** the challenges associated with the provision of sustainable biosafety and biosecurity capabilities, in particular in low-resource settings;
- (c) Identifying and addressing specific impediments to the provision or receipt of international assistance in response to an attack or unusual disease outbreak;
- (d) Continued consideration of challenges and obstacles to developing international cooperation under Article X and possible means of overcoming these;

25. States Parties agreed on the importance of strengthening national capacity through international cooperation to prevent accidental or deliberate releases of biological agents, as well as for detecting, reporting, and responding to outbreaks of infectious disease or biological weapons attacks, including through:

- (a) Identifying and addressing gaps and needs for, facilitating the relevant exchange of equipment, materials, and scientific and technological information;
- (b) Promoting collaborative research and development including through exchange of scientists and providing training opportunities in advanced laboratories;
- (c) Building regional partnerships to enhance disease surveillance and

*containment initiatives;*

*(d) Reinforcing defences against new and emerging diseases through stronger national capacity for detection, surveillance, and diagnosis, as well as containing outbreaks at their source, and decontaminating them;*

*26. In light of rapid developments in the life sciences, States Parties identified a need to continue to strengthen international cooperation to ensure all States Parties have access to the benefits of biotechnology, genetic engineering, microbiology and other related areas. States Parties agreed on the value of domestic legislative, regulatory and policy arrangements to promote activities not prohibited by the Convention and foster innovation in the life sciences, including in industry and academic and research institutions. ~~In this context, States Parties noted that strengthened implementation of Article III would ensure that cooperation under Article X is not abused.~~*

*27. States Parties agreed on the importance of continuing discussions ~~on to~~ ~~move further towards~~ full and effective implementation of Article X obligations, **including in light of various proposals made by States Parties.***

***B. Standing agenda item: review of developments in the field of science and technology related to the Convention***

*28. States Parties reviewed various enabling technologies, including, for example, in: bioinformatics; computational biology; DNA microarrays; gene synthesis technology; high-throughput mass spectrometry; high-throughput sequencing; nanotechnology; synthetic biology; systems biology; and whole-genome directed evolution. States Parties agreed that these developments would provide for faster, cheaper, and easier application of biological science and technology. These enabling technologies can affect how science is conducted and applied. This will bring both benefits and challenges for the Convention which may require action by States Parties.*

*29. States Parties agreed that certain developments in science and technology have potential benefits for the Convention, including: improved identification of agents for both public health and security purposes; increasing capacity to investigate the possible use of biological weapons; improved understanding of the nature of disease; and better healthcare technologies such as improved, more efficient and economical vaccines, antibiotics, and their means of delivery, as well as point-of-care diagnostic systems.*

*30. States Parties also agreed that certain developments in science and technology have the potential for use contrary to the provisions of the Convention now or in the future. These developments include, inter alia, increased capacity to manipulate the pathogenicity, host-specificity, transmissibility, resistance to drugs, or ability to overcome host immunity to pathogens; to synthesize pathogens and toxins without cultivation of microorganisms or using other natural sources; to identify new mechanisms to disrupt the healthy functioning of humans, animals and plants; and to develop novel means of delivering biological agents and toxins. **States Parties also***

**agreed on the importance of facilitating the fullest possible exchange of such developments where their use is fully consistent with the peaceful object and purpose of the Convention.**

31. States Parties identified opportunities for maximising benefits from these enabling technologies while minimizing risks of their application for prohibited purposes, including, for example, supporting:

~~(a) The development of steps to ensure the fullest possible flow of scientific information and technology in full conformity with the provisions of the Convention;~~ **Efforts to ensure the fullest possible exchange of equipment, materials and scientific and technological information and in full conformity with the provisions of the Convention;**

(b) Enhanced national oversight of dual use research of concern without hampering the fullest possible exchange of knowledge and technology for peaceful purposes;

**(c) Continued discussion under the Convention of dual use research of concern;**

(d) Improved use **by relevant national agencies** of available sequence and function data;

(e) Enhanced reference databases to support identification of agents **by relevant national agencies;** and

~~(f) Promotion of the beneficial applications of gene synthesis technologies while safeguarding security through harmonized screening of commercial gene production~~ **ensuring their use is fully consistent with the peaceful object and purpose of the Convention.**

32. States Parties noted these enabling technologies were the result of a convergence of different sciences and technologies. States Parties recognized the relevance to the Convention of an increasing convergence of scientific disciplines, in particular biology and chemistry. This convergence increases the importance of building and sustaining coordination between the Convention and the Chemical Weapons Convention, ~~such as by improving communication between the ISU and the OPCW~~ **their respective States Parties and associated stakeholders**, while respecting the legal and institutional bases of each convention.

33. States Parties reiterated the importance of measures, **in accordance with national laws and regulations**, to increase awareness among scientists, academia and industry of the Convention and related ~~regional and national laws and regulations~~. States Parties noted the value, on a voluntary basis of using ~~of codes, of conduct~~ **including those** based on the principles of autonomy, beneficence and integrity. In this regard, States Parties can provide international leadership, facilitate coordination and promote communication. Further to the common understanding identified in 2008, States Parties recognized the value of **pursuing various national measures, in accordance with national needs circumstances, such as:**

~~(a) National measures for~~ **Promoting interaction between relevant**



- national authorities and the scientific community;*
- ~~(b) More systematic integration of domestic law enforcement agencies into national awareness-raising efforts;~~
- (b) Strengthening linkages between biosafety and biosecurity training and broader issues of responsible conduct;*
- (c) Adding **Encouraging the addition of** relevant elements to existing codes, where they exist, as an alternative to developing new codes;*
- (d) Supporting the ~~addition~~ **inclusion** of relevant material into professional training courses;*
- ~~(f) Producing training material in additional languages;~~
- (e) ~~National guidelines and~~ **Developing** practical tools for use by individuals and organizations when faced with novel or unexpected situations; as well as*
- (f) Enabling specific outreach for those working outside of institutional research and commercial environments.*

~~34. States Parties recognized the value of supporting, as appropriate, relative initiatives by **valuable contribution to their work of** the scientific community and invited **agreed on the importance of continuing to encourage** the scientific community to share its views at future Meetings of Experts on how States Parties might better support the community's efforts relevant to the Convention **participate, as appropriate, in the intersessional programme.** States Parties were encouraged to inform future Meetings of Experts of actions they have taken in light of developments in science and technology as well as to further education and outreach efforts.~~

### **C. Standing agenda item: strengthening national implementation**

**34bis. States Parties recalled their legal obligation, in accordance with their constitutional processes, to take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of biological weapons and to prevent their transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organizations to manufacture or otherwise acquire them.**

**34ter. States Parties reiterated calls for appropriate measures, including effective national export controls, by all States Parties to implement Article III, in order to ensure that direct and indirect transfers relevant to the Convention, to any recipient whatsoever, are authorized only when the intended use is for purposes not prohibited under the Convention. States Parties also reiterated that States Parties should not use the provisions of Article III to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention on scientific knowledge, technology, equipment and materials under Article X.**

35. States Parties agreed to **continue to** work to strengthen national implementation, taking into account differences in national circumstances and

legal and constitutional processes. States Parties agreed on the need to pursue national implementation through the current intersessional programme to foster regional and sub-regional cooperation to promote awareness of the Convention and strengthen regional discussions on the topics of the current intersessional programme. States Parties recognized the value of elaborating further the existing common understandings on national implementation identified in 2003 and 2007.

36. States Parties agreed the full and comprehensive national implementation of the Convention, **especially Articles II and IV**, could benefit from, depending on national needs and circumstances **and in accordance with national laws and regulations**:

- ~~(a) Accurate and up-to-date Information on the status of implementation;~~
- ~~(b) Innovative voluntary approaches to examine and enhance national implementation~~ **Continuing discussion on sharing best practices and experiences, including the voluntary exchange of information among States Parties, including in light of various proposals made by States Parties;**
- (c) Continuously updating and enforcing national measures;
- (d) Strengthening the national institutions which play a role in national implementation;
- (e) Making ~~more~~ **appropriate** use of experts **national expertise** outside of government, including ~~specialized actors from civil society~~ **those with knowledge and experience germane to the Convention;**
- (f) Enhancing coordination and international cooperation between national regulators and **relevant** scientific institutions **and, where appropriate, cooperation among national regulators;** and
- (g) Promoting interagency coordination and multi-sectoral cooperation to prepare for, detect, and respond to infectious disease outbreaks whether natural, accidental, or deliberate in nature.

37. States Parties agreed on the need for strong national biological risk management frameworks to maximize the benefits of, and minimize the risks from, relevant science and technology. States Parties noted the value of measures to mitigate biological risks, including:

- (a) National policies on how best to balance scientific freedom and progress with legitimate security concerns;
- (b) Suitable national oversight frameworks, such as to identify and mitigate risks at the earliest possible stage in, and manage risks throughout, the research cycle;
- (c) Enhanced capacity-building and education on biosafety and biosecurity; and
- (d) Coordination among government agencies and **outreach to** other relevant national stakeholders dealing with matters relevant to the Convention.
- (e) Appropriate, sustainable, and effective laboratory safety and security measures, including those based on existing frameworks, such as the

*37bis. States Parties recognized the importance of regional and sub-regional cooperation in assisting national implementation of the Convention and agreed to work together to promote awareness of the implementation of the Convention, to strengthen regional discussions on the intersessional topics and their application, and to support key regional actors in defining needs and requirements for national implementation.*

***D. Biennial item: how to enable fuller participation in the Confidence-building Measures (CBMs)***

*38. States Parties recognized the importance of annual exchanges of information to provide transparency and build mutual trust among States Parties.*

*39. Taking into account the technical difficulties experienced by some States Parties in completing full and timely CBM submissions, States Parties agreed to work to:*

- (a) Find ways to improve participation, including through raising awareness and training;*
- (b) Make the CBM submissions more user-friendly;*
- (c) Promote their possible utility in improving domestic cooperation and ~~for gathering insights into relevant~~ **in enhancing domestic understanding of national activity to be reported in the CBMs;***
- (d) Provide technical assistance and support to States Parties, on request, for preparing and submitting CBM submissions;*
- (e) Further develop electronic means of participation; and*
- (f) Improve access **by States Parties** to the information submitted in CBMs, including through the provision of voluntary, **informal** translations of CBM submissions.*

*39bis. In addressing the challenge of enabling further participation in the CBMs, States Parties noted the specific value of exploring the full range of factors that may play a role in facilitating or impeding the participation of States Parties in annual exchanges of information. States Parties agreed to continue to discussing in 2013, these factors at the remaining sessions devoted to this agenda item in 2013 including in the light of various proposals made by States Parties, how to enable fuller participation in the CBMs, focusing on the practical difficulties experienced by some States Parties in completing full and timely submissions.*

*40. States Parties agreed on the importance of all States Parties participating in, and reiterating to others the importance of, the CBMs. States Parties recalled that they are to designate a National Point of Contact as agreed at the Sixth Review Conference and reiterated at the Seventh Review Conference.*

*40bis. States Parties recognized the value of the Chairman writing each year to all States Parties ~~urging them to submit their GBMs without delay~~ **to remind them of the call by the Seventh Review Conference to participate annually in the CBMs.***

[It is noted that the re-revised draft substantive paragraphs now comprised 9 (as before) paragraphs on the Standing Agenda Item on cooperation and assistance, 7 (as before) paragraphs on the Standing Agenda Item on science and technology, 6 (previously 5 and originally 3) paragraphs on the Standing Agenda Item on strengthening national implementation and 5 (previously 5 and originally 3) paragraphs on the biennial topic on CBMs.]

### **Final version, Friday evening, 14 December 2012**

The final version of the substantive paragraphs was adopted by the Meeting of States Parties on **Friday evening** with a few oral amendments which were incorporated into the Report of the Meeting of States Parties (BWC/MSP/2012/5) which (additions to the final draft shown in **bold** and ~~deletions~~ so indicated) was as follows:

*18. In accordance with the decision of the Seventh Review Conference, and recalling the common understandings reached during the 2003–2005 and 2007–2010 intersessional work programmes, States Parties developed common understandings on each of the three standing agenda items and the biennial item.*

#### **A. Standing agenda item: cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X**

*19. States Parties recalled their legal obligation to facilitate and their right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and not to hamper the economic and technological development of States Parties.*

*20. States Parties agreed on the importance of taking full advantage of the 2012–2015 intersessional process, as well as the other outcomes of the Seventh Review Conference, to strengthen international cooperation and assistance. States Parties recognized the value of elaborating further the existing common understandings related to Article X.*

*21. States Parties agreed to work together to further enhance the functioning of the database system to facilitate requests for and offers of exchange of assistance and cooperation, and continue to assess the utility of the database in view of its intended purpose.*

*22. States Parties agreed to continue to work together to target and mobilize resources, including financial resources, to address gaps and needs for assistance and cooperation, including in particular from developed to developing States Parties, and from international and regional organizations and*

*other relevant stakeholders. In this regard, States Parties agreed on the value of improving coordination with relevant international and regional organizations and other relevant stakeholders, in full conformity with their respective mandates.*

**23.** [previously 24.] *In addressing challenges and obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology, including equipment and material, for peaceful purposes to their full potential, and possible means of overcoming these, States Parties noted the specific value of:*

- (a) Improving coordination of key activities in order to enhance synergy and avoid duplication.*
- (b) Continuing discussion on the challenges associated with the provision of sustainable biosafety and biosecurity capabilities, including in low-resource settings;*
- (c) Identifying and addressing specific impediments to the provision or receipt of international assistance in response to an attack or unusual disease outbreak;*
- (d) Continued consideration of challenges and obstacles to developing international cooperation under Article X and possible means of overcoming these;*

**24.** [previously 23.]. *In addressing a range of specific measures for the full and comprehensive implementation of Article X taking into account all of its provisions, including facilitation of cooperation and assistance, including in terms of equipment, materials and scientific and technological information for peaceful purposes, and identification of critical gaps and needs in these areas, States Parties recognized the value of ensuring that cooperation and assistance:*

- (a) Meets differing national circumstances;*
- (b) Promotes sharing of best practices and lessons learned;*
- (c) Facilitates the fullest possible exchange of equipment, materials and scientific and technological information for peaceful purposes;*
- (d) Furthers information exchange and cooperation;*
- (e) Enables technical exchange and cooperation, including developing national capacity to address biorisk management*
- (f) Contributes to building human resources;*
- (g) Contributes to preventing the proliferation of biological weapons, including through building national capacity;*

**25.** *States Parties agreed on the importance of strengthening national capacity through international cooperation to prevent accidental or deliberate releases of biological agents, as well as for detecting, reporting, and responding to outbreaks of infectious disease or biological weapons attacks, including through:*

- (a) Identifying and addressing gaps and needs for, facilitating the relevant exchange of equipment, materials, and scientific and technological*

information;

(b) Promoting collaborative research and development including through exchange of scientists and providing training opportunities in advanced laboratories;

(c) Building regional partnerships to enhance disease surveillance and containment initiatives;

(d) Reinforcing defences against new and emerging diseases through stronger national capacity for detection, surveillance, and diagnosis, as well as containing outbreaks at their source, and decontaminating them;

26. In light of rapid developments in the life sciences, States Parties identified a need to continue to strengthen international cooperation to ensure all States Parties have access to the benefits of biotechnology, genetic engineering, microbiology and other related areas. States Parties agreed on the value of domestic legislative, regulatory and policy arrangements to promote activities not prohibited by the Convention and foster innovation in the life sciences, including in industry and academic and research institutions.

27. States Parties agreed on the importance of continuing discussions on full and effective implementation of Article X obligations, including in light of various proposals made by States Parties.

**B. Standing agenda item: review of developments in the field of science and technology related to the Convention**

28. States Parties reviewed various enabling technologies, including, for example, in: bioinformatics; computational biology; DNA microarrays; gene synthesis technology; high-throughput mass spectrometry; high-throughput sequencing; nanotechnology; synthetic biology; systems biology; and whole-genome directed evolution. States Parties agreed that these developments could provide for faster, cheaper, and easier application of biological science and technology. These enabling technologies can affect how science is conducted and applied. This will bring both benefits and challenges for the Convention which may require action by States Parties.

29. States Parties agreed that certain developments in science and technology have potential benefits for the Convention, including: improved identification of agents for both public health and security purposes; increasing capacity to investigate the possible use of biological weapons; improved understanding of the nature of disease; and better healthcare technologies such as improved, more efficient and economical vaccines, antibiotics, and their means of delivery, as well as point-of-care diagnostic systems.

30. States Parties also agreed that certain developments in science and technology have the potential for use contrary to the provisions of the Convention now or in the future. These developments include, inter alia, increased capacity to manipulate the pathogenicity, host-specificity, transmissibility, resistance to drugs, or ability to overcome host immunity to pathogens; to synthesize pathogens and toxins without cultivation of

*microorganisms or using other natural sources; to identify new mechanisms to disrupt the healthy functioning of humans, animals and plants; and to develop novel means of delivering biological agents and toxins. States Parties also agreed on the importance of facilitating the fullest possible exchange of dual use technologies where their use is fully consistent with the peaceful object and purpose of the Convention.*

*31. States Parties identified opportunities for maximising benefits from these enabling technologies while minimizing risks of their application for prohibited purposes, including, for example, supporting:*

- (a) Efforts to ensure the fullest possible exchange of equipment, materials and scientific and technological information and in full conformity with the provisions of the Convention;*
- (b) Enhanced national oversight of dual use research of concern without hampering the fullest possible exchange of knowledge and technology for peaceful purposes;*
- (c) Continued discussion under the Convention on oversight of dual use research of concern;*
- (d) Improved use by relevant national agencies of available sequence and function data;*
- (e) Enhanced reference databases to support identification of agents by relevant national agencies; and*
- (f) Promotion of the beneficial applications of gene synthesis technologies while ensuring their use is fully consistent with the peaceful object and purpose of the Convention.*

*32. States Parties noted these enabling technologies were the result of a convergence of different sciences and technologies. States Parties recognized the relevance to the Convention of an increasing convergence of scientific disciplines, in particular biology and chemistry. This convergence increases the importance of building and sustaining coordination between the Convention and the Chemical Weapons Convention while respecting the legal and institutional bases of each convention.*

*33. States Parties reiterated the importance of measures, in accordance with national laws and regulations, to increase awareness among scientists, academia and industry of the Convention and related laws and regulations. States Parties noted the value, on a voluntary basis of using of codes of conduct including those based on the principles of autonomy, beneficence and integrity, in accordance with national laws and regulations. In this regard, States Parties can provide international leadership, facilitate coordination and promote communication. States Parties recognized the value of pursuing various national measures, in accordance with national needs and circumstances, such as:*

- (a) Promoting interaction between relevant national agencies and the scientific community;*
- (b) Strengthening linkages between biosafety and biosecurity training and broader issues of responsible conduct;*

- (c) Encouraging the addition of relevant elements to existing codes, where they exist, as an alternative to developing new codes;*
- (d) Supporting the inclusion of relevant material in professional training courses;*
- (e) Encouraging the development of practical tools for use by individuals and organizations to familiarize them with the provisions of the Convention; as well as*
- (f) Enabling specific outreach for those working outside of institutional research and commercial environments.*

*34. States Parties recognized the valuable contribution to their work of associated stakeholders in science, academia and industry agreed on the importance of continuing to encourage them to participate, as appropriate, in the intersessional programme.*

### ***C. Standing agenda item: strengthening national implementation***

*35. States Parties recalled their legal obligation, in accordance with their constitutional processes, to take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of biological weapons and to prevent their transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organizations to manufacture or otherwise acquire them.*

*36. States Parties reiterated calls for appropriate measures, including effective national export controls, by all States Parties to implement Article III, in order to ensure that direct and indirect transfers relevant to the Convention, to any recipient whatsoever, are authorized only when the intended use is for purposes not prohibited under the Convention. States Parties also reiterated that States Parties should not use the provisions of Article III to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials under Article X.*

*37. States Parties agreed to continue to work to strengthen national implementation, taking into account differences in national circumstances and legal and constitutional processes. States Parties agreed on the need to pursue national implementation through the current intersessional programme to foster regional and sub-regional cooperation to promote awareness of the Convention and strengthen regional discussions on the topics of the current intersessional programme. States Parties recognized the value of elaborating further the existing common understandings related to national implementation.*

*38. States Parties agreed the full and comprehensive national implementation of the Convention, especially Articles III-H and IV, could benefit from, depending on national needs and circumstances and in accordance with national laws and regulations:*



- (a) Information on the status of implementation;*
- (b) Continuing discussion on sharing best practices and experiences, including the voluntary exchange of information among States Parties, including in light of various proposals made by States Parties;*
- (c) Continuously updating and enforcing national measures;*
- (d) Strengthening the national institutions which play a role in national implementation;*
- (e) Making appropriate use of national expertise outside of government, including those with knowledge and experience germane to the Convention;*
- (f) Enhancing coordination between national regulators and relevant scientific institutions and, where appropriate, cooperation among national regulators; and*
- (g) Promoting interagency coordination and multi-sectoral cooperation to prepare for, detect, and respond to infectious disease outbreaks whether natural, accidental, or deliberate in nature.*

*39. States Parties agreed on the need for strong national biological risk management frameworks to maximize the benefits of, and minimize the risks from, relevant science and technology. States Parties noted the value of measures to mitigate biological risks, including:*

- (a) National policies on how best to balance scientific freedom and progress with legitimate security concerns;*
- (b) Suitable national oversight frameworks, such as to identify and mitigate risks at the earliest possible stage in, and manage risks throughout, the research cycle;*
- (c) Enhanced capacity-building and education on biosafety and biosecurity; and*
- (d) Coordination among government agencies and outreach to other relevant national stakeholders dealing with matters relevant to the Convention.*
- (e) Appropriate, sustainable, and effective laboratory safety and security measures, including those based on existing frameworks, such as the WHO's Laboratory Biorisk Management Strategic Framework for Action 2012–2016.*

*40. States Parties recognised the importance of regional and sub-regional cooperation in assisting national implementation of the Convention and agreed to work together to promote awareness of the implementation of the Convention, to strengthen regional discussions on the intersessional topics and their application.*

***D. Biennial item: how to enable fuller participation in the Confidence-building Measures (CBMs)***

*41. States Parties recognized the importance of annual exchanges of information to provide transparency and build mutual trust among States Parties.*

42. Taking into account the technical difficulties experienced by some States Parties in completing full and timely CBM submissions, States Parties agreed to work to:

- (a) Find ways to improve participation, including through raising awareness and training;
- (b) Make the CBM submissions more user-friendly;
- (c) Promote their possible utility in improving domestic coordination and in enhancing domestic understanding of national activity to be reported in the CBMs;
- (d) Provide technical assistance and support to States Parties, on request, for preparing and submitting CBM submissions;
- (e) Further develop electronic means of submission; and
- (f) Improve access by States Parties to the information submitted in CBMs, including through the provision of voluntary, informal translations of CBM submissions.

43. States Parties agreed to continue discussing in 2013, including in the light of various proposals made by States Parties, how to enable fuller participation in the CBMs, focusing on the practical difficulties experienced by some States Parties in completing full and timely submissions.

44. States Parties agreed on the importance of all States Parties participating in, and reiterating to others the importance of, the CBMs. States Parties recalled that they are to designate a National Point of Contact as agreed at the Sixth Review Conference and reiterated at the Seventh Review Conference.

45. States Parties recognised the value of the Chairman writing each year to all States Parties to remind them of the call by the Seventh Review Conference to participate annually in the CBMs.

## Reflections

There were over 520 participants at the Meeting of States Parties, of whom 445 came from States Parties, including some 193 from capitals. This was considerably better than the participation at the Meeting of Experts in July 2012 when there were close to 400 participants, of whom over 320 came from States Parties, including over 150 from capitals. The numbers were also better than at the Meeting of States Parties in 2010 when there were over 460 participants of whom 401 came from States Parties including some 179 from capitals. There was participation at the Meeting of States Parties in 2012 by eighteen more States Parties than at the Meeting of Experts. The meeting was open throughout, as had been the Meeting of States Parties in 2009 and 2010 and the Meetings of Experts in 2008, 2009, 2010 and 2012, thus enabling all those present to follow the developments and to better understand the issues that presented difficulties to some delegations. There can only be benefit in all stakeholders being present throughout such meetings as this significantly enhances the understanding of all concerned.

The Meeting of States Parties displayed some positive and forward-looking indications, although it was evident that there was a reluctance by several States Parties to move forward constructively from, and to build upon, what had been agreed at the Seventh Review Conference. It is again unfortunate that some States Parties appeared to be focusing on one paragraph of the mandate for the Intersessional Process which states:

*15. The Eighth Review Conference will consider the work and outcome of these meetings and decide on any further action.*

whilst apparently overlooking the earlier paragraphs which state that:

*14. All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.*

and the overall mandate of the annual meetings:

*6. The purpose of the intersessional programme is to discuss, and promote common understanding and effective action on those issues identified for inclusion in the intersessional programme by this Seventh Review Conference.*

There is nothing in the mandate taken as a whole to suggest that the States Parties are precluded from reaching conclusions and acting on them. Accordingly, they are free to record agreement on – or agree on the value – of taking certain steps to improve the situation each year in regard to the Standing Agenda Items and the biennial topic being considered. And, in so doing, this in no way prejudices the ability of the Eighth Review Conference to *decide on any further action*.

Underlying the Meeting of States Parties was a tension between, on the one hand, those apprehensive lest the authority of the Seventh Review Conference be eroded by changes made within the Intersessional Process, and, on the other hand, those insisting that seeking to maximise the benefits to the Convention by making better use of the work programme for this Intersessional Process and improving its organisation – always within the agenda set by the Conference – would be entirely proper and would not threaten that authority. This tension was evident whenever some delegations wanted fresh language and others wanted to stay with the exact words agreed by the Seventh Review Conference. It also surfaced in the particularly animated debate over South Africa's Working Paper No. 7 which occurred in the Thursday morning session, when the criticism that its proposals called into question the decisions of the Seventh Review Conference was countered with the assurance that they concerned only the best way of proceeding through the intersessional agenda determined at the Seventh Review Conference, for example, in keeping distinct the respective roles of the Meeting of Experts and the Meeting of States Parties.

The report is carefully worded in the controversial area of Article X implementation. Paragraph 27 in its final version states that *'States Parties agreed on the importance of continuing discussions on full and effective implementation of Article X obligations, including in light of various proposals made by States Parties.'* The words *'continuing discussions on'* replaced *'continuing discussions to move further towards'* in the penultimate draft (both emphases added), language which would have been

unacceptable to those, mainly Western, States Parties which believe they have already reached the point of implementing Article X fully and effectively and the words *'to move further towards'* imply incorrectly that they have fallen short. *'Continuing discussions on'* is acceptable language because it is compatible with that view, as well as with the view that *'full and effective implementation'* is a goal not yet reached, and also with the possibility that an agreed definition of *'full and effective implementation'* will always remain elusive. It should be recalled that States Parties have already reaffirmed, in paragraph 51 of the Final Declaration of the Seventh Review Conference, their *'commitment to the full and effective implementation of this Article.'* Paragraph 27 of the report fits within that reaffirmed commitment and does not close off any of the rival avenues for interpretation. On the contrary, it includes in the further discussions envisaged *'various proposals made by States Parties'*, wording which carries forward to future meetings the respective NAM and Western positions established in the last Intersessional Process with regard to the status of Article X implementation.

It was unfortunate that the EU and its member states were under-represented in the General Debate. The 32 statements made in the General Debate were primarily made by the NAM and other States who had a group statement at the start of the General Debate followed by 20 statements by individual NAM members. The JACKSNNZ statement was likewise made early in the General Debate and was augmented by 3 statements by individual JACKSNNZ. The EU statement, unlike at the UN General Assembly First Committee in October 2012, when it was the second group statement at the start of the First Committee General Debate, was presented at the MSP/2012 at the end of the General Debate after all the statements made by States Parties and only Moldova, Latvia and Ukraine mentioned it. The apparent inability of EU States Parties such as France, Germany, the Netherlands, Sweden and the UK to speak in the General Debate was notable and represented a missed opportunity to express their views – especially as almost two-thirds of the 32 statements in the General Debate touched on the importance of addressing how confidence in compliance with the Convention could be strengthened – as to the way in which the BTWC regime should be advanced during the Intersessional Process leading up to the Eighth Review Conference and beyond. Even in the substantive sessions following the General Debate, when States Parties belonging to the EU were free to speak, and not counting the formalities of the closing session, it was notable that only four of them – the UK (9 times), Germany (5), the Netherlands (5) and France (4) – spoke more than twice, and sixteen did not speak at all.

Looking back on the Meeting of Experts and the Meeting of States Parties it was evident that some States Parties seemed to consider that they had put their efforts into the Seventh Review Conference in December 2011, and consequently it would suffice to simply examine the implementation of the decisions reached at the Review Conference rather than to recognize that the Intersessional Process had been given a new structure and impetus that needed to be worked on in order to maximize the benefits for the Convention. This was particularly evident in some of the discussions on the biennial topic *how to enable fuller participation in the Confidence-building Measures (CBMs)* when the available time was not used, and there appeared to be little recognition that the consideration of this biennial topic will finish in 2013.

It was also unfortunate that during the year there was some discontinuity, in that the

Chair and one of the Vice-Chairs had to change. There was little sign of any systematic delegation of responsibilities to the Vice-Chairs. Consequently the potential benefits of continuity in the Chair and the Vice-Chairs during the Intersessional Process were not realized. Further limitations arose from the failure of the Seventh Review Conference to provide the Implementation Support Unit with additional resources, despite the ISU being given additional responsibilities.

On the positive side, it was encouraging that during the year a number of States Parties made statements and submitted Working Papers that demonstrated that they were seeking to build on the outcome of the Seventh Review Conference and to utilize the new Intersessional Process with its three Standing Agenda Items and biennial topic to strengthen the effectiveness of the Convention. However, there was a failure in the process whereby proposals made at the Meeting of Experts are captured in Annex I, then developed in the Chairman's synthesis paper for the Meeting of States Parties, leading to the substantive paragraphs in the report of the Meeting of States Parties to recognize that many of the topics being addressed have relevance to more than one Standing Agenda Item and that these topics need to be addressed in a more comprehensive and integrated way. In short, the temptation to fragment points made into sub-sections of the Standing Agenda Items appeared dominant and a comprehensive integrated approach was not evident.

In looking ahead to the Intersessional Process in 2013, it is encouraging that some States Parties submitted Working Papers at the Meeting of States Parties which offer the potential of making progress in a number of important areas in 2013. Of particular importance, are the following:

a. Working Paper No. 7 entitled *The intersessional process: comments and proposals* submitted by South Africa makes the point that *it is necessary to have more focussed technical discussions on specific aspects to ensure that common understanding and effective action is achieved.*

b. Working Paper No. 11 entitled *We need to talk about compliance* submitted by Australia, Canada, Japan, New Zealand and Switzerland urges States Parties to consider the questions:

*(a) What constitutes compliance with the BWC?*

*(b) How can States Parties better demonstrate their compliance with the BWC and thereby enhance assurance for other States Parties?*

and to provide their responses to the ISU by 30 June 2013, and for the ISU to circulate those responses prior to the Meeting of Experts in 2013.

c. Working Paper No. 1 by the United Kingdom entitled *Next steps on the CBMs: some key questions for 2013* encourages States Parties to consider the following questions prior to the Meeting of Experts in 2013:

- *(a) Lessons learned from national compilation of CBM returns; issues and*
- *problems encountered and possible solutions. How does the*

*information submitted in annual returns contribute to the stated goals of the CBMs? How do we demonstrate the value added?*

- *(b) What assistance do States Parties need to improve the quantity and quality of returns?*
- *(c) What further technical changes are required to help improve returns?*
- *(d) How should the CBM regime evolve? Do we have clarity in the underlying purpose and how does this impact on return rate and on quality of returns?*

It is to be hoped that the States Parties will indeed respond prior to the Meeting of Experts to the queries raised in Working Papers No. 11 and No. 1. The responses to Working Paper No. 11 could with advantage also take into account the highly relevant approaches set out in Working Papers No. 6 and No. 12.

In addition, in looking forward to the Intersessional Process it is evident that all participants – whether States Parties, guests of the meeting, or international organizations – can help to ensure that the points that they make are indeed captured in Annex I *Considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions on the topics under discussion at the Meeting* to the report of the Meeting of Experts, by ensuring that their working papers, presentations or statements conclude by explicitly stating what they recommend that the Meeting of States Parties should do about the topic that they are discussing. Some States Parties are to be commended for already providing explicit proposals in their Working Papers regarding what the Meeting of States Parties should do. In addition, all participants need to ensure that they review the draft Annex I to the Meeting of Experts when that is made available, and provide any amendments to the ISU within the allotted time for such amendments. This increases the likelihood that the points made will be taken forward into the Chairman's synthesis paper that provides the starting point for the substantive language in the report of the Meeting of States Parties.

Overall the Meeting of States Parties had a disappointing outcome, even recognizing that there was a lull in momentum following the Seventh Review Conference in December 2012 while States Parties considered how best to utilize the potential offered by the three Standing Agenda Items and the biennial topic in the new Intersessional Process. So much time and energy was spent by delegations anxiously preserving what they had achieved at the Seventh Review Conference, or preventing other delegations eroding the consensus achieved at the Review Conference, that in the event the Meeting of States Parties set its sights much lower than the Chairman's letter referring to *genuine improvements* had led participants to expect. Instead of moving the treaty regime forward, its strongest supporters found themselves having to stop it moving backwards. Nevertheless, there is the potential for the new Intersessional Process to encourage a comprehensive strengthening of the BTWC regime through adopting an integrated approach to the three Standing Agenda Items, avoiding any temptation to follow a fragmented approach. The challenge is for the Chair and Vice-Chairs together with the States Parties in 2013 to demonstrate what can indeed be achieved and make real progress.

The logo for HSPOP is displayed on a brown square background. The letters 'HSP' are in white, and 'OP' is in blue. Below the logo, the text 'HARVARD SUSSEX PROGRAM OCCASIONAL PAPER' is written in white, stacked vertically.

HARVARD SUSSEX  
PROGRAM  
OCCASIONAL  
PAPER

HSP is an inter-university collaboration for research, communication and training in support of informed public policy towards chemical and biological weapons. The Program links research groups at Harvard University in the United States and the University of Sussex in the United Kingdom. It began formally in 1990, building on two decades of earlier collaboration between its founding co-directors.

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