
Occasional Papers

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A New Lease of Life
The 6th Review Conference
of the BTWC and Beyond

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Contents

Introduction.	1
BWPP Review Conference resources.	1
The Road to 2006.	2
The Sixth BTWC Review Conference.	3
Activities of the Review Conference.	3
Novelties.	4
The article-by-article review.	6
Highlights of the article-by-article review.	7
The intersessional processes.	9
The past work programme (2003-05).	9
The future work programme (2007-10).	10
The Implementation Support Unit.	12
The universality programme and the action plan proposals.	14
The loss of the action plans.	15
Confidence-Building Measures.	16
Closure of the Conference.	18
The 2007 Meeting of Experts.	19
Reflections.	20
Annex 1 – texts of the proposed Action Plans that were not adopted.	22
Action Plan on National Implementation	22
Action Plan on Article X.	24
Action Plan on Comprehensive Implementation of the Convention.	26
Annex 2 – the article by article review.	29
Article II.	31
Article III.	32
Article IV.	34
Article V.	37
Article VI.	39
Article VII.	41
Article VIII.	43
Article IX.	44
Article X.	45
Article XI.	50

Article XII.	51
Article XIII.....	52
Article XIV.....	53
Article XV.	54

Daily reports of the 6th Review Conference and Meeting of Experts

Final Declaration of the 6th Review Conference

Introduction

This Occasional Paper covers the events and outcomes of the 2006 Review Conference of the 1972 Biological and Toxin Weapons Convention (BTWC) and the first follow-on Meeting of Experts. The Convention prohibits the production and stockpiling of biological and toxin weapons and as of December 2006 had 155 States Parties. By the time of the Meeting of Experts in August 2007 this had risen to 159.

The Review Conference was held at the end of 2006 and was the Sixth in a series of five-yearly meetings to review the Convention ‘with a view to assuring that the purposes of the preamble and the provisions of the Convention ... are being realized. Such review shall take into account any new scientific and technological developments relevant to the Convention’.¹ The Meeting of Experts was held in August 2007 and dealt with issues of national implementation and regional/sub-regional co-operation.

The results of the Review Conference were tangible – such as the establishment of a new Implementation Support Unit (ISU) and a new inter-sessional work programme – and represented a consensus that many had been unsure might be achievable.

This paper consists of four parts. The first is an overview of the Review Conference itself. The second contains two annexes with the texts of the unadopted Action Plans and an analysis of the article-by-article review. The third is a reprint of the daily reports produced by the BWPP during the Review Conference and the Meeting of Experts. The last is a reprint of the Review Conference final document. As the BWPP daily reports are reproduced here, the overview section does not follow the day-to-day activities of the Conference.

BWPP Review Conference resources

The BWPP has a dedicated area on its webpage containing resources relating to the Review Conference at <<http://www.bwpp.org/6RevCon/6thRevConResources.html>>. This area contains copies of all the official documents, speeches given to the Conference and background materials. A similar page for materials for the 2007 Meeting of Experts can be found at <<http://www.bwpp.org/2007%20MX/MX2007Resources.html>>.

Official Review Conference and other BTWC documents are also available via the UN document server at <<http://documents.un.org>> and via the BTWC pages on the website of the UN offices in Geneva at <<http://www.unog.ch/bwc>>.

¹ Article XII, BTWC. The Articles of the Convention are reproduced in Annex 2 of this paper.

The Road to 2006

A Review Conference process is a major focal point for any international agreement. It provides chances not simply to assess how a treaty itself may operate, but also to look at how the relevant global context may be changing.

In the case of the BTWC, there was much to be reviewed. While the Convention was the first to ban a whole class of so-called ‘weapons of mass destruction’, it was never given any formal compliance mechanisms to ensure that this prohibition was kept to. Some States Parties were keen to try to bring forward such mechanisms, others thought the task impossible and that weak mechanisms would do no more than create a false sense of security.

The Fifth BTWC Review Conference, convened in 2001, could not reach a consensus – the core area of disagreement related to what should happen with the ‘Ad Hoc Group’ that had been negotiating a legally binding protocol to the Convention that would have included certain verification measures. The negotiations had come to a standstill earlier in the year when the United States announced that they would not be able to accept any product that would result from the group. In order to try not to let the Review Conference end in failure, the session was suspended and the Conference reconvened in November 2002. A work programme for the intersessional period between the Fifth and Sixth Review Conferences adopted by this reconvened meeting was seen by many at the time as a minimal effort.

With fears that the Fifth Review Conference had only narrowly missed complete ‘failure’, there were concerns that the Sixth would be plagued by the same problems. However, some were keen that ‘success’ for 2006 should not simply be measured by lack of failure— which might simply be achieved by the adoption of a bland final declaration by consensus²—but that there was potential to do more with the Convention.

With recent history in mind, there were many preparations well in advance of the 2006 Review Conference. Ambassador Masood Khan (Pakistan) was identified as the President designate of the Review Conference some 18 months before the event. Such planning this far ahead is not common in the field of arms control and may be taken as an indicator of the level of importance attached to the Conference by some States Parties.

In addition to the formal proceedings that lead up to the Conference – most notably the Preparatory Committee meeting held in April 2006 which adopted a provisional agenda for the Review Conference and allowed for more consultations between States Parties on the margins of the formal meeting – a number of bilateral and multilateral consultations were carried out. Ambassador Khan spent a considerable time before the Review Conference in consultations with States Parties, including taking advantage of other disarmament-related gatherings such as the First Committee of the UN General Assembly

² Such an outcome with no substance might have simply been little more than a compilation of simplistic statements that no country at the meeting could have publicly disagreed with such as ‘biological weapons are prohibited’, ‘terrorist acquisition of biological weapons is dangerous’, etc.

to meet with governmental representatives. Throughout 2006 he also attended many governmental events, such as the Tokyo BTWC seminar held in February and the European Union seminar in September, as well as a number of academic symposia such as Geneva Forum meeting in March and the Wilton Park conference in October.³

The Sixth BTWC Review Conference

Notwithstanding the fears, the Sixth Review Conference concluded with a positive result. While not all desires of all states were met, sufficient progress was made on enough issues for all participating States Parties to feel a sense of achievement. The creation of the Implementation Support Unit and a new intersessional work programme were tangible outcomes. The Conference also offered the opportunity for the States Parties to carry out a full review of the purposes and the provisions of the convention, taking into account relevant scientific and technological developments.

A number of issues had been anticipated to be politically sensitive. The subject of possible verification measures remained controversial. The opportunities for scientific and technological cooperation for peaceful purposes embodied in Article X of the BTWC were seen as important by some states but as less significant by others. There were a number of perspectives on whether the BTWC would benefit from some form of formal central support arrangements to promote implementation.

Activities of the Review Conference

The process of reviewing the Convention included a general debate, an article-by-article review, discussion of issues that do not conveniently fall within only one article, as well as discussion on future activities—the inter-sessional process; a new Implementation Support Unit; proposals for Action Plans; and confidence-building measures (CBMs). Each of these is discussed below.

The general debate contained few surprises. Most statements were made in the first few days of the Review Conference and notable features are covered in the daily reports appended to this paper. There was also a chance for NGOs to present statements to an informal session of the conference. A series of lunchtime seminars gave States Parties informal opportunities to hear from a variety of perspectives. These side events are listed in the daily reports.

³ Ambassador Masood Khan spoke about his experiences in the chair at a seminar entitled 'Enhancing the Biological and Toxin Weapons Convention: Preparing for the 2nd Intersessional Process' organized by the BioWeapons Prevention Project and the Diplomatic Studies Programme of the Graduate Institute for International Studies, Geneva, 22 November 2007. The presentation is available at www.bwpp.org/BWPP-HEIInauguralSession.html.

The review of each of the articles of the Convention was carried out in the ‘Committee of the Whole’ (CoW) which was chaired by Ambassador Doru Costea (Romania). CoW meetings were interspersed with informal plenary sessions each focussing on cross-cutting issues such as CBMs and the future inter-sessional process.

In previous Review Conferences, the CoW would produce a compilation of the submissions of suggested text relating to each article and a second body, known as the ‘Drafting Committee’ would use this as the basis for putting together the text of the final document. As the President of the Review Conference was so active compared with earlier similar events, no meetings of the Drafting Committee were held and most of the drafting work was carried out through informal consultations or informal plenaries. The President allocated subject areas for discussion to different coordinators of informal working groups and used the results from these to contribute to the final text.

The outcomes of the discussions of the article-by-article review are analysed and compared with previous similar discussions in Annex 2 to this paper.

The Conference concluded with the adoption of a document that includes a final declaration with an article-by-article review, and the decisions to adopt a new intersessional process, to set up the Implementation Support Unit (ISU) and to establish a programme to promote universality. However, the ‘action plans’ that had been the subject of many discussions were not retained in the end. Each of these is discussed in detail in the following pages.

Novelties

A novel feature of the Final Document agreed in 2006 was a specific section on ‘Decisions and Recommendations’ which clarifies the intentions for further action agreed by the Review Conference.

Another novel feature was the way in which the regional grouping functioned. Traditionally, a substantial amount of BTWC Review Conference is done through three regional groupings: the ‘Western European and Other States Group’ (commonly referred to as the ‘Western Group’); the ‘Group of Eastern European States’ (commonly referred to as the ‘Eastern Group’); and the ‘Group of Non Aligned Movement and other States’ (commonly referred to as the ‘NAM group’).

A quirk of the modern era is that the expansion of the European Union (EU) has meant that a number of eastern group members are also members, or were accession candidates, of the EU. This includes the co-ordinator of the eastern group, Hungary, which acceded to the EU in 2004. Not only did this make the EU a major player in two of the three groupings that are used for organizing BTWC meeting activities, but the high level of involvement of the EU made the Union itself appear to be acting as a regional group in its own right.

Two new sub-regional groupings appeared for the 2006 Review Conference. Japan, Australia, Canada, South Korea, Switzerland, Norway and New Zealand formed an informal grouping known as 'JACKSNNZ' (pronounced 'jacksons' and sometimes referred to as the Jackson-7). Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Peru and Uruguay collaborated more closely than previously. Both of these new groupings were brought together to pursue a like minded approach to the Review Conference and each produced a number of formal working papers presented to the Conference.

The article-by-article review

The core of the process of reviewing the Convention is the examination of the operation of each of its articles, taking into account the changing contexts within which the Convention itself operates. The text resulting from this article-by-article review forms the ‘Final Declaration’—a significant part of the Final Document of the Review Conference.⁴

As outlined above, the review of each of the articles of the Convention was carried out in the ‘Committee of the Whole’ (CoW) chaired by Ambassador Doru Costea (Romania).⁵ This started earlier than expected, late on the afternoon of the first Tuesday, following early completion of the General Debate. This impacted upon the discussion, as some states parties and groups of states parties had scheduled their consultations on the basis that the CoW would start on Wednesday morning, and were not ready for the earlier start. CoW meetings were interspersed with informal plenary sessions on ‘thematic debates’ – each focussing on cross-cutting issues such as CBMs and the future intersessional process.

Unusually, it was decided to take the early meetings of the CoW to be an expression of views relating to each article, rather than an attempt to reach consensus at this stage. It was thought that, with all proposals for language to describe how the Conference views the operation of each article on the table at an early stage, there would be a chance for considered reflection on all of the issues. At first sight, this decision enabled the CoW to proceed at a rapid rate: the meeting of the CoW on Wednesday morning had been allocated to consider Articles I to IV, but by lunch-time it had covered Articles V and VI and was into Articles VII to X, and by the end of the afternoon session, Article XII was under consideration. However, there were many proposals missing, the most significant of which was from the NAM and Others Group. The NAM states clearly had a desire to present language proposals but were not in a position to do so at this time. This meant that the CoW returned to certain subjects once the NAM states had completed their consultations.

The non-convening of the Drafting Committee was compensated for by informal consultations. The President of the Review Conference allocated subject areas for discussion to different coordinators of informal working groups and used the results from these to contribute to the final text. Hence, most of the drafting work was carried out through informal consultations or informal plenaries. The work was divided along the following lines: Articles I to IV [co-ordinated by Ambassador Costea], Articles V to VII [Mr Knut Langeland (Norway)], Articles VIII to IX [Mr Shahrul Yaakob (Malaysia)], and Article X [Dr Ben Steyn (South Africa)].

⁴ Paragraph numbers in the following analysis relate to the paragraphs of the Final Declaration.

⁵ The Committee of the Whole is a committee containing all States Parties attending the Review Conference. The CoW meets behind closed doors, in contrast to the formal plenary sessions which are held in public session.

Highlights of the article-by-article review

The outcomes of the discussions of the article-by-article review are analysed and compared with previous similar discussions in annex 2 to this paper. This annex also includes texts of the individual articles of the Convention. Some highlights of the review are also discussed below.

A large part of the discussion on Article I focussed on whether ‘use’ was covered by the Convention. This article commits states not to ‘develop, produce, stockpile or otherwise acquire or retain’ biological agents or toxins for non-permitted purposes – use is not specifically referred to. All but one of the states parties that expressed a view on this appear to be of the understanding that a prohibition of use of biological weapons is implicit within the Convention: weapons can only be used if they have been acquired, an act that is clearly prohibited. Additionally, the Convention follows from the history of the 1925 Geneva Protocol which prohibits use. However, despite the fact that the Final Declaration of the Fourth Review Conference held in 1996 already stated that the prohibition of Article I covers use, Iran still expressed the view that the provisions against use within the Geneva Protocol are not strong enough. As a country attacked with chemical weapons by another party to the Geneva Protocol it wished to amend the BTWC to ensure such provisions against the use of biological weapons are strengthened. Other states parties did not believe that amending the treaty would strengthen the legal situation.

Article IV, dealing with national implementation, was discussed at length following the re-examination of national implementation in the intersessional process that took place in the period 2003–05. The opening paragraph of the section in the Final Document is a much more detailed outlining of national implementation requirements than had before been given, including a stronger reference to penal legislation, which had previously been given as an example of possible national measures under the Convention. Although the overlap between implementation measures under the Convention and those under UN Security Council Resolution 1540 (2004) is not dealt with directly, the possible use of information provided by states under Resolution 1540 is recognised in paragraph 17.⁶

Other aspects of the intersessional process were also dealt with under Article IV discussions. Surveillance and detection of outbreaks of disease, discussed in the 2004 meetings, are directly addressed in paragraph 13 of the Final Document for the first time under this Article, although these have been dealt with in the past under Article X (see below). Training, education and awareness-raising are dealt with in paragraphs 14 and 15 in line with discussions that took place in the codes of conduct meetings held in 2005. This draws from extensive discussions and debate in recent years that illustrated the need to bring many players into biological control regimes, not simply the organs of governments. The need for enhanced national implementation raised concerns within

⁶ The United Nations Security Council adopted Resolution 1540 on 28 April 2004 as a binding measure to counter the threat of terrorist acquisition of unconventional weapons, including biological, chemical and nuclear weapons.. Implementation of the resolutions can be tracked from the website of the so-called 1540 Committee, which was created by the resolution, at <<http://disarmament2.un.org/Committee1540>>. The Text of Resolution 1540 is available from <[http://disarmament2.un.org/Committee1540/Res1540\(E\).pdf](http://disarmament2.un.org/Committee1540/Res1540(E).pdf)>.

some states parties that the costs of creating domestic controls might be prohibitive. The Conference therefore urged states with experience in this area to assist states preparing their implementation (paragraph 16). The Conference also urged states to nominate a point of contact in relation to implementation and assistance (paragraph 18).

The question of how to deal with a complaint of a breach of the Convention, the subject of Article VI, was also the subject of much discussion at the Review Conference. As investigation of complaints is a key aspect of verification arrangements in many international agreements, the language used for discussion on this subject was often presented in very careful terms during the Review Conference. Some other discussions focussed on the UN Secretary-General's mechanism to investigate allegations of breaches of 'the 1925 Geneva Protocol or other relevant rules of customary international law' (i.e., allegations of use of biological or chemical weapons) that was last used in 1992. Some states parties indicated that they felt that the UN Secretary-General's mechanism was a distraction from attempts to find a way of creating a full system of verification.

In the discussions on Article VII, the Review Conference addressed one of the weaknesses of the text of the BTWC—that a danger must come from a State Party to the Convention—by introducing language in paragraph 38 referring to dangers from 'anyone other than States Parties', which would include non-states parties as well as non-state entities. The Final Declaration, in paragraph 34, also reflects the recognition of a wider number of international organisations of relevance to the Convention.

Of all the articles of the BTWC, Article X (which relates to technical co-operation) is perhaps the one for which there was the greatest divergence of views between States Parties. The 2006 Review Conference spent substantial time discussing Article X-related issues. There exists a balance to be struck between this article and Article III, which prohibits assistance for prohibited activities through transfers or other methods. A new inclusion in 2006 is agreed text that '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' (paragraph 52).

On disease surveillance, there is a difference in emphasis between this section and that for Article IV (see above). Under Article IV, 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', whereas under this article 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' (paragraph 53). In line with new text under other articles which now provide clearer descriptions of what activities are expected in implementing aspects of the Convention (see, for example, paragraph 11 relating to Article IV), paragraph 55 outlines activities states parties are encouraged by the Review Conference to carry out. A further addition for 2006 is the reference to the role of the private sector in technology transfers in paragraph 56 of the Final Declaration.

The intersessional processes

With no institution behind it, the only formal reason for BTWC States Parties to gather together in the period between the last two Review Conferences has been the intersessional process.

The past work programme (2003-05)

The work programme adopted at the end of the resumed Fifth Review Conference in 2002 quickly became known as the ‘intersessional process’. There had been initial doubts about the usefulness of the inter sessional process mixed with a certain degree of support simply deriving from the situation that it was ‘the only game in town’. As the meetings progressed, however, a broad consensus developed that the process was producing useful results.

The work programme 2003–05 consisted of an annual one-week Meeting of States Parties, preceded each year by a two-week Meeting of Experts. The topics covered, as agreed in 2002, were:

- i. the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation; [2003]
- ii. national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins; [2003]
- iii. enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease; [2004]
- iv. strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals and plants; [2004]; and
- v. the content, promulgation, and adoption of codes of conduct for scientists. [2005]

The intersessional process embodied a number of achievements. It enabled a focus on particular practical subjects; the political attention ensured that states kept people in post with a focus on biological issues and thus maintained a body of expertise and experience that might otherwise have been dispersed; and, to some extent, it limited the negative atmosphere existing at the time of the demise of the protocol negotiations and the subsequent failure of the Fifth Review Conference.

One question for consideration was how the existing intersessional process should feed into the Review Conference and how should any lessons learned be developed. India, for example, proposed detailed text acknowledging the output from the meetings and summarizing conclusions reached within them.

In the final document of the Conference, it simply ‘notes’ that the meetings ‘functioned as an important forum for exchange of national experiences and in depth deliberations among States Parties’ and that they ‘engendered greater common understanding on steps to be taken to further strengthen the implementation of the Convention’. The Conference ‘endorses the consensus outcome documents’ from the Meeting of States Parties.

The future work programme (2007-10)

While the suggestion that there should be a future work programme was the subject of broad support at an early stage of the Review Conference, coming to a decision about which subjects should be included took a substantial amount of time. An early decision was also taken that the future work programme should consist of an annual one-week Meeting of States Parties, preceded each year by a one-week Meeting of Experts (instead of the two weeks during the first intersessional process).

In addition to single-year topics for the meetings, it was suggested that there should be a number of ‘recurring topics’ for which regular discussion and reporting back on progress could be valuable. The suggested recurring topics were: universality, national implementation, scientific and technological developments, CBMs, and coordination with other international bodies.

The final text for the list of topics for individual Meetings of Experts and Meetings of States Parties - the inter-sessional meetings - was agreed during the final morning of the Review Conference as:

- 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.

Topics I and ii will be dealt with in 2007, iii and iv in 2008, v in 2009, and vi in 2010. It is proposed that the 2007 Meeting of Experts should be held 20–24 August and the Meeting of States Parties 10–14 December. Ambassador Khan was nominated to chair the first set of annual meetings. The position of Chair for subsequent meetings will rotate between the regional groups.

As there was some disagreement over what should be considered a recurring topic, compromise language was introduced such that the Meetings of States Parties may also discuss ‘universalisation and comprehensive implementation of the Convention’. When delegates were asked what comprehensive implementation would mean in this context, the replies were essentially the topics suggested as recurring topics.

The Implementation Support Unit

Although a central bureau or secretariat to assist States Parties in their implementation of the BTWC was seen before the Review Conference as controversial,⁷ once the Review Conference had opened it was clear there was a broad support for the idea of establishing an Implementation Support Unit (ISU) within the Geneva branch of the United Nations Department for Disarmament Affairs (UNDDA), since then renamed Office for Disarmament Affairs (UNODA).

The final document of the Review Conference states the ISU is to consist of three persons 'within the DDA Branch in Geneva, funded by States Parties for the period from 2007–2011'.

The previous situation was that the two main members of staff in Geneva dealing with BTWC meeting and conference support were constrained by their mandate from giving more general support services to BTWC States Parties, notwithstanding that there were quiet times of the year when such activities could have been carried out. There was also a member of staff in the UN Department for Disarmament Affairs in New York dealing with the administration of CBM returns as one of their regular duties. Bringing these tasks together into one unit is therefore a modest yet significant increase in capability.

Following a lack of agreement on the action plans, the role of the Implementation Support Unit (ISU) will be limited to 'administrative support' and dealing with CBMs. However, the items listed under administrative support may allow some flexibility in the operation of the ISU. For example, the ISU is tasked with 'Facilitating communication among States Parties', 'Serving as a focal point for submission of information by and to States Parties related to the Convention' and 'Supporting, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference'.

Other specific tasks for the ISU are developing electronic methods of submission for CBMs together with a secure website on CBMs to be accessible only to States Parties and serving as an information exchange point for assistance related to preparation of CBMs. The ISU should 'regularly inform' States Parties about CBM returns and provide statistics on the level of participation to each Meeting of States Parties. The ISU is also to keep lists of national points of contact in States Parties in charge of preparing the submission of CBMs and for information exchange of universalisation efforts. The text states that the ISU's mandate is limited to the above mentioned tasks and it is to submit a 'concise annual written report to all States Parties' on its activities. The ISU's performance will be evaluated and its mandate reviewed by States Parties at the Seventh Review Conference in 2011.

However, many of the above tasks might be subject to either a broad or narrow interpretation of the mandate. For example, if a number of States Parties were to carry

⁷ In particular, the United States had opposed the idea of any institutional support mechanism almost until the start of the Review Conference.

out activities that would have been part of one of the unadopted action plans they could carry out some of the tasks through the ISU under the administrative support arrangements. The broad interpretation of the mandate is supported by the agreed text itself, in which the ISU section of the final document reads: ‘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 ...’.⁸

Moreover, in addition to the section of the Final Document specifically devoted to the ISU, there is text relating to the tasks of the unit in the section on ‘Promotion on Universality’. The ISU is specifically tasked to support the Chairs of Meetings of States Parties in the implementation of the universality decision and to ‘consolidate and make available information on progress made by states not party towards ratification’. This latter provision implies that the ISU will need to be in contact with such states.

All of this means that the ISU has a substantial programme of work ahead of it. How the Chairs of Meetings of States Parties utilize the capabilities of the ISU will be a significant factor in how the unit functions over the five years until the 2011 Review Conference. The catch-all phrase in the ISU task list—‘Supporting, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference’—will be subject to how States Parties interpret the clause ‘as appropriate’.

⁸ Notwithstanding that the phrase ‘comprehensive implementation’ would appear to be a leftover from when there was consideration of possible action plans, it is part of a text adopted by consensus.

The universality programme and the action plan proposals

The success of the Action Plans on universality and on national implementation that have been carried out under the Chemical Weapons Convention is widely recognized and there was a clear desire to see if this success could be carried over into the equivalent biological arena.

Three initial proposals were made for action plans at the Review Conference: on universality, on national implementation, and on implementation of Article X (which relates to peaceful uses of the biological sciences). In the last week of the Conference, the latter two of these were combined into a new proposal by the President as an action plan on ‘comprehensive implementation’.

Suggested texts for a universality action plan were submitted to the Review Conference by the Latin American informal group (Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Peru and Uruguay), Australia and Finland (on behalf of the EU). The first version of the final declaration drafted by the President after informal consultations and circulated on 1 December contained a text on universalization that remained substantially unchanged for the rest of the Conference.

Under ‘Promotion of Universalisation’ – essentially the proposed action plan on universality – the Conference, noting that ‘with only 155 States Parties, membership of the Convention falls behind other major multilateral arms control, disarmament and non-proliferation treaties’, agrees that ‘a concerted effort by States Parties’ is needed to raise the level of membership. States Parties are requested to promote universalisation of the Convention: through bilateral contacts with States not Parties and through regional and multilateral fora [*sic*] and activities. States Parties should also inform the ISU of their designated national point of contact for facilitating information exchange of universalisation efforts, and provide, as appropriate, the ISU with relevant information on activities related to the promotion of universalisation of the Convention. However, the ISU is not expected to coordinate activities as this is specifically designated as a task for the Chairs of Meetings of States Parties who shall also 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’.

However, the ISU is specifically tasked to support the Chairs of Meetings of States Parties in the implementation of the universality decision, support States Parties by maintaining a list of national points of contact, and consolidate and make available information on progress made by States not Parties towards ratification.

The texts of the unadopted Action Plan proposals are contained in Annex 1 of this paper.

The loss of the action plans

The proposed action plan on comprehensive implementation which put together elements of the earlier proposals for an action plan on national implementation and one on implementation of Article X of the Convention was deleted, owing to lack of consensus. This may be no great loss as the Action Plans would only ever be as effective as the resources and efforts put into them by States Parties. It would seem that there are a significant number of States Parties determined to carry out many of the activities whether or not the Action Plans were adopted.

In addition, many of the features of the action plan on national implementation are included in the Article IV section of the article-by-article review.

Confidence-Building Measures

Confidence-building measures are a transparency tool involving annual declarations of significant facilities and events such as outbreaks of particular diseases. The numbers of CBM returns are widely recognized to be low and a number of States Parties raised CBM issues during the Review Conference. CBMs were the subject in one of the informal ‘thematic discussion’ plenary sessions. While the issue of CBMs was proposed as both a substantive issue to be discussed one year in an inter-sessional work programme and as a recurring issue to be discussed generally in a work programme, the final list of topics does not mention CBMs specifically.

A record number of CBM returns were made in 2006, which included, for the first time, all of the EU Member States.⁹

A number of proposals to the Review Conference included suggestions to ‘strengthen’ or ‘enhance’ CBMs – but there was a difficulty in reaching consensus on what this really means. For example, if CBMs are simplified in such a way that it takes less effort to fill them in – especially by reducing the level of detail in the information – will the information be as valuable? Another line of argument pursued was, if CBMs were to be reviewed in some way, should this review take place before additional States Parties are encouraged to provide returns?

New concerns about how widely CBM returns are published were raised, especially now that some States Parties published their returns on the web. The confidentiality issue would appear to be of particular concern to Russia.¹⁰ The status of CBM returns has been somewhat ambiguous and this would seem to be the first mention in a Review Conference final declaration of the status of CBM returns. Returns have been studied by independent researchers in the past, for example, the SIPRI study published in 1990.¹¹

One proposal was put forward that the BTWC States Parties and the World Health Organization should receive the CBM returns. Instead, the final text on CBMs contains a significant change. The final declaration includes under Article V the following text: ‘The information supplied by a State Party must not be further circulated or made available without the express permission of that State Party’. The formulation comes from a proposal by Russia, the UK and the US (the depositary powers of the BTWC, the latter two of which have published parts of their CBMs on the internet).¹²

⁹ The European Union had decided to aim to submit CBM returns from all of its Member States before the Review Conference and only just made it with the last submitting the Friday before. It is likely that the EU will use CBM submission as a yardstick for assessing active membership of the BTWC for the purposes of its WMD Strategy adopted in December 2003.

¹⁰ It would appear that Russia is particularly concerned about publication of its Form F on past activities

¹¹ Geissler, E., *Strengthening the Biological Weapons Convention by Confidence-Building Measures*, SIPRI Chemical & Biological Studies, no 10, (Oxford University Press: Oxford, 1990), 206 pp.

¹² Currently, for example, the UK publishes its return other than two forms – Form C on encouragement of the publication of results of biological research and Form F on past programmes. For both of these forms an annual declaration is made saying there is no further information to be provided since the last time a declaration was made under these forms. As declarations for both of these forms were last made before the UK took a decision to publish CBM returns these two forms remain essentially unpublished.

During the Review Conference it had been proposed, but not adopted, that the ISU should contact States Parties one month after the CBM submission deadline had passed if no data had been forwarded by them, in addition to the reminder contact to be made before the deadline. This proposal was not carried forward as one State (Algeria) argued that this post-deadline reminder was not necessary as CBM submission was not legally binding. As the CBM system was initially adopted by consensus, this distinction mystified a number of other States.

The costs of submission and distribution of CBMs was also addressed by the Review Conference. The CBMs are currently submitted in hard copy and photocopying and distributing these documents entails considerable staff time and copying costs. The ISU has therefore been tasked with developing a secure electronic distribution system for CBM submission .

The Final Document notes that the issue of CBMs ‘requires further and comprehensive attention at the Seventh Review Conference’ to be held in 2011.

Closure of the Conference

The end-game was fairly typical for this sort of event – ‘nothing is agreed until everything is agreed’.

Two States Parties – Iran and the USA – were involved in consultations until the early hours of the morning. While they discussed some serious issues, there were a number of minor textual changes being raised. This is the same pair of States Parties that held up agreement on final texts at the end of the Meetings of States Parties, particularly in 2004.

The first part of the morning saw significant progress on textual changes, several of which fell into place as a consequence of the overnight consultations. In a number of cases this was achieved through the old method of ‘consensus by deletion’ – if you can’t agree to it, get rid of it. During the late afternoon, a further version of the draft declaration was circulated (now cited as paper CRP.4). In open plenary, some oral amendments were made to this document, a number of which had needed late consultations – such as the dates for the 2007 intersessional meetings.¹³

The President of the Review Conference, Ambassador Masood Khan (Pakistan), closed the conference in an upbeat mood, noting that after a gap of ten years ‘we have thoroughly and comprehensively reviewed all articles of the Convention and its implementation’. He noted that, on CBMs, the conference had ‘streamlined and updated’ procedures for submission and taken practical steps to increase the level of participation. He described the ISU as making a ‘significant contribution’ in the coming years.

¹³ The formal version of the final document was released shortly after the Review Conference under document reference BWC/CONF.VI/6 and is also appended to this paper.

The 2007 Meeting of Experts

The topics for discussion in the 2007 Meeting of Experts were ‘Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions’ and ‘Regional and sub-regional cooperation on BWC implementation’. The forthcoming Meeting of States Parties may also discuss ‘universalisation and comprehensive implementation of the Convention’. Comprehensive implementation would include such topics as national implementation, scientific and technological developments, confidence-building measures (CBMs), and coordination with other international bodies.

The August 2007 Meeting of Experts was of a much more positive character than any of the meetings of the first inter-sessional process, with a much friendlier atmosphere. In part this was due to the relatively uncontroversial nature of the topics under discussion – there are not many States Parties who would wish to argue that effective national implementation of the Convention was not a desirable outcome! The previous time that national implementation was discussed in the inter-sessional process was in the initial meetings in 2003. As the new process was itself controversial at the time, the atmosphere was not so friendly then.

The Meeting of Experts heard presentations from many States Parties on their experiences and their plans for national implementation of the Convention and for regional co-operation related to this. A number of proposals and ideas were put forward and these were compiled into a ‘synthesis paper’ by the Chairman of the Meeting of Experts, Ambassador Masood Khan (Pakistan) who was also President of the Sixth Review Conference. This synthesis paper will be a focus of discussion at the December 2007 Meeting of States Parties.

Reflections

The political environment meant that, from the outset, there was no possibility of a dramatic change in how the BTWC would be dealt with by the States Parties. There was no chance, for example, of new negotiations on any kind of international verification arrangements, even though many States Parties hold this out as a long-term goal. Under these circumstances it was clear that any advances from the Review Conference would be modest.

The question that must always be asked when looking back on an event such as a Review Conference is “could more have been achieved?” The real world answer to this question is that there were sufficiently diverging views expressed within the Review Conference that it is not clear what else could have been achieved that would have been agreed by consensus. Had the regional groups, and the NAM in particular, been able to come up with specific proposals earlier in the Conference there may have been more chance to try to find a consensus formula. The informal BTWC groupings from Latin America and the JACKSNNZ, as well as the European Union, had been able to present ideas before the start of the Review Conference. This allowed States Parties to consider such ideas before travel to Geneva. However none of the ideas, or the working papers that contained them, had been agreed or adopted by the traditional regional groups within which most activities of past Review Conference had been carried out.

The divergence of views within the NAM States, together with the sheer number of countries within the group, meant that it was hard for the group to come to conclusions on its own proposals until arrival in Geneva. This difficulty was made apparent through the delays in coming to group-wide agreement on which NAM States should perform certain functions within the Review Conference.¹⁴ The substantial collective NAM proposals on policy issues were not made until the second week of the Review Conference.¹⁵ Getting agreement of other States Parties on these proposals at this relatively late stage was thus going to be more difficult.

Notwithstanding all of the above, the advances made at the Review Conference, although modest, should bring some tangible benefits in the coming years. The new Implementation Support Unit will be able to assist States Parties to make their own progress in implementation of controls relevant to the Convention. However, the resources for the ISU are limited and much will depend on the assistance offered by other States Parties.

Much will also be dependent on how the mandate for the new intersessional meetings and the ISU is interpreted by key players. In particular, much will fall on the shoulders of those who chair the Meetings of Experts and the Meetings of States Parties. A number of

¹⁴ For example, the nomination of Vice-Presidents of the Review Conference is done through the group arrangements. The Western Group and the Eastern Group presented their nominations on the first day. The NAM Group was unable to complete its nominations until a few days later. The NAM co-ordinator had changed from Malaysia to Cuba since the previous Review Conference. The smaller size of the Cuban mission in Geneva compared with that of Malaysia may have been a contributory factor in such delays.

¹⁵ While the first version of the NAM proposal for an action plan on Article X was circulated on 29 November, the second version of the proposal was only circulated as an official document on 8 December – the final day of the Conference.

precedents have been set by the individual who guided the Review Conference to its conclusions, such as the decision of the Chairman of the 2007 Meeting of Experts to publish all the prepared presentations by States Parties on the BTWC website.

Some commentaries have suggested in recent years that the BTWC was in some form of crisis. However, unlike the nuclear Non-Proliferation Treaty (NPT), no State Party has attempted to withdraw from the Convention. No state, whether a non-party or party to the Convention, has an overt biological weapons programme. No assistance has been needed, under the terms of the Convention, to deal with a biological attack. While there may be many issues to tackle, and while there may be parts of the Convention that remain untested, the BTWC is in a remarkably healthy condition.

Arms control in general has been going through a period in which perspectives have become polarized. The collapse of the BTWC protocol negotiations and the difficulties of the Fifth review Conference in 2001 prompted many fears that the BTWC only had a limited life left. By creating a common platform and bringing together common perspectives, the outcome of the Sixth review Conference has given the convention a new lease of life.

Annex 1 – texts of the proposed Action Plans that were not adopted

This annex contains some of the proposed language for Action Plans on ‘National Implementation’, on ‘Article X’, and on ‘Comprehensive Implementation’. While none of these was adopted by the Review Conference, they were at the centre of debate and discussion. Text on the proposed Action Plan on Universality is not included in this annex as the language put forward is very similar to that which appears in the final document as the ‘Programme on Universalization’.

The concept of Action Plans derives from similar activities under the 1993 Chemical Weapons Convention (CWC). The First Review Conference for that Convention, held in May 2003, mandated the development of Action Plans on ‘Universality’ and ‘Article VII’ [national implementation] which were then formally adopted later that year by the CWC Conference of the States Parties. These Action Plans have been widely considered to be highly successful and there were many expressions of desire by States Parties to see if this success could be carried over into the equivalent biological arena.

The initial suggestion of universality and national implementation as subjects for BTWC Action Plans derives directly from the CWC experience. There had been a number of discussions between governmental representatives about what might be within such plans, including submission of formal Working Papers,¹⁶ prior to the Review Conference so that when text was put forward by the President on these subjects there were few surprises on the contents.

However, a number of BTWC States Parties were unhappy with the focus of enhanced implementation of controls only and wished to see enhanced implementation of Article X which relates to international technical co-operation for peaceful purposes. Hence the NAM BTWC States Parties introduced a text relating to Article X. The United States indicated objections to the introduction of an Action Plan dedicated to this subject arguing that national implementation includes implementation of Article X. The President of the Review Conference sought compromise by bringing forward an Action Plan on ‘Comprehensive Implementation’ in an attempt to bridge the gap between these perspectives. Despite the best efforts of Ambassador Khan and the representatives of a number of States Parties, it was not possible to achieve consensus on this and this Action Plan proposal was dropped in the last hours of the Review Conference.

Action Plan on National Implementation

The initial version of this Action Plan proposal appeared in the first draft final declaration circulated by the President of the Review Conference on 1 December:

¹⁶ For example: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Peru and Uruguay, ‘Universalization’, BWC/CONF.VI/WP.9 and Corr.1; and Australia, ‘An Action Plan for Realising the Universalisation of the Biological and Toxin Weapons Convention’, BWC/CONF.VI/WP.15.

Recognising 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

(iii) 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.

Action Plan on Article X

The initial version of this Action Plan proposal appeared in an informal paper circulated by the NAM on 29 November.¹⁷

The Sixth Review Conference:

a. Calls on States Parties

1. To actively seek, nationally, bilaterally, multilaterally or through regional mechanisms, the full implementation of the decisions adopted in previous review conferences regarding Article X;
2. To submit to the Implementation Support Unit established within the UN-DDA 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.
3. To utilize the point of contact designated by States Parties to the Implementation Support Unit established within the UN-DDA to facilitate coordination among States Parties;
4. 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;
5. To adopt positive measures to promote technology transfer and international cooperation, in particular to the developing countries, for the benefit of all mankind;
6. 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;
7. To facilitate cooperation, where in position to do so, in particular capacity building, as well as technology transfer in the area of custom control to facilitate the implementation of relevant provisions of the Convention;

¹⁷ A later, and somewhat different, proposal was circulated as a formal paper by the NAM later in the Review Conference, see BWC/CONF.VI/WP.39, dated 8 December – the last date of the meeting and the day after the decision to drop the Action Plan proposals.

8. 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;

9. To provide, where in 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;

10. To promote, where in 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.

11. To promote and facilitate regional workshops on scientific and technological cooperation and exchanges for peaceful purposes in pursuance of Article X;

12. 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;

13. 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;

14. To assist the Implementation Support Unit established within the UN-DDA in the development of a database containing information on opportunities for international cooperation and technology transfers;

b. Request the Secretary-General of the United Nations.

15. 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;

c. Request the Implementation Support Unit established within the UN-DDA.

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

17. To disseminate information on needs conveyed by States Parties to enhance their capabilities to eradicate infectious diseases and to promote biological and biotechnological R&D for peaceful purposes;

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

19. To maintain regular contact with the national points of contact of States Parties;

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

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.

Action Plan on Comprehensive Implementation of the Convention

The initial version of this Action Plan proposal appeared in the third draft final declaration circulated by the President of the Review Conference on 6 December:

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 the 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 for enacting and enhancing national legislation;

vi. facilitate cooperation, where in position to do so, in particular capacity building, as well as technology transfer in the areas of customs control to facilitate the implementation of 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 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 that 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 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;

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 specialised 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.

Annex 2 – the article by article review

In order to follow what was the debate on the article-by-article review at the 2006 BTWC Review Conference, three elements are needed: the articles of the Convention itself; the text that was agreed for each article in 2006; and text that had been agreed previously. As the last full review of the Convention was in 1996, the comparisons within this annex are made between the outcomes of the 1996 and the 2006 review conferences.

In order to reduce possibilities of confusion, the extracts from the 1996 final declaration and the texts of the articles of the Convention are put into a different font than that used for the 2006 extracts. It is worth noting that the 1996 conference was held in the midst of the negotiations for a protocol to strengthen the BTWC and so a number of sections make direct reference to the Ad Hoc Group (AHG) which was the forum for these discussions. The 1996 Review Conference was shorter than the normal three weeks in order to reduce costs while the AHG was continuing negotiations.

While some articles were the subject of more substantive discussion than others, a comprehensive approach has been taken for the purposes of this annex and therefore all articles of the Convention are included here.

Article I

Article I, which comprises the basic obligations of the Convention, was the subject of much discussion during the Review Conference. Two of the focal points of discussion were the breadth of the sciences covered by the Convention and whether the Convention precludes use.

The first paragraph reaffirms a concept, often referred to ‘the general purpose criterion’, which underlies the comprehensive nature of the prohibition embodied in Article I – that all relevant activities are prohibited unless they have a justification for ‘prophylactic, protective or other peaceful purposes’. However, there are two subtle differences from prior declarations. In 2006, the phrase ‘naturally or artificially created or altered’ was moved so that it appears earlier in the text and clearly refers to both biological agents and toxins – its previous position having given rise to some variation in interpretation. The second difference is that previous Review Conferences referred to biological agents or toxins that were ‘harmful’ to humans, animals or plants, whereas the 2006 document declares the Convention covers biological agents and toxins ‘whether they *affect* humans, animals or plants’ [emphasis added]. It is not clear what prompted these differences.

The second paragraph of the 2006 agreed text signifies a change of emphasis on scientific and technological developments. Previously, the final declarations had listed particular aspects of scientific and technological developments. There were concerns expressed that creating a list would not necessarily capture all relevant developments and so a recognition of the comprehensive coverage of the relevant sciences was adopted.

A consensus statement that use is covered by the Convention is included in the third paragraph in similar language to that used before. However, the final sentence of the this paragraph regarding condemning any use of biological agents or toxins for other than

peaceful purposes is new – and may be interpreted as a further reinforcement of the general purpose criterion.

The first paragraph contains new language which many delegations considered to be stronger than that used previously in considering what is ‘unequivocally covered’.

Article I of the Convention

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

- (1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
- (2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Article I section of the Final Declaration 2006

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.

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.

3. The Conference reaffirms that the use by the States Parties, in any way and under any circumstances, of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict in order to exclude completely and forever the possibility of their 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.

4. The Conference notes that experimentation involving open-air release of pathogens or toxins harmful to man, animals and plants that have no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I.

Article I section of the Final Declaration 1996

1. The Conference notes the importance of Article I as the provision which defines the scope of the Convention. The Conference reaffirms its support for the provisions of this Article.

2. The Conference reaffirms that the Convention prohibits the development, production, stockpiling, other acquisition or retention of microbial or other biological agents or toxins harmful to plants and animals, as well as humans, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes.

3. The Conference reaffirms that the use by the States Parties, in any way and under any circumstances, of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I of the convention

4. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict, in order to exclude completely and forever the possibility of their use.

5. The Conference also reaffirms that the Convention unequivocally covers all microbial or other biological agents or toxins, naturally or artificially created or altered, as well as their components, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes.

6. The Conference, conscious of apprehensions arising from relevant scientific and technological developments, inter alia, in the fields of microbiology, biotechnology, molecular biology, genetic engineering, and any applications resulting from genome studies, and the possibilities of their use for purposes inconsistent with the objectives and the provisions of the Convention, reaffirms that the undertaking given by the States Parties in Article I applies to all such developments.

7. The Conference notes that experimentation involving open-air release of pathogens or toxins harmful to man, animals or plants that have no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I.

8. The Conference appeals through the States Parties to their scientific communities to lend their support only to activities that have justification for prophylactic, protective and other peaceful purposes, and refrain from undertaking or supporting activities which are in breach of the obligations deriving from provisions of the Convention.

9. The Conference emphasizes, once more, the vital importance of full implementation by all States Parties of all the provisions of the Convention, especially Articles I, II and III. The Conference agrees that the application by States Parties of positive approaches in accordance with the provisions of the Convention is in the interest of all States Parties and that any non-compliance with its provisions could undermine confidence in the Convention. Non-compliance should be treated with determination in all cases, without selectivity or discrimination.

Article II

Article II, relating to existing agents and equipment, was not subject to much discussion during the Review Conference. While there was some recasting of language since 1996, most of the agreed text is similar to that agreed previously. A new feature is the specific reference to provision of information through the CBM information exchange.

Article II of the Convention

Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this article all necessary safety precautions shall be observed to protect populations and the environment.

Article II section of the Final Declaration 2006

5. The Conference reaffirms for any State ratifying or acceding to the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to, or upon ratification of, the Convention.

6. The Conference emphasises that states must take all necessary safety and security provisions to protect populations and the environment when carrying out such destruction and/or diversion. 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).

7. The Conference welcomes statements made by States Parties, and newly acceding and ratifying States Parties, that they do not possess agents, toxins, weapons, equipment or means of delivery as prohibited by Article I of the Convention.

Article II section of the Final Declaration 1996

1. The Conference recognizes that for any State acceding to the Convention after the entry into force of the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to the Convention. The Conference emphasizes that the destruction or diversion to peaceful purposes specified in Article II should be carried out completely and effectively.

2. The Conference notes the importance of Article II and welcomes the statements made by States which have become Parties to the Convention since the Third Review Conference that they do not possess agents, toxins, weapons, equipment or means of delivery referred to in Article I of the Convention.

3. The Conference notes that the submission to the Centre for Disarmament Affairs of appropriate information on destruction by States Parties which had stockpiles and have destroyed them in fulfillment of their Article II obligations and which have not already made such submissions could enhance confidence in the Convention and its objectives.

4. The Conference stresses that States which become Parties to the Convention, implementing the provisions of this Article, shall observe all necessary safety precautions to protect populations and the environment.

Article III

Article III, which prohibits assistance for prohibited activities through transfers or other methods, has traditionally been in tension with provisions of Article X which deals technical co-operation and assistance issues.¹⁸

Again, much of the agreed text in 2006 is expressed in similar terms to that from 1996, although substantially shortened. A notable change is the specific mention of export controls in the first paragraph. This inclusion stems from a growing recognition by states traditionally opposed to export controls that they are also vulnerable to the consequences of transfers of prohibited items to recipients at the sub-national level.

A second inclusion in 2006 is the call for measures to protect and safeguard relevant biological agents and toxins. A greater awareness of this need came out of the 2003 meetings under the inter-sessional process.

¹⁸ The tension arises from the delicate balance between controlling possible misuse of transfers or exports of biological materials/technologies and allowing wide international access to the benefits of such materials/technologies.

Article III of the Convention

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 to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of this Convention.

Article III section of the Final Declaration 2006

8. The Conference reaffirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at the international, national or sub-national levels. 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.

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;

10. The Conference reiterates that States Parties should not use the provisions of this Article to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials under Article X.

Article III section of the Final Declaration 1996

1. The Conference notes the importance of Article III and welcomes the statements which States that have acceded to the Convention have made to the effect that they have not transferred agents, toxins, weapons, equipment or means of delivery as specified in Article I of the Convention, to any recipient whatsoever and have not furnished assistance, encouragement or inducement to any State, group of States or international organizations to manufacture or otherwise acquire them. The Conference affirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at international, national or subnational levels

2. The Conference notes that a number of States Parties stated that they have already taken concrete measures to give effect to their undertakings under this Article and in this context also notes statements made by States Parties at the Conference about the legislative or administrative measures they have taken since the Third Review Conference. The Conference calls for appropriate measures by all States Parties. Transfers relevant to the Convention should be authorized only when the intended use is for purposes not Prohibited under the Convention.

3. The Conference discussed the question whether multilaterally-agreed guidelines or multilateral guidelines negotiated by all States Parties to the Convention concerning the transfer of biological agents, materials and technology for peaceful purposes to any recipient whatsoever might strengthen the Convention. In the development of implementation of Article III, the Conference notes that States Parties should also consider ways and means to ensure that individuals or subnational groups are effectively prevented from acquiring, through transfers, biological agents and toxins for other than peaceful purposes. The Conference notes that these issues are being considered as part of the ongoing process of strengthening the Convention.

4. The Conference reiterates that the provisions of this Article should not be used to impose restrictions and/or limitations on the transfers for purposes consistent with the objectives and purposes of the Convention of scientific knowledge, technology, equipment and materials under Article X.

Article IV

Article IV, dealing with national implementation, was discussed at length in the Review Conference. The resulting agreed text is the second longest for any individual article and one of the few to be longer in 2006 than in 1996 – an indication of the significance attached to this article in the current global context.

Over the decades since the Convention was agreed, there have been varying interpretations of what was required for national implementation. The intersessional process that took place in the period 2003-05 has led to a re-examination of national implementation issues so that the agreed text in 2006 is substantially different and more detailed than that of 1996.

The opening paragraph of the section is a much more detailed outlining of national implementation requirements, including a stronger reference to ‘penal legislation’ which had previously been given as an example of possible national implementation rather than as a key component of it. The overlap between implementation measures under the Convention and those under UN Security Council resolution 1540 is not dealt with directly, but the possible use of information provided by States under 1540 is recognised in paragraph 17.

Other aspects of the intersessional process are dealt with under this article. Surveillance and detection of outbreaks of disease, discussed in the 2004 meetings, are directly addressed in paragraph 13 for the first time under this article, although these have been dealt with in the past (and in 2006) under Article X (see below). Training, education and awareness raising are dealt with in paragraphs 14 and 15 in line with discussions that took place in the codes of conduct meetings held in 2005. This draws from extensive discussions and debate in recent years that illustrated the need to bring many players into biological control regimes, not simply the organs of governments.

The need for enhanced national implementation raised concerns within some States Parties that the costs of creating domestic controls might be prohibitive. The conference therefore urged States with experience in this area to States preparing their implementation (paragraph 16). The conference also urged States to nominate a point of contact in relation to implementation and assistance (paragraph 18).

Article IV of the Convention

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of the agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

Article IV section of the Final Declaration 2006

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.

12. The Conference welcomes those measures taken by States Parties in this regard, and reiterates its call to any State Party that has not yet taken any necessary measures to do so without delay. The Conference encourages States Parties to provide appropriate information on any such measures they have taken, as well as any other useful information on their implementation, to the United Nations Department for Disarmament Affairs.

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.

14. The Conference urges the inclusion in medical, scientific and military educational materials and programmes, of information on the Convention and the 1925 Geneva Protocol. 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.

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.

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.

19. The Conference reaffirms that under all circumstances the use of bacteriological (biological) and toxin weapons is effectively prohibited by the Convention.

Article IV section of the Final Declaration 1996

1. The Conference underlines the importance of Article IV. It reaffirms the commitment of States Parties to take the necessary national measures under this Article, in accordance with their constitutional processes. These measures are to ensure the prohibition and prevention of the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention anywhere within their territory, under their jurisdiction or under their control, in order to prevent their use for purposes contrary to the Convention. The States Parties recognize the need to ensure, through the review and/or adoption of national measures, the effective fulfillment of their obligations under the Convention in order, inter alia, to exclude use of biological and toxin weapons in terrorist or criminal activity.

2. The Conference notes those measures already taken by a number of States Parties in this regard, for example the adoption of penal legislation, and reiterates its call to any State Party that has not yet taken any necessary measures to do so immediately, in accordance with its constitutional processes. Such measures should apply within its territory, under its jurisdiction or under its control anywhere. The Conference invites each State Party to consider, if constitutionally possible and in conformity with international law, the application of such measures also to actions taken anywhere by natural persons possessing its nationality.

3. The Conference notes the importance of:

- Legislative, administrative and other measures designed to enhance domestic compliance with the Convention;
- Legislation regarding the physical protection of laboratories and facilities to prevent unauthorized access to and removal of microbial or other biological agents, or toxins;
- Inclusion in textbooks and in medical, scientific and military education programmes of information dealing with the prohibitions and provisions contained in the Biological and Toxin Weapons Convention and the Geneva Protocol of 1925.

4. The Conference believes that such measures which States Parties might undertake in accordance with their constitutional processes would strengthen the effectiveness of the Convention, as requested by the Second and Third Review Conferences.

5. The Conference notes that some States Parties, as requested by the Second Review Conference, have provided to the United Nations Department for Disarmament Affairs information on the texts of specific legislation enacted or other measures taken to assure domestic compliance with the Convention. The Conference invites these States Parties, and encourages all States Parties, to provide

such information and texts in the future. In this regard the Conference welcomes information provided by States Parties in response to the confidence-building measure agreed to at the Third Review Conference entitled "Declaration of legislation, regulations and other measures". In addition, the Conference encourages all States Parties to provide any useful information on the implementation of such measures.

6. The Conference encourages cooperation and initiatives, including regional ones, towards the strengthening and implementation of the Biological and Toxin Weapons Convention regime.

7. The Conference reaffirms that under all circumstances the use of bacteriological (biological) and toxin weapons is effectively prohibited by the Convention.

Article V

Discussion of Article V (which relates to consultation and co-operation) was carried out in parallel with the cross-cutting issue discussions on confidence-building measures (CBMs) and on the role of the new Implementation Support Unit. Therefore, a number of relevant issues are dealt with in the those parts of the decisions section of the final document.

There were concerns raised by some States Parties that information in past CBM returns was being too widely circulated and that this might increase if more material was provided and distributed in an electronic form. This led to language being introduced in this section to stop information being circulated outside of governments without the express permission of the State Party providing it. Some concerns were raised, particularly from NGOs, that this would reduce transparency in the CBM process.

Article V of the Convention

The States Parties to this Convention undertake to consult one another and to cooperate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and Cooperation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

Article V section of the Final Declaration 2006

20. The Conference reaffirms that:

(i) this article provides an appropriate framework for States Parties to consult and cooperate with one another to resolve any problem and to make any request for clarification which may have arisen in relation to the objective of, or in the application of, the provisions of, the Convention;

(ii) any State Party which identifies such a problem should, as a rule, use this framework to address and resolve it;

(iii) States Parties should provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention.

21. The Conference reaffirms that the consultation procedures agreed at the Second and Third Review Conferences remain valid to be used by

States Parties for consultation and cooperation pursuant to this Article. The Conference reaffirms that such consultation and cooperation may also be undertaken bilaterally and multilaterally, or through other appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

22. The Conference stresses the need for all States Parties to deal effectively with compliance issues. In this connection, the States Parties had agreed to provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention. Such responses should be submitted in accordance with the procedures agreed upon by the Second Review Conference and further developed by the Third Review Conference. The Conference reiterates its request that information on such efforts be provided to the Review Conferences.

23. The Conference emphasises the importance of the exchange of information among States Parties through the confidence-building measures agreed at the Second and Third Review Conferences. The Conference welcomes the exchange of information carried out under these measures, and notes that this has contributed to enhance transparency and building confidence.

24. The Conference notes that only a limited number of States Parties make an annual CBM submission. The Conference recognises the urgent need to increase the number of States Parties participating in CBMs. In this regard, the Conference also recognises the technical difficulties experienced by some States Parties to complete full and timely declarations. In order to update the mechanism of transmission of information, the Conference has agreed on several measures.

25. The Conference reaffirms that the data submitted in the framework of the annual exchange of information should be provided to the UNDDA and promptly forwarded by them to all States Parties according to existing modalities. The information supplied by a State Party must not be further circulated or made available without the express permission of that State Party.

Article V section of the Final Declaration 1996

1. The Conference notes the importance of Article V and reaffirms the obligation assumed by States Parties to consult and cooperate with one another in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. The Conference reiterates its appeal to States Parties made at the Third Review Conference to make all possible efforts to solve any problems which may arise in relation to the objective of, or in the application of the provisions of the Convention with a view towards encouraging strict observance of the provisions subscribed to. The Conference notes that this Article provides an appropriate framework for resolving any such problems, and reaffirms that any State Party which identifies such a problem should, as a rule, use these procedures to address and resolve it.

2. The Conference also reviewed the operation of the procedures to strengthen the implementation of the provisions of Article V which were adopted in the Final Declaration of the Third Review Conference and which built on the agreements reached at the Second Review Conference. While noting that these procedures have not yet been invoked, the Conference reaffirmed their present validity. The Conference calls on any State Party which identifies a problem arising in relation to the objective of,

or in the application of the provisions of the Convention to use these procedures, if appropriate, to address and resolve it.

3. The Conference reaffirms that consultation and cooperation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

4. In accordance with the decision of the Third Review Conference, the Conference reviewed the effectiveness of the confidence-building measures as agreed in the Final Declaration of the Third Review Conference. The Conference notes the continued importance of the confidence-building measures agreed upon at the Second and Third Review Conferences, as well as the modalities elaborated by the Ad Hoc Meeting of Scientific and Technical Experts from States Parties to the Convention, held in 1987.

5. The Conference notes the background information document prepared by the United Nations Secretary-General providing data on the participation of States Parties in the agreed confidence-building measures since the Third Review Conference. The Conference welcomes the exchange of information carried out under the confidence-building measures, and notes that this has contributed to enhancing transparency and building confidence. The Conference recognizes that participation in the confidence-building measures since the last Review Conference has not been universal, and that not all responses have been prompt or complete. In this regard, the Conference also recognizes the technical difficulties experienced by some States Parties with respect to preparing CBM responses. In this regard, the Conference urges all States Parties to complete full and timely declarations in the future. The Conference notes that the Ad Hoc Group of States Parties established by the Special Conference in 1994 is, as part of its continuing work, considering the incorporation of existing and further enhanced confidence-building and transparency measures, as appropriate, in a regime to strengthen the Convention.

6. The Conference stresses its determination to strengthen effectiveness and improve the implementation of the Convention, and its recognition that effective verification could reinforce the Convention.

7. In this regard, the Conference recalls that:

- The Third Review Conference established the Ad Hoc Group of Governmental Experts open to all States Parties to identify and examine potential verification measures from a scientific and technical standpoint.
- The Group held four sessions in 1992-1993 and circulated its report to all States Parties in September 1993.
- A Special Conference was held in September 1994 to consider the report, and decided to establish an Ad Hoc Group open to all States Parties. The Conference considered the work of the Ad Hoc Group under agenda item 12 and its conclusions are reflected in the section of this document entitled "Consideration of the work of the Ad Hoc Group established by the Special Conference in 1994".

8. The Conference stresses the need for all States Parties to deal effectively with compliance issues. In this connection, the States Parties had agreed to provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention. Such responses should be submitted in accordance with the procedures agreed upon by the Second Review Conference and further developed by the Third Review Conference. The Conference reiterates its request that information on such efforts be provided to the Review Conferences.

Article VI

The question of how to deal a complaint of a breach of the Convention, the subject of Article VI, was the subject of much discussion at the Review Conference. As investigation of complaints is a key aspect of verification arrangements in many international agreements, the language used for discussion on this subject was often presented in very careful terms during the Review Conference.

Some discussion focused on the UN Secretary-General's mechanism to investigate allegations of breaches of 'the 1925 Geneva Protocol or other relevant rules of customary international law' (i.e., allegations of use of biological or chemical weapons) that was last used in 1992. Some States Parties indicated that they felt that the UNSG mechanism was a distraction from attempts to find a way of creating a full system of verification. UN

General Assembly resolution A/RES/60/288, adopted in September 2006, contains language which has been taken as a mandate to update the operating procedures of the UNSG investigation mechanism.

Article VI of the Convention

(1) Any State Party to this convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.

(2) Each State Party to this Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

Article VI section of the Final Declaration 2006

26. The Conference notes that the provisions of this Article have not been invoked.

27. The Conference emphasizes the provision of Article VI that such a complaint should include all possible evidence confirming its validity. It stresses that, as in the case of the implementation of all the provisions and procedures set forth in the Convention, the procedures foreseen in Article VI should be implemented in good faith within the scope of the Convention.

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.

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.

30. The Conference notes that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its Resolution A/Res/45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons. The

Conference notes in this regard General Assembly Resolution A/Res/60/288 (2006).

31. The Conference notes that the procedure outlined in this Article is without prejudice to the prerogative of the States Parties to consider jointly the cases of alleged non-compliance with the provisions of the Convention and to make appropriate decisions in accordance with the Charter of the United Nations and applicable rules of international law.

Article VI section of the Final Declaration 1996

1. The Conference notes that the provisions of this Article have not been invoked.

2. The Conference reaffirms the importance of Article VI, which, in addition to the procedures contained in Article V, provides that any State Party which finds that any other State Party is acting in breach of its obligations under the Convention may lodge a complaint with the United Nations Security Council. The Conference notes that the provisions of Article VI will be taken into account, as appropriate, for any future verification regime resulting from the consideration by the Ad Hoc Group of a system of measures to promote compliance with the Convention. The Conference emphasizes the provision of Article VI that such a complaint should include all possible evidence confirming its validity. It stresses that, as in the case of the implementation of all the provisions and procedures set forth in the Convention, the procedures foreseen in Article VI should be implemented in good faith within the scope of the Convention.

3. The Conference invites the Security Council to consider immediately any complaint lodged under Article VI and to initiate any measures it considers necessary for the investigation of the complaint in accordance with the Charter. The Conference reaffirms the undertaking of each State Party to cooperate in carrying out any investigations which the Security Council may initiate.

4. The Conference recalls, in this context, United Nations Security Council resolution 620 (1988), which at the time encouraged the United Nations Secretary-General to carry out prompt investigations, in response to allegations brought to its attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons that could entail a violation of the 1925 Geneva Protocol or of any other applicable rule of international treaty or customary law. The Conference also recalls the technical guidelines and procedures contained in Annex I of United Nations document A/44/561 to guide the United Nations Secretary-General on the timely and efficient investigation of reports of the possible use of such weapons. The States Parties reaffirm their agreement to consult, at the request of any State Party, regarding allegations of use or threat of use of bacteriological (biological) or toxin weapons and to cooperate fully with the United Nations Secretary-General in carrying out such investigations. The Conference stresses that in the case of alleged use the United Nations is called upon to take appropriate measures expeditiously, which could include a request to the Security Council to consider action in accordance with the Charter.

5. The Conference invites the Security Council to inform each State Party of the results of any investigation initiated under Article VI and to consider promptly any appropriate further action which may be necessary.

6. The Conference notes that the procedure outlined in this Article is without prejudice to the prerogative of the States Parties to the Convention to consider jointly the cases of alleged non-compliance with the provisions of the Convention and to make appropriate decisions in accordance with the Charter of the United Nations and applicable rules of international law.

7. The Conference notes that provisions for investigating alleged breaches of the Convention, including measures for the investigation of alleged use of biological and toxin weapons, continue to be considered by the Ad Hoc Group of States Parties in accordance with its mandate.

Article VII

The Review Conference addressed one of the weaknesses of the text of this article – that a danger must come from a State Party to the Convention – by introducing language in paragraph 38 referring to dangers from ‘anyone other than States Parties’ which would include non-States Parties as well as non-state entities.

The 2006 text, in paragraph 34, also reflects the recognition of a wider number of international organizations having relevance to the Convention.

Article VII of the Convention

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

Article VII section of the Final Declaration 2006

32. The Conference notes with satisfaction that these provisions have not been invoked.

33. The Conference takes note of desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided. In this context, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties if requested.

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).

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.

36. The Conference takes note of the proposal that States Parties may need to discuss the detailed procedure for assistance in order to ensure that timely emergency assistance would be provided by States Parties, if requested, in the event of use of biological or toxin weapons.

37. The Conference reaffirms the undertaking of States Parties to provide or support assistance to any State Party which so requests, if the Security Council decides that such State Party has been exposed to danger as a result of a violation of the Convention.

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 VII section of the Final Declaration 1996

1. The Conference notes with satisfaction that these provisions have not been invoked.
2. The Conference reaffirms the undertaking made by each State Party to provide or support assistance in accordance with the Charter of the United Nations to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as result of violation of the Convention.
3. The Conference takes note of desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided. In this context, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties if requested.
4. The Conference takes note of the proposal that the Ad Hoc Group might need to discuss the detailed procedure for assistance in order to ensure that timely emergency assistance would be provided by States Parties if requested.
5. The Conference considers that in the event that this Article might be invoked, the United Nations, with the help of appropriate intergovernmental organizations such as the World Health Organization (WHO), could play a coordinating role.

Article VIII

This article (relating to the 1925 Geneva Protocol) remains relatively uncontroversial and there is little difference in matters of substance between the 2006 and 1996 texts. Substance relating to the UN Secretary-General's investigation mechanism is covered in the Article VI section of the 2006 text (see above).

Article VIII of the Convention

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925.

Article VIII section of the Final Declaration 2006

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.
40. The Conference acknowledges that the 1925 Geneva Protocol, which prohibits the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, and the Biological and Toxin Weapons Convention complement each other. The Conference reaffirms that nothing contained in the Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the 1925 Geneva Protocol.
41. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons Convention.
42. The Conference welcomes the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons Convention, and calls upon those States

Parties that continue to maintain pertinent reservations to the 1925 Geneva Protocol to withdraw those reservations, and to notify the Depository of the 1925 Geneva Protocol of their withdrawals without delay.

43. The Conference notes that reservations concerning retaliation, through the use of any of the objects prohibited by the Biological and Toxin Weapons Convention, even conditional, are totally incompatible with the absolute and universal prohibition of the development, production, stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use.

Article VIII section of the Final Declaration 1996

1. The Conference reaffirms the importance of Article VIII and stresses the importance of the Protocol for the Prohibition of the Use in war of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

2. The Conference acknowledges that the 1925 Geneva Protocol, by prohibiting the use of bacteriological methods of warfare, and the Biological and Toxin Weapons Convention complement each other.

3. The Conference reaffirms that nothing contained in the Biological and Toxin Weapons Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of warfare.

4. Noting the actions in support of the Protocol taken by the Security Council and General Assembly of the United Nations, through Security Council resolution 620 (1988) and General Assembly resolutions 41/58 C, 42/37 C, 43/74 A, 44/115 B and 45/57 C and recalling the solemn reaffirmation of the prohibition as established in the Protocol, issued by the Conference of the States Parties to the 1925 Geneva Protocol and other interested States held in Paris from 7 to 11 January 1989, the Conference appeals to all States Parties to the Geneva Protocol to fulfill their obligations assumed under the Protocol and urges all States not yet Parties to the 1925 Geneva Protocol to accede to it without delay.

5. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons Convention.

6. The Conference welcomes the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons Convention, and calls upon those States Parties that continue to maintain pertinent reservations to the 1925 Geneva Protocol to withdraw those reservations, and to notify the Depository of the 1925 Geneva Protocol of their withdrawals without delay.

7. The Conference notes that reservations concerning retaliation, through the use of any of the objects prohibited by the Biological and Toxin Weapons Convention, even conditional, are totally incompatible with the absolute and universal prohibition of the development, production, stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the Possibility of their use.

Article IX

The major change in relation to this article since 1996 is that the Chemical Weapons Convention entered into force in 1997.

Article IX of the Convention

Each State Party to this Convention affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and

for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.

Article IX section of the Final Declaration 2006

44. The Conference reaffirms that this Article identifies the recognized objective of the effective prohibition of chemical weapons.

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.

Article IX section of the Final Declaration 1996

1. The Conference reaffirms that Article IX identifies the recognized objective of effective prohibition of chemical weapons. The Conference welcomes conclusion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, which was opened for signature on 13-15 January 1993 in Paris.

2. The Conference welcomes the fact that sixty-five instruments of ratification have now been deposited, and that the Convention will therefore enter into force on 29 April 1997.

3. The Conference stresses the importance to the Convention that all possessors of chemical weapons, chemical weapons production facilities or chemical weapons development facilities should be among the original parties to the Convention and, in this context, the importance of the United States of America and the Russian Federation, having declared possession of chemical weapons, being among the original States Parties to the Convention.

4. The Conference calls upon all States that have not yet done so to sign and/or ratify the Convention without delay.

5. The Conference notes that the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons, at its fourteenth session (22-26 July 1996) entrusted the Chairman of the Commission, in close consultation with its member States, with the task of convening, as necessitated by circumstances in connection with the occurrence of the trigger point, a meeting of the Commission to provide appropriate guidance.

Article X

Of all the articles of the BTWC, Article X (which relates to technical co-operation) is perhaps the one for which there was the greatest divergence of views between States Parties. The 2006 Review Conference spent substantial time discussing Article X-related issues and the agreed text is the longest for any individual article. The text was agreed before the abandonment of the proposal for an Action Plan on Comprehensive Implementation as a follow-up to the proposal for an Action Plan on Article X (see Annex 1).

There exists a balance to be struck between this article and Article III (see above). A new inclusion in 2006 is agreed text that ‘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’ (paragraph 52).

On disease surveillance, there is a difference in emphasis between this section and that for Article IV (see above). Under Article IV, 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’, whereas under this article 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’ (paragraph 53).

In line with new text under other articles which now provide clearer descriptions of what activities are expected in implementing aspects of the Convention (see, for example, paragraph 11 relating to Article IV), paragraph 55 outlines activities States Parties are encouraged by the Review Conference to carry out.

A further addition for 2006 is the reference in paragraph 56 to the role of the private sector in technology transfers in paragraph 56.

Article X of the Convention

(1) The States Parties to this Convention undertake 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. Parties to the Convention in a position to do so shall also cooperate in contributing individually or together with other States or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes.

(2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

Article X section of the Final Declaration 2006

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.

48. The Conference reaffirms that existing institutional ways and means of ensuring multilateral cooperation among all States Parties need to be developed further in order to promote international cooperation for peaceful uses in areas relevant to the Convention, including such areas as medicine, public health, agriculture and the environment.

49. The Conference calls for the use of the existing institutional means within the UN system and other international organizations, in accordance with their respective mandates, to promote the objectives of this Article. In this regard the Conference urges States Parties, the United Nations and its specialized agencies to take further specific measures within their competence for the promotion of 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 of international cooperation in this field.

50. The Conference also recognises that there should be efficient coordination mechanisms between the specialized agencies of the United Nations system and international and regional organizations, in order to facilitate scientific cooperation and technology transfer.

51. The Conference emphasises that in the interests of facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxin agents for peaceful purposes, States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials.

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.

54. The Conference encourages States Parties to provide appropriate information on how this article is being implemented to the UN-DDA and requests the UN-DDA to collate such information for the information of States Parties.

55. The Conference:

- (i) encourages the States Parties to continue strengthening existing international organisations and networks, in particular those of the WHO, FAO, OIE and IPPC, within their respective mandates, working on infectious diseases.
- (ii) notes that the role of these organisations is limited to the epidemiological and public/animal/plant health aspects of any disease outbreak, but recognises the added value of information exchange with them.
- (iii) encourages States Parties to improve communication on disease surveillance at all levels, including between States Parties and with the WHO, FAO, OIE, IPPC.
- (iv) calls upon States Parties to continue establishing and/or improving national and regional capabilities to survey, detect, diagnose and combat infectious diseases but also other possible biological threats and integrate these efforts into national and/or regional emergency and disaster management plans.
- (v) urges States Parties in a position to do so to continue supporting, directly as well as through international organisations, capacity-building in States Parties in need of assistance in the fields of disease surveillance, detection, diagnosis and combating of infectious diseases and related research.
- (vi) calls upon States Parties to promote the development and production of vaccines and drugs to treat infectious disease through international cooperation and, as appropriate, public-private partnerships.

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 X section of the Final Declaration 1996

1. The Conference once more emphasizes the increasing importance of the provisions of Article X, especially in the light of recent scientific and technological developments in the field of biotechnology, bacteriological (biological) agents and toxins with peaceful applications, which have vastly increased the potential for cooperation between States to help promote economic and social development, and scientific and technological progress, particularly in the developing countries, in conformity with their interests, needs and priorities.

2. The Conference, while acknowledging what has already been done towards this end, notes with concern the increasing gap between the developed and the developing countries in the field of biotechnology, genetic engineering, microbiology and other related areas. The Conference urges all States Parties actively to continue to promote international cooperation and exchange with States Parties in the peaceful uses of biotechnology, and 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, in particular with the developing countries, for the benefit of all mankind. At the same time, the Conference stresses that measures to implement Article X need to be consistent with the objectives and provisions of the Convention.

3. The Conference 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.

4. The Conference emphasizes that States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials.

5. The Conference notes that existing institutional ways and means of ensuring multilateral cooperation between the developed and developing countries would need to be developed further in order to promote international cooperation in peaceful activities in such areas as medicine, public health and agriculture.

6. The Conference reiterates its call upon the Secretary-General of the United Nations to propose for inclusion on the agenda of a relevant United Nations body, before the next Review Conference, 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 bacteriological (biological) agents and toxins for peaceful purposes.

7. The Conference recommends that invitations to participate in this discussion and examination should be extended to all States Parties, whether or not they are members of the United Nations or concerned specialized agencies.

8. The Conference, at the same time, notes that the Ad Hoc Group of States Parties was mandated by the Special Conference in September 1994 to consider specific measures designed to ensure effective and full implementation of Article X, which also avoid any restrictions incompatible with the obligations undertaken under the Convention, emphasizing that the provisions of the Convention should not be used to impose restrictions and/or limitations on the transfer for purposes consistent with the objectives and the provisions of the Convention of scientific knowledge, technology, equipment and materials.

9. The Conference takes note of the significant steps forward in promoting cooperation in the biological field taken by the United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, in 1992, including the adoption of Agenda 21 and the Rio Declaration, and by the Convention on Biological Diversity, and underlines their importance in the context of Article X implementation

10. The Conference shares the worldwide concern about new, emerging and re-emerging infectious diseases and considers that the international response to them offers opportunities for increased cooperation in the context of Article X application and of strengthening the Convention. The Conference welcomes the efforts to establish a system of global monitoring of disease and encourages States Parties to support the World Health Organization, including its relevant newly established division, the FAO and the OIE, in these efforts directed at assisting Member States to strengthen national and local programmes of surveillance for infectious diseases and improve early notification, surveillance, control and response capabilities.

11. The Conference urges the use of existing institutional means within the United Nations system and the full utilization of the possibilities provided by the specialized agencies and other international organizations, and considers that the implementation of Article X could be enhanced through greater coordination among international cooperation programmes in the biological field for peaceful purposes conducted by States Parties, specialized agencies and other international organizations.

12. The Conference urges States Parties, the United Nations and its specialized agencies to take further specific measures within their competence for the promotion of 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 of international cooperation in this field. Such measures could include, inter alia:

1. Transfer and exchange of information concerning research programmes in biosciences and greater cooperation in international Public health and disease control:

2. Wider transfer and exchange of information, materials and equipment among States on a systematic and long-term basis:

3. Active promotion of contacts between scientists and technical personnel on a reciprocal basis, in relevant fields;

4. Increased technical cooperation and assistance, including training programmes to developing countries in the use of biosciences and genetic engineering for peaceful purposes through active association with United Nations institutions, including the International Centre for Genetic Engineering and Biotechnology (ICGEB);

5. Facilitating the conclusion of bilateral, regional and multiregional agreements providing, on a mutually advantageous, equal and non-discriminatory basis, for their participation in the development and application of biotechnology;
 6. Encouraging the coordination of national and regional programmes and working out in an appropriate manner the ways and means of cooperation in this field;
 7. Cooperation in providing information on their national epidemiological surveillance and data reporting systems, and in providing assistance, on a bilateral level and/or in conjunction with WHO, FAO and OIE regarding epidemiological and epizootical surveillance, with a view to improvements in the identification and timely reporting of significant outbreaks of human and animal diseases;
 8. The promotion of programmes for the exchange and training of scientists and experts, and the exchange of scientific and technical information in the biological field between developed and developing countries.
13. The Conference considers that a worldwide data bank might be a suitable way of facilitating the flow of information in the field of genetic engineering, biotechnology and other scientific developments. In this context, the Conference underlines the importance of monitoring all related developments in the field of frontier science and high technology in the areas relevant to the Convention.
14. The Conference requests the Secretary-General to collate on an annual basis, and for the information of States Parties, reports on how this article is being implemented.
15. The Conference welcomes the information provided by a number of States Parties on the cooperative measures they have undertaken towards fulfilling their Article X obligations and encourages States Parties in a position to do so to provide such information.
16. The Conference welcomes efforts to elaborate an international programme of vaccine development for the prevention of diseases which would involve the scientific and technical personnel from developing countries that are States Parties to the Convention. The Conference recognizes that such a programme will not only enhance peaceful international cooperation in biotechnology but also contribute to improving health care in developing countries, assist in establishing systems for worldwide monitoring of communicable diseases, and provide transparency in accordance with the Convention.
17. The Conference calls upon all States Parties in a position to do so to fully cooperate with the developing States Parties to the Convention in the area of promotion and financing the establishment of vaccine production facilities. The Conference recommends further that the relevant multilateral organizations and world financial institutions provide assistance for establishment and promotion of vaccine production projects in these countries.

Article XI

The proposal by Iran to amend the Convention to incorporate a specific reference to prohibition of use of biological warfare was gain controversial with many States Parties believing that, not only was use implicitly covered by the BTWC – possession of any weapon that could be used would automatically be a contravention of the Convention – but also that the process of amendment would be complicated and a diversion of resources that could be better used in implementing the Convention itself.

As there was no consensus in support of the amendment proposal, the Review Conference essentially simply noted it had been put forward.

Article XI of the Convention

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

Article XI section of the Final Declaration 2006

57. The Conference notes that the Islamic Republic of Iran has formally presented a proposal to amend Article I and the title of the Convention to include explicitly the prohibition of the use of biological weapons.

58. The Conference takes note of the statement by the Government of the Russian Federation as a Depositary that it has notified all States Parties of the proposal by Iran to amend the Convention. The Conference encourages all States Parties to convey their views to the Depositaries on the proposal by the Islamic Republic of Iran.

59. The Conference reaffirms that the provisions of this Article should in principle be implemented in such a way as not to affect the universality of the Convention.

Article XI section of the Final Declaration 1996

1. The Conference notes that the Islamic Republic of Iran has formally presented a proposal to amend Article I and the title of the Convention to include explicitly the prohibition of use of biological weapons.

2. The Conference notes that the Depositaries are notifying all States Parties of the proposal. The Conference encourages all States Parties to convey their views to the Depositaries on whether the Convention needs to be amended to make clear explicitly that the use of biological weapons is effectively prohibited.

3. The Conference requests the Depositaries to take such measures as may be requested by a majority of States Parties, including the option of convening a conference open to all States Parties to the Convention at the earliest appropriate opportunity to take a decision on the proposal, should a majority of the States Parties so decide.

4. The Conference meanwhile reaffirms the importance of Article XI. In this context the Conference underlines that the provisions of Article XI should in principle be implemented in such a way as not to affect the universality of the Convention.

Article XII

As Article XII (relating to the review of the Convention) only mandated the first Review Conference, each subsequent Review Conference derives its legitimacy from the final declarations of earlier RevCons.

While the texts are in different forms in 1996 and 2006, there is little substantive difference between them. The three sub-paragraphs of paragraph 61 describe the role and function of Review Conference activities in much more explicit language.

Article XII of the Convention

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realized. Such review shall take into account any new scientific and technological developments relevant to the Convention.

Article XII section of the Final Declaration 2006

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.

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 XII section of the Final Declaration 1996

1. The Conference decides that a Fifth Review Conference shall be held in Geneva at the request of the majority of States Parties, or in any case, not later than 2001.

2. The Conference decides that the Fifth Review Conference shall consider, inter alia,

- The impact of scientific and technological developments relating to the Convention;
- The relevance of the provisions of, and the implementation of the Chemical Weapons Convention on the effective implementation of the Biological and Toxin Weapons Convention, duly taking into account the degree of universality attained by such conventions at the time of the Fifth Review Conference;
- The effectiveness of confidence-building measures as agreed at the Second and Third Review Conferences;
- The conclusions of a Special Conference, to which the Ad Hoc Group shall submit its report, including a legally-binding instrument to strengthen the Biological and Toxin weapons Convention, which shall be adopted by consensus, to be held as soon as possible before the commencement of the Fifth Review Conference; and further action as appropriate;
- The requirement for, and the operation of, the requested allocation by the United Nations Secretary-General of staff resources and other requirements to assist the effective implementation of the relevant decisions of the Fourth Review Conference;

3. The Review Conference recommends that conferences of States Parties to review the operation of the Convention should be held at least every five years.

Article XIII

There was some discussion about provisions of Article XIII (on duration and withdrawal) prompted by the situation under the nuclear Non-Proliferation Treaty (NPT) which contains similar provisions for withdrawal. The Democratic People's Republic of Korea announced in January 2003 it was to withdraw from the NPT. A number of BTWC States Parties wanted to explore options to make it harder for a State Party to withdraw from this Convention, but no consensus could be reached on a way to pursue this.

Article XIII of the Convention

(1) This Convention shall be of unlimited duration.

(2) Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article XIII section of the Final Declaration 2006

62. The Conference reaffirms that the Convention is of unlimited duration and applies at all times, and expresses its satisfaction that no State Party has exercised its right to withdraw from the Convention.

Article XIII section of the Final Declaration 1996

1. The Conference notes the provisions of Article XIII and, while emphasizing that the Convention is of unlimited duration and applies at all times, expresses its satisfaction that no State Party to the Convention has exercised its right to withdraw from the Convention.

Article XIV

Discussion relating to Article XIV (on signature, ratification, depositories and entry into force) was carried out in parallel with that on the proposed Action Plan on Universality. Much of what was agreed in 2006 in relation to universality was therefore put into text in what became the promotion of universalization decision of the final document.

The Second and Third BTWC Review Conferences called for those States Parties that had not participated in the conferences to carry out what had been agreed at those meetings. The Fourth Review Conference in 1996 had intended to do the same, but somehow the word 'not' did not make it into the final text, so that the conference instead appealed to those States Parties that 'have taken part'. All similar text was dropped from the 2006 agreed text.

Article XIV of the Convention

(1) This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph (3) of this Article may accede to it at any time.

(2) This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

(3) This Convention shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositaries of the Convention.

(4) For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

(5) The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit or each instrument of ratification or of accession and the date of entry into force of this Convention, and of the receipt of other notices.

(6) This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XIV section of the Final Declaration 2006

63. The Conference notes with satisfaction that nine states have acceded to or ratified the Convention since the Fifth Review Conference.

64. The Conference calls upon signatories to ratify the Convention, and upon those States which have not signed the Convention to accede to it without delay, thus contributing to the achievement of universal adherence to the Convention.

65. The Conference encourages States Parties to take action to persuade non-parties to accede to the Convention without delay, and particularly welcomes regional initiatives that would lead to wider accession to the Convention.

Article XIV section of the Final Declaration 1996

1. The Conference notes with satisfaction that a number of States have acceded to the Convention since the Third Review Conference.

2. The Convention calls upon States which have not yet ratified or acceded to the Convention to do so without delay and upon those States which have not signed the Convention to join the States Parties thereto, thus contributing to the achievement of universal adherence to the Convention.

3. In this connection, the Conference requests States Parties to encourage wider adherence to the Convention.

4. The Conference particularly welcomes regional initiatives that would lead to wider accession to the Convention.

5. The Fourth Review Conference appeals to those States Parties to the Biological and Toxin Weapons Convention which have taken part in the Conference to participate in the implementation of provisions contained in the Final Declaration of this Conference. The Conference also appeals to all States Parties to participate actively in the Ad Hoc Group of States Parties, with a view to the early completion of its work to strengthen the Convention.

Article XV

The addition of Arabic as an official language for meetings of States Parties brings the BTWC into line with the standard languages used in the United Nations and in the Chemical Weapons Convention. The BTWC, like the NPT, had been negotiated at a time when Arabic was not an official UN language.

Article XV of the Convention

This Convention, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding states.

Article XV section of the Final Declaration 2006

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.

Article XV section of the Final Declaration 1996

The Conference notes the importance of this Article as well as the importance of the legal status of the languages of the Convention and United Nations system in the work of the Ad Hoc Group established by the Special Conference in 1994.

BTWC Review Conference: Ready for Opening

Monday 20th November 2006

Following months of preparation, the Sixth five-yearly Review Conference for the Biological and Toxin Weapons Convention (BTWC) will assemble on Monday morning. The conference will follow the Provisional Agenda agreed by the Preparatory Committee in April.

Ambassador Masood Khan (Pakistan), the President-designate of the Review Conference, has circulated to States Parties a draft programme of work to put into practice the Provisional Agenda. The conference is scheduled to start with an address by UN Secretary-General Kofi Annan, and then to meet in general debate for two days. The Review Conference would then enter into an article-by-article review in the guise of the "Committee of the Whole" (CoW). The CoW sessions would be punctuated by a number of plenary meetings to deal with cross-cutting issues that do not easily fall into the article-by-article review. During the middle week of the conference, the "Drafting Committee" would be convened to translate the work of the conference into a final report and declaration. The Chairman-designate of the Committee of the Whole is Ambassador Doru Costea (Romania) and the Chairman-designate of the Drafting Committee is Ambassador Knut Langeland (Norway).

Background to the Review Conference

The Sixth Review Conference offers the opportunity for the States Parties to carry out a full review of the purposes and the provisions of the convention, taking into account relevant scientific and technological developments. The previous conference in 2001 (resumed in 2002) was overshadowed by the suspension earlier in the year of negotiations in the Ad Hoc Group (the body negotiating legally-binding measures to strengthen the BTWC) and did not reach consensus on a review of the Convention.

A number of issues are still politically sensitive. The subject of possible verification measures remains controversial. The bargain embodied in Article X of the BTWC (which relates to peaceful scientific and technological aspects) is seen as important by some states but as less significant by others. Proposals may re-emerge to amend the BTWC to explicitly prohibit use, notwithstanding a consensus Review Conference declaration in 1996 that use is implicitly prohibited by the Convention. There are a number of perspectives on whether the BTWC would benefit from some form of formal central support arrangements to promote implementation.

Conference Documents

A number of working papers and papers outlining scientific and technological developments have been submitted by States Parties. Some background documents have been prepared by the conference secretariat. Copies are available via the official BWC website at <<http://www.unog.ch/bwc>> (click on the 'Sixth Review Conference' link). Papers are available in the UN official languages and there is also a page containing papers in their language of submission while this translation is being carried out.

By the Friday before the Review Conference (17th November), seven working papers had been submitted by the European Union collectively (the authorship of each was allocated to EU member states but each reflects the collective views of the EU) on biosafety & biosecurity, national implementation, Confidence-Building Measures (CBMs), Article X, universality, co-ordinated implementation and the inter-sessional process. Five had been submitted by a group of Latin American states – Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Peru and Uruguay – on universality, Article X, a follow-on work programme, Confidence-Building Measures and a support facility. Japan (national implementation), Australia (universality), South Korea (universality), Switzerland (CBMs), Norway (support unit) and New Zealand (inter-sessional process) submitted papers as part of the informal 'JACKSNNZ' (pronounced 'jacksons') grouping, the seventh member of which is Canada, to pursue a like-minded approach to the Review Conference. Canada also submitted a revised version of its working paper on an accountability framework which had been presented to the Preparatory Committee in April.

As can be seen by the topics chosen, there are substantial common threads running through the contributions of these various States Parties. Similar problems are identified and similar solutions are proposed. While the papers on similar themes, such as CBMs or support for national implementation, may have some differences in emphasis, there are no substantive contradictions between them.

Papers on scientific and technical developments have been submitted by Argentina, Australia, China, Czech Republic, the Netherlands, Portugal, Russia, Sweden, the United Kingdom and the United States.

More working papers and scientific and technological developments papers are expected to be presented during the Review Conference.

This is the first of a series of daily reports from the Sixth Review Conference for the Biological and Toxin Weapons Convention which is being held from 20 November to 8 December 2006 in Geneva. The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP) see <<http://www.bwpp.org>> for more information on the project.

These daily reports are available on the BWPP website via a page dedicated to the Review Conference – <<http://www.bwpp.org/6RevCon/6thRevConResources.html>> – or via e-mail each day by sending a blank e-mail message to <bwpp-revcon-report-subscribe@yahoogroups.com> – this mailing list will only be used to distribute these reports and will be locked to prevent messages being sent from other sources.

For press queries or any other questions relating to the Review Conference, please contact Dr Jean Pascal Zanders (+41-79-582 4454 or jpzanders@bwpp.org). For technical questions relating to these reports Richard Guthrie can be contacted during the Review Conference by e-mail at rguthrie@bwpp.org.

Tuesday 21st November 2006

BTWC Review Conference: The first day's proceedings

The proceedings of the Sixth five-yearly Review Conference for the Biological and Toxin Weapons Convention (BTWC) were opened on Monday by Nobuaki Tanaka, UN Under Secretary-General for Disarmament Affairs, who oversaw the appointment by acclamation of Ambassador Masood Khan (Pakistan) as President of the Review Conference.

Ambassador Khan said the conference delegates 'must discharge our responsibility that disease never be used as a weapon'. Calling the Convention an 'effective barrier', he noted there was no room for complacency as biological weapons represent a real and potent threat. He said the States Parties should produce a 'concise and accessible outcome document' from the Review Conference that communicates to 'a broad audience'. Calling for universal adherence to the convention, he also said that States Parties 'must develop a full calendar of work' so that efforts do not end with the closure of the Review Conference.

Secretary-General Kofi Annan, addressing the Review Conference, spoke of the difficulties in the very same meeting room five years earlier at the previous Review Conference and noted that the States Parties had decided that the threat of biological weapons 'was too important to be abandoned to political paralysis'. Welcoming the progress made since that time, he talked about how the BTWC could no longer be looked at in isolation, but as one of an array of tools linking issues such as disarmament and non-proliferation with terrorism and crime as well as with public health and disaster relief. The Secretary-General reminded States Parties of his earlier proposals for convening a forum to discuss how the benefits of progress in the biological sciences could be used for the benefit of mankind and reminded delegates that 'Far more unites you than divides you. The horror of biological weapons is shared by all.'

Following the Secretary-General's speech, the conference proceeded through a number of formalities such as adoption of the agenda and the rules of procedure. Appointments to committees were made in line with the provisional nominations.

The General Debate

Thirty-one presentations were given by states during the first day of the general debate. Statements, in the following order, were made by Finland (on behalf of the EU), Cuba (on behalf of the Non-Aligned and other states), Argentina (on behalf of 12 Latin American states), Canada (for the JACKSNNZ), USA, Germany, Indonesia, Switzerland, Japan, Malaysia, Australia, UK, Russia, Republic of Korea, Algeria, Canada (national statement), Iran, South Africa, China, Argentina (national statement), Pakistan, Norway, Holy See, India, Brazil, Libya, Peru, Serbia, Georgia, Ukraine and Chile.

Brief thematic analysis

As there had been many bilateral and groups discussions between states beforehand with the aim of trying to reach a positive outcome to the Review Conference, there was a similarity between many of the statements.

Most States Parties mentioned universality, national implementation issues, the benefits of the past inter-sessional process, the role of Confidence-Building Measures (CBMs), and advances in the life sciences. Many called for a follow-on inter-sessional process. Few States Parties directly referred to Article X issues, although a larger number did refer to subjects that are sometimes seen as falling within this article such as disease surveillance and strengthening public health. While a number of States Parties noted that they wished, in the long term, to see the development of some form of formal measures to verify compliance with the Convention, they also noted a desire to reach agreement in the short term on a package of practical measures. The majority of statements referred to some form of central support arrangements, such as an implementation support unit.

Notable aspects of individual papers

Finland noted that all 25 EU member states had filed CBM returns during 2006. Canada started a trend for calling the JACKSNNZ informal grouping 'the Jackson 7'. Germany referred to data that showed more than 10 per cent of students of natural sciences, including the biological sciences, in Germany were from other countries. Malaysia noted there was no provision in the Convention for annual meetings of States Parties and expressed an interest in formalising the convening of regular annual meetings. The United Kingdom noted a recent seminar in that country on codes of practice, promising a working paper on the subject would be submitted. Iran proposed an explicit reference to the prohibition of use of biological weapons should be inserted into the Convention. Pakistan noted the BTWC 'effectively prohibits' use of biological weapons.

The United States gave the longest statement of the general debate, which was presented by Assistant Secretary of State John C. Rood. Regarding the past inter-sessional process as having been constructive, the US called for a follow-on process and suggested that two topics addressed previously deserved further attention – disease surveillance and biosecurity – and that two topics deserved a new approach – enforcement of national legislation and national activities relating to codes of conduct. Noting the successes of the Action Plans on national implementation and universality in the context of the Chemical Weapons Convention, the US called for similar action plans for the BTWC context. The US made explicit reference to Iran and North Korea (both BTWC States Parties) and Syria (a BTWC Signatory State) in its statement, citing concerns that each of these states was carrying out activities towards offensive biological warfare capabilities. Iran 'categorically denied' what it described as 'baseless allegations' in its statement.

NGO activities

A lunchtime seminar by the School of Peace Studies, University of Bradford, UK, was used to present a 'key points' report, containing suggestions and language for the Conference. The report can be found at <<http://www.brad.ac.uk/acad/sbtwc/key6rev/contents.htm>>.

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Wednesday 22nd November 2006

The end of the beginning: Completion of the opening statements

The second day of the Sixth five-yearly Review Conference for the Biological and Toxin Weapons Convention (BTWC) brought the general debate to an end and the convening of the Committee of the Whole (CoW) which is to carry out an article-by-article review of the Convention. Most Review Conferences, both for the BTWC and similar international treaties, can be divided into a beginning, a middle and an end. The beginning is the public statements, the overt expressions of policy that may include indications of what States Parties will or will not want from the Conference. The middle is the discussion behind closed doors between States Parties on various more specific aspects of the Convention and the assembling of text that might form part of the output from the Conference. The end is the effort to resolve outstanding issues in order to produce a consensus conclusion.

The beginning of this Review Conference has shown there is substantial common ground on which States Parties could describe an outcome to be 'positive' or 'successful'.

The General Debate

Following the 31 presentations given by States Parties on Monday, a number of statements were made by states, by inter-governmental organizations and UN specialized agencies, and by non-governmental organizations. For practical reasons statements from these separate groupings were not all taken together, but for analytical purposes they are considered together here. Copies of statements, where available, have been scanned and placed on the BWPP website, see <<http://www.bwpp.org/6RevCon/6thRevConResources.html>>.

Statements by States Parties and Signatory States

Statements were made on Tuesday by the States Parties on Tuesday in the following order: Nigeria, New Zealand, France, Venezuela, Morocco, Qatar, Sudan, Bangladesh, Thailand, Mexico. Of the Signatory States present, Syria requested the floor for a right of reply and Egypt made a general statement.

Most of these statements followed the pattern of those on Monday by discussing general issues such as universality and national implementation. France spoke of the efforts by France and Switzerland to encourage States to lift their remaining reservations to the 1925 Geneva Protocol. Venezuela spoke of the balances needed in regulation between the prevention of misuse and the promotion of beneficial use of the life sciences. Sudan noted it was introducing new legislation to parliament to implement the BTWC. Thailand described its domestic arrangements for implementation which include a 'BWC Coordinating Committee'.

Syria's used its right of reply to deny the allegations made by the US on Monday (see Report #1). Egypt connected its non-ratification of the BTWC with Israel's non-signature to the Convention and that country's alleged possession of nuclear weapons..

Statements by IGOs and agencies

Inter-governmental organizations and UN specialized agencies made statements in the following order: International Committee of the Red Cross, Interpol, OIE [World Organization for Animal Health], Food and Agriculture Organization, the Organization for the Prohibition of Chemical Weapons and the World Health Organization.

The Red Cross spoke of the need to create a 'culture of responsibility' within the scientific community. The other statements focused on how the operational activities of the relevant organizations overlapped with issues within the remit of the BTWC.

Statements by NGOs

NGOs made statements to an informal plenary session in the following order: University of Bradford, International Network of Engineers and Scientists for Global Responsibility, Verification Research Training and Information Centre, Friends World Committee for Consultation, London School of Economics, Center for Arms Control and Non-Proliferation, Pax Christi International, Arms Control Association, Pugwash, Landau Network-Centro Volta, TriValley Cares, Women's International League for Peace and Freedom, Research Group for Biological Arms Control (University of Hamburg), BWPP, Center for Biosecurity (University of Pittsburgh), Institute for Security Studies.

Committee of the Whole

The CoW was convened under the Chairmanship of Ambassador Doru Costea (Romania) late in the afternoon as the statements in plenary session had finished earlier than expected. Some States Parties and groups of States Parties had scheduled their consultations on the basis that the CoW would start on Wednesday morning and this impacted on the discussion.

The CoW is to carry out an article-by-article review and the first sessions are allocated to consider Articles I to IV. Some States Parties wish to cover these four articles at the same time while others wish to deal with the articles individually.

A large part of the CoW activity on Tuesday afternoon seems to have been focused on whether 'use' was covered by the Convention or not. All but one States Parties that expressed a view on this appear to be of the understanding that a prohibition of use of biological weapons is implicit within the Convention.

US press conference

The leader of the US delegation, Assistant Secretary of State John C. Rood, gave a press conference about the US perspective on the Review Conference on Monday evening. A transcript is available at <<http://www.usmission.ch/Press2006/1120RoodPress.html>>.

NGO activities

Tuesday's lunchtime seminar was by the Royal Society, the International Council for Science (ICSU) and the InterAcademy Panel on International Issues (IAP) and discussed the outcomes from an 'International Workshop on Science and Technology Developments Relevant to the BTWC' held in London in September. The workshop report and supporting papers are available at <<http://www.royalsociety.ac.uk/document.asp?tip=0&id=5563>>

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Thursday 23rd November 2006

CoW racing: Heading in the same direction?

The third day of the Sixth five-yearly Review Conference for the Biological and Toxin Weapons Convention (BTWC) was dominated by proceedings in the Committee of the Whole (CoW).

Committee of the Whole

The task for the CoW is to carry out an article-by-article review of the Convention. During Wednesday, the CoW proceeded at a substantial rate. Wednesday's morning session had been allocated to consider Articles I to IV, but by lunchtime the CoW had covered Articles V and VI and was into Articles VII to X. By the end of the afternoon session, Article XII was under consideration.

This rate of activity is down to the apparent decision to take the early meetings of the CoW to be an expression of views relating to each article, rather than an attempt to reach consensus yet. With all proposals for language to describe how the Conference views the operation of each article on the table at an early stage there would be a chance for considered reflection on all of the issues. However, there are many proposals missing.

The working papers by the Latin American States before the Review Conference are essentially bullet point statements, the text of which may be considered proposals for language to be included in the Review. The European Union and the United States have circulated proposals for a number of the articles. It is not clear at this stage whether the JACKSNNZ will be proposing text. The BTWC group of non-aligned States, often referred to as 'NAM' for short but whose membership is not quite identical to the Non-Aligned Movement, clearly have a desire to present language proposals but do not appear to be in a position to do so yet. The BTWC NAM group had already experienced delays in bringing forward nominations for various formal positions within the Review Conference, such as for Vice-Presidents of the Conference.

CoWs in any Review Conference, just like herds of their animal namesakes, can be quite difficult to keep together travelling down the same path. The language proposals so far have been similar in a number of general aspects and, although there are differences, none would seem to be substantial. Only time will tell whether further language proposals will follow this pattern.

Reflections on the Review Conference so far

The current situation has similarities with the time around the opening of the Review Conference. Statements from a number of key states were keenly awaited. Working papers submitted beforehand indicated the positions of the European Union, the Latin American States and the JACKSNNZ. While anticipation for the statement from the United States gathered most attention, there was also great interest in statements from other States – such as China, India and Russia – as it was not clear precisely what positions would be taken by these States as there were a number of internal consultations taking place.

The issue of use of biological weapons continues to be aired. Iran expresses the view that the provisions against use within the 1925 Geneva Protocol are not strong enough. As a country attacked with chemical weapons by a State Party to the Geneva Protocol it wishes to amend the BTWC to ensure such provisions against the use of biological weapons are strengthened. Other States Parties do not believe that amending the treaty would strengthen the legal situation. A background document on the history of discussions relating to use in the negotiation of the BTWC has been posted on the BWPP website and can be accessed via <http://www.bwpp.org/6RevCon/BWPPcontributions.html>.

NGO activities

A lunchtime seminar was convened by the British American Security Information Council (BASIC), the Harvard Sussex Program (HSP) and the Verification Research Training and Information Centre (VERTIC) to promote their 'Briefing Book' – a collection of documents intended to aid delegates to the Review Conference. The publication can be found at <http://www.sussex.ac.uk/Units/spru/hsp/Briefing%20Book.htm>.

The seminar also promoted a new VERTIC report, 'A New Strategy: Strengthening the Biological Weapons Regime through Modular Mechanisms' which can be found at <http://www.vertic.org/publications/VM6.pdf>.

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Friday 24th November 2006

Cross-cutting issues begin: Length of new inter-sessional meetings discussed

The fourth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC) involved a morning informal plenary session dealing with the first of the cross-cutting issues followed by an afternoon session of the Committee of the Whole (CoW). Russia, as a depositary State of the BTWC, informed the Conference that it had received a request to amend the Convention in relation to use of biological weapons from Iran (see *Report #4*).

The Review Conference is still at the stage of airing issues rather than seeking consensus so many topics have been discussed without bringing them to a conclusion.

Cross-cuttings issues

As described in *Report #1*, the Review Conference President Ambassador Masood Khan (Pakistan) wanted to intersperse the CoW sessions with a number of informal plenary sessions to deal with cross-cutting issues that do not easily fall into the article-by article review.

Much of Thursday morning was taken up with discussion of how any follow-on inter-sessional process might be carried out during 2007-10. The 2003-05 procedure was to have a two-week 'Meeting of Experts' (MX) in the middle of the year with a one-week 'Meeting of States Parties' (MSP) towards the end of the year. Some states have found providing delegates for three weeks of meetings per year burdensome. It has been suggested that the MX and MSP could be held back-to-back – which would also save on air fares – with one week devoted to each type of meeting.

A number of costs and benefits have to be balanced. Meetings for three weeks can cover more ground than those lasting two. But if some States Parties cannot afford to release key personnel for three weeks, but could for two, then the number of States Parties attending the meetings might be affected. Holding the meetings at separate times of the year allows delegates to take things they have learned back to their countries after the Meeting of Experts, work out how they apply in their situation, and then attend the Meeting of States

Parties to exchange experiences of how to deal with any outstanding issues. Back-to-back meetings would not allow this.

A possibility would be to change the pattern of meetings each year depending on the subject matter being discussed. While this is a pragmatic approach, it requires a number of additional decisions to be taken instead of a simple decision to have them all follow the same pattern.

Other cross-cutting issues earmarked for discussion in an informal paper circulated to States Parties by the President are: the results of the 2003-05 inter-sessional process; confidence-building measures; national implementation, universalisation; and implementation support.

The President circulated another informal paper collating the suggestions made for topics for inter-sessional meetings. The paper, essentially a series of bullet points, also highlights some practical questions not yet discussed about how a new inter-sessional process should be organized. Examples of these questions include: should one or two topics be covered each year? Should the meetings be able to come to decisions? With four years of meetings, but three groupings of States Parties, how will the allocation of chairs be done equitably? It is likely that the questions in the paper will not be discussed in a single session and will have implications for a number of issues discussed in various sessions.

Committee of the Whole

The task for the CoW is to carry out an article-by-article review of the Convention. Thursday saw a return to Articles VII to X issues as the BTWC NAM group had wanted more time to prepare on certain aspects and so did not want to cover them in Wednesday's sessions. The group promised a working paper on Article X which it hoped to have ready for Friday morning.

The session also saw the scope of coverage of Article VII of the Convention being raised. Under Article VII, States Parties undertake to assist each other if any of them 'exposed to danger as a result of violation of the Convention'. How would this relate to an attack on a State Party by a terrorist group? Would there have been a violation of the Convention? How does this relate to an attack by a State that is not a party to the BTWC?

NGO activities

The Thursday lunchtime seminar was convened by the Center for Biosecurity at the University of Pittsburgh Medical Center to hear a presentation on 'Biodefense Research, High Containment Laboratories, and Scientific Response: Opportunities and Challenges for the BWC'. Details of the Center can be found at <<http://www.upmc-biosecurity.org/>>.

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Monday 27th November 2006

End of the first week: the Conference takes shape

The fifth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC) spent most of the time on thematic discussions, although there was a brief session of the Committee of the Whole (CoW), the circulation of a number of papers and an additional session of the general debate. Thematic discussions and the CoW are both carried out behind closed doors.

Conference Room activities

Friday morning started with a brief session of the CoW, which is carrying out an article-by-article review of the Convention. This session was convened in order to receive further submissions of suggested text for the Review Conference final declaration. The group of BTWC non-aligned (NAM) States circulated a working paper containing text relating to Article X issues. [This article concerns peaceful uses of the sciences covered by the Convention. See <http://www.bwpp.org/6RevCon/documents/BTWCFullText.pdf> for the full text of the BTWC.] It is not clear whether the NAM paper will appear later as a formal working paper of the Review Conference or whether it will be considered only as a conference room paper.

India circulated to States Parties a paper including suggested text relating to each of the articles of the Convention for the article-by-article section of the Review Conference final declaration. Notable in the Indian text was the inclusion of text describing the considerations for each of the topics examined in the 2003-05 inter-sessional process. This was the first substantial proposal of text, other than for Article X, by a non-western State at the Review Conference. Other States submitting suggested text on Friday were China, Finland (on behalf of the EU) and the USA.

After the CoW, the Conference went into informal plenary for a thematic discussion on Confidence-Building Measures (CBMs). CBMs are a transparency measure involving annual declarations of significant facilities and events such as outbreaks of particular diseases. The numbers of CBM returns are widely recognized to be low and the Review Conference is expected to take some steps, possibly including CBMs as an issue in an inter-sessional work programme, to increase participation.

Documents

On Friday afternoon, the President of the Review Conference, Ambassador Masood Khan (Pakistan), circulated to States Parties an informal paper including text of a draft final declaration. This paper contains a footnote indicating it is 'meant to stimulate discussion and focus negotiation' and was issued at about the same time as the conference secretariat

circulated a compilation of all of the proposed language that had been submitted to the CoW for its article-by-article review.

Working Papers

Nineteen working papers had been submitted to the Review Conference before it opened (see Report #1 for details). Additional Working Papers that had been made available as official documents during the first week were: WP.20, 'New Inter-Sessional Process' (This paper was circulated with no attribution); WP.21, 'Confidence-Building Measures' (South Africa); WP.22, 'Bioterrorism' (Italy, on behalf of the EU); WP.23, 'Codes of Conduct for Scientists' (UK, as a national paper); WP.24, 'Article X of the Convention' (Iran); WP.25, 'Prohibition of Use of Biological Weapons' (Iran); WP.26, 'Preliminary Comments on Article I of the Convention' (BTWC NAM states); WP.27, 'Confronting Noncompliance with the Biological Weapons Convention' (USA); and WP.28, 'United States Progress on 2003-2005 Work Program Topics' (USA). [Copies of these papers are available on the UN official documents server at <<http://documents.un.org>> – put 'BWC' in the 'symbol' field of the 'simple search' interface.]

Reflections on the first week of the Review Conference

Much of the discussion around the Review Conference has revolved around what would be included in the contents of a new inter-sessional work programme. This is a departure from what many analysts expected – it was widely assumed that the question of whether there would be a future inter-sessional work programme at all would be the subject of much discussion at the Review Conference. However, there appears to be a firm consensus that such a new programme should be pursued.

The role of central arrangements for implementation support also appears to have been the subject of an unexpected early consensus. Barely a few weeks ago there were indications that the creation of any form of central support mechanism would be resisted by a number of States Parties, the most notable of which was the United States. Now it seems there is a growing consensus that a small implementation support unit may be agreed as part of an overall package of measures relating to a new inter-sessional work programme.

The suggested texts currently on the table for the final declaration are broadly compatible. However, most of this text comes from western States which might be expected to have similar views on the issues of concern. It is not yet clear whether the lack of other suggested texts stems from agreement with what has already been proposed or whether further proposals are to be expected.

NGO activities

Friday's lunchtime seminar was convened by the Chemical and Biological Security Project at the Center for Science and International Security (CSIS), based in Washington, DC, to launch a new publication 'The Biological Weapons Threat and Nonproliferation Options: a survey of senior U.S. decision makers and policy shapers'. Further information about the project can be found at <<http://www.csis.org/isp/cbsp/>>.

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Tuesday 28th November 2006

Behind closed doors: Describing the elephant

A community of blind men once heard that an extraordinary beast called an elephant had been brought into the country. Since they did not know what it looked like and had never heard its name, they resolved to obtain a picture, and the knowledge they desired, by feeling the beast - the only possibility that was open to them!

They went in search of the elephant, and when they had found it, they felt its body. One touched its leg, the other a tusk, the third an ear, and in the belief that they now knew the elephant, they returned home. But when they were questioned by the other blind men, their answers differed. The one who had felt the leg maintained that the elephant was nothing other than a pillar, extremely rough to the touch, and yet strangely soft. The one who had caught hold of the tusk denied this and described the elephant as, hard and smooth, with nothing soft or rough about it, more over the beast was by no means as stout as a pillar, but rather had the shape of a post.

The third, who had held the ear in his hands, spoke: 'By my faith, it is both soft and rough'. Thus he agreed with one of the others, but went on to say: 'Nevertheless, it is neither like a post nor a pillar, but like a broad, thick piece of leather'. Each was right in a certain sense, since each of them communicated that part of the elephant he had comprehended, but none was able describe the elephant as it really was; for all three of them were unable to comprehend the entire form of the elephant.

Monday, the sixth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC) consisted of two sessions of the Committee of the Whole (CoW), both held behind closed doors. The CoW is carrying out an article-by-article review of the Convention. Unlike activities in the CoW in the first week which were simply statements of policy, Monday saw an attempt to find the limits of acceptability of language proposals for each article. By the end of the day the CoW had reached Article VI, having discussed Articles I to V without reaching consensus on language for any of the articles.

Just like the traditional tale above, participants in the closed sessions describe what is going on in the meeting room in substantially contradictory ways. It is quite possible that there is no individual who has a clear idea of what the whole Review Conference 'elephant' looks like. It is also becoming a concern to some delegates that they feel they do not have a full picture of what is going.

Some activity in the meeting room involved all States Parties. For example, Cuba (as convenor of the non-aligned group of States), Finland (for the EU) and Pakistan presented proposed texts in writing for consideration. A number of other textual suggestions were made verbally in the room, but these proved hard to track by many delegations. In the margins, ad hoc coalitions of States discreetly circulated possible text that might be the basis of consensus on such subjects as the inter-sessional process, universality and future action plans.

The operation of the group structures

One aspect of this Review Conference that differs from earlier BTWC meetings is that the traditional group structures appear to be operating too slowly to contend with the pace of the Conference. Once new text is agreed by a group it is sometimes out of date by the time it is available for consideration by all States Parties. Part of this may be due to the increasing role of the EU in BTWC activities – once the EU has come to a policy conclusion, there can be little flexibility in the position without taking the question back to the 25 Member States. There is also a clear tension between experts and diplomats across a number of EU delegations which seems to stem from the speed of activities within the Review Conference.

There are three regional groupings that operate in the BTWC context: the ‘Western European and Other States Group’ (commonly referred to as the Western Group); the ‘Group of Eastern European States’ (commonly referred to as the Eastern Group); and the ‘Group of Non Aligned Movement and other States’ (commonly referred to as the NAM group). Each of these groupings derives from the Cold War era. A quirk of the modern era is that EU past and potential expansion has meant that a number of eastern group members are also members, or potential accession candidates, of the EU. This includes the co-ordinator of the eastern group, Hungary, which acceded to the EU in 2004. This makes the EU a major player in two of the three groupings that are used for organizing BTWC meeting activities.

In parallel with the changing role of the EU, and perhaps influenced by it, comes the emergence of new smaller active groupings of states in the BTWC context. A new Latin American grouping – Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Peru and Uruguay – presented a number of joint working papers (see report #1) as did the JACKSNNZ (occasionally referred to as Jacksons 7) – Japan, Australia, Canada, South Korea, Switzerland, Norway and New Zealand. They basically represent the Western Group without the EU and the United States.

Will these developments challenge the existing group structure?

Friday’s general debate

Report #6 mentioned the resumed general debate on Friday without indicating what happened within it. Two statements were made in the public plenary by Saudi Arabia and Italy. The Saudi statement described various relevant national implementation measures introduced by the government. Saudi Arabia, a BTWC State Party since 1972, also said ‘the Kingdom is urging that all States that have not yet acceded to the Convention to take the necessary steps to do so’. The Italian statement was very general.

NGO activities

Monday’s lunchtime seminar was convened by the Women’s International League for Peace and Freedom (WILPF) on the topic of ‘Bio Research in the United States – Emerging Level IV Labs’. Further information about the activities of WILPF can be found at <<http://disarm.wilpf.org/>> and <<http://www.wilpf.ch/>>.

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Wednesday 29th November 2006

'First reading' completed: Article X consultations to continue

The seventh day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC) concluded what was described by the President as the 'first reading' of the article-by-article review of the Convention. In many parliaments, a 'first reading' is essentially an agreement in principle on the contents of a draft measure with the opportunity to hammer out details of the final text during later stages.

The Committee of the Whole (CoW) met on Tuesday morning and the afternoon was dedicated to consultations. A short open plenary session happened late in the day. The CoW and consultations were both carried out behind closed doors. It also emerged that 2006 has seen a record number of Confidence-Building Measure (CBM) returns.

Conference Room activities

During the morning session of the CoW there were a number of divergent views on Article X issues. The scheduled afternoon session of the CoW was suspended in order to allow for consultation on this article to take place in a separate meeting. Article X relates to the peaceful uses of the biological sciences.

During Tuesday's short open plenary, the Chairman of the CoW, Ambassador Doru Costea (Romania), reported on progress being made in the article-by-article review. He indicated that further meetings of the informal group carrying out consultations would be needed and stated that a new draft text would be issued before the next meeting of the CoW.

The President of the Review Conference, Ambassador Masood Khan (Pakistan), indicated that consultations for putting together possible consensus text on an implementation support unit and on the inter-sessional process 2003-05 were being carried out by representatives of Argentina and Norway, respectively. Both are expected to report on Wednesday.

Implementation support unit issues

There is an emerging consensus that there should be a BTWC Implementation Support Unit based in Geneva. The most common size referred to is for this unit to consist of three persons. This unit would absorb the current conference/meeting support functions of the existing BTWC staff, which is slightly less than two full-time staff positions.

Compared with implementation support efforts elsewhere, this is an extremely modest provision. The efforts to support the Action Plans in relation to the Chemical Weapons Convention have involved more than two full-time personnel as well as having other staff resources available on a temporary basis for specific tasks from that convention's implementing organisation. The support costs for the committee established by UN Security Council resolution 1540 were not far short of US\$2 million per financial year. While these other cases differ in a number of important respects, most significantly in terms of remit and expected actions, they illustrate the expected cost-effectiveness of possible BTWC-related developments. However, care must be taken not to mandate an implementation support unit with more tasks than could be carried out with the available staff time.

Although the United States had been the State Party to be convinced about the creation of an implementation support unit, this situation has now been largely resolved and there are now other States Parties, such as Japan, raising concerns about costs.

Record Confidence-Building Measure (CBM) returns

The submission by Cyprus by of a CBM return in the week before the Review Conference had been seen as significant as it completed a target to get all 25 EU member states to submit returns during 2006. This submission turns out to have an additional significance as it is the fifty-third of the year – a record number. The previous highest annual total was in 1996, during which 52 States Parties submitted returns.

With a month to go before the end of the year, more returns may be submitted.

Italian statement

The Italian statement made on Friday and referred to in passing in report #7 highlighted working paper WP.22 on Bioterrorism, submitted by Italy on behalf of the EU. This paper recommends that a future inter-sessional work programme should include the subject with the aim of reviewing all actions undertaken in this field and focussing on whether further measures are necessary to deal with it at the national and international levels, and in particular within the BTWC.

NGO activities

Tuesday's lunchtime seminar was convened by the Center for Arms Control and Non-Proliferation, Washington, DC, and the Research Group for Biological Arms Control, University of Hamburg on the topic of 'Strengthening the BWC by Enhancing Transparency: the CBMs and Beyond'. The seminar also included a contribution from the School of Humanities and Social Sciences; University of Exeter. Further information about these projects can be found at <<http://www.armscontrolcenter.org/>>, <<http://www.biological-arms-control.org/>> and <<http://www.projects.ex.ac.uk/codesofconduct/BiosecuritySeminar/>>, respectively.

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Thursday 29th November 2006

The halfway point

Wednesday, the eighth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw thematic discussions in the morning session and a meeting of the Committee of the Whole (CoW) in the afternoon. The thematic discussions and CoW were both carried out behind closed doors. An updated draft final declaration was circulated. As there are fifteen possible days for the Review Conference, Wednesday marked the halfway point for deliberations.

Thematic discussions

The thematic discussions in the informal plenary session were on the Inter-sessional process 2007-10, possible actions plans and Confidence-Building Measures (CBMs).

The President of the Review Conference, Ambassador Masood Khan (Pakistan) circulated a paper on Wednesday with a new compilation of the list of possible topics for meetings in 2007-10. While some delegations have privately indicated that these meetings should have a maximum of eight topics over the four years, there are still twelve topics on the table for possible inclusion in a single year plus four possible recurring topics. The possible single-year topics are wide-ranging and cover most issues related to the Convention. Some selection will have to be made on which should be a priority in the coming years. The possible recurring topics – universality, national implementation, scientific and technological developments, and coordination with other international bodies – are those which could not be expected to be dealt with in a single year as some form of progress report or update may be considered beneficial. The timing and duration of inter-sessional meetings has yet to be decided.

The action plans proposed by States Parties relate to universality, national implementation, and Article X implementation. The first two of these appear to have widespread support. The third, as with a number of issues elsewhere in the Review Conference related to Article X (which deals with peaceful uses of the biological sciences), is the subject of divergent views.

Discussion on Confidence-Building Measures was assisted by two new papers by France (for the EU) and Switzerland. The EU paper deals with possible language for the final declaration while the Swiss paper deals with ways of making the CBM submission process simpler.

Other text proposals for the final declaration

The Chairman of the CoW, Ambassador Doru Costea (Romania), circulated to States Parties an updated draft final declaration just before lunch on Wednesday. Discussions with delegations during the afternoon suggest that the text was broadly welcomed, but that the draft still needed some examination. New text on Article X is expected to result from the informal consultation meetings outlined in report #8.

Suggested texts following other extensive informal consultations on an implementation support unit (ISU) and on the inter-sessional process 2003-05 were circulated. As expected, the proposed size of the ISU is three staff. The draft mandate for ISU activities fall into the categories of administrative support (for meetings and communications with other international bodies), CBMs (receiving and distributing returns, reminding States Parties to submit, compiling data, etc), national implementation (being an information exchange point for offers and requests for assistance and facilitating the proposed action plan), and universality (facilitating the proposed action plan). The proposed mandate for the ISU would run until the next Review Conference expected to be in 2011. The text on the past inter-sessional process basically refers to the meetings taking place and that the meetings adopted outcome documents by consensus.

Lessons from Confidence-Building Measure returns

The reference in yesterday's report about a record 53rd CBM return this year has highlighted a number of issues relevant to the deliberations of the Review Conference. The question was raised that there may have been an additional submission during the year, bringing the total to 54. This indeed turns out to be the case and there are a number of lessons that could be learned from the situation.

The 'missing' state had submitted a return electronically, but there was an interval before a *note verbale* was received by the Department for Disarmament Affairs to confirm that the electronic submission was an official communication. This led to some confusion. [A *note verbale* is a form of diplomatic note.]

The first possible lesson to be learned from this is that if a system for electronic submission is to be operated effectively there has to be a method to replace the need for the *note verbale*. A hybrid system where the CBM return is submitted electronically to be followed up with a written communication is likely to lead to misunderstandings. Submitters may forget the note and the CBM return would then be left in an administrative limbo – presented but not officially recorded.

A second lesson would be that if a CBM return were to end in an administrative limbo, or if there was some other query, it could take substantial time and effort to discover who is the relevant person in the government of the State Party to be in touch with. A system of listed points of contact for each State Party would enable the resolution of such a situation much more efficiently.

Finally, a dedicated BTWC implementation support unit with responsibilities for dealing with CBM returns, as appears likely to be established by the Review Conference, may be in a better position than the current arrangements to deal with out-of-the-ordinary situations.

NGO activities

Wednesday's lunchtime seminar was convened by the European Biosafety Association on the topic of 'Enhancing Biosafety and Biosecurity: International Standards for Microbiological Containment Laboratories'. Further information about the association can be found at <<http://www.ebsaweb.eu/>>.

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Friday 1st December 2006

An outbreak of clusters

Thursday, the ninth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw the completion of work and adoption of the report of the Committee of the Whole (CoW) and the breakout into clusters dealing with specific parts of the text for the final declaration.

Work on the final declaration

The report of the CoW was adopted in a brief open plenary in the middle of the morning that was convened after a short, final meeting of the CoW. The report was introduced to the plenary by the Chairman of the CoW, Ambassador Doru Costea (Romania) and included the draft declaration text as circulated on Wednesday. The President of the Review Conference, Ambassador Masood Khan (Pakistan) described the efforts of the CoW as a 'sound basis' on which to complete the work of the Conference.

During the plenary, the President announced that there would be four clusters to meet in sequence. The work was divided along the following lines: Articles I to IV [to be co-ordinated by Ambassador Costea], Articles V to VII [Mr Knut Langeland (Norway)], Articles VIII to IX [Mr Shahrul Yaakob (Malaysia)], and Article X [Dr Ben Steyn (South Africa)]. These clusters are expected to meet until Friday lunchtime.

Other informal groupings (IG) have been assigned subject areas to explore possible text that could be used for the final declaration but that do not fall easily within an article-by-article analysis of the Convention. The first two of these, given the tags 'IG-1' and 'IG-2' have reported on the subjects of an implementation support unit (ISU) and on the inter-sessional process 2003-05 as noted in report # 9. The other subject groups are universality (IG-3), national implementation (IG-4), the inter-sessional process 2007-10 (IG-5) and Confidence-Building Measures (IG-6).

Possible topics for the future inter-sessional process

The President of the Review Conference circulated a paper on Wednesday to States Parties with eleven possible topics for meetings in 2007-10:

- i 'Ways and means to enhance national implementation: including enforcement of national legislation and strengthening of national institutions, and cooperation between courts, police and customs'.
- 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 'Education, awareness-raising, scientific oversight and codes of conduct'.
- v 'Advances in science and technology relevant to the Convention, including prevention of misuse of such advances for illicit or hostile purposes as prohibited by 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'.
- viii 'Preparedness and response in the case of alleged use of biological or toxin weapons, whether by state or non-state actors, including provision of assistance and coordination with relevant organizations, in accordance with Article VII'.
- ix 'Confidence-building measures, including provision of assistance to States Parties on request'.
- x 'Terms and definitions relevant to the Convention'.
- xi 'Bioterrorism and non-state actors'.

A selection will have to be made from the above list and elements of some topics may be combined. One method of doing this is for States Parties to indicate which items they are least in favour of. For example, the United States is understood to have raised objections in relation to items vi and x, while Iran has raised objections in relation to item viii.

NGO activities

Thursday's lunchtime seminar was convened by the Biological Threat Reduction project of the Center for Strategic and International Studies, Washington, DC, on the topic of 'Governance for Biological Threat Reduction: a comprehensive, interdisciplinary, international approach'. Further information about the project can be found at <<http://www.csis.org/hs/btr/>>.

Bowled over

The alternative BWC – the 'Bowling World Cup' – was hosted by Malaysia, the Netherlands and Switzerland at a Geneva bowling alley on Thursday evening. Participants played two games each with prizes being awarded for the highest individual game score and for the highest overall score. The prize for highest scoring woman in an individual game went to Britta Häggström (Sweden) with the prize for highest overall score going to Una Becker (Germany). In the men's categories, both prizes went to Wan Yusri (Malaysia).

The Bowling World Cup started around 1998 and had been continued through various Convention meetings until the political stalemates of 2001. Perhaps the most optimistic sign that a positive outcome might be achieved at the 2006 Review Conference is the resurrection of this venerable tradition.

Back issues of the RevCon reports

Many delegations in Geneva have requested back issues of these reports which we have been more than happy to supply. With the large number of issues now published, it would be appreciated if, where possible, delegates could download the files from the BWPP website <www.bwpp.org> – click on the link marked '**BTWC Review Conference Resource Pages**'.

While the primary purpose of these reports is to inform people who are unable to attend the Review Conference in Geneva, it is pleasing that so many diplomats and government experts have found them useful.

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Monday 4th December 2006

The end of the second week: A new draft declaration text presented

Friday, the tenth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw the distribution of a new compiled draft final declaration following continuation of work in informal channels dealing with specific parts of the text.

There are a number of issues outstanding, the most significant of which are the composition of the new inter-sessional work programme and the question of an action plan for Article X, either of which might be the subject of a significant disagreement which might hold up conclusion of a final declaration. On most other issues, however, the differences in positions between States Parties is sufficiently close that there is likely to be an eventual agreement on these.

The latest draft declaration text

The 19-page text of the draft declaration was presented in such a way that agreed text was written in an ordinary font and text yet to be agreed was highlighted in bold or, occasionally, by some other annotation. This makes the document much easier to read than the system of putting text yet to be agreed into square brackets. [*Note*: often 'agreed' text essentially means text that has not been opposed by any State Party – States Parties will often agree to a text on a particular issue if it is not ideal but not too bad in order to be able to concentrate time on a subject that they consider to be more important.]

There are some notable features of the text that remain in bold, examples of which are as follows:

- Preamble of the Convention – this does not seem to have been considered in detail yet and is completely in bold.
- Article III – there is bolded text about implementing this article in such a way as to be consistent with Article X.
- Article V – several paragraphs about Confidence-Building Measures (CBMs) are bolded. While some text refers to the low participation rate, no text refers to the record number of returns submitted in 2006. New text talks about keeping CBM returns confidential without the express permission of the relevant State Party [see the reflections section below].
- Article VII – some bolded text relating to procedures for assistance and the possibility of the UN Department for Disarmament Affairs establishing an inventory of types of assistance that could be provided by States Parties.
- Article X – terms such as 'compliance', 'equal and non-discriminatory basis', and 'basic objectives of the Convention' are bolded, highlighting the differences in perception towards this article. Other text under this section will be affected depending on whether an action plan on Article X implementation is adopted or not.

- Articles XI and XII – text entirely in bold as yet to be discussed in detail.
- Inter-sessional process 2007-10 – both alternative texts in bold relate to one week meetings of experts and one week meetings of states parties for each of the years 2007-09 with one option being for a two week meeting of states parties in 2010 instead of one week that year. The proposed topics for the inter-sessional meetings have many bolded elements and more topics than there is time for remain on the list.
- Action plans – texts of an action plan on universalization and one on national implementation are included in completely bolded text. No text is included for an action plan on Article X implementation, as had been proposed by the non-aligned group of BTWC States Parties.

Texts on the 2003-05 inter-sessional process and on the proposed Implementation Support Unit (ISU) are in regular font apart from the bolded word ‘three’ in relation to the ISU staff level. Some ISU text is completely blank and is reliant on what might be agreed for the action plans. There is some additional text on CBMs relating to making submission of returns easier included as a separate thematic section towards the end of the draft declaration. [See <<http://www.bwpp.org/6RevCon/documents/BTWCFullText.pdf>> for the full text of the BTWC,]

Reflections on the draft declaration

The current draft embodies most points raised by States Parties during the Conference so far and on these issues may be seen as a fair reflection of the debate. However, the key Article X and future work programme issues may prove hard to resolve. If a consensus solution can be found to the Article X action plan disagreements, there may be such relief that discussion on a list of topics for the inter-sessional process will become easier. If this were to have happened in informal consultations over the weekend, the Review Conference could be finished in a day or two. If the Article X issues are not resolved quickly, the Conference might only finish late on Friday night.

The text on CBMs contains a significant change. The status of CBM returns has been somewhat ambiguous. Returns have been studied by independent researchers in the past, for example, the SIPRI study published in 1990. The draft declaration includes the sentence: ‘The information supplied by a State Party must not be further circulated or made available without the express permission of that State Party’ – a text that comes from a proposal by Russia, the UK and the US (the depositary powers of the BTWC, the latter two of which have published parts of their CBMs). This would seem to be the first mention in a Review Conference final declaration of the status of CBM returns. The use of the phrase ‘the information’ rather than simply ‘information’ may be unintentional as this would imply inseparability of a CBM return – as long as a State Party wanted just one part to be kept confidential, the whole return would have to be kept unpublished by the ISU. Currently, for example, the UK publishes its return other than Form F on past programmes.

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Tuesday 5th December 2006

Visions and divisions: The start of evening consultations

Monday, the eleventh day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw the continuation of informal consultations on outstanding issues. In an attempt to accelerate the process of producing an agreed text, additional consultation periods were added in the evening. Some delegations maintain the hope that the Review Conference will end on Wednesday, as had been proposed before the Conference had started.

Text for the Preamble, Article XI and Article XII sections of the final declaration were discussed in detail for the first time.

Textual discussions

The discussions on the draft text relating to the Preamble of the Convention did not reach a conclusion. Some detailed suggestions for changes to the text proposed by the President of the Review Conference, Ambassador Masood Khan (Pakistan) on Friday were made but no significant changes have been adopted.

Discussions of the text in the draft declaration relating to Article XI (amendments to the Convention) were overshadowed by the earlier Iranian proposal that the BTWC be amended to specifically prohibit use. One suggestion was that a procedure for amendments should be outlined, but this was opposed. No consensus was reached in these discussions.

Article XII (review of the Convention) is one of the least contentious of the BTWC and the text for the draft declaration relating to this article, calling for there to be a further Review Conference in 2011, was agreed.

Informal consultations

A number of informal consultations were carried out during the day, including a meeting that continued until 7pm, well past the usual closing times. The last of these was dealing with the inter-sessional work programme to run from 2007 to 2010. There are still too many topics on the proposed list than there is time to cover them in the inter-sessional meetings.

Meetings in the UN building Geneva tend to follow a two-shift system. In September 2005, when Ambassador Khan was chairing one of the sets of preparatory arrangements for the World Summit for the Information Society, he ran some of the Geneva meetings in three shifts: 10:00 to 13:00, 15:00 to 18:00 and 18:00 to 21:00.

One advantage of the informal consultation meetings is that there is an essentially random seating order. In the main conference room the States Parties are arranged in alphabetical order, so that Sweden always sits next to Switzerland and the United States always sits next to the United Kingdom, and so on. The random seating order means that States Parties end up next to others they are not normally sitting close to, sometimes leading to unexpected common approaches.

Differing visions

Article X remains the key outstanding issue that divides States Parties to the BTWC. The article relates to peaceful scientific and technological aspects of the biological sciences.

A number of the divisions on Article X stem from differing visions of the role of the BTWC. The differing visions can be divided into two groups which are broadly those which are net exporters of technology and those that are net importers.

One group of States, and these generally have a strong technological base, see the role of the BTWC as primarily one for controlling the spread of potentially harmful materials and technologies, and, while they see Article X as an important part of the Convention, they perceive economic and development issues as being better discussed in other forums.

The other group of States, which generally see scientific and technological development as key to future progress for their countries, have concerns that economic and development issues are not taken seriously enough in international negotiations. To these States, it is important that issues relating to national security do not have a negative impact on economic security or development.

From a slightly different perspective, all States see the benefits of assistance activities which clearly fall within the remit of Article X, such as enhanced disease surveillance, the education of scientists and improvements of biosafety and biosecurity in laboratory facilities.

NGO activities

Monday's lunchtime seminar was convened by the DePaul University School of Law on the topic of 'Bio-Science Development and Preventing Bio-Crimes: Uniting Future Strategies'. Copies of the presentation can be obtained from the presenter via <bkellman@depaul.edu>.

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Wednesday 6th December 2006

Working towards a conclusion: More text agreed

Tuesday, the twelfth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw the continuation of informal plenaries and consultations on outstanding issues relating to the draft final declaration – a new version of which was circulated during the morning. All the meetings of the Review Conference so far this week have taken place behind closed doors.

The expected late session of consultations did not take place and it now looks increasingly likely the Review Conference will continue discussions all the way to Friday.

Textual discussions

A new draft declaration was circulated during the morning to States Parties by the President of the Review Conference, Ambassador Masood Khan (Pakistan), following up the text circulated by him on Friday. This version has fewer instances of bolded text [i.e., text that has yet to be agreed] than the earlier one.

Further discussion during the day resolved a number of additional textual matters. The major items relating to Article X (regarding peaceful uses of the biological sciences) and the next inter-sessional process remain the most difficult unresolved issues.

A sentence in bold proposed for the text relating to the Preamble of the Convention may prove difficult to rephrase as it talks of the ‘enduring value of previous Final Declarations’. As these earlier declarations made references to possible multilateral verification arrangements, some States will not want to refer back to these. However, these declarations also refer to a number of other understandings not reflected in the current draft declaration which States will want to refer back to.

The other outstanding issues appear resolvable given time and a certain amount of negotiation.

Action plans and Article X

During the afternoon, the President circulated a proposal for a single action plan on ‘comprehensive national implementation’ – combining elements of the proposed action plans on national implementation and on implementation of Article X. This first united action plan was followed by a later one which took into account comments made on the earlier draft.

The action plan on national implementation proposal made some days ago in outline form seemed to gather a broad range of support unlike the separate proposal for an action plan on implementation of Article X which appeared to be supported by a number of States Parties but opposed by others. The latest proposal looks like a package put together, including selected elements of each plan, in an attempt to satisfy the various viewpoints and, in so-doing, achieve consensus.

The future inter-sessional process

One item has been removed from the earlier list of possible topics for the inter-sessional process 2007-10. 'Bioterrorism and non-state actors' (which had been listed as item xi) does not appear in Tuesday morning's draft declaration text. This leaves ten proposed topics on the list.

While the draft declaration is still couched in terms of two topics being discussed in each year, there is a growing realisation that a one week meeting of States Parties with a preparatory one week meeting of experts in each year is too short to deal with both topics in detail. As it has not yet been possible to reduce the number of topics down to eight (two per year over four years), setting a target to reduce this list even further is unrealistic.

Pressure on time within the proposed inter-sessional meetings is compounded as each year's meetings will possibly also cover a number of recurring topics – universality, national implementation, scientific and technological developments, and coordination with other international bodies. These are subjects considered to be better dealt with over a number of years as some form of progress report or update may be considered beneficial.

Side events

Tuesday's lunchtime seminar was convened by Interpol and the Verification Research, Training and Information Centre (VERTIC) to introduce the Interpol Bioterrorism Prevention Program and to present 'An [ACT, STATUTE, ORDINANCE, LAW] to prohibit biocrimes and to promote biosafety and biosecurity' – a draft legal text designed to assist States wishing to legislate against hostile uses of the biological sciences. Further information on Interpol activities in this field can be found at <www.interpol.int/Public/BioTerrorism/links> and on VERTIC at <<http://www.vertic.org>>.

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Thursday 7th December 2006

The thirteenth day: A bumpy ride after a smooth start

Wednesday, the thirteenth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), started out looking like it might be a lucky day for supporters of the Convention. A large number of textual changes were agreed during the morning, leaving a substantially clean draft in many sections. In the late afternoon, debate turned to the comprehensive action plan – combining elements of the proposed action plans on national implementation and on Article X – and the luck seemed to run out. After the day's informal plenaries an informal consultation session was convened to try to come to agreement on the content of the future inter-sessional process. A further informal plenary was planned to follow the evening consultation meeting but this was rescheduled for early Thursday morning. All of the day's meetings were held behind closed doors.

A new version of the draft declaration was circulated during the morning to States Parties by the President of the Review Conference, Ambassador Masood Khan (Pakistan). As with Tuesday's draft, this edition has yet further reductions of bolded text [i.e., text that has yet to be agreed] compared with the previous one.

The informal plenary meetings that are preparing the text of the final declaration started out in a relaxed manner, but by the end of the day difficulties over the combined action plans had created some tensions.

Action plans and Article X

The proposal by the President of the Review Conference for a single action plan on comprehensive implementation was the subject of vigorous debate. Some States Parties have indicated that they do not wish to see so many elements relating to Article X (which relates to peaceful uses of the biological sciences) in an action plan they saw as important for dealing with problems of national implementation. Other States Parties indicated that if Article X issues were not covered they may not see the value in an action plan on national implementation. By the evening, there did not appear to be an easy path to follow to bring these two perspectives together.

The future inter-sessional process

The list of topics proposed for discussion in the inter-sessional meetings was reduced in the text circulated by the President in the morning. Two items relating to preparedness and response, to provision of assistance in cases of alleged use, and to disease surveillance were combined into one. The item on confidence-building measures (CBMs) was removed, in part because there was some confusion as to what the meeting might do that would not be covered if this was a recurring topic. [Note: in referring to the possible recurring topics in

report #13, CBMs were accidentally not included. The full list of recurring topics is therefore: universality, national implementation, scientific and technological developments, CBMs, and coordination with other international bodies.]. This brought the total of individual meeting topics down to eight. During Wednesday, a further individual meeting topic – on terms and definitions relevant to the Convention – was removed.

Other changes

The draft declaration, which includes the article-by-article review and the decisions on action plans and implementation support, circulated on Wednesday morning contained a number of changes from the version the day before. Under Article VI, difficulties of phrasing text relating to responses and assistance in the cases of dangers posed by biological weapons possessed by States that are not party to the BTWC or by non-state actors were overcome by separating a composite text into two paragraphs. Now one paragraph deals with dangers posed by breaches of the Convention and reference to the Security Council with a second noting the intentions of many States to support each other if exposed to dangers posed by biological weapons in other circumstances.

This draft also included proposed text recognising that Iran had put forward an amendment to the BTWC on explicitly prohibiting use and requesting that States Parties convey their views on this amendment to the depositary states (Russia, UK and USA).

During Wednesday's debates, some details about the proposed Implementation Support Unit (ISU) were clarified when the Netherlands' delegation requested that the words 'in Geneva' be inserted after the words 'Department for Disarmament Affairs' within the draft declaration. For reasons not clear, the preliminary discussions on the ISU all referred to it being in Geneva, but this was not made explicit anywhere in the text. [Note: the involvement of the Netherlands in this amendment is the clearest indicator that States do not see the formation of the ISU as a precursor to an international organization for the BTWC. The Dutch and Swiss Governments competed fiercely for the right to host the 'OPBW' – the international body that would have resulted from the protocol negotiations. It is unlikely that the Dutch would have proposed this amendment if it felt it would prejudice its chances of hosting any future OPBW alongside the OPCW in The Hague.]

Discussions in the margin clarified some confusion between States Parties as to whether the ISU positions would be funded from UN regular budget estimates or from contributions directly levied as States Parties to the BTWC. Although the ISU staff positions are described in the draft declaration as being 'within the United Nations Department for Disarmament Affairs' the unit will be funded directly by BTWC States Parties and not from any UN budget.

NGO activities

Wednesday's lunchtime seminar was convened by Green Cross International to present the results of their roundtable meeting held in Geneva on 8 November entitled 'Developing a Comprehensive Biosecurity Regime'. For further information on the activities of Green Cross see <<http://www.gci.ch>>.

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Friday 8th December 2006

Final issues of concern: The end-game is played out

Thursday, the fourteenth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw an end-game being played out that is fairly typical for this sort of event. Two sessions of informal plenaries were held which resolved a large proportion of the outstanding textual questions. Although most text is now agreed, there remain a few significant matters to be resolved upon which only two States Parties – Iran and the USA – have indicated strong views. Therefore, at the end of the day, consultations were being held between the President of the Review Conference, Ambassador Masood Khan (Pakistan) and a small number of States Parties about outstanding issues. Depending on what form of outcome may result from these consultations, there will be additional consequences for text in the final declaration.

Two versions of the draft declaration were circulated to States Parties during the day by the President – one in the morning and one in the afternoon. At each stage there have been reductions of highlighted – mostly bolded – text [i.e., text that has yet to be agreed]. A draft text for the final procedural report, which essentially describes the process of the Review Conference was also circulated.

Two action plans or no action plans?

The subject of the content of one of the action plans remains the most controversial issue of the Review Conference. The proposed action plan on comprehensive implementation combines elements of the earlier proposals for an action plan on national implementation and on implementation of Article X of the Convention (which relates to peaceful uses of the biological sciences).

Following the divergence of views on the proposed action plan on comprehensive implementation, there is the possibility that this action plan might be dropped (although it is not clear how likely this is). In preparation for this possibility, the action plan on universality has been re-titled ‘Promotion of Universalisation’. If agreement on the other action plan is reached, this may return to its original title.

The future inter-sessional process

Some work remains to be done on the list of topics for individual Meetings of Experts and Meetings of States Parties – the inter-sessional meetings. The final text for this list will be dependent on the results of the President’s consultations on Thursday night.

The list of possible recurring topics that the inter-sessional meetings could cover has essentially been struck out. The list of topics that would have been open for discussion at each year's Meeting of States Parties – universality, national implementation, scientific and technological developments, confidence-building measures (CBMs), and coordination with other international bodies – was replaced with the words 'universalisation and comprehensive implementation of the Convention'. In the afternoon draft text these words remained in bold and may change if a solution is found to the action plans issues.

Implementation Support Unit

As disagreements surfaced on a number of matters, these had knock-on effects for text relating to the Implementation Support Unit (ISU). Phrasing about national implementation and universalisation had been included in reference to the proposed action plans. These had been changed to comprehensive implementation and universalisation in the morning's draft. In the afternoon's draft, both had been deleted. This text may be reinserted if action plans on these subjects are agreed. If there is no such agreement, the role of the ISU will be limited to administrative support and dealing with CBMs.

The bolding was removed from the word 'three' in relation to staffing levels; there does not appear to have been any other proposal for numbers for some time.

Confidence-Building Measures

There was some opposition to the idea that the ISU should be able to send reminders to States Parties that had not submitted CBMs by the due date (15 April each year). The argument by Algeria was that such reminders should only be sent for something that was legally binding and this was not the case for CBMs. Reminders before the deadline were also contentious. Instead, the ISU will inform States Parties of the deadline at least three months in advance. The deadline has not been changed since CBMs were introduced.

The section on CBMs has now dropped the suggestion that formats for submissions should be reviewed. The relevant paragraph now reads that the CBMs system 'further and comprehensive attention' at the seventh Review Conference to be held in 2011.

Final reporting

A final daily report on the Review Conference will be published by BWPP over the weekend to cover the events of the final day.

On a personal note, as this will be the last daily report circulated directly to delegates in Geneva, I would like to thank all those members of delegations who have taken time to discuss the serious matters involved in this Review Conference. With so many meetings taking place behind closed doors, reporting on the events would have otherwise been impossible.

This is the fifteenth report from the Sixth five-yearly Review Conference for the Biological and Toxin Weapons Convention which is being held from 20 November to 8 December 2006 in Geneva. The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP).

These reports are available on the BWPP website via a page dedicated to the Review Conference – <<http://www.bwpp.org/6RevCon/6thRevConResources.html>>. Details of how to subscribe to the reports via e-mail are included there.

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Sunday 10th December 2006

The end of the Conference: Progress but no action plans

Friday, the fifteenth and final day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw the adoption of a document which includes a final declaration with an article-by-article review, the adoption of a new inter-sessional process, an Implementation Support Unit (ISU) and a programme to promote universality. However, the 'action plans' that had been the subject of many discussions were not retained in the end. The end-game was fairly typical for this sort of event – 'nothing is agreed until everything is agreed'.

Two States Parties – Iran and the USA – were involved in consultations until the early hours of the morning. While they discussed some serious issues, there were a number of minor textual changes being raised. This is the same pair of States Parties that held up agreement on final texts at the end of the Meetings of States Parties, particularly in 2004.

The first part of the morning saw significant progress on textual changes, several of which fell into place as a consequence of the overnight consultations. In a number of cases this was achieved through the old method of 'consensus by deletion' – if you can't agree to it, get rid of it. During the late afternoon, a further version of the draft declaration was circulated (now cited as paper CRP.4). In open plenary, some oral amendments were made to this document, a number of which had needed late consultations – such as the dates for the 2007 inter-sessional meetings.

A new word entered the language of disarmament diplomacy with the adoption of the term 'romanito', following consultations between representatives of Cuba and Italy, to describe the lower case roman numerals as paragraph numbers.

The future inter-sessional process

The final text for the list of topics for individual Meetings of Experts and Meetings of States Parties – the inter-sessional meetings – was agreed during Friday morning as :

- 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.

Topics i and ii will be dealt with in 2007, iii and iv in 2008, v in 2009, and vi in 2010. It is proposed that the 2007 Meeting of Experts should be held 20-24 August and the Meeting of States Parties 10-14 December.

The Meetings of States Parties may also discuss 'universalisation and comprehensive implementation of the Convention'. Comprehensive implementation would include such topics as national implementation, scientific and technological developments, confidence-building measures (CBMs), and coordination with other international bodies.

Implementation Support Unit

Following a lack of agreement on the action plans, the role of the Implementation Support Unit (ISU) will be limited to 'administrative support' and dealing with CBMs. However, the items listed under administrative support may allow some flexibility in the operation of the ISU. For example, the ISU is tasked with 'Facilitating communication among States Parties', 'Serving as a focal point for submission of information by and to States Parties related to the Convention' and 'Supporting, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference' – all of which might be subject to either a broad or narrow interpretation of the mandate.

Other specific tasks for the ISU include: developing electronic methods of submission for CBMs together with a secure website on CBMs to be accessible only to States Parties; and serving as an information exchange point for assistance related to preparation of CBMs. The ISU should 'regularly inform' States Parties about CBM returns and provide statistics on the level of participation to each Meeting of States Parties. The ISU is also to keep lists of national points of contact in States Parties in charge of preparing the submission of CBMs and for information exchange of universalisation efforts.

Universality

Under 'Promotion of Universalisation' – essentially the proposed action plan on universality – an annual report on universalisation activities shall be made by the Chairs of the Meetings of States Parties and a progress report submitted to the Seventh Review Conference.

The loss of the action plans

The proposed action plan on comprehensive implementation which put together elements of the earlier proposals for an action plan on national implementation and one on implementation of Article X of the Convention (which relates to peaceful uses of the biological sciences) was deleted.

Closure of the Conference

The President of the Review Conference, Ambassador Masood Khan (Pakistan), closed the conference in an upbeat mood, noting that after a gap of ten years 'we have thoroughly and comprehensively reviewed all articles of the Convention and its implementation'. He noted that, on CBMs, the conference had 'streamlined and updated' procedures for submission and taken practical steps to increase the level of participation. He described the ISU as making a 'significant contribution' in the coming years.

This is the final report from the Sixth five-yearly Review Conference for the Biological and Toxin Weapons Convention which was held from 20 November to 8 December 2006 in Geneva. The reports were prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP). The author would like to thank all those within BWPP that have made it possible to keep ahead of the deadline each morning to get paper copies to the Palais des Nations in time before the start of the meetings. Anne Marrillet and Hyun Jin Chung helped with copying and distribution. Jean Pascal Zanders helped with editing and as a sounding board for ideas. BWPP would like to thank the Ploughshares Fund for making this reporting of the Review Conference possible.

These reports will remain available on the BWPP website via a page dedicated to the Review Conference – <<http://www.bwpp.org/6RevCon/6thRevConResources.html>>.

Monday 20th August 2007

The Meeting of Experts: Building on past experience

A renewed process

The opening of the 2007 Meeting of Experts (MX) marks the start of the second inter-sessional process for the 1972 Biological and Toxin Weapons Convention (BTWC/BWC). The MX will be followed by a one-week Meeting of States Parties (MSP) in December.

The topics for discussion at the MX and MSP this year are 'Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions' and 'Regional and sub-regional cooperation on BWC implementation'. The topics were agreed at the Sixth Review Conference for the BTWC which was held from 20 November to 8 December 2006. The MSP may also discuss 'universalisation and comprehensive implementation of the Convention'. Comprehensive implementation would include such topics as national implementation, scientific and technological developments, confidence-building measures (CBMs), and coordination with other international bodies.

The current inter-sessional process builds on the experience of an earlier, similar process that took place during 2003-05. In that set of meetings, each MX was of two weeks duration. This provided much more time to cover technical issues and to hear presentations by States Parties. For example, the 2003 MX covered the subjects of 'the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation' and 'national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins' – giving about a week to each of these. The 2003 meetings were widely regarded as productive and as contributing to national implementation activities.

Background materials on the 2006 Review Conference can be found on the BWPP website at <<http://www.bwpp.org/6RevCon/6thRevConResources.html>>.

Issues of national implementation

National implementation has to be dependent on the context and constitutional arrangements within each State Party. It can be broken down into three broad areas of activity – legislative, monitoring and enforcement. Legislative activities have been the focus of considerable attention in recent years and an increasing number of States Parties have introduced specific BTWC legislation. In order to make the legislation effective, each State Party must have an understanding of what relevant activities are taking place in territories under their jurisdiction or control. To do this, monitoring activities must be implemented. Enforcement activities must be carried out as both a deterrent and to ensure that when breaches of standards do occur they are dealt with effectively and appropriately.

Issues of regional cooperation

In recent years a number of regional and sub-regional forums have been host to discussions on the political, security and economic benefits of being a party to the Convention and on its effective implementation. A number of regional seminars have been held in recent years.

The future inter-sessional process

In the first inter-sessional process the specific topics were discussed only in their allocated years with no crossover between years. This was a condition of the original deal for the first inter-sessional process. There will be more flexibility in the current set of meetings.

The topics for 2008 will be 'National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins' and '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'. The 2009 topic will be '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'. The topic for 2010 will be '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'.

Implementation Support Unit

An 'Implementation Support Unit' (ISU) was established by the Review Conference to provide administrative support and to deal with CBMs. The ISU formally commenced its activities on 26 June, although it been informally carrying certain activities from March. There will be a formal launch of the ISU on Monday evening.

The role of the ISU is to facilitate activities of States Parties to assist themselves and others in implementation of the obligations undertaken under the BTWC. Materials relating to the MX will be posted by the ISU on their website: <<http://www.unog.ch/bwc>>.

Progress on Universalization

The Review Conference took a decision on 'Promotion of Universalization' to encourage countries outside of the BTWC to join. Since the Review Conference, three additional countries have become States Parties to the BTWC. Kazakhstan acceded on 28 June 2007, as did Trinidad and Tobago on 19 July 2007. Montenegro announced its succession to the Convention, which it considers to have taken effect from 3 June 2006, the date of its independence.

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Tuesday 21st August 2007

2007 Meeting of Experts: The opening day

The opening day of the Meeting of Experts (MX) for the Biological and Toxin Weapons Convention (BTWC) included plenary statements by States Parties, a presentation by an international organization, statements by non-governmental organizations (NGOs) and activities by the new Implementation Support Unit (ISU). It was also confirmed during the day that Gabon had become the 159th State Party to the Convention.

Opening of the meeting

The MX opened as scheduled on Monday morning, with Ambassador Masood Khan (Pakistan) in the Chair. A number of formalities were quickly run through, such as the adoption of the programme of work and the rules of procedure. Israel was granted observer status as a country that had neither signed nor ratified the BTWC. The African Union, the International Committee of the Red Cross, Interpol, the League of Arab States, and the Organization for the Prohibition of Chemical Weapons were granted observer status as international organizations.

Ambassador Khan noted that the MX had the benefit of building upon the success of the earlier inter-sessional process as well as the successful outcome of the Sixth Review Conference. Khan identified two types of presentation he expected to be made to the MX. The first would be detailing national experience in national implementation and in regional co-operation. The second would be thematic, such as ideas of how better cooperation may be achieved between national agencies. Khan indicated that, in keeping with past practice, a collated list of suggestions made during the meeting would be compiled and circulated with the factual report.

The general debate period in the morning consisted of plenary statements, in the following order, from Cuba (on behalf of the Non-Aligned Group), Portugal (on behalf of the European Union), Brazil, China, Russia, Saudi Arabia, Republic of Korea, India, Canada, the Islamic Republic of Iran, Pakistan, Libya, Indonesia and Sudan. Copies of each of the statements for which a paper copy was circulated at the meeting will be posted on the BWPP website at the address given overleaf. Some States Parties that would normally have given plenary statements at earlier MXs declined the opportunity this time in order to allow more time for detailed presentations on specific subjects.

A number of common themes emerged from the statements. Most emphasised the importance of the topics under discussion at the MX this year. Many noted that the nature of the biological issues meant that there were many benefits in learning from each other's experiences. Some expressed a continued desire to achieve, in the long term, some formal compliance measures of a legally-binding nature for the Convention. Several statements made reference to national systems of ensuring food safety, an area not traditionally associated with biological warfare but which is increasingly recognised as a potential area of terrorist or criminal activity in tampering with food supplies.

Interpol presentation

After lunch, a presentation was given by Interpol on some of the work it has been carrying out on bioterrorism. Information was provided on the organization's activities in areas such as awareness raising regarding bioterrorism threats, police training, the strengthening of criminal law, and the creation of a 'bio-events' database. The Interpol bioterrorism website can be found at <<http://www.interpol.int/Public/BioTerrorism/>>.

Unlike the earlier plenary statements, this presentation was followed by a question and answer session. Issues brought up during this session included whether raising awareness of some threats was best achieved by the citation of certain types of press reporting and how the 'bio-events' database might relate to a database on 'biological incidents' that is to be set up by the UN Office of Disarmament Affairs (ODA) under General Assembly resolution A/RES/60/288. This second subject may become clearer later in the week when a presentation is due to be given by the ODA on its database.

NGO statements

Following the Interpol presentation, the formal meeting was suspended to allow NGOs to make statements to an informal session. Statements were made, in the following order, by Bradford University, the Harvard Sussex Program (HSP), the London School of Economics (LSE), the BioWeapons Prevention Project (BWPP), the Center for Arms Control and Non-Proliferation Scientists Working Group on Biological and Chemical Weapons, the Verification Research, Training and Information Centre (VERTIC) and Pax Christi. Copies of each of these statements will be posted on the BWPP website at the address given below.

Implementation Support Unit activities

The afternoon saw a demonstration of the ISU database on National Implementation Measures. The database contains short descriptions of national measures relevant to the Convention together, where possible, with links to the full texts. The database can be found via the ISU web page <<http://www.unog.ch/bwc>> – click on 'Information for States Parties' and then 'National Implementation'. This leads to the list of countries on which data is held. As implementation measures have to be suitable for each national context, the database allows States Parties considering adopting new measures to refer to examples relevant to their circumstances.

During the evening a formal launch event for the ISU was held. However, the event was far from 'formal', providing a light-hearted counterpoint to the serious discussions of the day. The three staff of the ISU – Richard Lennane (Head), Piers Millet (Political Affairs Officer) and Ngoc Phuong Huynh (Associate Political Affairs Officer) – were introduced in a jovial presentation that included extracts from a 1952 civil defence film on biological warfare.

The ISU is unlike any other international body in arms control dealing with 'weapons of mass destruction'. In other cases, States Parties ask the international body to carry out actions on its behalf. By contrast, the ISU is essentially a co-ordination office, assisting States Parties in their own implementation activities and matching requests for assistance with relevant offers of help.

This is the second report from the Meeting of Experts for the Biological and Toxin Weapons Convention which is being held from 20 to 24 August 2007 in Geneva. The reports are designed to help people who are not in Geneva to follow the proceedings.

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Wednesday 22nd August 2007

2007 Meeting of Experts: The second day

The second day of the Meeting of Experts (MX) for the Biological and Toxin Weapons Convention (BTWC) saw closed working sessions in the main meeting room and the first of the lunchtime side events.

The morning started with a shortened session as many delegates wished to attend the Conference on Disarmament (which also meets in the Palais des Nations), where Sergio de Queiroz Duarte, the UN Secretary-General's High Representative for Disarmament Affairs, was speaking.

As the working sessions were held behind closed doors, it is not possible to give a comprehensive report on such activities.

Presentations given by States Parties were primarily on legislative issues. For example, detailed presentations were given on legal measures in India and the Philippines. Some presentations, such as one by Switzerland were very similar in character to statements made in the general debate the day before. Few presentations contained any surprises.

Confidence-Building Measures (CBMs)

The number of CBM returns submitted by BTWC States Parties so far in 2007 is a record 57 – beating 56 in 2006, which was itself a record. While the annual date for submission is in April, submissions are accepted by the Implementation Support Unit (ISU) at any time of the year. With four months to go until the end of the year, the 2007 total is likely to grow.

Of the submissions so far in 2007, 48 were from states that had provided returns during 2006. Three returns were received from States Parties that had never previously submitted – Brunei Darussalam, Lebanon and Nigeria. Six States Parties submitted returns in 2007 that had previously done so, but not in 2006 – Bangladesh (previous return in 1996), Ecuador (1996), Jordan (1996), Kyrgyzstan (1993), Mexico (2004) and Turkey (2005).

Countries which submitted a CBM return in 2006, but have not yet done so in 2007 are Denmark, Greece, Liechtenstein, Luxembourg, Malaysia, Montenegro, Romania and San Marino.

In their plenary statement in the general debate on Monday, the European Union noted that all member states had submitted CBM returns in 2006. Thus far in 2007, out of the 27 member states of the EU, only Denmark, Greece, Luxembourg and Romania have yet to submit their returns. Of the 14 countries that had associated themselves with the EU statement, 7 – Albania, Bosnia and Herzegovina, Iceland, Liechtenstein, Montenegro, Republic of Moldova and the Former Yugoslav Republic of Macedonia – have yet to submit a CBM return in 2007. Albania and the Republic of Moldova have never previously submitted returns.

According to information on the website of the Implementation Support Unit (ISU), the restricted area of the website that is to hold CBM returns in a secure manner went live in July.

BioWeapons Monitor launched

The first lunchtime side-event of the Meeting of Experts was the launch of the second version of the BioWeapons Monitor by the BioWeapons Prevention Project (BWPP).

The goal of the BioWeapons Monitor is to set up a centralized repository of public documents relating to the norm against biological and chemical weapons. The documents pertain to treaties, negotiations and meetings of the States Parties, as well as UN General Assembly and Security Council resolutions, historical documents, NGO statements, and so forth.

Access to the BioWeapons Monitor is free. A fundamental underlying principle of the initiative is that access to information should not be dependent on institutional or private wealth. It has also been designed with speed of access to the information in mind so that users in countries with difficult or slow Internet connections can equally make use of it.

The BioWeapons Monitor can be found at <<http://www.bwpp.org/bwm>>.

Some personal reflections

Observing international diplomacy for too many years can make even the most optimistic commentator cynical about what may be achieved in inter-governmental meetings. While the role of a commentator should be to try to report what is happening in an impartial manner, there are times that this style of reporting does not convey some of the atmosphere of meetings.

Something has changed. This year's MX has a clearly positive, collegial atmosphere. Perhaps the previous inter-sessional process was so closely tied with fears of failure at the 2006 Review Conference that delegates would stay closely within self-imposed parameters. Speaking with delegates from a diverse range of countries, I get the strong impression from a large number of them of increased flexibility and strong personal desires to 'do the right thing' in the biological field. The difficulty is that it is not clear in most situations precisely what the 'right thing' should be. Some contributory factors to this difficulty have been recognised for some time, such as the technical nature of the subject matter, the requirements to tailor implementation measures to national contexts, and the uncertainties of where future scientific and technological progress may lead. Even when particular measures can be identified as appropriate for a State Party, the factor most neglected is the variety of pressures that individual government officials are under.

It takes a certain level of self-confidence to be the individual within a government promoting new detailed implementation measures. The proposals will be remembered by your colleagues as having come from you. If you are not sure of the consequences of every detail of what you propose, do you have the confidence to keep pushing?

Perhaps a key, but immeasurable, element that will result from the Meeting of Experts will be the increased self-confidence felt by individual officials dealing with this subject matter.

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Thursday 23rd August 2007

2007 Meeting of Experts: The third day

Wednesday, the third day of the Meeting of Experts (MX) for the Biological and Toxin Weapons Convention (BTWC), again consisted entirely of closed working sessions. During the morning the presentations moved on from national implementation issues to the second topic on the agenda – regional and sub-regional co-operation on BTWC implementation. This second topic was the subject of detailed presentations by Japan and by Portugal (on behalf of the European Union).

In the afternoon an informal compilation of proposals made so far at the MX was circulated.

Informal compilation paper

An informal paper was circulated among States Parties under the title ‘Draft Considerations, Lessons, Perspectives, Recommendations, Conclusions and Proposals Drawn from the Presentations, Statements, Working Papers and Interventions on the Topic Under Discussion at the Meeting’.

The creation of this compilation follows the precedents of the Meetings of Experts in 2004 and 2005 which appended similar lists to the public reports of the meetings (these reports carry the following official document numbers – BWC/MSP/2004/MX/3 and BWC/MSP/2005/MX/3). In both of these cases, the compilation was circulated in draft form to allow States Parties to comment. Whereas some of the concepts in the earlier years were considered controversial, there is little in the current list that would raise the blood pressure of any of the delegates. The list may be updated if further proposals are made during Thursday.

The 2007 draft compilation tabulates each proposal with details of the statement or working paper in which it was made, together with the country that made it. The compilation is divided into five sections:

- Implementing the Articles of the Convention
- Scope of national implementation measures
- Enhancing domestic cooperation (managing national implementation)
- International and regional cooperation and assistance
- Transfers and export controls

Each of these areas is covered in a fairly comprehensive manner. However, one area that does not get a mention is any suggestion that national implementation measures should cover actions of the government itself.

Including activities of governments in national legislation

In a number of countries, the constitutional arrangements are such that governments are automatically covered by any legislation adopted. Within other countries, legislation of whatever type does not cover activities of the government unless it is explicitly expressed. A variety of approaches exist regarding the issue. Three examples are provided.

The first is the legislation to ratify and implement the Chemical Weapons Convention in the UK which includes provisions to bind the government (the 'Crown'). The provisions in section 37 of the *Chemical Weapons Act 1996*, contain the following proviso: 'No contravention by the Crown of a provision made by or under this Act shall make the Crown criminally liable; but [a high-level court] may ... declare unlawful any act or omission of the Crown which constitutes such a contravention'.

The second is the UK's equivalent legislation in relation to the BTWC, the *Biological Weapons Act 1974*, which contains no provisions to bind the Crown. Furthermore, under the provisions of this act no judicial test could be applied to the activities of the government without the express consent of the government itself.

The third example is India's *Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act 2005* (the 'WMD Act'), of which section 25 reads: 'Nothing in this Act shall affect the activities of the Central Government in the discharge of its functions relating to the security or the defence of India'. This provision was seemingly introduced to ensure that the legislation did not inadvertently inhibit that country's nuclear weapons programme.

Each of the examples above has its own national and historical context. However, the increased transparency that would result from explicit inclusion of government activities in relation to the biological sciences is worthy of further consideration.

Confidence-Building Measures update

Some states identified in *MX report #3* as having submitted a CBM return in 2006 but not so far during 2007 have indicated that the delay is purely a matter of administration. If the ISU is able to confirm receipt of further CBM returns during the MX, this will be reported in a future *MX report*.

Meeting timetable

As of Wednesday night, it would appear that only a few presentations by States Parties remain to be made. This makes it likely that the closed working sessions will be completed on Thursday morning. The precedent is that time on the Thursday afternoon has been needed to resolve any disagreements on what should be in the final report. However, there has been little disagreement at this meeting.

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Friday 24th August 2007

2007 Meeting of Experts: The fourth day

The Meeting of Experts (MX) for the Biological and Toxin Weapons Convention (BTWC), met on Thursday morning in a closed working session to hear the last of the presentations. There was no meeting in the afternoon.

Draft report

A draft text for the report from the MX was circulated to States Parties, most of which was regarded as fairly uncontentious. As in previous years, the paragraph relating to the compiled list of proposals is the one for which some States Parties have the greatest difficulty. The text for this paragraph, as circulated in draft, is taken from the 2005 MX report (a combination of paras. 18 and 19 of BWC/MSP/2005/MX/3 – the draft even retains the date of 2005 in it!) Some States Parties have concerns about the status of the compiled list of proposals and this paragraph essentially says it has no status as a formal inter-governmental document.

Expectations

As there is little that is contentious in the subject matter being discussed at this MX, it is likely that the proceedings will be wrapped up formally on Friday in a short meeting.

In the past, two States Parties have most been involved in delays reaching agreement on final reports in previous inter-sessional process meetings – Iran and the United States. Often each has been reacting to the statements of the other. This year, both seem to be content with the proceedings.

Neither would find much benefit in raising objections at this stage. On the US side, national implementation is something it has been focused on in recent years and there has been much comment in the corridors about the positive US attitude at this MX. An issue which has not received much attention in Geneva, but has received much in The Hague, is the Iranian candidacy for the Chairmanship of the Second Review Conference of the Chemical Weapons Convention (CWC) which is to be held next year. It is the turn of the Asian Group to hold this position and Iran is hoping to get the support of the group for its candidacy. This might be an influence on Iranian activities.

Biological incidents database presentation

A presentation on the United Nations biological incidents database was given at lunchtime – the second side event of the week. The database is to be set up by the UN Office of Disarmament Affairs (ODA) under General Assembly resolution A/RES/60/288 which was adopted by consensus in 2006. As the requirements for the database were unspecified in the

resolution other than it should be comprehensive yet complementary to the biocrimes database being established by Interpol (see *MX report #2*).

The presentation by the ODA highlighted some of the work to date to develop the database. The working definition of 'biological incident' that is in use is an 'event in which a biological agent harms or threatens to harm humans, livestock, agricultural or economic assets'. This therefore includes accidental as well as deliberate events. No specific definition of 'biological agent' is being used.

A large part of the question and answer session dealt with issues of how hoaxes might be dealt with in the database. One side of the issue is that as hoax events, by definition, do not include actual biological agents should they be included – especially as there are many, many times more hoaxes than real events and this can distort the numbers. The other side is that some lessons may be learnt from how hoaxes are dealt with and that hoaxes may not threaten harm through disease but can create economic harm through the disruption they cause.

Following the presentation, the relationship between the two databases was not much clearer. However, this is mostly due to the early stage in development that each of them is at. In corridor discussions, some delegates raised concerns about having to provide the same information twice to the separate databases.

Confidence-Building Measures – 58 and counting ...

The Implementation Support Unit has confirmed this week that Denmark has submitted its 2007 CBM return, bringing the total up to 58 and continuing to build on the record levels of submission.

This leaves seven States Parties as having submitted a CBM return in 2006 but not so far during 2007 (see *MX report #3*).

This is the fifth report from the Meeting of Experts for the Biological and Toxin Weapons Convention which is being held from 20 to 24 August 2007 in Geneva. The reports are designed to help people who are not in Geneva to follow the proceedings.

The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP). Copies of all of these reports (and details of how to subscribe to them by e-mail) are available on the BWPP website at <<http://www.bwpp.org/2007%20MX/MX2007Resources.html>>. This page also includes other materials from the meeting.

For press queries or any other questions relating to the Review Conference, please contact Dr Jean Pascal Zanders (+41 79 582 4454 or <jpzanders@bwpp.org>). For technical questions during the Meeting of Experts relating to these reports, please contact Richard Guthrie (+41 76 507 1026 or <rguthrie@bwpp.org>).

Monday 27th August 2007

2007 Meeting of Experts: The final day

The 2007 Meeting of Experts (MX) for the Biological and Toxin Weapons Convention (BTWC), met for the final time on Friday morning. The meeting started with a plenary statement by the representative of the African Union, then heard a short report from the Chairman, Ambassador Masood Khan (Pakistan), on universalization before agreeing on the final report of the MX. After some short closing statements from States Parties, the Chairman made his own closing comments.

African Union statement

The statement noted the importance of strengthening the capacity in the region to control biological threats. Some initiatives taken by groups of African states were cited, such as the 2001 adoption of a Model Law on Safety of Biotechnology and the Regional Approach to Biosafety Policy in Eastern and Southern Africa (RABESA initiative) of 2004.

Interim report on universalization activities

As the Sixth Review Conference had agreed that the Chairs of the Meetings of States Parties would coordinate universalization activities, address states not party to the BTWC, and provide an annual report on universalization activities, Ambassador Khan gave a brief interim report to the meeting on the efforts so far this year. He said he had written to all States that were not currently parties to the Convention and had received two replies – from Mozambique and Israel. The letter from Mozambique indicated that the process of accession was at ‘an advanced stage’ and would hopefully be concluded soon. The letter from Israel indicated ‘regional circumstances’ currently precluded consideration of accession to the BTWC, but that, hopefully, future circumstances may allow a renewed consideration.

Ambassador Khan noted that with four new States Parties so far this year – Montenegro, Kazakhstan, Trinidad and Tobago, and Gabon – if this rate of joining was continued, the BTWC could achieve universal adherence by the time of the next Review Conference in 2011.

Final Report of the MX

A draft of the report had been circulated as document CRP.1 and no objections to the text had been raised. The report is essentially procedural. It notes the decision of the Review Conference to hold the MX, how the meeting was organized, which States Parties and observers attended, and a brief outline of the work of the meeting.

France noted that subject headings under which the compiled list of proposals was organized in document CRP.2 did not follow the topics of the agenda of the MX. It was agreed that the Chairman and the Implementation Support Unit would rearrange this list before the report was published.

The paragraph of the report which includes the disclaimer that the compiled list of proposals has no official status (see *MX report #5*) was considerably shortened from the initial draft. The earlier version was highly convoluted and repetitive. This amendment,

while it might seem trivial, is actually a clear sign of the much more practical nature of this year's MX. [The texts of the CRP.1 and CRP.2 have been placed on the ISU website – <http://www.unog.ch/bwc> – and on the BWPP resource page (see below). In the ISU version, however, the published texts do not include the document numbers.]

Closing statements and remarks

Four States Parties gave brief closing statements – Cuba (for the Non-Aligned group of countries), Australia (for the Western group), Portugal (for the European Union) and Slovakia (for the Eastern group). Each of these followed the traditional format of expressing the thanks for the efforts of the Chairman and of the other States Parties. The inclusion of the EU in this tradition is a further sign that it is becoming a *de facto* BTWC regional grouping in its own right.

The Chairman's closing remarks characterized the meeting as 'very useful and constructive'. Among the themes and lessons of the meeting that he identified were: there is no 'one size fits all' solution for national implementation; that an 'implementation checklist' could be a more useful tool than model legislation; and there is a need to help States Parties build capacity, not just through guidance on enacting legislation and regulations, but also through practical assistance to build their capacity to enforce and manage such measures.

Reflections

The 2007 MX was much more positive, and much more practical, than the equivalent meeting in 2003. With some 90 States Parties registering, this meeting was better attended than the earlier MXs (83, 87 and 82, respectively).

In his closing statement, Ambassador Khan raised some questions whether there might be improvements in the way that the meetings are organized. One suggestion was that the presentations might be more carefully scheduled so that they fit into a more thematic discussion. It is clear that a number of delegates, especially from smaller states, felt burdened by the sheer volume of information being presented to them with little chance of informal discussion on the subject. A further consideration is that a number of presentations looked at broad aspects of national implementation, and so there was much repetition of detail. This wore down some enthusiasm of delegates during the week.

With hindsight, more might have been made of the time available, but it is not clear if this could have been predicted in advance. Most previous MXs and MSPs have needed time on Thursday afternoon and Friday morning to resolve differences of perspectives, so that the meeting could end on Friday afternoon with a consensus. As no great differences emerged during the week, this time was unused. If, however, working sessions had been scheduled for these times and significant differences had emerged during the MX, the meeting may not have been able to reach a consensus and would be regarded by many as a failure. The topics in future MXs are likely to be more contentious than those for 2007 and so the time for resolution of differences is sometimes likely to be needed. If Thursday afternoons should be kept free, perhaps a 'Thursday afternoon club' of individuals responsible for introducing new national measures could informally meet, perhaps in a coffee area, to have a free exchange of ideas and provide mutual support for their efforts?

This is the sixth and final report from the Meeting of Experts for the Biological and Toxin Weapons Convention which is being held from 20 to 24 August 2007 in Geneva. The reports are designed to help people who are not in Geneva to follow the proceedings.

The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP). Copies of all of these reports (and details of how to subscribe to them by e-mail) are available on the BWPP website at <<http://www.bwpp.org/2007%20MX/MX2007Resources.html>>. This page also includes other materials from the meeting.

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**SIXTH REVIEW CONFERENCE OF THE STATES PARTIES
TO THE CONVENTION ON THE PROHIBITION OF THE
DEVELOPMENT, PRODUCTION AND STOCKPILING
OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN
WEAPONS AND ON THEIR DESTRUCTION**

(Geneva, 20 November - 8 December 2006)

FINAL DOCUMENT

Geneva, 2006

Part II. Final Declaration

THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION, WHICH MET IN GENEVA FROM 20 NOVEMBER TO 8 DECEMBER 2006 TO REVIEW THE OPERATION OF THE CONVENTION, SOLEMNLY DECLARE:

- (i) Their conviction that the Convention is essential for international peace and security;
- (ii) Their determination also to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control including the prohibition and elimination of all weapons of mass destruction and their conviction that the prohibition of the development, production and stockpiling of bacteriological (biological) weapons and their elimination, will facilitate the achievement of this goal;
- (iii) Their reaffirmation of their firm commitment to the purposes of the Preamble and all the provisions of the Convention;
- (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;
- (v) Their continued determination, for the sake of humankind, to exclude completely the possibility of the use of bacteriological (biological) weapons, and their conviction that such use would be repugnant to the conscience of humankind;
- (vi) Their reaffirmation that under any circumstances the use, development, production and stockpiling of bacteriological (biological) and toxin weapons is effectively prohibited under Article I of the Convention;
- (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 non-peaceful purposes, and their recognition of the contribution of full and effective implementation of United Nations Security Council Resolution 1540 by all states to assist in achieving the objectives of this Convention;
- (viii) Their conviction that the full implementation of all the provisions of the Convention should facilitate economic and technological development and international cooperation in the field of peaceful biological activities;

- (ix) Their reiteration that the effective contribution of the Convention to international peace and security will be enhanced through universal adherence to the Convention, and their call on signatories to ratify and other states not party to accede to the Convention without delay;
- (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;
- (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.

Article I

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.
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.
3. The Conference reaffirms that the use by the States Parties, in any way and under any circumstances, of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict in order to exclude completely and forever the possibility of their 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.
4. The Conference notes that experimentation involving open-air release of pathogens or toxins harmful to humans, animals and plants that have no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I.

Article II

5. The Conference reaffirms for any state ratifying or acceding to the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to, or upon ratification of, the Convention.
6. The Conference emphasises that states must take all necessary safety and security provisions to protect populations and the environment when carrying out such destruction and/or

diversion. 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).

7. The Conference welcomes statements made by States Parties, and newly acceding and ratifying States Parties, that they do not possess agents, toxins, weapons, equipment or means of delivery as prohibited by Article I of the Convention.

Article III

8. The Conference reaffirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at the international, national or sub-national levels. 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.

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;

10. The Conference reiterates that States Parties should not use the provisions of this Article to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials under Article X.

Article IV

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 their 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.

12. The Conference welcomes those measures taken by States Parties in this regard, and reiterates its call to any State Party that has not yet taken any necessary measures to do so without delay. The Conference encourages States Parties to provide appropriate information on any such measures they have taken, as well as any other useful information on their implementation, to the United Nations Department for Disarmament Affairs.

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.

14. The Conference urges the inclusion in medical, scientific and military educational materials and programmes of information on the Convention and the 1925 Geneva Protocol. 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.

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.

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 United Nations 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.

19. The Conference reaffirms that under all circumstances the use of bacteriological (biological) and toxin weapons is effectively prohibited by the Convention.

Article V

20. The Conference reaffirms that:

- (i) this article provides an appropriate framework for States Parties to consult and cooperate with one another to resolve any problem and to make any request for clarification which may have arisen in relation to the objective of, or in the application of, the provisions of, the Convention;
- (ii) any State Party which identifies such a problem should, as a rule, use this framework to address and resolve it;
- (iii) States Parties should provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention.

21. The Conference reaffirms that the consultation procedures agreed at the Second and Third Review Conferences remain valid to be used by States Parties for consultation and cooperation pursuant to this Article. The Conference reaffirms that such consultation and cooperation may also be undertaken bilaterally and multilaterally, or through other appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

22. The Conference stresses the need for all States Parties to deal effectively with compliance issues. In this connection, the States Parties had agreed to provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention. Such responses should be submitted in accordance with the procedures agreed upon by the Second Review Conference and further developed by the Third Review Conference. The Conference reiterates its request that information on such efforts be provided to the Review Conferences.

23. The Conference emphasises the importance of the exchange of information among States Parties through the confidence-building measures (CBMs) agreed at the Second and Third Review Conferences. The Conference welcomes the exchange of information carried out under these measures, and notes that this has contributed to enhancing transparency and building confidence.

24. The Conference notes that only a limited number of States Parties make an annual CBM submission. The Conference recognises the urgent need to increase the number of States Parties participating in CBMs. In this regard, the Conference also recognises the technical difficulties experienced by some States Parties in completing full and timely declarations. In order to update the mechanism of transmission of information, the Conference has agreed on several measures.¹

25. The Conference reaffirms that the data submitted in the framework of the annual exchange of information should be provided to the United Nations Department for Disarmament Affairs and promptly forwarded by it to all States Parties according to existing modalities. The information supplied by a State Party must not be further circulated or made available without the express permission of that State Party.

¹ See Part III: Decisions and Recommendations

Article VI

26. The Conference notes that the provisions of this Article have not been invoked.
27. The Conference emphasizes the provision of Article VI that such a complaint should include all possible evidence confirming its validity. It stresses that, as in the case of the implementation of all the provisions and procedures set forth in the Convention, the procedures foreseen in Article VI should be implemented in good faith within the scope of the Convention.
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.
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.
30. The Conference notes that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons. The Conference notes in this regard General Assembly resolution 60/288 (2006).
31. The Conference notes that the procedure outlined in this Article is without prejudice to the prerogative of the States Parties to consider jointly the cases of alleged non-compliance with the provisions of the Convention and to make appropriate decisions in accordance with the Charter of the United Nations and applicable rules of international law.

Article VII

32. The Conference notes with satisfaction that these provisions have not been invoked.
33. The Conference takes note of desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided. In this context, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties if requested.

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

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.

36. The Conference takes note of the proposal that States Parties may need to discuss the detailed procedure for assistance in order to ensure that timely emergency assistance would be provided by States Parties, if requested, in the event of use of biological or toxin weapons.

37. The Conference reaffirms the undertaking of States Parties to provide or support assistance to any State Party which so requests, if the Security Council decides that such State Party has been exposed to danger as a result of a violation of the Convention.

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 a State Party.

Article VIII

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 party to the Protocol to ratify or accede to it without delay.

40. The Conference acknowledges that the 1925 Geneva Protocol, which prohibits the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, and the Convention complement each other. The Conference reaffirms that nothing contained in the Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any state under the 1925 Geneva Protocol.

41. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Convention.

42. The Conference welcomes the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Convention, and calls upon those States Parties that continue to maintain pertinent reservations to the 1925 Geneva Protocol to withdraw those reservations, and to notify the Depositary of the 1925 Geneva Protocol of their withdrawals without delay.

43. The Conference notes that reservations concerning retaliation, through the use of any of the objects prohibited by the Convention, even conditional, are totally incompatible with the absolute and universal prohibition of the development, production, stockpiling, acquisition and

retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use.

Article IX

44. The Conference reaffirms that this Article identifies the recognized objective of the effective prohibition of chemical weapons.

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.

Article X

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, the 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.

48. The Conference reaffirms that existing institutional ways and means of ensuring multilateral cooperation among all States Parties need to be developed further in order to promote international cooperation for peaceful uses in areas relevant to the Convention, including such areas as medicine, public health, agriculture and the environment.

49. The Conference calls for the use of the existing institutional means within the United Nations system and other international organizations, in accordance with their respective mandates, to promote the objectives of this Article. In this regard the Conference urges States Parties, the United Nations and its specialized agencies to take further specific measures within their competence for the promotion of 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 of international cooperation in this field.

50. The Conference also recognises that there should be efficient coordination mechanisms between the specialized agencies of the United Nations system and international and regional organizations, in order to facilitate scientific cooperation and technology transfer.

51. The Conference emphasises that in the interest of facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxin agents for peaceful purposes, States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials.

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.

54. The Conference encourages States Parties to provide appropriate information on how this Article is being implemented to the United Nations Department for Disarmament Affairs, and requests the Department to collate such information for the information of States Parties.

55. The Conference:

- (i) encourages the States Parties to continue strengthening existing international organizations and networks working on infectious diseases, in particular those of the WHO, FAO, OIE and IPPC, within their respective mandates;
- (ii) notes that the role of these organizations is limited to the epidemiological and public/animal/plant health aspects of any disease outbreak, but recognises the added value of information exchange with them;
- (iii) encourages States Parties to improve communication on disease surveillance at all levels, including between States Parties and with the WHO, FAO, OIE and IPPC;
- (iv) calls upon States Parties to continue establishing and/or improving national and regional capabilities to survey, detect, diagnose and combat infectious diseases as well as other possible biological threats and integrate these efforts into national and/or regional emergency and disaster management plans;
- (v) urges States Parties in a position to do so to continue supporting, directly as well as through international organizations, capacity-building in States Parties in need of assistance in the fields of disease surveillance, detection, diagnosis and combating of infectious diseases and related research;

- (vi) calls upon States Parties to promote the development and production of vaccines and drugs to treat infectious disease through international cooperation and, as appropriate, public-private partnerships.

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

Article XI

57. The Conference notes that the Islamic Republic of Iran has formally presented a proposal to amend Article I and the title of the Convention to include explicitly the prohibition of the use of biological weapons.

58. The Conference takes note of the statement by the Government of the Russian Federation as a Depositary that it has notified all States Parties of the proposal by the Islamic Republic of Iran to amend the Convention. The Conference encourages all States Parties to convey their views to the Depositaries on the proposal by the Islamic Republic of Iran.

59. The Conference reaffirms that the provisions of this Article should in principle be implemented in such a way as not to affect the universality of the Convention.

Article XII

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.

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

62. The Conference reaffirms that the Convention is of unlimited duration and applies at all times, and expresses its satisfaction that no State Party has exercised its right to withdraw from the Convention.

Article XIV

63. The Conference notes with satisfaction that eleven states have acceded to or ratified the Convention since the Fifth Review Conference.

64. The Conference calls upon signatories to ratify the Convention, and upon those states which have not signed the Convention to accede to it without delay, thus contributing to the achievement of universal adherence to the Convention.

65. The Conference encourages States Parties to take action to persuade non-parties to accede to the Convention without delay, and particularly welcomes regional initiatives that would lead to wider accession to the Convention.

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.

Part III. Decisions and Recommendations

Work of the 2003-2005 Meetings of States Parties

1. In accordance with the decision taken by the resumed session of the Fifth Review Conference, these Meetings of States Parties of one week duration were held each year, commencing in 2003, to discuss, and promote common understanding and effective action on five specified topics. Each Meeting of States Parties was prepared by a two-week Meeting of Experts. The five topics were:

- (i) the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
- (ii) national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
- (iii) enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;
- (iv) strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants;
- (v) the content, promulgation, and adoption of codes of conduct for scientists.

2. The Conference notes that the Meetings of States Parties and Meetings of Experts functioned as an important forum for exchange of national experiences and in-depth deliberations among States Parties. The Meetings of the States Parties engendered greater common understanding on steps to be taken to further strengthen the implementation of the Convention.

3. The Conference notes the contribution by the WHO, FAO, OIE and other relevant international organizations, as well as scientific and academic institutions and non-governmental organizations, to the Meetings of States Parties and Meetings of Experts.

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

Implementation Support Unit

5. Taking into account the importance of providing administrative support to meetings agreed by the Review Conference as well as comprehensive implementation and universalization 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 Geneva Branch of the United Nations Department for Disarmament Affairs, funded by States Parties for the period from 2007-2011, to perform the following tasks:

A. 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.

B. Confidence Building Measures:

- (i) Receiving and distributing confidence-building measures (CBMs) to/from States Parties;
- (ii) Sending information notices to States Parties regarding their annual submissions;
- (iii) Compiling and distributing data on CBMs and informing 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.

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

7. The Conference decides:

- (a) To hold four annual meetings of the States Parties of one week duration each year commencing in 2007, prior to the Seventh Review Conference, to be held not

later than the end of 2011, to discuss, and promote common understanding and effective action on:

- (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 implementation of the Convention.
 - (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 of preventing 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.
- (b) Each meeting of the States Parties will be prepared by a one week meeting of experts. 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. The first meeting will be chaired by a representative of the Group of the Non-Aligned Movement and Other States, the second by a representative of the Eastern European Group, the third by a representative of the Western Group, and the fourth by a representative of the Group of the Non-Aligned Movement and Other States.
- (c) The meetings of experts will prepare factual reports describing their work.
- (d) All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.
- (e) The Seventh Review Conference will consider the work and outcome of these meetings and decide on any further action.

Confidence-building Measures

8. The Conference notes that the review of Article V of the Convention has shown the need for enhancing participation of States Parties in the confidence-building measures (CBM) process. The Conference therefore decides that:

- (i) The Implementation Support Unit (ISU) within the United Nations Department for Disarmament Affairs, with the assistance of interested States Parties, shall develop an electronic format of the existing CBM forms.
- (ii) 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, to be developed under the auspices of the ISU. The information thus supplied by a State Party must not be circulated further without the express permission of that State Party.
- (iii) States Parties are invited to submit forms using the electronic format. States Parties that wish to submit completed paper forms instead of electronic forms may do so. The ISU shall insert the submitted hard copy data in the secure Internet site with the consent of the State Party providing this data in order to make it electronically available to all States Parties.
- (iv) The ISU shall centralize requests and offers of assistance regarding the submission of CBMs.
- (v) The ISU shall regularly inform States Parties about CBM returns and provide statistics on the level of participation at the annual meetings of States Parties.
- (vi) States Parties shall designate a national point of contact in charge of preparing the submission of CBMs, the contact details of which shall be sent to the ISU.
- (vii) The ISU shall circulate to points of contact a notice informing States Parties of the deadline for submitting information under the information exchange procedure (15 April) at least three months prior to this deadline.

9. Furthermore, the Conference reviewed the implementation of the CBMs during its session and agrees that the issue merits further and comprehensive attention at the Seventh Review Conference.

Promotion of Universalization

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 party 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 universalization of the Convention. To this end, the Conference:

- (a) Requests States Parties to:
 - (i) promote universalization of the Convention through bilateral contacts with states not party;
 - (ii) promote universalization 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 universalization 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 universalization of the Convention;
- (b) Agrees that the Chairs of Meetings of States Parties shall coordinate universalization activities, address states not party to the Convention, provide an annual report on universalization 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 Implementation Support Unit to:
 - (i) support the 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 party towards ratification.