

THE CBW CONVENTIONS BULLETIN

News, Background and Comment on Chemical and Biological Weapons Issues

ISSUE NO. 74

DECEMBER 2006

Quarterly Journal of the Harvard Sussex Program on CBW Armament and Arms Limitation

THE BIOLOGICAL WEAPONS CONVENTION SIXTH REVIEW CONFERENCE

Graham S Pearson, HSP Advisory Board

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The Sixth Review Conference of the Biological and Toxin Weapons Convention (BWC) was held in Geneva from Monday 20 November to Friday 8 December 2006. This followed the Preparatory Committee meeting held in Geneva on Wednesday to Friday 26 to 28 April 2006 (see *Review no 25*, May 2006) which had agreed a provisional agenda, draft rules of procedure and a recommended distribution of the posts of Chairmen and Vice-Chairmen of the subsidiary bodies (the Committee of the Whole, the Drafting Committee and the Credentials Committee) among the three regional groups.

On the opening day of the Review Conference, Ambassador Masood Khan of Pakistan was elected President of the Review Conference, Ambassador Doru-Romulus Costea of Romania as Chairman of the Committee of the Whole, Mr Knut Langeland of Norway as Chairman of the Drafting Committee and Ambassador Maria Nzomo of Kenya as Chairman of the Credentials Committee. The provisional agenda was also adopted with its three substantive items:

- “10. Review of the operation of the Convention as provided for in its Article XII
 - (a) General debate
 - (b) Articles I - XV
 - (c) Preambular paragraphs and purposes of the Convention
11. Consideration of issues identified in the review of the operation of the Convention as provided for in its Article XII and any possible consensus follow-up action
12. Other matters, including the question of future review of the Convention.”

The three week Review Conference was structured so as to commence with two days of General Debate in which representatives of 40 States Parties and one Signatory State (Egypt), six specialized agencies and other international organizations — the Food and Agriculture Organization (FAO), the International Committee of the Red Cross (ICRC), the International Criminal Police Organization (INTERPOL), the Organization for the Prohibition of Chemical Weapons (OPCW), the World Health Organization (WHO) and the World Organization for Animal Health (OIE) — made statements. One Signatory State (Syria) exercised its right to reply. This was then followed by the Committee of the Whole which met on Wednesday 22 November through to Thursday 30 November and carried out an Article by Article review of the Convention producing a report containing language proposed by individual States Parties or groups of States Parties for the Final Declaration. It presented this report on Thursday 30 November. The President then held informal plenaries from Friday 1 December through to Friday 8 December 2006 which focussed on finding consensus language for the Final Declaration.

107 States Parties participated in the Review Conference as follows: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malaysia, Mali, Malta, Mexico, Moldova, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway,

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Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe. This was a significant increase on the 91 States Parties who participated at the Fifth Review Conference in 2001: Afghanistan, Azerbaijan, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Congo, Ecuador, El Salvador, Georgia, Ghana, Holy See, Kenya, Kyrgyzstan, Mali, Morocco, Nigeria, Qatar, Rwanda, Serbia, Sudan, Swaziland, The former Yugoslav Republic of Macedonia and Zimbabwe all participated in 2006 whilst Armenia, Bolivia, Brunei Darussalam, Dominican Republic, Ethiopia, Federal Republic of Yugoslavia [which no longer exists: Serbia participated whilst Montenegro has yet to accede], Iceland, Liechtenstein, Luxembourg, Mauritius, Nicaragua and Panama who had participated in 2001 did not do so in 2006.

Ten Signatory States participated: Burundi, Cote d'Ivoire, Egypt, Haiti, Madagascar, Myanmar, Nepal, Syrian Arab Republic, United Arab Emirates and Tanzania. This was six more (Burundi, Cote d'Ivoire, Haiti, Madagascar, Syrian Arab Republic and Tanzania) than in 2001. One State, Israel, was granted Observer status in 2006, one less than in 2001 when both the Holy See and Israel were accorded Observer status. The Holy See has since acceded to the Convention which now has 155 States Parties, 16 Signatory States and 24 States which have neither signed or ratified (BWC/CONF.VI/INF.5 dated 28 September 2006).

The Secretariat prepared six background documents (these and other documents for the Sixth Review Conference are available at <http://www.opbw.org>) in 2006 instead of the previous three such documents. Whilst at first sight the fact that six instead of three papers were produced was a forward step, a more detailed examination of these background papers shows that changes – which were not specifically requested by the Preparatory Committee – were made to past practice with mixed results. Considering the background papers in sequence the following observations can be made:

BWC/CONF.VI/INF.1 Additional Understandings. This is a new background document that provides a summary of the additional understandings and agreements reached by previous Review Conferences. It does not, however, show how these extended understandings have developed over the years as successive Review Conferences have frequently amended the language and these amendments are not necessarily of equal merit nor are they always progressive. Although it would have been a longer document, the *development* of the language over the years is significant and important in considering language at the Sixth Review Conference.

INF.2 Developments in other International Organizations relevant to the Convention. This is a second new background document. This reviews developments in regard to the UN and specialized agencies: 1540 Committee, ECOSOC, FAO, IMO, OCHA, Secretary-General, UNDP, IVI, UNESCO, UNEP, WCO, and WHO. It then considers the international commercial and scientific organizations: IAP, IATA and ICSU.

It concludes with a useful summary table showing which organizations are active in which particular areas. This is an innovative and helpful document that helps to set the BWC in the wider international context.

INF.3. Confidence Building Measures. This is a modified version of the background document provided at previous Review Conferences. INF.3 contains 7 pages of background and introduction, an Annex reproducing in 19 pages the Annex to the Third Review Conference which set out the agreed forms, and then 7 pages indicating which States Parties have submitted CBMs in each year since they were first agreed in 1987. It would have been helpful if the tabulation had indicated when States had become Parties in the years since 1987, as they are not committed to submitting a CBM until they become a State Party. The approach taken in INF.3 is in contrast to previous background papers on CBMs which typically — as in 2001 — had 2½ pages of introduction followed by 13 pages of analysis. INF.3 is less informative in that it only indicates which States Parties have submitted a CBM return, rather than, as previously, a detailed analysis indicating which States Parties had responded to each individual CBM in each of the previous five years.

INF.4 New Scientific and Technological Developments. This is a document distilled from the contributions provided by ten individual States Parties (Argentina, Australia, China, Czech Republic, Netherlands, Portugal, Russia, Sweden, United Kingdom, United States): a welcome increase on the five (Bulgaria, South Africa, Sweden, United States of America and the United Kingdom) who submitted information in 2001. At previous Review Conferences the comparable document was a compilation made up of each individual contribution with no attempt to summarise the whole. Although the website unog.ch/bwc stated that the individual contributions are to be made available as MISC documents, it is now understood that, due to the pressure of official documentation, these will now not appear as MISC documents although electronic advance copies will continue to be available on unog.ch/bwc. INF.4 thus excludes specific recommendations made by individual States Parties such as those by Sweden and the United Kingdom which are only in the individual contributions and are unlikely to be known to many States Parties. As INF.4 is available in all languages and individual contributions submitted by States Parties are only available on unog.ch/bwc and not as MISC documents – and are consequently unlikely to be consulted by many States Parties – it is likely that in the future few States Parties will take the trouble to provide contributions on new scientific and technological developments to Review Conferences unless the retrograde steps taken at the Sixth Review Conference are reversed.

INF.5 Universality. This is a new document which provides a textual account of the changes in the States Parties since the Fifth Review Conference, a comparison with the States Parties to the Chemical Weapons Convention (CWC), and a “non statement” on action to achieve universality, as there has been no coordinated action undertaken by States Parties to encourage wider adherence to the BWC. An Annex lists the States Parties and Signatory States as of September 2006 (which is unchanged from that in BWC/MSP/2005/MX/INF.5 of 21 June 2005). However, the Annex usefully lists the States

not party to the BWC. A second Annex helpfully shows the non-adherence to the Convention by region.

INF.6 Compliance by States Parties. This is closely similar to the background paper prepared prior to previous Review Conferences in that it is compiled from the information submitted by the States Parties with no added material, comment or analysis. Information was provided by 20 States Parties: Argentina, Australia, China, Cuba, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Nigeria, Portugal, Russia, Serbia, Switzerland, United Kingdom and United States. This was two less than in 2001, when Belarus, Bulgaria, Greece, Latvia, Lebanon, Pakistan, Poland, Republic of Korea, Russian Federation, Uzbekistan, and Yugoslavia all provided information.

39 Working Papers were submitted by States Parties or Groups of States Parties to the Review Conference: 8 by the EU, 5 by the Latin American Group, 4 by NAM, 3 each by Australia and by Iran, 2 each by Canada, Japan, South Africa, Switzerland and the US and 1 each by Germany, New Zealand, Norway, Republic of Korea, Ukraine and the UK.

A useful innovation was the daily provision of one page Review Conference Progress Reports written by Richard Guthrie for the BioWeapons Prevention Project (BWPP) and distributed in hard copies to the delegates as well as by listserv and on the BWPP website (at <http://www.bwpp.org/6RevCon/RevConProgressReports.html>).

Opening of the Conference

The Sixth Review Conference opened with **Nobuaki Tanaka**, Under-Secretary-General for Disarmament Affairs in the chair. In his opening remarks he said *“As you are all aware, the Biological Weapons Convention is the legal embodiment of the international community’s determination to exclude forever the possibility of disease being used as a weapon. As such, it forms one of the three fundamental pillars of our collective struggle against weapons of mass destruction. It is a treaty crucial to our security, and this Conference is crucial to the treaty. You, the States Parties, have three short weeks in which to review all aspects of the operation of the Convention and to decide on what must be done to maintain and strengthen its effectiveness and thus reduce the risk of biological agents and toxins being used as weapons. It is an important and challenging task, and there is no time to waste.”* He then moved on to the election of the President of the Review Conference and Ambassador Masood Khan was elected by acclamation.

Ambassador Khan then took the chair of the meeting and made his introductory remarks. He started by saying that *“Today is a special day and a momentous occasion. This conference is the launching pad for our campaign against biological warfare. This conference is where we confront the threat of biological weapons, and where we must discharge our responsibility to ensure that disease is never used as a weapon.”* He went on to add that *“there is no room for complacency. Biological weapons are a real, potent threat to humanity, not a figment of the imagination. They are weapons of mass destruction that may be as deadly as nuclear weapons, and even deadlier. And the*

threat is growing. We face the disturbing prospect of terrorists acquiring and using biological weapons. The rapid advances in the life sciences mean it has never been easier or cheaper to develop them. New bioweapons will be more virulent, easier to hide, and harder to combat.”

He noted that *“This conference is a vital opportunity to take action against a threat which is too serious to ignore. Thanks to the energy, resourcefulness and commitment of the States Parties over the past months, the time is ripe for success. At this review conference, we will look at the implementation of each article of the Convention, build on the work of the past four years, and take decisions on strategy and activities beyond 2006.”*

He added that *“We must produce a concise and accessible outcome document that records our understandings and commitments in a way that communicates them clearly to a broad audience. We should recapture and reaffirm the norms and core elements of the Convention, and previous understandings reached by States Parties, including on scientific and technological developments and on prohibition of the use of biological weapons. We should step up our efforts to universalize the treaty, and aim to secure universal adherence by 2011.”*

Ambassador Khan concluded by saying that *“We have an opportunity now to change the culture of despondency into collective action for a common cause. We want synergies rather than trade-offs: we should look not for the lowest common denominator, but for creative solutions that link to the common aspirations underlying the differing priorities of States Parties. We all want to stop biological weapons. We all want to ensure that the peaceful applications of the life sciences can safely and securely reach their full potential. We must seek measures that will help us achieve these common goals. I am confident that with creativity and determination, we will succeed.”*

He then invited the Secretary-General, Kofi Annan, to address the Conference.

The **Secretary General** began by recalling that *“In becoming States Parties to the Biological Weapons Convention, you had demonstrated your determination to do your part in preventing disease from being used as a weapon. But when it came to strengthening the Convention through a protocol, years of negotiations had failed to achieve a consensus. Deep and bitter divisions threatened to bring collective efforts against biological weapons to a permanent halt. Yet because of your commitment and resourcefulness, history took a different path.”*

He went on to say that: *“You decided that the threat of biological weapons was too important to be abandoned to political paralysis. And you found a way, if not to resolve your differences, then to work around them. Over the past four years, you have created, developed and carried out an innovative work programme, drawing on the knowledge and experience of legal, scientific, security, public health and law enforcement experts from around the world. This programme has made a modest but practical contribution to the implementation of the Convention, and has reduced the risk of biological weapons being developed, acquired or used.”*

The Secretary-General then set the scene for the Review

Conference: *“Now it is time to build on those results, and take further steps to ensure that the Convention will continue to serve as an effective barrier against biological weapons. In the five years since the last review conference, global circumstances have changed, and risks evolved. We see today a strong focus on preventing terrorism, as well as renewed concern about naturally occurring diseases such as SARS and avian flu. These developments have transformed the environment in which the Convention operates, and altered ideas about its role and potential. Over the same period, advances in biological science and technology continued to accelerate, promising enormous benefits for human development, but also posing potential risks.”*

He then went on to put the Convention into context: *“These changes mean that we can no longer view the Convention in isolation, as simply a treaty prohibiting States from obtaining biological weapons. Rather, we must look at it as part of an interlinked array of tools, designed to deal with an interlinked array of problems. Certainly, we need to deal with disarmament and non-proliferation in the traditional sense. But we must also address terrorism and crime at the non-state and individual levels, with responses encompassing public health, disaster relief and efforts to ensure that the peaceful uses of biological science and technology can safely reach their potential.”*

The Secretary-General urged the States Parties to make progress: *“Distinguished delegates, this review conference can make a major contribution to that effort. I urge you to bring together the capacities of all who are gathered here. Treaties are an essential part of the multilateral system, and can be strengthened by building bridges to different fields. This would also ensure that our actions are complementary and mutually reinforcing.”*

He concluded by saying: *“Your efforts over the past four years have put you in a good position to make further progress. Differences will remain. But I urge you to find, once again, creative and resourceful ways around them. Far more unites you than divides you. The horror of biological weapons is shared by all. As the Convention states, their use would be “repugnant to the conscience of mankind”. I urge you to seize the opportunity presented by this conference.”*

After a short suspension the meeting resumed, adopting the agenda, taking note of the report of the Preparatory Committee and adopting the Rules of Procedure when it was agreed that NGOs would be able to participate in the same way as they had at the Fourth and Fifth Review Conferences. The meeting moved rapidly on to deal with the other procedural items including adoption of the indicative programme of work (BWC/CONF.VI/2) in which it was planned to suspend the formal session at 4.30pm on Tuesday afternoon to hear statements from NGOs in informal session. The Chairman also drew attention to the website at www.unog.ch/bwc saying that it was the Secretariat’s intention to have everything posted there very quickly. Whilst these aspirations were laudable and daily programmes were posted for most days, there were days with no programme, and documents and press releases tended to appear first on the UN ods (official document system) website at <http://documents.un.org/default.asp>.

General Debate

The meeting then moved on into the General Debate. The Chairman encouraged all speakers to be succinct and keep to time with a digital clock counting down for each speaker from their allotted time of 12 minutes for a State speaking on behalf of a ‘group’ and 7 minutes for a State speaking on its own behalf.

Markus Lyra, Under-Secretary of States of Finland spoke on behalf of the **European Union** and associated countries – a total of 36 States Parties. He said that: *“Our common commitment to disarmament and non-proliferation of biological and toxin weapons is the necessary foundation from which we can exploit the potential of biosciences for peaceful purposes. That requires us to manage the risks associated with the inherent dual use nature of biological agents and toxins, materials, equipment, and knowledge under this Convention. The management of those risks in the complex world of today requires a multi-faceted approach. The strengthening of the multilateral regime must be linked with other kinds of governmental and non-governmental, national and international measures.*

“In this context the Biological and Toxin Weapons Convention remains the internationally recognised normative and legal cornerstone of biological disarmament and nonproliferation. Its Review Conferences are the forum for taking decisions to strengthen this ‘cornerstone’, both the Convention itself and its implementation. We should use this opportunity to reaffirm the norm that biological weapons are totally prohibited and to strengthen the effectiveness of the Convention.”

He went on to point out that the strengthening of the Convention is one of the priorities of the EU and that the EU had agreed a Common Position and concrete proposals in the form of EU Working Papers for the Review Conference.

He then set out a number of practical and feasible outcomes to the Review Conference including: *“A full review of the operation of the Convention, ... the universalisation of the Convention, where a common strategy is needed to optimise the efforts of all States Party towards this common goal. ... National implementation is another priority.”*

In addition he urged that: *“The intersessional conclusions should be followed up by concrete action both at the national level and through BTWC meetings. ... a further intersessional work programme, leading to the 7th Review Conference in 2011. The new work programme should not merely repeat the 2003-05 discussions but build on them, extend them where this makes sense while drawing on the lessons we have learned.”*

He also urged that: *“Scientific and technological developments will continue to be relevant to the BTWC. ... Not least, given the rapid pace of progress, the EU would like to see more frequent reassessments of the implications of scientific and technological developments. In this context, efforts must also be made to include other stakeholders in addition to the States Party, such as the scientific and business communities.*

“Confidence Building Measures (CBM) are a valuable tool to enhance transparency of disarmament regimes but, regrettably, the CBM mechanism of the BTWC remains under-utilised. The EU believes that this problem should

be tackled in a comprehensive manner, expanding the country coverage of the CBM mechanism, enhancing its efficiency through technical amendments and exploring the relevance of any possible enhancement of its scope.”

In addition, the EU said that “... the implementation of Review Conference decisions should be facilitated through arrangements for implementation support within the DDA. The EU considers the lack of adequate implementation support to be an impediment to our enhanced and concerted efforts to improve compliance with and effective implementation of the treaty.”

[INF.3 shows that the EU had succeeded in submitting CBMs for every member of the EU in 2006.]

Ambassador Juan Antonio Fernandez Palacios of Cuba then spoke on behalf of the **Non-Aligned Movement and Other States**. He noted that the Heads of State and Government meeting in Havana, Cuba had agreed: “... that the possibility of any use of bacteriological (biological) agents and toxins as weapons should be completely excluded, and the conviction that such use would be repugnant to the conscience of humankind. They recognised the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention. They reiterated their call to promote international cooperation for peaceful purposes, including scientific-technical exchange.”

He then went on to say that: “The Group would like to reiterate its deep concern about the potential use and/or threats of use of biological agents and toxins as an instrument of war and terror. In this regard, the Group feels that there is a greater necessity and urgency for the States Parties of the BWC to work towards strengthening and improving the effectiveness and implementation of this Convention so that together we can fully address this concern.”

The importance of a legally-binding agreement was emphasized: “The Group stresses the particular importance of all States Parties pursuing the objectives that were set forth by the Fourth Review Conference in 1996, as we strongly believe that the only sustainable method of strengthening the Convention is through multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement, dealing with all the Articles of the Convention in a balanced and comprehensive manner.”

He then set out some of the Group’s expectations from the Review Conference: “The Group is of the view that the general thrust of the Review Conference should be directed to the review of the operation and implementation of all the Articles of the Convention and its preamble, including consideration of the work of the 3 intersessional Meetings of Experts and States Parties in 2003, 2004 and 2005 of the ad hoc mechanism.

“The Review Conference will also have the task to consider future measures to further strengthen the effectiveness and improve the implementation of the Convention.”

He ended by saying that: “One of the Group’s priorities for this Review Conference is the evaluation of the implementation of the Article X of the Convention. We reiterate our conviction that facilitation of and participation in the fullest possible exchanges and enhanced inter-

national cooperation in the field of peaceful biotechnological activities, aimed at facilitating economic and social development, is a vital element in strengthening implementation. ... The Group of Non-aligned countries will seek a reaffirmation by this Conference of its commitment to the full and comprehensive implementation of Article X, including through the ways and means already identified by the previous review conferences.”

[INF.3 shows that Cuba has an excellent record in submitting its CBMs.]

Minister Marcelo Valle Fonrouge of Argentina then spoke on behalf of twelve **Latin American States** (Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Peru and Uruguay) noting that five Working Papers had been prepared for the Review Conference on “*Universalisation, on the Follow-Up Mechanism, on Confidence-Building Measures, on Scientific Cooperation, and the Transfer of Technology - and the eventual creation of a support unit.*”

He went on to say that: “... on Universalization, we are appealing to all States to withdraw reservations to the 1925 Protocol, and we also call upon them to adopt a Plan of Action in order to facilitate membership of other States in the Convention on Biological Weapons, including the commitment of all Parties to intensify their efforts at the bilateral level, as well as in regional and multilateral meetings. And also work on exchange of experience in the area of legislation. And finally, we invite States to designate a national focal point, someone who will be able to coordinate at the national level all the issues and all of the work being done under the Convention. On the issue of CBMs, we are proposing to improve their application and study the possibility of standard performance that would facilitate compliance and understanding of these issues, and here we are proposing the creation of a Group of Governmental Experts.”

He also said that: “We also are proposing the establishment of a flexible follow-up mechanism for the years from 2006 to 2011, with a possibility to take decisions and identify individual programmes on an annual basis, something that will include the developments in the area of biotechnology, genetic engineering, microbiology, and other related areas. This proposal takes into account the fact that the ad hoc intersessional mechanism adopted in 2002 was very useful in order to keep open channels of communication between States Parties to the Convention. And finally, we are proposing the creation of a Support Unit that will facilitate preparatory activities by countries and provide them with assistance in order to better comply with their commitments under the Convention, especially in the areas of national legislation and the presentation of annual reports.”

[INF.3 shows that El Salvador, Guatemala and Uruguay have never submitted CBMs, whilst Bolivia (1), Colombia (1), Costa Rica (2), Peru (3) have submitted CBMs three times or less.]

Ambassador Paul Meyer of Canada then spoke on behalf of the **JACKSNNZ** group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand). In a very

short statement he said that "... we have prepared a series of national papers to inform our deliberations at the Sixth Review Conference. The papers that have been developed include: universalization (Australia and the Republic of Korea); confidence building measures (Switzerland); a support unit for the BWC (Norway); national implementation (Japan); and the intersessional process (New Zealand). The papers were drafted and presented on a national basis, in consultation with each other."

He concluded by saying that "We are committed to contributing to a successful outcome at this Review Conference that strengthens the Biological Weapons Convention and addresses the new challenges and opportunities in science and technology."

[INF.3 shows that the JACKSNNZ group have a good record in regard to submitting CBMs.]

This concluded the Group statements.

John C. Rood, Assistant Secretary of States for International Security and Proliferation, then spoke on behalf of the **United States**. He started by saying that: "The United States believes that the BWC today is strong. We reaffirm our commitment to the Convention and underscore that it continues to serve as an important international norm against the use of biology as a weapon.

"Yet the world is a very different place today than in 1972. During the Cold War, countries were concerned mostly about state-run programs. Now we also must recognize the grim prospect of terrorist organizations using biology as a weapon of terror and mass destruction, and we must gird ourselves to respond to new and evolving threats."

He then went on in regard to compliance to say that: "Fundamental to the success of the BWC and its goal of ridding the world of biological weapons is full and effective compliance by all States Parties. Noncompliance with the central obligation of the BWC poses a direct threat to international peace and security, and compliance concerns must be pursued vigorously. For this reason, such concerns must be raised not only at Review Conferences every five years, but addressed by States Parties with urgency as they arise. For our part, since the last review conference, the United States has engaged several states through diplomatic channels on issues of possible non-compliance with Article I and other BWC obligations."

Then, as usual for the US, he went on to name names: "The activities of North Korea, Iran, and Syria are of particular concern given their support for terrorism and lack of compliance with their international obligations. Each of these countries was identified in the most recent edition of the U.S. noncompliance report published in August 2005.

"We believe that the regime in Iran probably has an offensive biological weapons program in violation of the BWC. Similarly, we also believe North Korea has a biological warfare capability and may have developed, produced, and weaponized for use biological weapons, also in violation of the BWC. Finally, we remain seriously concerned that Syria — a signatory but not a party to the BWC — has conducted research and development for

an offensive BW program.

"The US understands that the problem of noncompliance with the BWC is difficult but it must be faced head-on. The international community must always remain vigilant and steadfast, and root out violators that undermine the integrity of the Convention."

He then moved on to address national implementation saying that: "States Parties are obligated to undertake national measures to implement the Convention. Specifically, Article III prohibits States Parties from providing sensitive technologies — either directly or indirectly — to any person, group, or country that might seek to acquire biological weapons. Furthermore, Article IV requires that State Parties vigilantly regulate and monitor biological activities within their own country or in areas under their jurisdiction or control, and aggressively pursue and prosecute those who would seek to use disease as a weapon of terror, destruction, or death. These obligations necessitate that States Parties implement effective export controls."

On universality he said that: "While it is critical that we undertake a dedicated effort under the BWC umbrella to ensure that all BWC States Parties fully implement their obligations, we must also undertake steps to bring into the community of nations foreswearing biological weapons those states that remain outside of the Convention."

He then went to address objectives for the Review Conference saying that: "The United States believes this Review Conference in its final declaration should endorse an "Action Plan on National Implementation" consisting of specific steps to be taken by States Parties, with progress reviewed periodically during the intersessional period before the Seventh Review Conference in 2011.

"A second imperative warranting a dedicated Action Plan is the lack of universal membership in the Biological Weapons Convention.... Given the increased international concerns about the threat of biological weapons, the United States believes that at this Review Conference, States Parties to the BWC should seize the opportunity to launch a strong universality campaign embodied in an agreed Action Plan.

"In addition, we hope that during the Article-by-Article review performed over the coming weeks and in our final declaration, that BWC States Parties will explicitly endorse the importance of national export control measures in fulfilling the obligations under the Convention and fully commit to complying with UN Security Council Resolution 1540."

Support was then expressed for a further intersessional work programme for the years leading up to the Seventh Review Conference. Two areas addressed in 2003 to 2005 were identified for further work by experts — one was disease surveillance and the other biosecurity — "the challenge of keeping dual-use equipment and biological materials secure from theft and misuse, especially with regard to terrorism." Two new topics for work by experts were also identified: enforcement to ensure that "non-state actors who might engage in BWC-prohibited activities are apprehended and prosecuted", and "codes of conduct related to national activities to prevent misuse of biological research".

He went on to address annual Meetings of States Parties: "... the United States proposes that one-week meetings of States Parties be convened annually from 2007 to 2010

to consider progress and follow up for the respective Action Plans on Universality and National Implementation. Political-level discussions could also be held at these annual meetings in connection with the experts' meetings convened that year."

He concluded by encouraging *"those attending this Review Conference to begin work in earnest on a robust, practical and focused program that advances the operation and national implementation of the BWC"*, adding that: *"We must not allow this Review Conference to be sidetracked into ideological debates or hijacked by the destructive agenda of proliferators. There are many practical and positive steps that we can take to strengthen the BWC on all levels, and it is imperative that we continue to cooperate to achieve this goal."*

[INF.3 shows that the US has always submitted its CBMs.]

Ambassador Friedrich Gröning of **Germany** then spoke, pointing out that German national legislation is posted on the website of the UN SCR 1540 website and strongly recommending that other States Parties should work towards improving their national implementation of the BTWC by using the already approved practices available in that database. On CBMs, he said that Germany strongly encouraged all States Parties who have not yet done so to participate in the annual exchange of CBMs and that Germany fully supported the idea that the format of the CBMs should be reviewed in order to improve the process.

On the Secretary-General's mechanism for investigating the alleged use of chemical and biological weapons, Germany welcomed the United Nations Counter-Terrorism Strategy, adopted by the General Assembly on 6 September 2006, which encourages the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures.

Finally, on Article X he pointed out the multitude of German activities in this field.

[INF.3 shows that Germany has always submitted its CBMs.]

Ambassador I Gusti Agung Wesaka Puja of **Indonesia** then spoke, saying that it is Indonesia's *"firm conviction that the Convention can only be strengthened if it is equipped by a protocol to verify its implementation and guarantee its adherence. This protocol, which encompasses all aspects of convention, should of course be multilaterally negotiated in a balanced and comprehensive manner."*

He went on to say that: *"Indonesia believes that the slow process in the multilateral negotiation forum should not hinder international cooperation in implementing the provisions of the Convention. International cooperation is an indispensable step in addressing the threat of biological weapons and its related issues such as health and research. Given the nature of the threat, there is no country that can face the problem unilaterally."*

He also noted that Indonesia and Australia had organized two regional workshops which served as a forum in promoting regional awareness, sharing best practices, and also discussing concerted efforts in strengthening the Convention.

[INF.3 shows that Indonesia has yet to submit a CBM.]

Ambassador Jürg Streuli of **Switzerland** then spoke, saying that he wanted to stress *"that the Convention on Biological Weapons, together with the 1925 Geneva Protocol, remains the main pillar of the international regime for the prohibition of biological weapons. This convention is by far the best framework in which to co-ordinate our efforts to confront the deliberate biological threat, whether this threat originates from a State or not. My country calls on all the States that have not yet signed or ratified the BTWC and the 1925 Geneva Protocol to do so as soon as possible."*

He went on to say that: *"The use of biological weapons, which is formally prohibited by the 1925 Geneva Protocol and implicitly prohibited by the BTWC, would not only be contrary to the provisions of these instruments but would also represent a serious violation of humanitarian principles that are established by custom and prohibit notably the use of weapons causing superfluous harm and which by their nature strike indiscriminately. Switzerland believes that the final report of this Review Conference should clearly and firmly state this."*

He then went on to say: *"My country remains convinced that the drafting of an additional, legally binding protocol for the verification of the provisions of the Convention must remain our goal. We are equally convinced that at the moment the basic conditions for the relaunch of negotiations on this subject have not been fulfilled. In this context, Switzerland will not fail to make an active and constructive contribution to the success of this review conference and, in a spirit of pragmatism and of efficiency, it will concentrate its efforts on areas where common ground can be found. This is why we call on all delegations to formulate objectives that are both ambitious but realistic."*

He then said that: *"It is in this spirit that Switzerland has drafted a working document designed to improve and to strengthen confidence-building measures. My country remains convinced that, in the absence of other verification mechanisms, a priority should be given to these measures both in the present Review Conference and in the framework of the follow-up and the process between 2007 and 2011."*

[INF.3 shows that Switzerland has an excellent record in submitting its CBMs.]

Ambassador Yoshiki Mine of **Japan** then spoke, noting that 10 years had elapsed since the Fourth Review Conference when there had been the last Article by Article review of the Convention. He noted that since then the anthrax attacks had taken place in the US and bioterrorism appeared to be a realistic threat. Under these circumstances, Japan believed that tackling the following major issues was crucial: *"... it is vitally important for each state party, with its own capabilities, to diligently execute its responsibilities under the Convention. To be more precise, internally - in addition to the enactment of legislation to implement the prohibitions of the BWC - security and oversight of pathogenic microorganisms and toxins; strengthening preventive and response capabilities, such as infectious disease surveillance and detection; and measures to raise public awareness, including codes of conduct for scientists are*

essential. Externally, strengthening export controls is also necessary.”

A number of particular initiatives were also proposed which included: “... for multilateral cooperation, strengthening preventive and response capabilities such as disease surveillance and detection, not only at the national level, but also at the international level is vital.

“... strengthening confidence building measures (CBMs) is necessary. At present, however, the submission of CBM reports is still in a disappointing state. Accordingly, a concrete study of ways for encouraging and improving the submission of reports is essential.

“Moreover, regarding the issue of the use of biological or toxin weapons, we welcome the adoption this September in the UN General Assembly of the UN Global Counter-Terrorism Strategy’ resolution, which mentions the UN Secretary-General’s investigation mechanism. We could consider revitalizing this investigation mechanism...

“Thirdly, to respond to both traditional and new challenges, further universalization of the Convention is crucial.

“... it is desirable that this Review Conference agree on intersessional activities. Various options are possible for carrying out the intersessional activities, and we would like to concretely discuss them at this Conference.

“In relation to a support mechanism for efficiently and effectively conducting intersessional activities, for the time being an ad hoc system should be examined for use until 2011.”

[INF.3 shows that Japan has an excellent record in submitting its CBMs.]

Mr. Muhammad Shahrul Ikram Yaakob of **Malaysia** then spoke, saying that: “Malaysia believes that only through multilateral approach undertaken within the framework of the BWC can the prohibition of biological and toxin weapons be preserved and strengthened. This BWC review process provides for that multilateral approach.”

He went on to say that: “... the general thrust of this Sixth BWC Review Conference should be on the review of the operation and implementation of all the Articles of the Convention, including consideration of the work of the 3 inter-sessional Meetings of Experts and States Parties in 2003, 2004 and 2005.”

He added that: “Malaysia shares the view that there is a clear need to strengthen the support functions of the Convention, including through the establishment of an interim Secretariat and the convening of annual Meetings of States Parties. The BWC has been in operation for 31 years but unlike the CWC which entered into force less than 10 years ago, the BWC still lacks an organisation or permanent secretariat to support its activities. Establishment of an interim institutional setup in this regard would assist States Parties with respect to national implementation, Confidence Building Measures (CBM) reporting, and promotion of universalisation.”

He went on to say that the framework of the Convention should be strengthened “to formalise the convening of regular annual meetings of the States Parties and other types of inter-sessional work.”

In regard to CBMs, he said that “Malaysia also supports

the call for further improvement of the Confidence Building Measures with a view to enhance submission of national reports. We agree that submission of CBM would enable States Parties to demonstrate their compliance in an open, systematic, and continuous manner.”

[INF.3 shows that Malaysia submitted a CBM for the first time in 2006.]

Ambassador Caroline Millar of **Australia** then spoke, saying that: “In the current, challenging international environment the Biological and Toxin Weapons Convention faces unprecedented challenges.

“The threat of terrorist groups developing or acquiring biological weapons is real. The consequences could be devastating.

“And rapid advances in life sciences and the availability of hazardous materials are increasing the lethal threat of biological weapons.

“Some States Parties to the Convention continue to pursue BW programs, while other States still have not joined the Convention.”

She then said that “Australia, in consultation with partners, had identified five means of strengthening the Convention:

- establishing an action plan to universalise and ensure its full implementation
- as part of this, ensuring coordinated national implementation through appointment of a national BWC focal point
- comprehensively reviewing Confidence Building Measures to improve their value and participation
- convening intersessional work to boost national implementation, and
- establishing a BWC implementation support unit.”

[INF.3 shows that Australia has an excellent record in submitting its CBMs.]

Ambassador John Duncan of the **United Kingdom** then spoke, saying: “The UK considers it essential that we maintain the authority of the Convention. We believe therefore that it is important for this Conference to complete the traditional review of the operation of the Convention. We want to see a final outcome that reaffirms our unity against biological and toxin weapons in all circumstances, and the value and importance of the Convention and its Articles to national and international security. We should reaffirm our agreement that all scientific and technological developments relevant to the Convention and its prohibitions are covered by the Convention as it stands. And we should confirm that we need periodic reviews of the Convention, as we are doing now.”

He then went on to say that: “... the field of Life Sciences is one of the most dynamic areas of research and development in today’s world. The intersessional work programme ensured that a body of officials focussed on how this might effect the BTWC and considered issues relevant to its implementation. The programme established its own identity and rationale and helped to move the debate forward from divisions of the past. Building on this success, the UK firmly believes that a further work

programme is desirable to strengthen and enhance implementation of the Convention by all its States Parties at the national, regional and international levels.”

[INF.3 shows that the UK has always submitted its CBMs.]

Mr. Anatoly Antonov of the **Russian Federation** then spoke, noting that the G8 during the presidency of Russia had paid special attention to the issues of the BWC and that “*The [G8] Statement reaffirmed that the most important task of this meeting is to ensure full compliance by all States Parties with their obligations under the Convention, and its further strengthening and enhancement.*”

He went on to add that “*much has to be done for its universalisation. To achieve that, we call for the early accession to the Convention of all states that have not already done so.*”

He noted the value of SCR 1540 as an effective response to proliferation and the risk of terrorists acquiring weapons of mass destruction. In addition, Russia called upon all countries which have not withdrawn their reservations to the 1925 Geneva Protocol to do so.

In looking at this Review Conference, he identified a number of steps: “*We believe that this Conference after article-by article review of the operation of the Convention has to adopt measures to strengthen it.*”

“*We are convinced that the development and adoption of a legally binding verification mechanism is the most effective way to reinforce the regime on the prohibition of biological and toxin weapons. We support the resumption of work, suspended in 2001, on the Verification Protocol.*”

“*The Russian delegation is convinced that we must carefully examine the situation in the field of compliance with the BWC. We have to find common approaches, standards and criteria.*”

“*In 2003-2005, in accordance with the decision of the V Review Conference we had held the meetings of experts and States Parties to the Convention, where we discussed the issues of strengthening the BWC. ... We believe that it is advisable to pursue such meetings, which proved their worth, for the period until the next Review Conference.*”

“*The Russian delegation pays a lot of attention to the existing confidence building measures under the BWC. ... We believe that the confidence building measures may become one the central topics of the Review Conference.*”

He concluded by saying that: “*the objective of this Conference is to answer a question what we can do together to strengthen the regime of the Convention. We need to have a concrete programme of action for the next five years that would contain clear and effective steps at global, regional and national levels to address issues of disarmament and non-proliferation relevant to this Convention.*”

[INF.3 shows that Russia has always submitted its CBMs.]

Ambassador Dong-Hee Chang of the **Republic of Korea** then spoke, saying that “*... this year’s Review Conference provides us with an excellent opportunity not only to assess how the Convention in its entirety has been operating for the last ten years, but also to cultivate the political will*

necessary to strengthen the Convention.

“*Through a comprehensive article by article review of the Convention, we should reaffirm and further elaborate upon our current understanding of the provisions of the Convention in the light of new scientific and technological developments. Furthermore, we should also identify the areas in which additional work and cooperation among member states are needed, explore ways to ensure full implementation and discuss how to enhance the effectiveness of the Convention.*”

He went on to say: “*... the Republic of Korea places a high priority on national implementation of the Convention. We believe that enactment and effective enforcement of appropriate national legislative measures are our core obligations under the Convention ... Penal legislation, tightened national export controls and regulations on bio-safety and bio-security are essential elements for enhancing national implementation mechanisms. In addition, raising public awareness through education on the inherent dangers of biological weapons, and development and promulgation of a code of conduct for scientists would also be conducive to creating a favorable domestic environment for effective national implementation.*”

“*Second, we cannot overemphasize importance of universal adherence to the Convention. ... Reinforcing security guarantees through increased transparency, technical assistance in capacity building, and drawing up an Action Plan with specific targets and deadlines are part of the strategy to secure universality of the Convention.*”

“*Third, the intersessional process initiated by the last Review Conference has created a positive momentum that can and should be carried forward. ... [I]t would be even more constructive for the intersessional work to be conducted on a more regular and formal basis. Proceeding in this way would ensure greater continuity and coherence between Review Conferences.*”

[INF.3 shows that the Republic of Korea has an excellent record in submitting its CBMs.]

Ambassador Idriss Jazairi of **Algeria** then spoke, saying that the Convention was an important pillar for international peace and security. He noted that there was no multilateral verification mechanism to establish transparency of the programmes within States Parties and regretted that States Parties had been unable to reach consensus on such a mechanism. It was important for the Convention to reach universality to fight against proliferation and the elimination of biological weapons. Algeria supported the idea of developing regional mechanisms to promote the universality of the Convention. He urged States Parties to take action to encourage States outside the Convention to adhere and noted the value of taking such action in the Middle East.

[INF.3 shows that Algeria has yet to submit a CBM.]

Ambassador Paul Meyer of **Canada** then spoke, saying that “*... the BTWC needs to be strengthened if it is to fulfill its great promise and forever rid the world of biological weapons. Our predecessors recognised this reality at the Third Review Conference in 1991, and initiated a decade-long process to identify, inter alia, ways and means to better*

monitor and ensure compliance. That process did not yield the result that Canada had wanted or expected, but we cannot let that setback deter us from pursuing other avenues for reinforcing the Treaty.

“While none of us here have the ability to alter the Convention’s history, each of us has the ability to shape its future. In this regard, Canada views the 6th Review Conference as an opportunity not just to take stock of what has been, but to lay a solid foundation for what will be, including by making States Parties more accountable to one another in how they implement the provisions of the Convention.... [Canada’s] paper offers practical proposals concerning national implementation, confidence building measures, implementation support and annual meetings, which we believe would strengthen the Convention and its application if adopted by this Review Conference.

“The Convention’s provisions as amplified in subsequent Review Conference agreements represent the core obligations of states. However, much work remains to be done to achieve full compliance with and participation in all these commitments. At the same time as we strive for compliance with existing obligations, we must also collaborate to develop new and innovative ways to uphold and reinforce the Convention.”

[INF.3 shows that Canada has always submitted its CBMs.]

The meeting was then suspended to resume again in the afternoon at three o’clock.

Ambassador Ali Reza Moayeri of **Iran** then spoke, saying that Iran attached great importance to multilaterally negotiated instruments such as the BWC which are essential for the maintenance of international and regional peace and security.

He went on to say that: “We believe that the effective contribution of the Convention to international and regional peace and security would be enhanced through universal adherence to the Convention....

“We also call upon States Parties to remain committed with their obligations not to transfer equipment, materials (including biological agents and toxins), as well as scientific and technological information to Non-States Parties.”

[Note: It should be recalled that the obligations under Article III of the Convention are clear: “Each State Party to this Convention undertakes not to 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 ...” It applies to ‘any recipient whatsoever’ and is not limited to ‘Non-States Parties.’]

He then said that “Another source of concern for my country is a major loophole in the Convention namely not to prohibit the use of biological weapons explicitly and categorically” and recalled that Iran had submitted such an amendment in 1996 at the Fourth Review Conference. He went on to say that “the Islamic Republic of Iran has once more formally requested the Depositories of the Convention to start the amendment process and inform the States Parties of Iran’s proposal based on amending the Article I of the Convention to include the word ‘use’.”

Iran also called upon all States which continue to have reservations to the 1925 Geneva Protocol to withdraw them.

He went on to regret that the negotiations on a verification protocol could not be finalized. He also categorically rejected what the US delegation said about Iran in their statement and said that these were baseless allegations.

He concluded by saying that “Lack of proper implementation of Article X prevents the less developed and developing States Parties from fulfilling their plans to control and eradicate infectious diseases”, and called upon the States Parties to “undertake to review their national regulations governing international exchanges and transfers in order to ensure its consistency with the objectives of the Convention and specifically the provisions of Article X.”

[INF.3 shows that Iran has submitted its CBM on four occasions.]

Ms. Talent Dumisile Molaba of **South Africa** then spoke, saying that “The Sixth Review Conference provides us as States Parties with the first opportunity to do a thorough article-by-article review of the Convention since it was done at the Fourth Review Conference in 1996.”

She went on to add that “South Africa has provided ... a Working Paper on the New Intersessional Process ... The aim of this paper is to provide suggestions and to promote discussion on an intersessional process that will be more streamlined, but will contribute to the strengthening of the Convention.

“In the same way, South Africa has also prepared a Working Paper on Confidence Building Measures. The paper on Confidence Building Measures (CBMs) asks a variety of questions regarding the effectivity of the current CBM format and system and suggests that CBM’s could be the topic of one of the meetings of Experts during the intersessional period.”

She also said that: “South Africa also considers the investigation of alleged use of biological or toxin weapons an important element of a strengthened Convention. In this regard the need for an effective investigating mechanism available to the United Nations Security Council and the Secretary General of the United Nations is essential. South Africa therefore welcomes the initiative taken by the General Assembly to strengthen the existing investigating mechanism as part of the resolution on the UN Global Counter-Terrorism Strategy. We urge the Secretary General to address this issue urgently.”

[INF.3 shows that South Africa has a good record in recent years in submitting its CBM returns.]

Ambassador Cheng Jingye of **China** then spoke, saying that: “Conducting CBMs is an important dimension of States Parties’ implementation of the Convention. At present, the participation rate in CBMs submission is still very low. We would like to call upon more States Parties to submit their CBMs voluntarily and timely. China will actively engage in discussions on how to improve measures on CBMs.

“It is the basic obligation for States Parties to put legislation in place covering all prohibition provisions of the Convention. At the Meeting of States Parties in 2003, all parties agreed that a State Party should review, promulgate and improve its national legislation. States Parties agreed to adopt comprehensive and specific

national measures and provide international legal and technical assistance among themselves to enhance counter-bioterrorism capability and promote bio-safety. The Chinese side hopes the above-mentioned consensus can provide reference and guidance of action for the relevant work of each State Party.”

He then went on to say that: *“Promotion of international exchanges and cooperation in the peaceful uses of biotechnology remains one of the objectives of the Convention. It should go in parallel with bio-arms control and non-proliferation and prevention of bio-terrorism. China calls upon all parties concerned to attach greater importance to it, explore and adopt practical plan, intensify input and enable States Parties, especially developing countries, to truly get benefit from related international cooperation and materialize their legitimate rights enshrined by the Convention, so as to get the Convention implemented in a real comprehensive manner.*

“... China has, keeping in line with such international common practices as licensing and list-control, promulgated and strictly enforced the export control regulations for dual-use biological items and technologies with a view to preventing such items and technologies to be diverted for purposes prohibited by the Convention.”

He concluded by saying that: *“In this new security situation, the Convention should and can play a greater role in effectively addressing biological weapons and bio-terrorist threat as well as promoting peace and development. China would like to work with other parties to achieve positive results in the multilateral process aimed at strengthening the effectiveness of the Convention in an open, practical and cooperative spirit.”*

[INF.3 shows that China has an excellent record in submitting its CBMs.]

Minister Marcelo Valle Fonrouge of **Argentina** then spoke, saying that Argentina was committed to disarmament and non-proliferation of weapons of mass destruction as shown by the Mendoza Declaration and the declaration of MERCOSUR. Argentina was also committed to the strengthening of this Convention as shown by the statements of a set of Latin American countries in 1998 and again in 2006 as well as by the five Working Papers submitted to the Review Conference.

He went on to say that: *“Argentina firmly and vigorously supports the terms of Security Council Resolution 1540 and takes active part in all the international non-proliferation control mechanisms, and it is in this way that we are convinced that we really must take a very close look at the threat posed by bio-terrorism. There is therefore a need for strict controls on biotechnological capability which could lead to the manufacture of weapons of mass destruction.”*

[INF.3 shows that Argentina has an excellent record in submitting its CBMs.]

Minister Tehmina Janjua of **Pakistan** then spoke, saying that: *“The BTWC is a key disarmament treaty that underpins the international security architecture. It reflects the commitment of the international community to non-proliferation and disarmament of biological and toxin*

weapons. The BTWC effectively prohibits the use of biological and toxin weapons. Pakistan is fully committed to these obligations.”

She went on to add that: *“The BTWC’s intersessional process of meetings has kept the multilateral track alive. But the Convention continues to be challenged by the absence of a mechanism for verification of faithful and effective compliance. A number of States Parties have continuing interest in examining this issue. As we await agreement in this area, we should make national implementation effective and enhance scientific and technical cooperation.”*

She then noted a number of outcomes for the Review Conference: *“Universal access of all States to the BTWC is critical to address the challenges to this regime. We should draw up a plan on how to bring nonparty States, within the ambit of the Convention.*

“At this Review Conference, we should agree on measures for enhanced international cooperation in peaceful biotechnological activities. This would facilitate economic and social development and strengthen implementation of the Convention.

“Security and oversight of pathogens and mechanisms for disease surveillance and response are urgently required.

“Codes of conduct should aim at preserving the benign uses and stemming the malign uses of biosciences.

“The BTWC should become a framework for cooperation among nations to eliminate biological weaponization and to fight bio-terrorism.

“This Sixth Review Conference provides us the unique opportunity to undertake a comprehensive article by article review of the BTWC, especially in the context of the new challenges and opportunities offered by the exponential development of life sciences.

“We should use this Review Conference to raise awareness about the Convention and its prohibitions.

“In our view, possible future intersessional work could focus on scientific and technological cooperation and CBMs.”

[INF.3 shows that Pakistan has yet to submit a CBM.]

Mr. Knut Langeland of **Norway** then spoke, saying that: *“We must seek a forward-looking consensus which will help the international community to deal with the growing risk of the hostile use of biological materials. We must consolidate the norms set out in the Convention and the 1925 Geneva Protocol. Our goal must be consensus plus.”*

He went on to set out Norway’s *“priorities for the Review Conference:*

- *We need an intersessional programme of work, to allow States Parties to address both existing and emerging challenges.*
- *We need to refine and improve the confidence-building measures. ... Reporting should be considered an obligation and not an option, and more countries should provide annual reports.*
- *We must clearly make greater efforts to universalise the BTWC. ... We should agree on a strategy in this area for the next intersessional period.*
- *Likewise, we should draw on CWC experience in*

promoting national implementation, including export controls. The obligation to promote national implementation is also clearly stated in Security Council resolution 1540. National implementation and export controls should be the subject of a work programme for the next intersessional period.

- *We need more dialogue on how to promote implementation of Article X of the BTWC. Further discussion could be scheduled for the upcoming intersessional period. We must foster peaceful scientific cooperation, transparency and the transfer of technology for the benefit of development. Such cooperation must conform with the provisions of the BTWC.*
- *We must develop preventive measures, such as codes of conduct for those involved in the life sciences.*
- *We must further strengthen response and investigation mechanisms for cases of alleged use of biological weapons. One such mechanism is already in place in the UN system. We must ensure that it performs when needed.*
- *We need to ensure that States Parties are adequately served by a well functioning support unit. We greatly appreciate the contribution that the DDA has made so far, but we believe that more resources should be channeled into a support unit."*

He concluded by saying that *"the BTWC must be nourished in order to flourish."*

[INF.3 shows that Norway has always submitted its CBM.]

Monsignor Silvano Tomasi of the **Holy See** then spoke, saying that *"It is everybody's responsibility to strengthen the norms which the Convention continually recalls"* and that *"It is urgent for practical steps to be taken at the national, regional and international levels in order to prevent the irreparable acts being carried out. Bio-terrorism can only be countered by a shared will to act in the fields of security and bio-security."*

He then said that *"Universality for the Convention should be a priority"* and went on to point out that *"... we need to involve all those who take part in research, industry, management or control. Scientists, university people, industrialists, governmental bodies, international agencies must feel collective responsibility for the use of biotechnology for the promotion of life and overall human development, which should benefit all countries through responsible research and industry and, of course, through international cooperation."*

"I would here like to underline the importance of ethics training for students and researchers in the field of life sciences. Codes of conduct should be prepared, disseminated and respected by all those involved. Ethics are a prior condition on top of which you could build laws and control carried out by States and competent international organizations."

He then said that: *"To ensure that the Convention does not remain a dead letter, it is essential for States Parties to emphasize transparency and the adoption of confidence-building measures. ... Transparency is the best means of gradually building confidence. ... States Parties have the duty to develop a number of measures to show their good faith and strict compliance with obligations*

which all Parties have undertaken."

[INF.3 shows that the Holy See has yet to submit a CBM.]

Ambassador Jayant Prasad of **India** then spoke saying that: *"The 6th Review Conference offers a timely opportunity to review the operation of the Convention and to provide the assurance that the purposes and intent of the Convention are being realised. We should strengthen the Convention, mindful of its limitations in that it lacks an institutional capacity to oversee implementation, verify compliance with its obligations, and enforce the norm of non-development, nonproduction, non-possession and non-use of biological warfare agents. The Conference should, therefore, decide on further measures to buttress the Convention to meet the emerging challenges, including measures to ensure full implementation and compliance with its provisions."*

He went on to say that *"... we need to continue initiatives to achieve universal adherence to the Convention, including through the proposed Action Plan, though we are concerned about the follow-up of such a plan in the absence of institutional support."*

And he added that *"India is willing to support the creation of an institutional mechanism, including through possible expansion of the current support unit, which could assist the States Parties in the full and effective implementation of the Convention."*

He said that: *"One of the primary tasks of the Review Conference is to carry out an article-wise review of the operation of the Convention and of its preamble. We would like the Conference to reiterate the additional understandings enunciated in the Final Declarations of previous review conferences, particularly on the scope of the prohibitions contained in the Article I of the Convention. including the understanding that the Convention unequivocally prohibits the use of biological weapons."*

"The 6th Review Conference is mandated to consider the work carried out during the inter-sessional period and take appropriate decisions."

In regard to outcomes from the Review Conference, he said that: *"India will support initiatives that would encourage participation of States Parties in confidence-building measures, which are a useful means for voluntary exchange of information in order to enhance trust in implementation of the Convention. The present scope of the CBMs appears adequate and its possible expansion may not be conducive to enhancing further participation of States Parties due to the greater demand it would make on their limited resources. Also, it would be a mistake to regard CBMs as an alternative to an effective compliance mechanism, including international verification."*

"India strongly supports the launch of a new intersessional process of annual meetings of experts and States Parties. Indeed, this will be an important touchstone for the success of the Review Conference.... We hope to reach consensus on the specific issues that should be dealt with in the annual meeting of experts. As regards the meetings of States Parties, they should have a somewhat broader agenda, which would allow us to consider any issue relevant to implementation of the Convention and to revisit issues discussed in the previous years."

“International cooperation, enjoined by Article X of the Convention, could help bridging this gap. We would welcome an expert meeting devoted to examining the current status of, and suggesting possible measures to enhance, the implementation of this Article.”

[INF.3 shows that India has once, in 1997, submitted a CBM.]

Ambassador Antonio da Rocha Paranhos of **Brazil** then spoke, saying that: *“... the international community, in general, and Brazil, in particular, is concerned about the possible misuses of biological researches. The harmonization between security concerns and access to technological advancements is an issue that should be addressed by the Review Conference.*

“... Brazil proposes the establishment of a working group mandated to elaborate, during the incoming intersessional period, a common control list of materials, equipments and technologies as part of the efforts establish control mechanisms in the framework of the Convention. That exercise will also help State Parties to prepare national lists, which is also an obligation we have to fulfill under the 1540 Security Council Resolution.”

In regard to CBMs he said that: *“Brazil also supports the review and the enhancement of the confidence-building measures (CBM) in the BWC. We favor the idea of revising the existing CBM and even, if necessary, to create new ones. To that end, we propose the establishment of an experts working group to analyze the issue and to present a course of action for improving the CBM.”*

In addition, he said that Brazil stressed the importance of universalization of the BTWC and encouraged all States Parties to withdraw any remaining reservations to the 1925 Geneva Protocol. Brazil also favoured a further intersessional programme of experts meetings and Meetings of States Parties. In addition, he said that: *“... the needed strengthening of the BTWC should not be complete without moving forward in the direction of its institutionalization. Therefore, we fully endorse the proposal of establishing a ‘support unity’ to the Convention. That ‘support unity’ shall be in charge of administrative as well as functional aspects related [to] the thorough implementation of the BTWC.”*

[INF.3 shows that Brazil has a good record in submitting its CBMs.]

Mr. Mohammed Mansour Elcherif of **Libya** then spoke, saying that Libya is fully committed to the letter and spirit of the provisions of the Convention and worked in full transparency and credibility. He went on to say that *“we feel disappointed that the States Parties have not yet reached a mechanism for the enforcement and implementation of Convention. We had said that we need to go back to the Additional Protocol as it being the best solution”*.

He added that: *“In this respect, we look towards achieving concrete progress in the implementation and universalization of this Convention in order to bring it to universalization and to put an end in a conclusive way to the illegal uses of life sciences.”*

[INF.3 shows that Libya has submitted its CBMs twice, in 2005 and 2006.]

Ambassador Enrique Roman-Morey of **Peru** then spoke, saying: *“... it is very important for us to use this opportunity to strengthen our Convention by supporting all initiatives aimed at promoting the universalization of the Convention. And we would like to call upon all States Parties to withdraw all reservations to the 1925 Geneva Protocol...”*

He went on to say that: *“... my country is ready to consider all measures aimed at strengthening our instrument, especially measures that will guarantee the full and complete implementation of the Convention, exploring innovative ways to ensure in a practical manner full compliance with the commitments. In addition, especially when terrorist organizations wish to acquire weapons of mass destruction, it is in this situation that we have to strengthen mechanisms of control which will ensure that all States Parties participate in the fight against these weapons.”*

He added that: *“... my delegation supports the proposal to create a Support Unit within the Disarmament Office here in Geneva. This Unit will provide assistance that is necessary to States Parties, and I believe that the creation of this Support Unit is an essential element if we wish to fully comply with all the commitments under the Convention.”*

[INF.3 shows that Peru has submitted its CBMs on three occasions, 1991, 1992 and 2002.]

Ambassador Slobodan Vukcevic of **Serbia** then spoke saying that: *“Serbia continues to attach high priority to the strengthening of the Convention as the basis of our common efforts and means to prevent the proliferation of the biological and toxin weapons and counter the threat of the development of biological agents and toxins as weapons. It remains committed to developing measures to verify BTWC compliance.*

“First of all, I would like to underline that we are very much in favour of further strengthening the universality of BTWC membership as well as needed to consolidate the ban of biological weapons. In addition, we fully support the improvement of the process of its implementation on regional and national levels. BTWC universalization is not sufficient in itself and should be accompanied by full national implementation of all its provisions.”

In regard to national implementation, he outlined the actions being taken by Serbia and added that: *“We therefore believe that it would be useful to establish, at the regional level, relevant forms of regional approach, regional workshops, projects and training programmes, as it were, as well as a network or a database as has been established within the United Nations for the implementation of UNSC resolution 1540 (2004). In this way, BTWC States Parties would be provided the possibility to obtain information on the experiences of others regarding the modalities and practices of the implementation process. We expect that, during our present deliberations, the Conference will be able to come up with some practical suggestions or recommendations regarding the further improvement of the national dimension of BTWC implementation.”*

[INF.3 shows that Serbia has submitted CBMs on four occasions (1991, 1992 and 2005, 2006).]

Dr. Lela Bakanidze of **Georgia** then spoke, saying that a three-pronged approach of national, bilateral and multilateral measures was very productive in reaching the goals of the BTWC. She especially stressed the importance of biosafety and biosecurity in regard to national holdings of especially dangerous pathogens. She went on to stress the importance of adoption and enforcement of effective export controls by all States Parties as required by SCR 1540. Georgia saw an increasing role for law enforcement in preventing biocrimes and supported the Interpol initiative in this area.

[INF.3 shows that Georgia has submitted its CBMs in 2000 and each year from 2002 onwards.]

Ambassador Yevhen Bersheda of the **Ukraine** then spoke, noting that the Ukraine had between the Fifth and Sixth Review Conferences become a State Party to the 1925 Geneva Protocol. He added that the Ukraine annually submits information as required by the CBMs and went on to say that: *“At the same time, quite a number of countries remain beyond the frames of this process. The existing confidence-building measures are useful but not sufficient for ensuring the efficient implementation of the Convention. They cannot substitute control mechanism. For this reason Ukraine considers the absence of the BTWC verification regime as a serious obstacle for its full observance.”*

“Besides, the necessity to establish unified mechanism for ensuring the effective control over the implementation of the Convention, in our opinion, is caused by the increase of threat of use of biological and toxin weapons, especially with the terrorist purposes. Although Ukraine proceeds from the advisability to establish the international institutional mechanisms for more effective BTWC implementation, we are fully aware of the difficulties of the achieving the consensus over the ways for this idea practical realization.”

He then went on to address outcomes from the Review Conference: *“Universality of the Convention has always been and will remain in the future one of the key prerequisites for its comprehensive implementation.”*

“Against the background of growing threat of terrorist activities not only broader BTWC membership is essential, but its stricter national implementation is also crucially important in the international endeavours for a safer world. Unfortunately the present situation with adoption of BTWC implementing legislation at the national level is far from satisfactory. Therefore creation of effective mechanism facilitating introduction by the States Parties of the national implementing legislation and appropriate administrative measures according to the BTWC are very important as well.”

“We share the idea that the three-year intersessional work programme had been successful. ... We share the view that there should be further intersessional work programme. In our view important topics for discussion should be found. In particular it could be the following issues:

- *strengthening the effectiveness of the confidence building measures;*
- *development of adequate measures for control over the BTWC - compliance;*

- *introduction of national implementing legislation;*
- *new challenges and threats for the BTWC stemming from the latest scientific and technological developments in the spheres of biology and biotechnology;*
- *countering bio-terrorism.”*

[INF.3 shows that Ukraine has a good record in submitting its CBMs.]

Ambassador Juan Martabit of **Chile** then spoke, saying that *“... this Review Conference ... give[s] us the opportunity, unfortunately once every five years, to review the functioning of this instrument and to guide our future work, and this opportunity should not be missed.”*

He went on to say that *“... it is crucial to reiterate the need to withdraw the reservations to the 1925 Geneva Protocol and increase our efforts in that of achieving the universality of this Convention. We should set as our objectives or as our main objective to ensure that the number of States Parties to the Convention before the next Review Conference in 2011 will be at least equal to the membership of the CWC.”*

“... we can only express our concern of the absence of a formal verification regime that will assist in the full compliance of this instrument. My country would like to see a comprehensive strengthening of the Convention. We insist on the need to develop a step-by-step process in order to overcome this unfortunate situation, and the proposals made by Latin American countries today are aimed to achieve this goal. All of these themes are closely interlinked and these issues deal with the following subjects: universalization, follow-up mechanism, confidence-building measures, scientific cooperation and transfer technology, and support units. All of this will lead to the strengthening of our Convention.”

He also noted that *“The adoption of codes of conduct, of best practices, and ethics allied to life sciences in support of national legislation are the necessary tools that should be promoted.”*

[INF.3 shows that Chile has a good record in submitting its CBMs.]

This completed the General Debate for **Monday 20 November** and the meeting was adjourned until the following morning.

On **Tuesday 21 November**, the General Debate continued:

Ambassador Joseph Ayalogu of **Nigeria** emphasised the willingness and determination of Nigeria to vigorously implement the Biological Weapons Convention to ensure that the world is made a safe place for mankind. He went on to note that five topics had been considered in 2003 to 2005 and that the outcome of those deliberations would be considered at this Review Conference. He also said that the Review Conference would afford State Parties the opportunity to take a holistic examination of the implementation efforts on a Convention that has been in operation for over thirty years.

[INF.3 shows that Nigeria has yet to submit a CBM.]

Ms. Charlotte Darlow of **New Zealand** then spoke, saying that New Zealand would be working with all States Parties to strengthen the implementation of the Convention at this Review Conference.

She went on to say that: *“New Zealand welcomes your proposed programme of work that would see this meeting undertake in tandem both an article-by-article review of the Convention, which in my delegation’s view is much needed and long overdue, and the many cross-cutting issues that States Parties will consider will contribute to a stronger biological weapons control regime.*

“... We support efforts to encourage greater universality and national implementation of the Convention. We also support strengthening the implementation support capacity for the Treaty, especially because we must not lose sight of capacity constraints that may hinder small developing countries’ implementation efforts.

“New Zealand remains convinced that achieving a legally binding verification mechanism for the Convention should remain a key goal. Pending the successful conclusion of any verification protocol, confidence building measures have an important role to play in enhancing transparency with respect to States Parties’ compliance with the Convention. New Zealand is committed to working with other States Parties on measures for strengthening the CBMs mechanism.

“New Zealand strongly believes in the value of an intersessional process between Review Conferences, and we have prepared a paper on possible topics for consideration during the next review cycle.”

[INF.3 shows that New Zealand has an excellent record in submitting its CBMs.]

Ms. Michèle Ramis-Plum of **France** then spoke, saying that France had made a number of specific proposals for the Conference, including reinforcing the norms totally prohibiting all biological weapons and supporting universal adherence to the Convention; reinforcing the climate of confidence among States parties to the Biological Weapons Convention by ensuring a better participation in the confidence-building measures; and encouraging a sustained dialogue among States parties, similar to the one developed during the intersessional process launched in 2002. In addition, she noted that France was the depositary state for the 1925 Geneva Protocol and that France, together with Switzerland, called upon all States Parties to lift their remaining reservations to that Protocol.

[INF.3 shows that France has an excellent record in submitting its CBMs.]

Ambassador Oscar Carvallo of **Venezuela** then spoke, saying that efforts to strengthen the effective application of the provisions of the Convention should be supported. He recalled the outcome of the NAM Meeting of Heads of State or Government held in Havana in September 2006 when *“They recognised the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention.”*

He went on to say that given the limitations in the effective implementation of the Convention, it was necessary to have

a binding multilateral surveillance mechanism. There was a need for mechanisms for both monitoring and verification, and a legally binding Protocol should be negotiated. States Parties should promote the objectives established by the Fourth Review Conference in 1996, and the Convention should be implemented in a balanced and integral manner in the fields of regulation, integration, and compliance. In regard to technical exchange, Article X provisions should be actively promoted and an intersessional process, as between the Fifth and Sixth Review Conferences, should be continued.

[INF.3 shows that Venezuela has yet to submit a CBM.]

Ambassador Mohammed Loulichki of **Morocco** then spoke, saying that: *“Today, with the new developments in biotechnology and genetic engineering, and the challenges of the potential use and/or threat of use of biological agents and toxins as an instrument of war and terror, there is a greater necessity and urgency for States Parties to the BWC to work towards strengthening and improving the effectiveness and implementation of the Convention.*

“The universal adherence to and further strengthening of the Convention, through multilateral negotiations, will make a significant contribution to the goal of reaching general and complete disarmament under strict international control.

He went on to say in regard to the Review Conference that there was the need for *“... a thorough and full review of the operation of the BWC, including consideration of the work of the three intersessional Meetings of Experts and States Parties in 2003, 2004 and 2005, in order to identify, discuss and agree on the measures to be taken to further strengthen the Convention.*

“... the establishment of a new follow-up mechanism, with a comprehensive and thematically structured mandate, that would provide a needed continuity between Review Conferences.

“On ... the implementation of article X of the Convention, ... the new follow-up mechanism should, notably, include practical steps towards facilitation and participation in the fullest possible exchange ...

“... the improvement of the existing BWC Confidence Building Measures in order to enhance their potential to strengthen compliance with the Convention and to improve transparency. ... help improve the rate of participation in this voluntary exchange of data and information.

“Last but not least, the universality of the Convention is an objective we should all be working for...”

[INF.3 shows that Morocco has submitted CBMs twice, in 2005 and 2006.]

Mr. Nasser Mohamad Al-Ali of **Qatar** then spoke, saying that the Convention was the cornerstone document for the preservation of international peace and security. The Convention was not yet a global one, and it was for that reason that States should be mobilized to ensure universalization, and to underscore its importance, as progress had been very slow. There should be work actively to operationalize the Convention and ensure that it became global and universal.

[INF.3 shows that Qatar has submitted CBMs on five occasions (1991, 1995, 1996, 1998 and 2005).]

Ambassador Mohamed Hassan of **Sudan** then spoke, saying Sudan had acceded to the Biological Weapons Convention in 2002 and that Sudan stressed its commitment to supporting universal adherence to the Convention. He added that Sudan was finalizing national legislation to consolidate its accession to the Convention and that it looked forward to assistance to developing and least developed countries in implementing their obligations under the Convention and establishing national legislation.

[INF.3 shows that Sudan has yet to submit a CBM.]

Ambassador Toufiq Ali of **Bangladesh** then spoke, saying that the threat of biological weapons was no less today than in 1975 or 1925. It was 10 years since there had been an agreed outcome to the Review Conference. He said that he believed that the Review Conference needed to focus on “*a supported campaign, over the next five years, for making the BWC universal.*”

“*Although we want a permanent institutional framework, for verification and implementation, we recognize this may not be feasible at this stage. However, the efficiency and efficacy of the review process could be enhanced. ... We could build on this experience, and have a balanced and effective intersessional process.*”

“*In the interim, the confidence building measures of the Convention need to be strengthened...*” and there should be commitment to “*... the full and effective implementation of Article X of the BWC.*”

[INF.3 shows that Bangladesh has submitted a CBM once, in 1996.]

Ambassador Chaiyong Satjipanon of **Thailand** then spoke, saying that “*the effectiveness of the Convention as a whole can be enhanced if more States become Parties to the BWC. Therefore, a more systematic approach to achieving universalisation of the Convention would be welcomed.*”

He went on to say that: “*It is important to stress that each individual State has an obligation to ensure national implementation and compliance with the BWC. Article IV of the Convention compels States Parties to take necessary measures to implement the Convention in accordance with its constitutional processes.*”

He added that “*Thailand also supports the further strengthening of and compliance with the BWC through multilateral negotiations with the aim of concluding legally binding instrument towards this end.*”

He concluded by noting the importance of the full implementation of Article X.

[INF.3 shows that Thailand has submitted CBMs on two occasions, in 1990 and 1992.]

Syria, a Signatory State, then exercised its right to reply. Mr. Hussein Ali of **Syria** then spoke, saying that on Monday morning the United States delegation had made accusations with regards to Syria. Those accusations were wrong – and the entire world was used to this double standard and selectivity in the reports of the United States State Department. Secondly, if the US was sincere in their concern to put an end to the spread of weapons of mass destruction, they should approve

the draft resolution before the Security Council, which had been submitted by Syria on behalf of the Arab Group in 2003, and which endeavoured to ensure that the Middle East was completely free of weapons of mass destruction. Every one knew the United States of America had vetoed that project. He went on to add that the US would do better to convince Israel to become a member to all the Conventions restricting and banning weapons of mass destruction.

The General Debate then went on to hear statements from the international organizations.

Ms. Brigitte Troyoh of the **International Committee of the Red Cross (ICRC)** spoke, recalling the ultimate objective of this Convention is “*to exclude completely the possibility of biological agents and toxins being used as weapons.*”. Both the urgency and complexity of achieving this objective increases each year as our lives and societies are increasingly shaped by what has been called the ‘age of biotechnology’.

She said that “*The cornerstone of actions by this Review Conference should be an unambiguous reaffirmation in the final declaration of the obligation of States Parties to respect and ensure respect for the absolute prohibition of biological weapons.*”

She added that: “*Given the fantastic advances in life sciences and biotechnology, the importance of the BWC extends beyond the ‘disarmament’ field. It is the best and only basis for building an effective ‘web of prevention’ which may protect humanity from poisoning and the deliberate spread of disease in the future.*”

She went on to urge the States Parties “*to turn their attention to a range of measures aimed at reinforcing the Convention over the coming five years. These include:*”

- *increased efforts to ensure universal adherence to the BWC;*
- *increased engagement of all relevant national actors in implementation and preventive efforts;*
- *the adoption of national implementing legislation, where it does not yet exist;*
- *the establishment of a series of BWC expert meetings and Meetings of States Parties which will consider inter alia recent scientific developments, the strengthening and possible extension of confidence-building measures and the responsibilities of life scientists and industry;*
- *an improved system for ensuring the timely preparation and accessibility of reports on previously agreed confidence-building measures; and lastly*
- *increased administrative support to assist States in implementing their BWC obligations.*”

She concluded by saying that “*The ICRC urges States Parties at this Conference to explicitly call on life scientists, their associations and the entire biotechnology industry to join them as indispensable partners in their efforts to ‘exclude completely’ the possibility of biological agents and toxins being used as weapons.*”

Mr. Adrian Baciu of **International Criminal Police Organization (Interpol)** then spoke, describing the role and activities of Interpol, and pointing out that in 2004 Interpol had established a Bioterrorism Prevention Unit. The current initiatives of this Unit were outlined. He went on to say that:

“All of the relevant professional communities must come together to establish and implement protocols and procedures to share information and cooperate in prevention and detection efforts, to mobilize response resources in the event of an attack or natural outbreak, and to coordinate all of these efforts. This includes law enforcement, first responders, health sciences, bio-safety, bio-security, legal, emergency management, intelligence, environmental management, agricultural authorities, and other relevant private and public resources (local, national, regional, and international).”

Mr. Gideon Brückner of the **World Organization for Animal Health (OIE)** then spoke saying that OIE was committed to working with the BTWC and went on to outline actions initiated by OIE to counteract bioterrorism. These included:

- *“International standards for control of animal diseases and zoonosis and the facilitation of trade in animals and animal products,*
- *Addressing the need of Member Countries to move towards compliance with Standards,*
- *Improving transparency in the reporting and exchange of information on the occurrence of animal disease.”*

He described the Global Early Warning System (GLEWS) which was recently agreed between the OIE, FAO and WHO to set up a procedure to assist stakeholders and the international community to predict and prevent livestock animal disease threats through epidemiological analysis and the integration of additional factors that might have an impact on the occurrence and spread of diseases – such as threats of bio-terrorism, civil unrest, climatic changes, etc. He noted that an important component of the system is the linkage with the human/animal pathogen interface by sharing complimentary information with the WHO on zoonotic diseases and animal diseases that could endanger human health for example in the unfortunate event of deliberate spread of animal pathogens.

He concluded by saying that the OIE is committed to working with its colleagues in the FAO and WHO to enhance the aims and objects of the BTWC.

Mr. Jan Slingenbergh of the **Food and Agriculture Organization of the UN (FAO)** then spoke, saying that the areas of work undertaken by FAO that were relevant to the meeting comprised biosecurity in agriculture, plant protection, food safety, and emergency support to disaster operations. Particular attention was given to the emerging zoonotic diseases, related to globalization and global factors. He added that the World Health Organization (WHO), the World Organization for Animal Health (OIE) and FAO regularly joined forces in facing those challenges.

Mr. Malik Azhar Ellahi of the **Organization for the Prohibition of Chemical Weapons (OPCW)** then spoke, saying that both in their origin and in their objectives, the Biological Weapons Convention and the Chemical Weapons Convention had mutually reinforced complementarity. He then outlined the current situation in regard to the CWC which now had 181 States Parties. He noted that effective domestic implementation of the Convention’s obligations and the promotion of its universal acceptance, represent for the CWC, as they do in the context of the BWC, the challenges to which our Member States attach high priority. He outlined the Action

Plans taken by the OPCW for national implementation and for universality of the Convention, and their results. He concluded by noting the way in which the OPCW and the UNSCR 1540 Committee had worked together and said that *“We similarly stand ready to contribute to the endeavours of States Parties to the Biological Weapons Convention to strengthen the operation and effectiveness of this vital disarmament Treaty.”*

The meeting was then suspended but the President continued to take the chair in an informal session during which representatives of sixteen NGOs made statements.

Mr. Graham S. Pearson of the **University of Bradford, UK** urged the Review Conference to reaffirm that the basic prohibition applies to all relevant advances in science and technology, to set a target towards universality of 180 States Parties by the Seventh Review Conference, to agree a programme to ensure that all States Parties have adopted national legislation, including penal legislation, and to agree a further intersessional programme as well as to agree an interim supportive institution.

Ms. Kathryn Nixdorff of the **International Network of Engineers and Scientists for Global Responsibility (INES)** urged the States Parties in their Final Declaration to reaffirm that their undertaking in regard to Article I applies to any developments in systems biology, synthetic biology and nanotechnology. She also recommended that States Parties should carry out thorough reviews and analyses of the developments in science and technology more frequently than at five year intervals. She also recommended that the States Parties at this Review Conference need to take steps to address effective national implementation of the Convention, and supported the proposal for an ‘implementation support unit.’

Mr. Michael Crowley of the **Verification Research, Training and Information Centre (VERTIC)** set out a series of modular mechanisms to strengthen the implementation of the Convention. These included the establishment of a network of national authorities (or focal points), support implementation staff, networks appointed by States Parties of experts of Convention implementation advisers, scientific and technical advisers and legal advisers, a confidence-building measures unit, and investigation and inspection measures.

Mr. David Atwood of the **Friends World Committee for Consultation** highlighted the need for action under Articles IV, V and X. Under Article IV to translate all the Article I prohibitions into national legislation, with appropriate penalties and effective implementation; under Article V to find better ways to handle questions that may arise in the life of the Convention, such as those regarding compliance, so that suspicions can be allayed and doubts resolved; and under Article X action is needed to promote international cooperation for the prevention of disease, and other peaceful applications of microbiology. He also sought a Final Declaration which brings together and brings up to date, Article by Article, the most relevant understandings and commitments recorded by previous Review Conferences. He concluded by recommending a further intersessional programme supported by interim supporting structures and a support unit.

Ms. Filippa Lentzos of the **London School of Economics of the University of London, UK** firmly supported the calls for action on universalisation and on national implementation. She urged that national implementation means national legislation and that for effective national regimes there must be coherence between the requirements of the legislation, the ways of monitoring and gathering information within the national territory and the ways of enforcing and changing behaviour to meet the legislation requirements. She also pointed out that in parallel to formalising the aims of the BTWC through national implementation, it can also be helpful to acknowledge the very important role informal regulatory measures or 'soft law' can play in furthering the aims of the Convention and in providing oversight of potential misuse of the life sciences.

Mr. Alan Pearson of the **Scientists Working Group on CBW Center for Arms Control and Non-Proliferation** said that establishing a new and active intersessional work program for the next five years is of the utmost importance for building on the accomplishments of the past four years and strengthening efforts to prevent the development and use of biological weapons by any actor, anywhere in the world. He went on to say that a serious effort to improve the status of national implementation of the BWC is long overdue and that this applies to more than legislation and regulatory controls — it applies to all obligations under the Convention, including annual CBM returns. He pointed out that the CBMs are of increased importance in the absence of a legally-binding compliance mechanism. He went on to urge that the States Parties should follow up on the 2004 intersessional meetings and determine how allegations of biological weapons use or non-compliance with the BWC can be investigated. He concluded by pointing out the value of an Article by Article review of the Convention and the importance of a further intersessional process.

Mr. Trevor Griffiths of **Pax Christi International** strongly recommended that the States Parties adopt a Final Declaration that builds upon the 2003, 2004 and 2005 meetings, and further strengthens the regime totally prohibiting biological weapons. He went on to urge the establishment of a dedicated standing secretariat to nurture and sustain the Convention. He pointed out the importance of addressing the impact of scientific developments in biotechnology, nanotechnology, information technology and cognitive sciences. He also noted that the States Parties need to take concrete steps now for education, outreach and codes of conduct. He concluded by emphasizing the vital importance of transparency about national activities in the life sciences.

Mr. Jean Pascal Zanders then presented a statement on behalf of the **Arms Control Association** saying that uniform and binding guidelines are needed to manage dual-use technologies, closing loopholes that could be exploited by those seeking to use biotechnology for hostile purposes. Transparency must be increased on the basis of universal rules, so that trust in the compliance of all relevant actors is increased. Such universal rules must be legally binding on States Parties, so that those countries in breach of their obligations can be singled out. He went on to urge a new intersessional process which should be empowered to address

all issues of importance to the Convention and to take decisions binding on all States Parties. He also said that it is time to establish a new dialogue among scientific and political experts on the verifiability of the Convention as the Convention lacks instruments to address compliance concerns. He concluded by noting that establishing universal biosafety and biosecurity standards is a worthwhile and achievable goal and recognizing that an institutional support unit is a long overdue step that should be taken at this Conference.

Ambassador Sergey Batsanov of the **Pugwash Conferences on Science and World Affairs** urged that the States Parties should emphasize the importance of comprehensive and proper implementation and of full compliance with the obligations of the Convention. They should endorse the core elements of the outcome of the annual Meetings of States Parties held during the last intersessional period, take appropriate decisions thereon, and agree a further series of intersessional meetings together with a supportive structure. They should agree to set an objective of achieving at least 180 States Parties to the BWC by the Seventh Review Conference as a stage towards universality, and should take action to enhance national implementation in all States Parties. They should reaffirm that the undertaking in Article I applies to all advances in microbiology, genetic engineering and biotechnology. They should hold intersessional meetings to revise the CBMs, to consider specific measures for the implementation of Article X, and to address education and outreach to all engaged in the life sciences. He concluded by urging that the remaining reservations to the 1925 Geneva Protocol should be lifted.

Mr. Paolo Fontana of the **Landau Network - Centro Volta** recommended that a new approach be adopted, with two essential elements that must be recognised, pursued and implemented: one is a switch in focus towards a long-term science and technology partnership (as part of a strategy linking security, disarmament and development) to prevent misuse; the other is the potential involvement of a wider range of actors — not just defence and foreign policy authorities but other government departments, representative bodies, international organisations, industries, academia, private concerns and NGOs — which requires new policy approaches and cooperative networks. A multifaceted approach is mandatory: improving international disease control, establishing national oversight mechanisms for security and genetic engineering of pathogenic organisms, developing a universally recognised framework or code of ethical conduct, and promoting responsible conduct in the study, use, modification and shipment of pathogenic organisms.

Ms. Loulena Miles of **TriValley CAREs (Communities Against a Radioactive Environment), California, USA** urged that advanced bio-warfare agent research should not be collocated with nuclear weapons research. She recommended that nuclear weapons states should pledge to geographically segregate advanced bio-defense research from nuclear weapons programmes and that non-nuclear weapons states should discuss the issue with nuclear weapons states.

At the end of the morning, the informal session was concluded so that in the afternoon further States Parties might speak in

the General Debate, followed by the remaining international organization, the WHO, and then a further informal session would be held to hear the remaining NGO statements.

In the afternoon, the General Debate resumed:

Ambassador Pablo Macedo of **Mexico** spoke, saying that Mexico had hoped that a compliance monitoring mechanism could have been agreed five years ago, but instead the intersessional process had commenced. In consequence, Mexico considered that this Review Conference should not miss the opportunity to try, based on the results already achieved, to agree on a follow-up mechanism that should be much more ambitious and able to address the challenges that States Parties were facing in the context of the application of the Convention. He added that progress should be continued in regard to CBMs where the current mechanism should be evaluated, an institutional support unit should be agreed, an Action Plan should be agreed for universality, national focal points should be established, and an accountability mechanism established. There should be a thorough Article by Article review of the whole Convention including Article X.

[INF.3 shows that Mexico has submitted CBMs on four occasions in 1990, 1992, 1994 & 2004.]

A Signatory State, Egypt, then spoke. Ambassador Sameh Shoukry of **Egypt** said that although Egypt had signed the Convention on 10 April 1972 and was committed to the humanitarian and moral objectives of the BWC, Egypt was deeply troubled by certain deficiencies regarding the implementation of the treaty as well as the continuing conditions in the Middle East. He pointed out that Israel not only sits on an arsenal of nuclear weapons, but has consistently refused to sign the Biological Weapons Convention, thereby once again obstructing international efforts towards the elimination of the threat of the proliferation of WMD. He concluded by urging the international community to address this issue in an effective and practical manner so as to achieve this objective universally and in a non-discriminatory manner.

Mr. Mike Ryan of the **World Health Organization (WHO)** then spoke, providing an update on WHO activities related to global health security. WHO had developed a strategic response to deal with emerging and re-emerging infectious diseases, including through establishing close collaboration with WHO Member States within the framework of the revised International Health Regulations, and had instituted a decentralized structure to strengthen its ability to act at a regional and global level, with regional offices and 142 country offices. He said that the International Health Regulations, revised in 2005, represented a major step forward in international cooperation and collective action in the fight against the spread of epidemics and pandemics. He added that compliance with these revised Regulations would help ensure that the world was not taken by surprise when outbreaks — whether natural or deliberate — occurred, and that disruptions to trade, commerce, and business continuity would be minimized. He concluded by pointing out that laboratory biosecurity complemented laboratory biosafety and that WHO guidance for public health preparedness was being further developed.

The informal session then resumed:

Ms. Susi Snyder of the **Women's International League for Peace and Freedom** urged States Parties to adopt a plan of action to achieve universality before the commencement of the next Review Conference. She went on to express concern about 'defensive research' and the difficulty of discriminating between offensive and defensive research. She urged States Parties to expand the treaty to include an absolute ban on genetic engineering of new strains of deadly pathogens. She concluded by recommending the continuation of regular meetings of experts, as well as annual meetings of States Parties which should have enough flexibility to address emerging issues and should have some decision-making powers.

Mr. Nicolas Isla of the **Research Group for Biological Arms Control, Hamburg University** urged that progress must and can be made to increase transparency and promoting politically and legally binding measures. It was necessary and possible to strengthen the Convention in three areas: the CBMs, trade monitoring of dual-use items and bio-security measures in life sciences research. The CBMs should be reviewed and decisions taken thereon during the intersessional period. He concluded by saying that multilateral verification is indispensable for long-term sustainable national and global security and should, therefore, be the aim of any BWC evolution.

Mr. Jean Pascal Zanders of the **BioWeapons Prevention Project (BWPP)** urged that the Sixth Review Conference formally conclude a full review of the articles of the BTWC and assessment of the scientific and technological challenges to the objectives and purpose of the Convention. He pointed out that at the heart of the BTWC is a very strong norm against the weaponisation and use for hostile purposes of disease. He welcomed the willingness of the States Parties to consider a further cycle of annual meetings. He concluded by saying that the BWPP website would be issuing almost daily reports on the progress of the Review Conference.

Ms. Gigi Kwik Gronvall of the **Center for Biosecurity of University of Pittsburgh Medical Center (UPMC)** said that a code of conduct for scientists would be a positive development. Scientists can and should be made aware that the same research that holds promise for human health and understanding of the living world can also be misused for harm. She went on to say that a meeting in the next intersessional period should address the global scientific response to a biological attack. As scientific expertise will be critical in mitigating the consequences of an attack, so the responsibilities of scientists should be defined now for policymakers and for the public. She concluded by saying that scientists can do more than simply be aware of the dual-use problem, and they should do more than merely adhere to the norm against biological weapons development and use. Their expertise is a critical resource, and the BWC should start planning now how to use that resource, to mitigate the consequences of a biological attack.

Mr. Noel Stott of the **Institute for Security Studies, South Africa** expressed concern about the increase in secret biodefence activities of certain States Parties over the past

five years. He pointed out that a lack of transparency in biodefence activities has the potential of increasing suspicion that may in turn result in the proliferation of biological and toxin weapons. Reasonable transparency with regard to biodefence activities is essential to preventing proliferation. He went on to urge that the Review Conference will agree a further intersessional programme including these issues: Confidence Building Measures, peaceful technology transfers to enhance national health care systems and to respond to disease outbreaks, and universalisation of the Convention. He noted that eleven of the twenty-four states that have not yet signed the Convention and nine of the sixteen who have signed but not yet ratified are African. He concluded by saying that the requirements for capacity building in Africa should be evident from the three areas highlighted above.

Two more statements were made by States Parties in a short resumption of the General Debate on the **afternoon of Friday 24 November 2006**.

Mr. Naif Ben Bandar Al Sudairy of **Saudi Arabia** said that the Government of the Kingdom of Saudi Arabia was committed to the Convention, and in particular to the need for Article X to be fully consistent with the aims and provisions thereof. He went on to say that all members of the international community should respect and diligently pursue the principles and purposes, including primarily the maintenance of international peace and security, as stipulated in the United Nations Charter. The discussions, deliberations and outcome of this important Conference would undoubtedly make a substantial and useful contribution in this field. The Conference should have a useful and constructive outcome for the States Parties.

[INF.3 shows that Saudi Arabia has submitted CBMs twice, in 1996 & 1997.]

Ambassador Carlo Trezza of **Italy** said that next week the Review Conference should enter into a more operational mode. He noted that the Secretary-General had referred in his address to the issue of bio-terrorism, as had many other delegations. He went on to say that bio-terrorism deserved attention by the Sixth Review Conference of the Biological Weapons Convention. He added that Italy considered that appropriate control of materials, and law enforcement efforts to detect biological agents should be undertaken. The General Assembly A/RES/60/288 of 20 September 2006 set out a counter-terrorism strategy, including the fight against bio-terrorism. He concluded by saying that Italy thought that States Parties had the opportunity to address bio-terrorism and include it in their plans of work for the period 2007-2010, and also to look into strengthening current measures and develop new ones if necessary.

[INF.3 shows that Italy has an excellent record in submitting its CBMs.]

Committee of the Whole

The informal session was then closed and the Review Conference continued in closed session on the **afternoon of Tuesday 21 November 2006** with meetings of the Committee of the Whole under the Chairmanship of Ambassador

Doru Costea (Romania) considering in detail the substantive issues relevant to the Convention. The Committee of the Whole held eleven meetings between 21 and 30 November. At its final meeting on 30 November, the Committee adopted its final report (BWC/CONF.VI/3) which included as Annex I an outline of the draft final document of the Conference, whilst Annex II provided a compilation of the proposals presented by States Parties on language for the various Articles of the Convention as well as for Action Plans on Universality, National Implementation and Article X, an Implementation Support Unit, a further Intersessional Programme, and CBMs.

Compared with the Fifth Review Conference, at the Sixth Review Conference there were some 23 more proposals for Articles submitted by individual States Parties, or by groups of States Parties, to the Committee of the Whole. An analysis of the numbers of proposals by Article is shown in the tabulation on the facing page.

Thus, at the Sixth Review Conference, there were 10 proposals for Article X (technical cooperation), closely followed by 9 for Article IV (legislation), followed by 8 for Article V (consultation), 7 for Articles III (non-transfer), VII (assistance), and IX (prohibition of chemical weapons) and then by 6 for Articles I (basic prohibition), VI (complaints), and VIII (Geneva Protocol). This was different from the spread of proposals at the Fifth Review Conference, when there were 9 proposals for Article I (basic prohibition), followed closely by 8 proposals for both Article III (non-transfer) and Article X (technical cooperation), followed by 6 proposals for both Article IV (legislation) and Article V (consultation) and then by 5 proposals each for Article VII (assistance), Article VIII (Geneva Protocol) and Article IX (prohibition of chemical weapons).

A further analysis of the 94 proposals made for the Articles by 10 individual States Parties or by 4 groups of two or more States Parties showing how many proposals were submitted by an individual State Party or a group of States Parties is also provided: 15 by Iran, 14 each by India, Pakistan and the USA, 12 by the EU, 6 each by China and Japan, 3 by the Ukraine, 2 each by Canada, the Latin American Group and the NAM, and 1 each by Brazil, Croatia, New Zealand and the three codepositary States. This is a different distribution from that at the Fifth Review Conference when 12 proposals were submitted by the USA, 11 by Iran, 10 by the EU, 8 by Mexico, 5 by Libya, 4 by China and 4 by the NAM and Other States, 3 by Brazil and 3 by China and six other States.

| State Party/Group | Number of proposals |
|--------------------------|----------------------------|
| Islamic Republic of Iran | 15 |
| India | 14 |
| Pakistan | 14 |
| United States | 14 |
| European Union | 12 |
| China | 6 |
| Japan | 6 |
| Ukraine | 3 |
| Canada | 2 |
| Latin American Group | 2 |
| NAM | 2 |

Unlike previous Review Conferences, proposed language for the Committee of the Whole was not distributed as COW Working Papers, but as Review Conference Working Papers.

| Article | Number of paras submitted to COW 6th RevCon | Number of submissions 6th RevCon | Number of submissions 5th RevCon | Number of submissions 4th RevCon |
|-----------------------------------|---|----------------------------------|----------------------------------|----------------------------------|
| Solemn Declaration) | 12 | 1 | 3 | 2 |
| Preamble) | | | 2 | 1 |
| Article I - basic prohibition | 25 | 6 | 9 | 6 |
| Article II - destruction | 11 | 5 | 1 | 3 |
| Article III - non-transfer | 22 | 7 | 8 | 3 |
| Article IV - legislation | 49 | 9 | 6 | 1 |
| Article V - consultation | 28 | 8 | 6 | 2 |
| Article VI - complaints | 26 | 6 | 4 | 3 |
| Article VII - assistance | 18 | 7 | 4 | 2 |
| Article VIII - Geneva Protocol | 26 | 6 | 5 | 3 |
| Article IX - chemical weapons | 15 | 7 | 5 | 2 |
| Article X - technical cooperation | 66 | 10 | 8 | 4 |
| Article XI - amendments | 6 | 3 | 1 | 1 |
| Article XII - reviews | 21 | 6 | 2 | 1 |
| Article XIII - withdrawal | 4 | 4 | -- | -- |
| Article XIV - accession | 7 | 6 | 2 | 1 |
| Article XV - languages | 3 | 3 | 2 | 1 |
| Subtotal | 349 | 94 | 71 | 38 |
| Action Plan Universality | 6 | 3 | | |
| Action Plan Natl Implement | 3 | 1 | | |
| Action Plan Article X | 2 | 1 | | |
| Implementn Support Unit | 5 | 3 | | |
| Intersessional Programme | 17 | 5 | | |
| CBMs | 6 | 2 | | |
| Total | 388 | 109 | | |

There were consequently 39 Working Papers submitted at the Sixth Review Conference which should be compared with the 31 COW/WPs and the other seven papers circulated as CONF.V papers at the Fifth Review Conference.

Cross-Cutting Issues

In parallel with the sessions of the Committee of the Whole, there were plenary sessions in which cross-cutting issues that did not fit easily into the Article by Article review were addressed. These included consideration of how any follow-on intersessional process might be carried out during 2007 to 2010, the results of the 2003 to 2005 intersessional process, confidence-building measures, national implementation, universalisation, and implementation support. In addition, an informal list of possible topics for the 2007 to 2010 intersessional meetings was circulated for consideration. Argentina coordinated consideration of possible text on an implementation support unit, whilst Norway coordinated consideration of possible text on the outcome of the 2003-2005 meetings.

Thematic discussions continued to focus on topics such as the intersessional process for 2007 to 2010, possible action plans and confidence-building measures. At one stage, the list of possible topics for consideration in 2007 to 2010 was twelve, with four possible recurring topics on universality, national implementation, scientific and technological developments, and coordination with other international bodies.

Draft action plans were proposed for universality, national implementation and Article X implementation. The first two appeared to have wide support and had been referred to in many of the statements made in the General Debate. Language had been proposed in the Committee of the Whole for a universality Action Plan by the Latin American group, Australia and the EU, and for the national implementation Action Plan by the EU. The proposal for an Action Plan on Article X implementation was the subject of language proposed by the NAM to the COW – and the identical language was also proposed in a Working Paper by the NAM (WP. 39).

Informal Consultations

Following the completion of the work of the Committee of the Whole, the President conducted a series of informal consultations in which he was assisted by a number of Facilitators as follows:

Solemn Declaration: Amb. Paul Meyer (Canada);
 Articles I-IV and XII: Amb. Doru Costea (Romania)
 Articles V-VII and XI: Mr. Knut Langeland (Norway)
 Articles VIII-IX: Mr. Muhammad Shahrul Ikram Yaakob (Malaysia)
 Article X: Mr. Ben Steyn (South Africa)
 Implementation Support Unit (ISU): Mr. Marcelo Valle

Fonrouge (Argentina)
 Work of the 2003-2005 Meetings: Mr. Knut Langeland (Norway)
 Universalisation: Mr. Enrique Ochoa (Mexico)
 National Implementation: Mr. Craig MacLachlan (Australia)
 2007-2010 Intersessional Topics: Amb. Jayant Prasad (India)
 Confidence-building Measures (CBMs): Amb. Jean-François Dobelle (France)
 Cross-cutting Issues: Amb. John Duncan (United Kingdom)

Unlike at previous Review Conferences, the Drafting Committee did not meet, and the Chairman (Knut Langeland of Norway) and Vice-Chairmen (Vladimir Bundin of the Russian Federation and Mr. Pedro Luiz Dalcero of Brazil) met and decided to assist the President in his informal consultations.

In effect, the President in his informal consultations and in informal plenary meetings carried out the drafting of the Final Declaration of the Review Conference. A number of drafts were circulated:

- The earliest one was a President's Room Paper No. 4 circulated on 24 November 2006 – at the end of the first week before the COW had completed its work.
- This was then followed by a draft circulated by the Chairman of the COW as Room Paper 1 on 29 November 2006 which became Annex I to the report of the COW (BWC/CONF.VI/3) adopted on 30 November 2006.
- The next draft was President's Room Paper DOD-1 issued on 1 December 2006 showing agreed language in normal text and language yet to be agreed in bold.
- This was replaced by a revised and corrected version as President's Room Paper DFD-1 [Draft Final Declaration] on 1 December 2006. This included draft language for the Solemn Declaration and Preamble through to Article XV and then in a Decisions and Recommendations section language on Work of the 2003-2005 Meetings of States Parties, Implementation Support Unit, Intersessional Programme 2007-2010, Confidence-Building Measures, Universalisation, and National Implementation.
- The next version was President's Room Paper DFD-2 dated 5 December 2006, the Tuesday of the third week. Much of the text was now in normal text showing that it was agreed with some still in bold yet to be agreed. In the Decisions and Recommendations section there was again language on Work of the 2003-2005 Meetings of States Parties, Implementation Support Unit, Intersessional Programme 2007-2010, Confidence-Building Measures, Universalisation, and National Implementation. Much of this section was agreed apart from the language on National Implementation.
- A further draft appeared on Wednesday 6 December as President's Room Paper DFD-3. In the Decisions and Recommendations section there was largely agreed language on Work of the 2003-2005 Meetings of States Parties, Implementation Support Unit, Intersessional Programme 2007-2010, Confidence-Building Measures, and Action Plan on Universalisation, and language yet to be agreed for an Action Plan for Comprehensive Implementation of the Convention. This latter section had replaced the previous section on National Implementation.
- The next draft appeared on Thursday 7 December as President's Room Paper DFD-4 which now contained

largely agreed language throughout although there were still chunks of language yet to be agreed. The headings in the Decisions and Recommendations section were the same as in DFD-3.

- The final draft appeared on the afternoon of Thursday 7 December as President's Room Paper DFD-5 with further reductions in the text yet to be agreed.

Negotiations continued late into the night of Thursday 7 December between the President and the two States Parties, Iran and the United States, who had the most difficulty with the remaining text yet to be agreed. Largely by deleting what could not be agreed, a final version was created which appeared in Part II: Final Declaration and Part III: Decisions and Recommendations of BWC/CONF.VI/CRP.4 on Friday 8 December 2004. This, in the Decisions and Recommendations section, had lost the language on an Action Plan for Comprehensive Implementation of the Convention, and what had been 'Action Plan for Universality' had become 'Promotion of Universality'. The language in CRP.4 was subject to oral amendments which reflected the final agreements reached with Iran and the United States as they were specifically thanked by the President in the final Plenary session for agreeing them. These oral amendments included the following: in the Solemn Declaration the deletion of the word "*chemical*" from sub-item (ii) which had previously said "*and their conviction that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons*" and the addition of a final sub-item (xi) that read:

"(xi) Their recognition of their consideration of the issues identified in reviewing the operation of the Convention as provided for in Article XII, as well as their consensus on the follow-up actions contained herein."

This new sub-item replaced the language in DFD-5 that had said:

"— Their recognition of the importance of the Review Conference process and their outcomes"

"The States Parties recognize the important principles contained in the declarations of previous Review Conferences/this Final Document can also serve as the basis for the further strengthening of the Convention."

The new sub-item (xi) thus attempted to resolve the unwillingness of the United States to see language referring back to the outcomes of previous Review Conferences.

Another oral amendment related to the language in III. Decisions and Recommendations relating to the Implementation Support Unit, which was amended so as to read "*providing administrative support to meetings agreed by the Review Conference as well as comprehensive implementation and universalisation of the Convention*" instead of the previous version that read "*providing administrative support to meetings agreed by the Review Conference as well as national implementation and universalisation of the Convention*". This amendment slightly broadened the terms of reference of the Implementation Support Unit whilst, as already noted above, the Action Plan for Comprehensive Implementation of the Convention had been deleted.

Final Plenary Session

The final Plenary session opened at 1655 on the afternoon of **Friday 8 December 2006**. The President referred delegations to CRP.4 and said that there were certain oral amendments that needed to be made to CRP.4. He also drew the attention of the meeting to the cost estimates contained in BWC/CONF.VI/4 which included the implementation support unit. The cost estimates were formally accepted. The UK on behalf of the Depositaries said that dates had been identified for 2007 for a Meeting of Experts from 20 to 24 August 2007 and a Meeting of States Parties from 10 to 14 December 2007. These were formally accepted. CRP.4 together with its oral amendments was then considered. Australia on behalf of the Western Group spoke proposing that the first intersessional meetings in 2007 should be chaired by the NAM, the second by the Eastern Group, the third by the Western Group and the fourth by the NAM based on the principles that the President of the Review Conference should chair the first intersessional meetings and that the Chairman of the last intersessional meetings should not be from the same Group that chairs the next Review Conference. Cuba on behalf of the NAM and Hungary on behalf of the Eastern Group agreed. Cuba on behalf of the NAM then proposed Ambassador Masood Khan as Chairman of the intersessional meetings in 2007 and this was endorsed by Hungary and Australia and formally so decided. The Final Document CRP.4 and its oral amendments were then formally adopted.

The President then made his closing remarks. He started by saying that: *“We have succeeded. I think we can say, without any exaggeration, that this is an historic moment, both for the Biological Weapons Convention and for multi-lateral security and disarmament. Over the past months, as we worked to prepare for this Conference, I spoke often of the need to transcend the past. We have done this. At times over the past three weeks, the shadow of the past has stalked us, but we have been nimble-footed, and we have quickly moved into the brighter lights of the future.”*

He went on to note that the Convention was more important than ever and that 103 States Parties had participated, more than in any previous Conference, and two-thirds of the total membership of the Convention. He also noted that a record number, 33, of NGOs had attended and that there had been a full schedule of lunchtime seminars. He then looked at exactly what had been achieved at the Review Conference saying that:

“After a gap of ten years, we have thoroughly and comprehensively reviewed all articles of the Convention, and agreed on a declaration setting out our shared vision of the Convention and its implementation. This in itself is a strong message to the international community that the Convention is alive and well, and remains effective as the fundamental legal norm against biological weapons.

“We have unequivocally reaffirmed that the Convention applies to all relevant scientific and technological developments, and effectively prohibits the use of biological weapons.

“We have emphasized the need for effective national implementation of the Convention, and for measures to promote the development of the peaceful uses of biological agents and toxins.

“We have adopted a specific and detailed plan to

promote universal adherence to the Convention.

“We have streamlined and updated the procedures for the submission and distribution of the Confidence-building Measures, and taken practical steps to increase the level of participation.

“We have adopted a full and comprehensive intersessional programme for 2007 to 2010, where we will address the important topics of national implementation, regional cooperation, biosafety and biosecurity, oversight and awareness-raising, enhancement of international cooperation and exchange in biological science and technology, and assistance in the case of alleged use of biological weapons.

“And perhaps most historically of all, we have agreed to establish an Implementation Support Unit to assist us in implementing the decisions of this Conference. For many years, the States Parties have debated the need for institutional support for the Convention. Now we have it, built not on a political argument, nor on a perception that ‘something is better than nothing’, but on the solid basis of the positive and practical contribution the temporary secretariat has made over the past three years. We know we will be getting a professional, efficient and dedicated unit that will make a significant contribution to our important work over the next four years.”

He concluded by pointing out that *“The documents that we have are not an empty, cosmetic consensus. They are a win-win result for all.”* and thanking all delegations and all those that have worked so hard to prepare for and support our Conference.

A number of delegations then spoke. These included Mr Hamid Baeidi Nejad of **Iran** who paid a tribute to the President’s leadership and the compromise that had been necessary to achieve the objective. Ambassador Kari Kahiluoto of Finland spoke on behalf of the **EU**, welcoming the Final Document *“which broadly meets the objectives we have set for the Conference.”* He said that the EU would like to have seen a more ambitious outcome on CBMs and was ready to work on further improvement thereof. He noted that *“The now ending review cycle has helped States Parties to focus their efforts and develop a sense of ownership of the Convention, and more importantly, national responsibility among the States Parties for actual implementation of obligations and compliance with the Convention.”* Mr Anatoliy Antonov of **Russia** spoke, saying that a lot of useful work had been done and the Final Document strengthens the Convention in a balanced and sensitive way. Ambassador Jürg Streuli of **Switzerland** spoke on behalf of the JACKSNNZ countries, saying that the outcome would meet the overarching objective of strengthening and enhancing the regime step by step by practical measures. He regretted the loss of the Action Plan on comprehensive implementation but noted that key elements were in other parts of the Final Document. Ambassador Yoshiaki Mine of **Japan** encouraged all States Parties to engage in implementing the decisions reached by the Review Conference. Ambassador Jayant Prasad of **India** said that he was very satisfied with the outcome and noted that the promotional aspects of Article X and Article VII had been recognized in the intersessional programme. He regretted the loss of the Action Plan on Comprehensive Implementation. Mme Anayansi Rodríguez Camejo of Cuba on behalf of the **NAM** said that a successful

result had been achieved that sent a clear signal that the States Parties to the BTWC are committed to compliance and full application as well as strengthening of the Convention. Mr. Gustavo Senechal of Brazil on behalf of the **Latin American Group** of countries welcomed the outcome, saying that it demonstrated that multilateralism works and can be effective. Ambassador Christina Rocca of the **US** said that the Final Document was an important accomplishment and one that the Seventh Review Conference will find valuable. Mr. Craig Maclachlan of Australia on behalf of the **Western Group** thanked the President for his very fast approach and intellectual muscle which had led to a successful conclusion. Ambassador Johannes C. Landman of **the Netherlands** said that the success was very largely due to the President and his neutrality, openness and very firm hand. He commended the professionalism and flexibility shown by the NAM and, in particular, by the NAM coordinator, Cuba. Mr. Balázs Rátkai of Hungary on behalf of the **Eastern Group** wished the President good luck next year in the first meetings of the intersessional process. Mr. Hamza Khelif of **Algeria** regretted the loss of the Action Plan on Comprehensive Implementation. They thanked the President for removing obstacles and the Conference for adopting Arabic as an official language in Article XV. The final Plenary session was then closed.

Analysis of the Article by Article Review

Overall, the outcome is a very satisfactory one with the comprehensive Final Declaration and the Decisions and Recommendations relating to the language on Work of the 2003-2005 Meetings of States Parties, Implementation Support Unit, Intersessional Programme 2007-2010, Confidence-Building Measures, and Promotion of Universalisation. It is, however, apparent that the final few days saw the loss of what had earlier been largely agreed Action Plans on Universality and on Implementation. This loss stemmed from the fairly late proposal by the NAM of an Action Plan on Article X Implementation and despite the attempt of the President to develop language for an Action Plan on Comprehensive Implementation of the Convention, agreement on this was not possible. The Action Plan on Universality

was consequently transformed into a decision on ‘*Promotion of Universality*’.

The final Article by Article Declaration comprised some 67 paragraphs compared to the 88 paragraphs in the comparable part of the Fourth Review Conference Final Declaration (see table below).

This reduction in length reflected the exhortation by the President that the Review Conference must produce “*a concise and accessible outcome document*”. It is certainly evident that the opportunity was taken to consider new language rather than developing the previously agreed language of previous Final Declarations. The new language is welcomed, but the failure, because of US opposition, to obtain a more explicit recognition of the value of previous Final Declarations, is regretted.

An analysis is provided below of what is different in the Final Declaration of the Sixth Review Conference.

Solemn Declaration [and Preamble].

There are eleven sub-items to the Solemn Declaration compared to the nine in 1996. The fourth sub-item (iv) is new and addresses compliance, saying:

“(iv) Their determination to comply with all their obligations undertaken pursuant to the Convention and their recognition that States Parties not in compliance with their Convention obligations pose fundamental challenges to the Convention’s viability, as would use of bacteriological (biological) weapons by anyone at any time;”

The seventh sub-item (vii) is also new and addresses terrorism, saying:

“(vii) Their conviction that terrorism in all its forms and manifestations and whatever its motivation, is abhorrent and unacceptable to the international community, and that terrorists must be prevented from developing, producing, stockpiling, or otherwise acquiring or retaining, and using under any circumstances, biological agents and toxins, equipment, or means of delivery of agents or toxins for nonpeaceful purposes, and their recognition of the contribution of full and effective implementation of UNSC Resolution

| Article | No. of paras in 2006 | No. of paras in 1996 |
|-----------------------------------|-----------------------------|-----------------------------|
| Solemn Declaration | 1 | 1 |
| Preamble | - | 1 |
| Article I - basic prohibition | 4 | 9 |
| Article II - destruction | 3 | 4 |
| Article III - non-transfer | 3 | 4 |
| Article IV - legislation | 9 | 7 |
| Article V - consultation | 6 | 8 |
| Article VI - complaints | 6 | 7 |
| Article VII - assistance | 7 | 5 |
| Article VIII - Geneva Protocol | 5 | 7 |
| Article IX - chemical weapons | 2 | 5 |
| Article X - technical cooperation | 11 | 17 |
| Article XI - amendments | 3 | 3 |
| Article XII - reviews | 2 | 3 |
| Article XIII - withdrawal | 1 | 1 |
| Article XIV - accession | 3 | 5 |
| Article XV - languages | 1 | 1 |
| Total | 67 | 88 |

1540 by all States to assist in achieving the objectives of this Convention.”

The tenth sub-item (x) is also new and addresses public awareness, saying;

“(x) *Their recognition that achieving the objectives of the Convention will be more effectively realized through greater public awareness of its contribution, and through collaboration with relevant regional and international organizations, in keeping within their respective mandates, and their commitment to promote this;*”

The final sentence in previous Solemn Declarations stating “*The States Parties recognize that the important principles contained in this Solemn Declaration can also serve as a basis for further strengthening of the Convention*” and the Preamble have been removed, and replaced by the new sub-item (xi) already mentioned above:

“(xi) *Their recognition of their consideration of the issues identified in reviewing the operation of the Convention as provided for in Article XII, as well as their consensus on the follow-up actions contained herein.*”

The other sub-items are largely similar to those in previous Final Declarations although with some rewording.

Article I

This comprises 4 paragraphs instead of the 9 in 1996. The language in paragraph 1 is new, stronger and more emphatic:

“*1. The Conference reaffirms the importance of Article I, as it defines the scope of the Convention. The Conference declares that the Convention is comprehensive in its scope and that all naturally or artificially created or altered microbial and other biological agents and toxins, as well as their components, regardless of their origin and method of production and whether they affect humans, animals or plants, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes, are unequivocally covered by Article I.*”

The declaration that the Convention is comprehensive in its scope is welcomed, as is the clarification that “*all naturally or artificially created or altered microbial and other biological agents and toxins, as well as their components, regardless of their origin and method of production and whether they affect humans, animals or plants.*”

Paragraph 2 replaces the previous paragraph 6, which had listed apprehensions *inter alia* in a number of fields, with a shorter simpler formulation:

“*2. The Conference reaffirms that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention.*”

Paragraph 3 is based on the previous paragraphs 3 and 4, but has a new final sentence regarding use:

“*The Conference affirms the determination of States Parties to condemn any use of biological agents or toxins for other than peaceful purposes, by anyone at any time.*”

Paragraph 4 is the same as the previous paragraph 7. The previous emphasis on compliance (previous paragraph 9) is now in the Solemn Declaration (iv), and the previous appeal to the scientific communities (previous paragraph 8) is now referred to in the ‘*relevant professionals*’ in paragraph 15 of Article IV.

Article II

This comprises 3 paragraphs instead of the 4 in 1996. Paragraphs 5 and 7 are essentially versions of the previous paragraphs 1 and 2. Paragraph 6 is a modified version of the second sentence of previous paragraph 1 with a new sentence stressing the importance of providing information under CBM‘F’:

“*The Conference also stresses that these States Parties should provide appropriate information to all States Parties via the exchange of information (confidence-building measures form F).*”

This new sentence states more clearly what was previously stated in previous paragraph 3.

Article III

This comprises 3 paragraphs instead of the 4 in 1996. Paragraphs 8 and 10 are modified from previous paragraphs 2, 3 and 4. Paragraph 8 in its first sentence reaffirms that Article III is sufficiently comprehensive “*to cover any recipient whatsoever at the international, national and sub-national levels.*” It then in its second sentence has a clearer and stronger statement of the action to be taken by States Parties:

“*The Conference calls for appropriate measures, including effective national export controls, by all States Parties to implement this article, 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.*”

Paragraph 9 is essentially new, calling for the safeguarding of biological agents and toxins:

“*9. The Conference calls for appropriate measures by all States Parties to ensure that biological agents and toxins relevant to the Convention are protected and safeguarded, including through measures to control access to and handling of such agents and toxins;*”

Article IV

This comprises 9 paragraphs instead of the 7 in 1996. Paragraph 11 is a much clearer and stronger version of what had appeared previously, as it includes the requirement for “including penal legislation”:

“*11. The Conference reaffirms the commitment of States Parties to take the necessary national measures under this Article. The Conference also reaffirms that the enactment and implementation of necessary national measures under this Article would strengthen the effectiveness of the Convention. In this context, the Conference calls upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other measures, including penal legislation, designed to:*

- (i) *enhance domestic implementation of the Convention and ensure the prohibition and prevention of the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipments and means of delivery as specified in Article I of the Convention;*
- (ii) *apply within their territory, under their jurisdiction or under their control anywhere and apply, if constitutionally possible and in conformity with*

international law, to actions taken anywhere by natural or legal persons possessing its nationality;

(iii) ensure the safety and security of microbial or other biological agents or toxins in laboratories, facilities, and during transportation, to prevent unauthorized access to and removal of such agents or toxins.”

Paragraph 13 is also new, calling for measures for surveillance of outbreaks of disease:

“13. The Conference reaffirms the commitment of States Parties to take the necessary national measures to strengthen methods and capacities for surveillance and detection of outbreaks of disease at the national, regional and international levels.”

Paragraph 14 has a first sentence which reflects the previous paragraph 3, but then has a new second sentence which addresses training and education:

“14. The Conference urges States Parties to promote the development of training and education programmes for those granted access to biological agents and toxins relevant to the Convention and for those with the knowledge or capacity to modify such agents and toxins, in order to raise awareness of the risks, as well as of the obligations of States Parties under the Convention.”

Paragraph 15, also new, takes this message further to call for professionals to report activities conducted in breach of the Convention and also to recognize the importance of codes of conduct:

“15. The Conference encourages States Parties to take necessary measures to promote awareness amongst relevant professionals of the need to report activities conducted within their territory or under their jurisdiction or under their control that could constitute a violation of the Convention or related national criminal law. In this context, the Conference recognises the importance of codes of conduct and self-regulatory mechanisms in raising awareness, and calls upon States Parties to support and encourage their development, promulgation and adoption.”

Paragraphs 16, 17 and 18 are all new, addressing provision of assistance, SCR 1540, and designation of a national focal point respectively:

“16. The Conference urges States Parties with relevant experience in legal and administrative measures for the implementation of the provisions of the Convention, to provide assistance on request to other States Parties. The Conference also encourages such initiatives on a regional basis.

17. The Conference recalls UN Security Council Resolution 1540 (2004) that places obligations on all states and is consistent with the provisions of the Convention. The Conference notes that Resolution 1540 affirms support for the multilateral treaties whose aim is to eliminate or prevent proliferation of nuclear, chemical or biological weapons and the importance for all States Parties to these treaties to implement them fully in order to promote international stability. The Conference also notes that information provided to the United Nations by states in accordance with Resolution 1540 may provide a useful resource for States Parties in fulfilling their obligations under this Article.

18. The Conference encourages States Parties to

designate a national focal point for coordinating national implementation of the Convention and communicating with other States Parties and relevant international organizations.”

Article V

This comprises 6 paragraphs instead of the 8 in 1996. Paragraph 20 is based on, but is clearer than, the previous paragraph 1. Paragraph 21 is based on the previous paragraphs 2 and 3. Paragraph 22 is based on the previous paragraph 8. Paragraphs 23, 24 and 25 address Confidence-Building Measures. Paragraph 24 refers to the fact that in regard to transmission of CBM information, ‘the Conference has agreed on several measures.’ These are detailed in paragraph 8 of Part III; Decisions and Recommendations. Paragraph 25 includes as its last sentence language proposed by the three Depositaries:

“The information supplied by a State Party must not be further circulated or made available without the express permission of that State Party.”

Article VI

This comprises 6 paragraphs instead of the 7 in 1996. They are largely developed from the language in 1996. Paragraph 28 is a clearer and stronger expression of what had been said previously in paragraphs 3, 4 and 5:

“28. The Conference invites the Security Council:

(i) to consider immediately any complaint lodged under this Article and to initiate any measures it considers necessary for the investigation of the complaint in accordance with the Charter;

(ii) to request, if it deems necessary and in accordance with its resolution 620 of 1988, the United Nations Secretary-General to investigate the allegation of use, using the technical guidelines and procedures contained in Annex I of United Nations Document A/44/561;

(iii) to inform each State Party of the results of any investigation initiated under this Article and to consider promptly any appropriate further action which may be necessary.”

Paragraph 29 is based on the penultimate sentence of the previous paragraph 4, but with the Security Council instead of the Secretary-General.

“29. The Conference reaffirms the agreement of States Parties to consult, at the request of any States Party, regarding allegations of use or threat of use of biological or toxin weapons. The Conference reaffirms the undertaking of each State Party to cooperate in carrying out any investigations which the Security Council initiates.”

Article VII

This comprises 7 paragraphs instead of the 5 in 1996. They are largely developed from the language in 1996. Paragraph 34 is developed from the previous paragraph 5 but with the useful explicit addition of OIE, FAO and the IPPC:

“34. The Conference considers that in the event that this Article might be invoked, the United Nations could play a coordinating role in providing assistance, with the help of States Parties as well as the appropriate intergovernmental organizations such as the World

Health Organization (WHO), World Organization for Animal Health (OIE), the Food and Agriculture Organization of the United Nations (FAO), and the International Plant Protection Convention (IPPC)."

Paragraph 35 is new, pointing out that national preparedness contributes to international capabilities:

"35. The Conference notes that State Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons."

Paragraph 38 is also new, addressing the provision of assistance should a State Party be exposed to danger as a result of an attack by anyone other than States Parties:

"38. The Conference takes note of the willingness of States Parties, where appropriate, to provide or support assistance to any State Party which so requests, when that State Party has been exposed to danger or damage as a result of the use of bacteriological (biological) agents and toxins as weapons by anyone other than States Parties."

Article VIII

This comprises 5 paragraphs instead of the 7 in 1996. They are similar to the language in 1996. Paragraph 39 is a clearer call to all States not yet Parties to the 1925 Geneva Protocol to ratify or accede to it without delay:

"39. The Conference appeals to all States Parties to the 1925 Geneva Protocol to fulfill their obligations assumed under that Protocol and urges all States not yet Parties to the Protocol to ratify or accede to it without delay."

Paragraph 40 is a combination of the previous paragraphs 2 and 3. Paragraphs 41, 42 and 43 are identical to the previous paragraphs 5, 6 and 7.

Article IX

This comprises 2 paragraphs instead of the 5 in 1996. The reduced language reflects the entry into force in 1997 – since 1996 – of the Chemical Weapons Convention. Paragraph 44 is essentially identical to the first sentence of the previous paragraph 1. Paragraph 45 is new:

"45. The Conference welcomes the fact that the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction entered into force on 29 April 1997 and that 181 instruments of ratification or accession have now been deposited with the United Nations. The Conference calls upon all states that have not yet done so to accede to that Convention without delay."

It is to be regretted that the final sentence failed to include an exhortation for the six Signatory States who have yet to ratify the CWC to do so. This could have been easily achieved by insertion of the words "or ratify" after the words "to accede to" in the last line.

Article X

This comprises 11 paragraphs instead of the 17 in 1996. This is largely new clearer language that reflects what was in the language in 1996. Paragraphs 45 and 46 emphasise the importance of implementation of Article X in language that is new:

"46. The Conference stresses the importance of implementation of this Article and recalls that the 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."

47. The Conference reaffirms the commitment to the full and comprehensive implementation of this Article by all States Parties. The Conference recognises that while recent scientific and technological developments in the field of biotechnology, would increase the potential for cooperation among States Parties and thereby strengthen the Convention, they could also increase the potential for the misuse of both science and technology. Therefore, this Conference urges all States Parties possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, particularly with countries less advanced in this field while promoting the basic objectives of the Convention, as well as ensuring that the promulgation of science and technology is fully consistent with the peaceful object and purpose of the Convention."

Paragraph 48 is similar to the previous paragraph 5 and paragraph 49 and 50 are developed from previous paragraph 11. Paragraph 51 is developed from the previous paragraph 4. Paragraphs 52 and 53 are largely new:

"52. The Conference recognises the need to effectively implement national measures in order to further implementation of Article X. In this regard, the Conference urges States Parties to undertake to review their national regulations governing international exchanges and transfers in order to ensure their consistency with the objectives and provisions of all the articles of the Convention."

53. The Conference urges States Parties to develop frameworks for disease surveillance in humans, animals and plants, and to support programmes for effective responses at the national, bilateral, regional and multilateral levels, including through the conclusion of appropriate agreements that would promote the regular exchange of scientific and technical information in these fields."

Paragraph 54 is a clearer and more explicit version of previous paragraph 14. Paragraph 55 is new with its listing of six sub-items that the Conference calls upon or urges the States Parties to do in regard to measures related to Article X. Paragraph 56 is also new with its reference to the role of the private sector:

"56. The Conference recognises the important role of the private sector in the transfer of technology and information and the wide range of organisations within the United Nations system that are already engaged in international cooperation relevant to this Convention."

Article XI

This comprises 3 paragraphs instead of the 4 in 1996. As in 1996, Iran had again formally presented a proposal to amend Article I and the title of the Convention to explicitly include

the prohibition of use. The need to resubmit such a proposal in 2006 is far from clear, as the Final Declaration in 1996 had in several Articles recorded explicitly that use was prohibited. Paragraph 57 is thus identical to the previous paragraph 1 and paragraph 58 is similar to the previous paragraph 2. Paragraph 59 is developed from the second sentence of the previous paragraph 4.

Article XII

This comprises 2 paragraphs instead of the 3 in 1996. Paragraph 60 has a new first sentence whilst the second sentence is based on the previous paragraph 3:

“60. The Conference reaffirms that Review Conferences constitute an effective method of reviewing the operation of the Convention with a view to assuring that the purposes of the Preamble and the provisions of the Convention are being realized. The Conference therefore recommends that Review Conferences should continue to be held at least every five years.”

Paragraph 61 is a clearer statement, with new sub-items (ii) and (iii), of what was previously in paragraphs 1 and 2:

“61. The Conference decides that the Seventh Review Conference shall be held in Geneva not later than 2011 and should review the operation of the Convention, taking into account, inter alia:

- (i) new scientific and technological developments relevant to the Convention;*
- (ii) the progress made by States Parties on the implementation of the obligations under the Convention;*
- (iii) progress of the implementation of the decisions and recommendations agreed upon at the Sixth Review Conference.”*

Article XIII

This comprises 1 paragraph as in 1996. It is a clearer expression of the previous language.

Article XIV

This comprises 3 paragraphs instead of the 5 in 1996. Paragraph 63 is similar to the previous paragraph 1 and paragraph 64 is developed from the previous paragraph 2. Paragraph 65 is based on previous paragraphs 3 and 4.

The fifth paragraph in 1996 had in error omitted the word “not” and therefore, unlike at previous Review Conferences, it failed to call upon those States Parties which had **not** participated in the Review Conference to participate in the implementation of the Final Declaration. Although India had proposed a comparable paragraph for Article XIV to the COW it had not corrected the error and had omitted the “not”. This paragraph is not in the adopted Final Declaration.

Article XV

This comprises 1 paragraph as in 1996. Paragraph 66 is new and states that Arabic should be considered an official language in addition to the five languages mentioned in Article XV:

“66. The Conference decides that as well as the five languages listed in this Article, Arabic shall be considered an official language for the purposes of any meetings of the States Parties and other formal communications concerning the operation of the Convention.”

Analysis of ‘Decisions and Recommendations’

This is a new part of the Final Document which had no counterpart in previous Final Documents. This analysis considers in turn each of the topics: Work of the 2003-2005 Meetings of States Parties, Implementation Support Unit, Intersessional Programme 2007-2010, Confidence-Building Measures, and Promotion of Universalisation.

Work of the 2003-2005 Meetings of States Parties

This comprises four paragraphs. Paragraph 1 simply recalls what the arrangements and topics were in 2003-2005. Paragraphs 2 and 3 note how the Meetings of States Parties and Meetings of Experts functioned and the contributions made by international organizations as well as scientific and academic institutions and non-governmental organizations. Paragraph 4 provides a concise yet comprehensive endorsement of the consensus outcome documents:

“4. The Conference endorses the consensus outcome documents from the Meeting of States Parties (BWC/MSP/2003/4, BWC/MSP/2004/3, BWC/MSP/2005/3).”

Implementation Support Unit

This comprises two paragraphs establishing an Implementation Support Unit and setting out its responsibilities in the areas of “administrative support” and “Confidence Building Measures”. Paragraph 5 sets out its role, and that it will consist of three full time staff members in DDA in Geneva:

“5. Taking into account the importance of providing administrative support to meetings agreed by the Review Conference as well as comprehensive implementation and universalisation of the Convention and the exchange of Confidence-Building Measures, the Conference decides that an ‘Implementation Support Unit’ (ISU) shall be established and will consist of three full time staff members within the DDA Branch in Geneva, funded by States Parties for the period from 2007-2011 to perform the following tasks:

Administrative support:

- (i) Providing administrative support to and preparing documentation for meetings agreed by the Review Conference;*
- (ii) Facilitating communication among States Parties and, upon request, with international organizations;*
- (iii) Facilitating, upon request, States Parties’ contacts with scientific and academic institutions, as well as non-governmental organizations;*
- (iv) Serving as a focal point for submission of information by and to States Parties related to the Convention.*
- (v) Supporting, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference.*

Confidence Building Measures:

- (i) Receiving and distributing Confidence Building Measures to/from States Parties.*
- (ii) Sending information notices to States Parties regarding their annual submissions;*
- (iii) Compiling and distributing data on CBMs and to inform on participation at each Meeting of States Parties;*
- (iv) Developing and maintaining a secure website on*

- CBMs to be accessible only to States Parties;*
 (v) *Serving as an information exchange point for assistance related to preparation of CBMs;*
 (vi) *Facilitating activities to promote participation in the CBM process, as agreed by the States Parties.*”

Paragraph 6 effectively limits the activities of the ISU to the tasks detailed in paragraph 5 and calls for an annual report to States Parties:

“6. *The unit’s mandate will be limited to the above mentioned tasks. The unit will submit a concise annual written report to all States Parties on its activities to implement this mandate. The unit’s performance will be evaluated and its mandate will be reviewed by States Parties at the Seventh Review Conference.*”

Intersessional Programme 2007-2010

This comprises a single paragraph 7 that sets out the topics to be considered by the four annual Meetings of States Parties to be held in 2007 to 2010. Of the six topics, two are to be addressed in 2007, two in 2008, one in 2009, and one in 2010. Each Meeting of States Parties will be prepared by a one week Meeting of Experts – a regrettable reduction from the two week Meetings of Experts in 2003 to 2005. Otherwise the arrangements are the same as in 2003 to 2005 with consideration of the work and decisions on any further action being put off until the Seventh Review Conference. The topics to be addressed are:

- (i) *Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions.*
- (ii) *Regional and sub-regional cooperation on BWC implementation.*
- (iii) *National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.*
- (iv) *Oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim to prevent misuse in the context of advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention.*
- (v) *With a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: (1) for States Parties in need of assistance, identifying requirements and requests for capacity enhancement, and (2) from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields.*
- (vi) *Provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems.*”

It is interesting to compare the finally agreed list of six topics above with the earlier list of topics which also included

proposals for recurring topics. Thus, in an early list circulated on 24 November at the end of the first week there were nine topics:

- “i. *Ways and means to enhance national implementation; enforcement of national legislation and strengthening of national institutions, including cooperation between courts, police and customs.*
- ii. *Regional and sub-regional cooperation on BWC implementation.*
- iii. *Education, awareness-raising, scientific oversight and codes of conduct.*
- iv. *International, regional and national measures to improve biosafety, and biosecurity, including laboratory safety and security of pathogens and toxins.*
- v. *Advances in science and technology, relevant to the Convention, including the implementation of Article I. Prevention of research and/or use of the bio-sciences for malign purposes.*
- vi. *Facilitation of scientific and technological cooperation and exchange, including in the field of biotechnology, for peaceful purposes in pursuance of Article X.*
- vii. *Disease surveillance, including international cooperation in improving primary healthcare systems and improving detection and diagnostic capabilities.*
- viii. *Preparedness and response in case of alleged use of biological and toxin weapons, whether by state or non-state actors, including provision of assistance and coordination with relevant organizations, in accordance with Article VII.*
- ix. *Improving confidence-building measures, including provision of assistance to States Parties on request.*”

In addition, it was suggested that the Meetings of States Parties could also consider recurring topics such as universality, national implementation, CBM participation, scientific and technological developments, and cooperation and assistance.

The next version of the list of topics circulated on 29 November had added two additional items:

- “x. *Terms and definitions relevant to the Convention, and*
- xi. *Bioterrorism and non-state actors.*”

The possible “recurring” topics were now listed as:

- “i. *Universality.*
- ii. *National implementation*
- iii. *Scientific and technological developments*
- iv. *Coordination with other organizations dealing with natural, accidental or deliberate outbreaks of disease, or with terrorism.*”

In the version of the draft final declaration issued as DFD-1 on 1 December, the topics for consideration had been reduced to 10 and the first 4 already had agreed language:

- “i. *Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions.*
- ii. *Regional and sub-regional cooperation on BWC implementation.*
- iii. *National, regional and international measures to*

- improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.
- iv. Oversight to prevent use of research and advances in science and technology for purposes prohibited by the Convention through education, awareness-raising and adoption of codes of conduct.
 - v. **Advances in science and technology relevant to the Convention**
 - vi. **Facilitation of, and removal of restrictions or limitations on, scientific and technological cooperation and exchange, including in the field of biotechnology, for peaceful purposes in pursuance of Article X.**
 - vii. **Disease surveillance, including international cooperation in improving primary healthcare systems and improving detection and diagnostic capabilities. International cooperation for improving national capabilities for disease surveillance, detection and diagnosis.**
 - viii. **Preparedness and response in case of alleged use of biological and toxin weapons, whether by state or non-state actors, including provision of assistance and coordination with relevant organizations. Provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons.**
 - ix. **Confidence-building measures, including provision of assistance to States Parties on request.**
 - x. **Terms and definitions relevant to the Convention.”**

The question of recurring topics was addressed in the same draft as follows:

“The meetings of States Parties will consider the work of the meetings of experts as well as recurring topics such as universality, national implementation, scientific and technological development, confidence building measures and coordination with other organizations dealing with natural, accidental or deliberate outbreaks of disease, or with terrorism. The meetings of States Parties will take any decisions or make recommendations by consensus.”

The situation was unchanged in the language included in DFD-2 on 5 December. The situation developed with the topics being reduced to 8 with further agreed language in DFD-3 on 6 December. The list of topics was then:

- i. *Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions.*
- ii. *Regional and sub-regional cooperation on BWC implementation.*
- iii. *National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.*
- iv. *Oversight to prevent use of research and advances in science and technology for purposes prohibited by the Convention through education, awareness-raising and adoption of codes of conduct.*
- v. **Advances in science and technology relevant to the Convention**
- vi. **Facilitation of, and removal of restrictions or limitations on, scientific and technological cooperation**

and exchange, including in the field of biotechnology, for peaceful purposes in pursuance of Article X. Facilitation of, and participation in, exchange of equipment, materials and information for application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes.

- vii. *Provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, including international cooperation for improving national capabilities for disease surveillance, detection and diagnosis, and public healthcare systems. (to be discussed further)*
- ix. **Terms and definitions relevant to the Convention.”**

The language relating to recurring topics and decisions was unchanged and still in bold.

The next version in DFD-4 on 7 December showed a reduction in topics to 7 as follows:

- i. *Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions.*
- ii. *Regional and sub-regional cooperation on BWC implementation.*
- iii. *National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.*
- iv. *Oversight to prevent use of research and advances in science and technology for purposes prohibited by the Convention through education, awareness-raising and adoption of codes of conduct.*
- v. **Advances in science and technology relevant to the Convention**
- vi. **Facilitation of, and participation in, exchange of equipment, materials and information for application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes.**
- vii. *Provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, including international cooperation for improving national capabilities for disease surveillance, detection and diagnosis, and public healthcare systems.”*

The language relating to recurring topics had been further developed with some agreed language:

“The meetings of States Parties will consider the work of the meetings of experts as well as recurring topics such as action plan on universality, the action plan on comprehensive implementation, scientific and technological development, confidence building measures and coordination with the relevant organizations dealing with topics relevant to the Convention. The Meetings of States Parties will take any decisions by consensus.”

The final draft DFD-5 on 7 December afternoon showed no change to the list of topics although an alternative formulation was now included for topic iv.:

“iv bis. Oversight, education, awareness raising and adoption/development of codes of conduct with the aim to prevent misuse in the context of research and advances in science and technology with the potential of use for purposes prohibited by the Convention.”

There were also changes to the paragraph addressing recurring topics – which no longer used the word ‘recurring’:

“The meetings of States Parties will consider the work of the meetings of experts as well as the topics of universalisation and comprehensive implementation of the Convention.”

The final version adopted by the Conference saw changes to reduce the number of topics to 6. The first three topics i. to iii. and the last topic vii. (which became vi.) were unchanged from those in DFD-5. A slightly tidied up alternative wording was adopted for iv. The previous v. in DFD-5 on advances in science and technology was lost and the previous vi. was considerably modified to become the v. adopted, which read as follows:

“v. With a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: (1) for States Parties in need of assistance, identifying requirements and requests for capacity enhancement, and (2) from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields.”

There were also changes in regard to what the Meeting of States Parties would address, with the removal of anything other than the assigned topics:

“The topics for consideration at each annual meeting of States Parties will be as follows: items i and ii will be considered in 2007; items iii and iv in 2008; item v in 2009; and item vi in 2010.”

Consequently, the proposals to enable the annual Meeting of States Parties to consider recurring topics and to take decisions failed, and the outcome in this respect was the same as in 2002.

Confidence-building measures

This comprises 2 paragraphs. The first sets out the decisions taken to enhance the participation of States Parties in the CBM process and the second records that *“the issue requires further and comprehensive attention at the Seventh Review Conference.”* The enhanced participation is primarily about development of an electronic format for the existing CBM forms, and provision for electronic submission of the CBMs which shall then, should the State Party submitting them consent, be displayed on a secure website. The ISU shall provide statistics on the level of participation in the CBMs to the annual Meetings of States Parties and States Parties shall designate a national point of contact in charge of preparation of CBMs and provide contact details to the ISU.

The language on confidence-building measures was essentially unchanged between the Draft Final Declaration DFD-1 issued on 1 December and the final adopted version. One change was the loss of a sentence: *“Additional notice shall be issued to concerned States Parties by the Implementation Support Unit within the United Nations*

Department for Disarmament Affairs one month after the deadline has passed if no data has been forwarded by these States Parties.” It is understood that this could not be agreed because Algeria, which INF.3 shows has never submitted a CBM, argued that the CBMs were not legally binding and thus reminders should not be issued. As the CBMs are politically binding, the logic behind Algeria’s position is unclear and unhelpful, given the consensus that participation in the CBM process should be enhanced. The other change was in the removal of the words *“including possible modification along the lines in the annex of this final declaration”* from the second paragraph.

The Sixth Review Conference gave no consideration to modification, improvement or introduction of new CBMs even though sound proposals that merited consideration had been put forward for the Fifth Review Conference. Although the Third Review Conference in 1991 had been able to agree significant changes to the CBMs, this was at a time when there was a greater unity among States Parties to make progress. The situation during the Sixth Review Conference was good, but it is probable that the attention given to CBMs suffered from their being considered during the Sixth Review Conference and consequently time not being made available for an in depth exchange of ideas and consideration. It would have been better if, as in 1986, the matter had been deferred to a subsequent separate meeting empowered to make decisions on the CBMs.

A less welcome development saw a move away from enhancing transparency and building confidence to make CBMs less available with the adoption in the Article by Article review of the language proposed by the three Depositaries that *“The information supplied by a State Party must not be further circulated or made available without the express permission of that State Party.”* This reflected the realisation from the background Secretariat paper (INF.3) that the States Parties at their meeting in 1987 had agreed that the CBM information should be made available to the WHO – a point that was little known by States Parties. It also probably reflected the irritation expressed by some States Parties as a result of a recent NGO analysis of certain CBM responses which had criticized the quality of the information provided in those CBM responses, rather than, as earlier NGO analyses had done, focussing on how the CBM process might be enhanced and improved. The decision records that *“Once completed, the electronic forms shall, with the consent of the State Party submitting them, be posted on a secure Internet site and made available for the use of States Parties,…”*

Promotion of Universalisation

This comprises two paragraphs:

“10. The Conference notes that although the Convention is a cornerstone of international security, with only 155 States Parties, membership of the Convention falls behind other major multilateral arms control, disarmament and non-proliferation treaties. The Conference agrees that a concerted effort by States Parties is needed to persuade States not Parties to join the Convention.

11. The Sixth Review Conference calls upon signatories to ratify the Convention and other States not Party to accede to it without delay. The States Parties reaffirm

their commitment to ensuring the universalisation of the Convention. To this end, the Conference:

(a) Requests States Parties to:

- (i) promote universalisation of the Convention through bilateral contacts with States not Parties,*
- (ii) promote universalisation of the Convention through regional and multilateral fora and activities,*
- (iii) inform the Implementation Support Unit (ISU) of their designated national point of contact for facilitating information exchange of universalisation efforts,*
- (iv) report, as appropriate, on their activities at annual meetings of States Parties*
- (v) provide, as appropriate, the ISU with relevant information on activities related to the promotion of universalisation of the Convention.*

(b) Agrees that:

- (i) The Chairs of Meetings of States Parties shall co-ordinate universalisation activities, address States not Party to the Convention, provide an annual report on universalisation activities at meetings of States Parties, and provide a progress report to the Seventh Review Conference, bearing in mind the primary responsibility of the States Parties on the implementation of this decision.*

(c) Tasks the ISU to:

- (i) support the President of the Review Conference and subsequent Chairs of Meetings of States Parties in the implementation of this decision.*
- (ii) support States Parties by maintaining a list of national points of contact,*
- (iii) consolidate and make available information on progress made by States not Parties towards ratification.”*

Proposals were made to the COW for an Action Plan on Universalisation, by the Latin American group of States Parties, by Australia, and by Finland on behalf of the EU. The eventual ‘Promotion of universalisation’ evolved from what began in DFD-1 on 1 December as a section entitled ‘Universalisation’ and had become in DFD-3 on 6 December, with unchanged text, an ‘Action Plan on Universalisation’. The only language not agreed from DFD-1 onwards was a heading ‘Provide assistance to new states parties’ which was deleted in DFD-4 on 7 December. Although there had been suggestions during the General Debate that a target should be set for universalisation, and the EU proposal to the COW included “*The Conference agreed on an Action Plan on Universality with the goal of achieving universal membership to the BTWC by the time of the Seventh Review Conference in 2011*”, there was no target in the DFD or final language. The ‘Promotion of universalisation’ activity can be compared to the OPCW Universality Action Plan reproduced and described by Scott Spence in April 2005¹.

Proposals Not Agreed

For completeness, it is useful to consider two proposals which failed to attract consensus. Proposals were made to the COW by Finland on behalf of the EU for an Action Plan on Implementation, and by Cuba on behalf of the NAM for a

Plan of Action on Implementation of Article X. There was language in DFD-1 on 1 December related to National Implementation which, in DFD-3 on 6 December, became language on Comprehensive Implementation of the Convention, reflecting an attempt to merge the proposals relating to National Implementation and to the Article X Implementation.

The language proposed for National Implementation in DFD-1 was as follows:

“National Implementation

Recognizing the importance of full and effective implementation of the Convention, the Sixth Review Conference:

1) Calls on all States Parties to

- i. enact and, where necessary, update and strengthen, in accordance with their national constitutional processes, appropriate legislative, penal, administrative, security and policy measures to ensure full implementation of the Convention.*
- ii. fully and effectively implement the above national measures and ensure their continued effectiveness in meeting the obligations under the Convention.*
- iii. designate a national focal point or appropriate national authority to coordinate national implementation of the Convention.*
- iv. provide, where in a position to do so, assistance if requested to those states seeking help with national implementation of the Convention.*

2) Encourages all States Parties to

- i. within the framework of CBMs or other means, provide to the ISU established within the UN DDA information on measures taken to implement the Convention.*
- ii. inform the ISU of any assistance that it may require to ensure full and effective implementation of the Convention.*
- iii. inform the ISU of any assistance that it is able to provide to states seeking help to implement the Convention.*
- iv. keep the ISU informed of bilateral, regional or multilateral activities to implement the Convention, as appropriate, including assistance in this regard.*

3) Requests the ISU established with the UN DDA to

- i. compile and disseminate information provided by States Parties, within the framework of CBMs or other means, on measures they have taken to implement the Convention.*
- ii. inform States Parties on assistance requested, offered and provided pursuant to national implementation of the Convention.*
- iii. advise requesting states on developing and strengthening, as appropriate, national legislation implementing BWC obligations.*

OR

serve as an information exchange point for offers and requests for cooperation and assistance.

- iv. compile and post information on planned workshops, seminars and other events related*

- to national implementation on its website.*
- v. *report annually to States Parties on activities undertaken under this action plan.*”

The language proposed by Cuba on behalf of the NAM to the COW for a Plan of Action for Implementation of Article X was as follows:

“The Sixth Review Conference:

(i) Calls on States Parties:

(a) To actively seek, nationally, bilaterally, multilaterally or through regional mechanisms, the full implementation of the decisions adopted in previous review conferences regarding Article X;

(b) To submit to the Implementation Support Unit established within the UNDDA a national report on implementation of Article X, including offers and requests for assistance in different areas under the scope of Article X. These reports may be published on the BWC Web site, with the approval of the State Party concerned;

(c) To utilise the point of contact designated by States Parties to the Implementation Support Unit established within the UN-DDA to facilitate coordination among States Parties;

(d) To undertake to review their national regulations governing international exchanges and transfers in order to ensure their consistency with the objectives and the provisions of Article X;

(e) To adopt positive measures to promote technology transfer and international cooperation, in particular to the developing countries, for the benefit of all mankind;

(f) To provide upon request, where in a position to do so, assistance to other States Parties in enacting and enhancing national legislation to implement the Convention;

(g) To facilitate cooperation, where in position to do so, in particular capacity building, as well as technology transfer in the areas of custom control to facilitate the implementation of relevant provisions of the Convention;

(h) To ensure scientific cooperation and technology transfer, as well as exchange of information, concerning research programmes in biosciences and greater cooperation in public health, detection, diagnosis, and containment of infectious diseases, and agriculture;

(i) To provide, where in a position to do so, financial and technical support, directly as well as through international organizations and relevant international institutions, with the view to building capacities in States Parties in need of assistance in the fields of surveillance, detection, diagnosis and containment of infectious diseases and related research;

(j) To promote, where in a position to do so, development and production of vaccine and drugs to prevent and treat infectious diseases through international cooperation and, as appropriate, public-private partnerships;

(k) To promote and facilitate regional workshops on scientific and technological cooperation and

exchanges for peaceful purposes in pursuance of Article X;

(l) To promote, where appropriate, the development of efficient coordination mechanism between the United Nations and its relevant specialized agencies and relevant international and regional organizations to facilitate specific measures to promote scientific cooperation and technology transfer;

(m) To support the adoption of measures to create networks between scientific communities and academic institutions regarding the peaceful use of biotechnology, genetic engineering, microbiology and other areas related to the Biological Weapons Convention;

(n) To assist the Implementation Support Unit established with the UN-DDA in the development of a database containing information on opportunities for international cooperation and technology transfers;

(ii) Requests the Secretary-General of the United Nations to propose the inclusion in the agenda of the relevant United Nations specialised agencies a discussion and examination of the means of improving institutional mechanisms in order to facilitate the fullest possible exchange of equipment, materials, and scientific and technological information regarding the use of biological agents and toxins for peaceful purposes;

(iii) Requests the Implementation Support Unit established within the UN-DDA:

(a) To receive from and distribute among States Parties, on an annual basis, information on the implementation of Article X of the Convention and on decisions adopted by the Sixth Review Conference;

(b) To disseminate information on needs conveyed by States Parties to enhance their capabilities to eradicate infectious diseases and to promote biological and biotechnological research and development for peaceful purposes;

(c) To develop, with the assistance of States Parties, and maintain a database containing information on opportunities for international cooperation and technology transfers;

(d) To maintain regular contact with the national points of contact of States Parties;

(e) To provide to States Parties at their annual meetings a progress report on activities undertaken by it under this Plan of Action.

360. The Sixth Review Conference decides that a full review of the progress made in the implementation of the provisions set out in this Action Plan be carried out at the Seventh Review Conference.”

This language reflects much of what has been included in the Final Declarations of previous Review Conferences. It was not, however, language which had been refined and sharpened so as to focus on activities of particular relevance to the Convention.

As already noted, the proposed language on National Implementation in DFD-1 was merged with language from the Article X proposal into language for an Action Plan on Comprehensive Implementation of the Convention in DFD-3 on 6 December as follows:

"1. Recognising the importance of full and comprehensive implementation of the Convention for international security and for the development of the peaceful uses of bacteriological (biological) agents and toxins, the Sixth Review Conference calls on all States Parties to:

- i. designate a national focal point or appropriate national authority to coordinate full and comprehensive implementation of all the obligations of the Convention;*
- ii. enact and, where necessary, update and strengthen, in accordance with their national constitutional processes, appropriate legislative, penal, administrative, security and policy measures to ensure full and comprehensive implementation of the Convention;*
- iii. fully and effectively implement the above national measures and ensure their continued effectiveness in meeting the obligations under the Convention;*
- iv. undertake to review their national regulations governing international exchanges and transfers in order to ensure their consistency with the objectives and provisions of the Convention;*
- v. provide upon request, where in a position to do so, assistance to other States Parties seeking help with national implementation of the Convention, including enacting and enhancing national legislation;*
- vi. facilitate cooperation, where in a position to do so, in particular capacity building, as well as technology transfer in the areas of customs control to facilitate the implementation of the relevant provisions of the Convention;*
- vii. within the framework of CBMs or other means, provide to the implementation support unit established within the UN DDA information on measures taken to implement the Convention;*
- viii. submit to the ISU a national report on the implementation of this action plan and any other measures to promote international cooperation in the field of peaceful use of bacteriological (biological) agents and toxins. The report may include offers and requests for assistance in different areas related to the Convention. These reports may be published on the BWC Web site, with the approval of the State Party concerned;*
- ix. inform the ISU of any assistance they may require, or are able to provide to States Parties, to ensure full and effective implementation of the Convention;*
- x. keep the ISU informed of bilateral, regional or multilateral activities to implement the Convention, as appropriate, including assistance in this regard;*
- xi. promote and facilitate regional workshops on scientific and technological cooperation and exchanges for peaceful purposes;*
- xii. assist the ISU in the development of a database containing offers of and requests for assistance, information on legislative, penal, administrative, security and policy measures, and information on opportunities for international cooperation in the field of peaceful use of bacteriological (biological) agents and toxins;*

- xiii. provide, where in a position to do so, financial and technical support, directly as well as through international organizations and relevant international institutions, with a view to building capacities in States Parties in need of assistance in the fields of surveillance, detection, diagnosis and containment of infectious diseases and related research;*
 - xiv. promote, where in a position to do so, development and production of vaccine and drugs to prevent and treat infectious diseases through international cooperation and, as appropriate, public-private partnerships;*
 - xv. promote, where appropriate, the development of efficient coordination mechanism between the United Nations and its relevant specialized agencies and relevant international and regional organizations to facilitate international cooperation in the field of peaceful use of bacteriological (biological) agents and toxins;*
- 2. The Conference requests the implementation support unit established with the UN DDA to:*
- i. compile and disseminate information provided by States Parties, within the framework of CBMs or other means, on measures they have taken to implement the Convention.*
 - ii. receive from and distribute among States Parties, on an annual basis, information on measures to implement this action plan and any other measures to promote international cooperation in the field of peaceful use of bacteriological (biological) agents and toxins;*
 - iii. inform States Parties on assistance requested, offered and provided pursuant to comprehensive implementation of the Convention.*
 - iv. disseminate information on needs conveyed by States Parties to enhance their capabilities to eradicate infectious diseases and to promote biological and biotechnological research and development for peaceful purposes;*
 - v. compile and post on its website information on planned workshops, seminars and other events related to comprehensive implementation of the Convention;*
 - vi. develop, with the assistance of States Parties, and maintain a database containing offers of and requests for assistance, information on legislative, penal, administrative, security and policy measures, and information on opportunities for international cooperation in the field of peaceful use of bacteriological (biological) agents and toxins;*
 - vii. provide to States Parties at their annual meetings a progress report on the activities it has undertaken under this action plan;*
- 3. The Conference decides that a full review of the progress made in the implementation of the provisions set out in this action plan be carried out at the Seventh Review Conference."*

This language developed further in DFD-4 and DFD-5 on 7 December, with some consensus being reached in some sub-items. However, there was still much text that had yet to be agreed in the version in DFD-5, and effectively the Review Conference ran out of time to negotiate consensus language.

There were, however, also remaining fundamental disagreements over some of the proposed elements.

Reflections

The Sixth Review Conference was very successful in its agreement of a Final Declaration, with its Article by Article review, and in the Decisions and Recommendations section with its elements on the topics: Work of the 2003-2005 Meetings of States Parties, Implementation Support Unit, Intersessional Programme 2007-2010, Confidence-Building Measures, and Promotion of Universalisation. Much of the credit for this success goes to the President, Masood Khan of Pakistan, who successfully kept the Review Conference moving forward rapidly considering both a draft final document and language for the cross-cutting issues.

More could have been achieved if there had been earlier provision of proposals from the NAM group of States Parties. Cuba was an effective coordinator of the NAM group but it was evident throughout much of the Review Conference that the NAM was having to run to catch up – for example, their nominations for the various Review Conference positions were generally late. Earlier submission of proposals in advance copies of Working Papers, especially by the groups of States, would have enabled compromises to be explored informally prior to the Review Conference.

It is worth noting that the proposals put forward prior to the actual Review Conference in advance copies of Working Papers had the best chance of finding consensus, as they could be considered by States Parties in preparing for the Review Conference. Proposals put forward during the Review Conference were generally too late for reflection and consideration.

The Latin American group and the EU functioned well in putting forward their ideas prior to the Review Conference enabling them to be given due consideration. The JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand) made a good start with a group statement in the General Debate and again in the closing remarks. It is to be hoped that for the Seventh Review Conference, the JACKSNNZ group will propose JACKSNNZ language to the COW, and will consider whether to have JACKSNNZ Working Papers available prior to the Review Conference.

The Article by Article Final Declaration was successful in that much of the language was stronger and clearer than it had been in previous Final Declarations. Nevertheless, the US unwillingness to allow a clear reference to the value of the previous Final Declarations was a mistake, in that far more was potentially lost by failing to explicitly endorse the previous extended understandings as a set than would have been put at risk by adopting language endorsing such understandings. After all, all States Parties want to be perceived as being in support of strengthening the effectiveness and improving the implementation of the Convention.

The Implementation Support Unit is a long overdue step forward even though its mandate has been so tightly constrained. Nevertheless, there is a real opportunity to move forward and show how valuable such a unit can be. However, care does need to be taken to avoid retrograde steps as mentioned above in regard to the preparation of the background documents for the Review Conference.

The progress on CBMs was less than had been hoped for. As already noted, this reflected the inability of States Parties to concentrate on the details of CBMs, due to time pressure during the Review Conference, and this hindered the development of a consensus as to how the CBMs should be modified and extended. It is much to be regretted that CBMs were not chosen to be the subject of an intersessional Meeting of States Parties prepared for by a two week Meeting of Experts as this would have resulted in a thorough review of the CBMs themselves and of the process. It is also regretted that instead of encouraging wider dissemination of the CBM returns, the Review Conference chose to make them more secretive and less available, so defeating the aim of increasing transparency and building confidence.

The intersessional programme for 2007 to 2010 is welcomed. However, it is regretted that the Meeting of Experts has been reduced to one week – in a year when two topics are being considered this will effectively limit consideration of each topic to a single day, once time is allowed for the opening of the Meeting of Experts and for agreement of the report of the meeting. It is also regretted that explicit language was not adopted on the ‘recurring’ topics and that decisions are once again put off until the Review Conference in 2011. It should have been possible to find language that would enable the annual Meeting of States Parties to consider particular recurring topics — such as the promotion of universality, the confidence-building measures and developments in science and technology — and to take decisions, as appropriate, on these specific topics, as well as on the topics being considered in depth each year. After all, such decisions can only be taken by consensus, so there is no sense in which the annual Meetings of States Parties would have been given a blank cheque.

The promotion of universalisation is also welcomed, even though it lacks any real sense of urgency as it has no specified targets, and, although there is a requirement for annual reports, it is not explicit that the States Parties will be monitoring progress closely each year and taking further decisions thereon as appropriate. This is really rather short of what could and should have been agreed in a year when it was evident that all those States which have become States Parties to the CWC – which has currently 181 States Parties compared to the 155 States Parties to the BWC – should also be relatively easily persuaded to adhere to the BWC.

The failure to agree an Action Plan on National Implementation is to be regretted. This largely was due to the rather late proposal by the NAM of a Plan of Action on Implementation of Article X, and the insufficient time during the Review Conference to reach agreement on what to agree. Although the NAM draft Action Plan needed to be refined and focused onto activities of particular relevance to the Convention, there appeared to be nothing particularly contentious in the concepts underlying either of the Action Plans, and it might have been wiser to keep them apart rather than trying to combine them into an Action Plan on Comprehensive Implementation. Indeed, it could have been advantageous to keep them separate as it would then have become evident to the States Parties — from the progress reports on the individual Action Plans — what further action was needed in each area. It is evident that there is a real need for action to be taken on national implementation, as there is no basis for any consideration that the situation in regard to national implementation of the BWC is better than

that for the CWC. In regard to the proposed Plan of Action on Implementation of Article X, it is likely that the progress reports would have demonstrated that Article X is already being implemented very effectively by many States Parties especially in the developed world.

Nevertheless, although the Review Conference could have made even more progress than it did, the President in his concluding remarks rightly commended the States Parties for

their achievements in the outcomes that they had agreed at the Review Conference.

Note

¹ Scott Spence, *Achieving Effective Action on Universality and National Implementation: The CWC Experience*, University of Bradford, Department of Peace Studies, Review Conference Paper No. 13, April 2005. Available at <http://www.brad.ac.uk/acad/sbtwc>

Chemical Warfare as Genocide and Crimes Against Humanity

*Lisa Tabassi and Erwin van der Borgh*¹

“... Recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes ...”²

1. Introduction

Two national courts are currently examining the use of chemical weapons as a means of genocide, and one of them is additionally examining their use as a crime against humanity. Both genocide and crimes against humanity are international crimes. As we are reminded in the preamble of the Rome Statute of the International Criminal Court, every State is under the duty to prosecute such crimes, for which there should be no impunity.

For those who seek no impunity for all acts involving chemical weapons these cases are significant because, lamentably, only the *use in international armed conflict* has been included in the list of crimes falling within the jurisdiction of the International Criminal Court.³ Of course an increasing number of national justice systems are in a position to prosecute *any* activities related to chemical weapons. By the end of 2006, 62% of the 181 States Parties to the Chemical Weapons Convention⁴ had adopted national implementing legislation criminalising acts prohibited by the Convention and 40% of them had criminalised *all* acts related to chemical weapons except, of course, destruction.⁵ For crimes that fall within the jurisdiction of the International Criminal Court there would be a certain amount of pressure to prosecute since the Court can seize jurisdiction if, *inter alia*, the national court is unwilling or genuinely unable to carry out the investigation or prosecution of the case.⁶

The two cases that are currently under consideration are, respectively, one by the Netherlands Court of Appeals and another by the Iraqi High Tribunal. Both cases concern, *inter alia*, the use of chemical weapons by Iraq in Iraqi Kurdistan in the 1980s. In the Netherlands case, charges of complicity in genocide and complicity in war crimes were brought against the defendant. In the Iraqi case, charges of genocide were brought against two defendants and charges of war crimes and crimes against humanity were brought against all seven defendants.

The use of chemical weapons in international armed conflict has long been considered to be a war crime under customary and conventional international law.⁷ The scope of the present comment will be confined to discussing prosecution

for the use of chemical weapons as a means of committing the international crimes of genocide and crimes against humanity – an unprecedented event. The definitions of the crimes will first be presented, followed by the facts of the two cases, the substantive law being applied to them and, finally, particular aspects of prosecuting international crimes in national courts. It will conclude by recommending that all States update their penal codes to incorporate international crimes, whether or not they have become party to the Rome Statute of the International Criminal Court.

2. Definitions

The internationally accepted definition of “genocide” has been codified in the Genocide Convention⁸:

“...[G]enocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group”⁹

Both the Netherlands and Iraq are party to the Genocide Convention. The Netherlands incorporated the definition into national law in its Genocide Convention Implementation Act.¹⁰ The Iraqi High Tribunal is applying the definition by virtue of its Statute and its adherence to the Genocide Convention.¹¹

The internationally accepted definition of “Crime against Humanity” was originally codified in the Charter of the International Military Tribunal in 1945 and appears as follows in the Rome Statute of the International Criminal Court:

“[C]rime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: