

Monday 1st December 2008

## The 2008 Meeting of States Parties: Setting the Scene

The 2008 Meeting of States Parties (MSP) is the second meeting of the second year of the second inter-sessional process for the 1972 Biological and Toxin Weapons Convention (BTWC/BWC). The MSP was preceded by a one-week Meeting of Experts (MX) in August. The BWPP daily reports from the 2006 Review Conference and the subsequent Meetings are available via the BWPP website <<http://www.bwpp.org>>.

The topics for discussion at this year's meetings are '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 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'. The topics were agreed at the Sixth Review Conference for the BWC which was held at the end of 2006. Ambassador Georgi Avramchev (The former Yugoslav Republic of Macedonia) is the Chairman for the 2008 meetings.

It is notable that the MSP is opening on World AIDS Day – an example, as if one were needed, of the human cost of infectious disease. The possibilities of the hostile uses of disease, together with the hazards posed by natural outbreaks of disease, are a problem that has to be tackled by all states of the world. But tackling such a common problem in a more effective manner is not simply a question of international cooperation. There is a continuing need for improved implementation activities within countries.

### **The 2008 Meeting of Experts**

The MX met at the Palais des Nations in Geneva, Switzerland from 18 to 22 August 2008. The Meeting produced a number of ideas and suggestions which were annexed to its formal report (document BWC/MSP/2008/MX/3, dated 8 September 2008). These ideas and suggestions were condensed into a 'Synthesis Paper' prepared by the Chairman and circulated to States Parties (BWC/MSP/2008/L.1, dated 31 October 2008). These documents are available via the official BWC website <<http://www.unog.ch/bwc>> as well as via the BWPP website.

The inter-sessional process has been affected in the past by a certain lack of details and of concrete ideas or experiences being communicated at meetings – statements were often simplified or expressed in a very general nature. The 2008 MX benefited considerably from an additional level of detail in statements which is reflected in the above-mentioned documents.

Some 180 of the roughly 500 participants in the Meeting of Experts could be described as technical experts. It may seem a low figure at first glance having only one third of the participants being experts, but there are two notable factors to be considered.

The first is that experts are necessarily accompanied by regular diplomats on their delegations and so the experts will only ever constitute a proportion of those in the meeting. The second is that within many smaller states the pool of expertise available is limited to only a few people and the financial and opportunity costs of getting such a person to Geneva for a week may be prohibitive. In these cases it will be more productive for a country to use local representation than to have nobody in the meeting at all. However, if these meetings are to remain the primary forum for technical expertise on issues related to the potential for malign use of the life sciences, efforts must continue to bring the right people to the table – even if this requires external sponsorship – in order to assist them to be able to interact in ways that are both constructive and informative.

### **Issues of biosafety and biosecurity**

Safety and security of dangerous pathogens in all laboratories are important contributors to public protection. Similar issues were raised in the 2003 Meetings of Experts/States Parties when the topics for discussion included ‘national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins’.

There has been some difficulty with coming to clear and precise definitions of ‘biosafety’ and ‘biosecurity’, not least because in a number of languages these translate into the same term. One distinction between the two that has been generally accepted is that biosafety broadly deals with preventing the unintended release of dangerous materials from laboratories and laboratory equipment while biosecurity broadly deals with preventing the deliberate removal of dangerous materials from laboratories by persons who may use them for hostile purposes. Biosecurity has also had other meanings in other contexts.

### **Issues of education and codes of conduct**

Education and awareness raising for scientists involved in the life sciences are seen as important to help them understand the potential for hostile uses of their knowledge and research. These efforts include codes of conduct for the activities of the scientists themselves. Similar issues were raised in the 2005 Meetings of Experts/States Parties when the topics for discussion were ‘the content, promulgation, and adoption of codes of conduct for scientists’.

### **Progress on Universalization**

The 2006 Review Conference took a decision on ‘Promotion of Universalization’ to encourage countries outside of the BWC to join the Convention. At the time of that decision, the BWC had 155 States Parties. Since the 2007 Meeting of States Parties, Zambia (15 January) and Madagascar (7 March) have acceded to the Convention and the United Arab Emirates (19 June) has ratified it, bringing the total of States Parties to 162. There are indications that other countries are making significant progress in ratification/ accession processes, at least one of which, Cook Islands, is expected to accede soon.

A formal report on progress towards universalization is due to be made by the Chairman during the MSP.

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Tuesday 2nd December 2008

## The Opening Day: Statements and Prizes

The 2008 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) opened on Monday morning, as scheduled, with Ambassador Georgi Avramchev (The former Yugoslav Republic of Macedonia) in the Chair.

The meeting started with a message from the UN Secretary-General, Ban Ki-moon. The message was delivered by Sergei Ordzhonikidze, Director-General of the UN Office in Geneva. The Secretary-General described the inter-sessional work programme as 'inclusive and productive' and noted the number of stakeholders outside of government that are involved. He said further: 'I also urge you to begin thinking about additional steps that could be taken at the next review conference. You might consider how to increase membership, and how to further develop the implementation support unit. You might also explore the potential for further multilateral cooperation in the fields of verification, compliance and enforcement of the Convention'.

The Chairman presented his opening remarks, saying his motto for the meeting was 'refinement, structure and focus'. He noted that the task of the meeting was to 'promote common understanding and effective action' and 'not to negotiate binding agreements'. In trying to promote effective action, 'all views and perspectives are welcome'.

### **General Debate**

The general debate provides the opportunity for States Parties to make plenary statements. Statements were made in the morning (in the following order) by Cuba (on behalf of the NAM states parties to the BTWC), France (on behalf of the EU and associated states), Canada (on behalf of the 'JACKSNNZ' – [an informal grouping of Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand]), China, Turkey, United States, Germany, Russia, Indonesia, Republic of Korea, Iran, India, South Africa, Pakistan, Chile, Australia and Malaysia. After lunch, further statements were heard from United Arab Emirates, Libya, Morocco, Nigeria, Algeria and Brazil.

A number of common themes emerged from the papers. In addition to the biosecurity and education topics on the agenda of the meeting, many statements made reference to issues of universality, the role of the Implementation Support Unit and to the usefulness of the material in the synthesis paper.

More detailed analysis on the biosecurity and education topics on the agenda will be provided in following daily reports. However, there were some notable features of particular statements. The Cuba/NAM statement made particular reference to Article X of the Convention and the encouragement to States Parties from the 2006 Review Conference to provide information on how this article has been implemented. France for the EU described a new Joint Action in support of the BWC that was agreed in November. The Canada/JACKSNNZ statement urged timely submission of Confidence-Building Measures

(CBMs) and noted some JACKSNNZ members had published their CBMs. The United States noted that the Western Group had proposed Canada as the candidate from the group for next year's meetings – a decision to be taken by the meeting as a whole later this week. Russia examined the difficulties of the dual-use nature of relevant materials and technologies and suggested consideration of whether a permanent mechanism to examine scientific information was needed for the BWC. South Africa summarized the issues before the meeting in the phrase 'responsible and ethical use of science' and noted that in terms of bio-risks, natural disease and accidental exposures to pathogens had so far been greater risks than deliberate exposures. Pakistan expressed a belief that 'multilaterally negotiated legally binding verification mechanisms' were crucial for effective arms control and disarmament, although these words were not in the printed text circulated in the room.

Copies of those statements that were circulated in printed form will be put on the BWPP website in due course.

### **NGO Statements**

For a period during the afternoon, the formal meeting was suspended to allow NGOs to address the delegates. Statements were given by the University of Bradford Department of Peace Studies, the International Network of Engineers and Scientists for Global Responsibility, Pax Christi International, the Verification Research, Training and Information Centre (VERTIC), London School of Economics, University of Hamburg Research Group for Biological Arms Control, the BioWeapons Prevention Project (BWPP), the Biosecurity Working Group of the Inter-Academy Panel on International Issues and a joint statement from Landau Network - Centro Volta and the Bradford Department of Peace Studies. Copies of these statements will be put on the BWPP website in due course.

### **Coupland Prize**

During its NGO statement, the BWPP announced the winners of the Coupland Prize competition. This competition had been launched at the Meeting of Experts in August as an initiative to raise awareness of the dangers of the misuse of the biological sciences and was open to undergraduate students in any country. Entrants had to imagine how they would draft a letter to their University Dean explaining why the BWC should be included as a mandatory component in the curricula of undergraduate courses in the life sciences.

The winner is Andrew Nguyen, of the Biological and Chemical Sciences Faculty, University of Queensland, Australia, who will receive US\$2000 prize money. The second place is awarded to Kirk Bansak, Department of Anthropology, Harvard University, USA, who will receive US\$800. The winning entries can be viewed on the BWPP website.

### **Side Events**

Monday's only side event was a lunchtime seminar held by VERTIC and the BWPP entitled 'National Implementation and Universalization'. Presentations were heard from Scott Spence (VERTIC) on 'National Implementation Measures for the BWC' and Kathryn McLaughlin (BWPP) on 'Universalization of the BWC'. Work by these organizations in these areas has been supported financially by the governments of the Netherlands and the United Kingdom. VERTIC will repeat the national implementation element of this seminar in French and Spanish on Tuesday and Thursday morning respectively.

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Wednesday 3rd December 2008

## The Second Day: Start of Closed Sessions

The 2008 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) reconvened on Tuesday morning to hear one presentation in public before moving on to the agenda item 'Consideration of national, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins', discussion of which was held in private.

The movement into closed session is in marked contrast to the openness of the Meeting of Experts in August during which all sessions had been held in public. Many delegates had not even noticed that the NGOs had been excluded from the room given the uncontroversial nature of what was under discussion. There is a certain irony that a session related to transparency in setting biosecurity standards should be held behind closed doors!

The numbers of participants in this meeting is visibly reduced from that of the equivalent meeting in 2007 and the Meeting of Experts earlier this year. Key reasons for this would appear to be the clash in scheduling of this MSP not only with the signing of the cluster bombs treaty in Oslo but also with the annual Conference of the States Parties (CSP) of the 1997 Chemical Weapons Convention in The Hague. A number of delegates are travelling between the these (therefore participants lists for each event may have an inflated appearance through individuals being registered for more than one). Consultations being held in the margins of both the MSP and CSP on possible dates for next year indicate a desire to prevent this clash in 2009.

In Washington, DC, a Congressionally mandated commission of inquiry in the United States published its report on proliferation issues.

### **Interpol Presentation**

The public presentation was from Interpol and was given by Lisa Garin-Michaud of its Bioterrorism Prevention Programme which is funded by the Alfred P Sloan Foundation until 2011 with additional support from the Canadian and US governments and from private entities such as Microsoft. Interpol noted that the launch conference for this programme in 2005 had been attended by police from more countries than any of its other events. Regional workshops and training sessions have been held. For example, during 2007, training events were held in Kenya, Romania, the Philippines, Peru and Egypt. Table top exercises have been held in France in December 2007 and in Malaysia in August 2008.

### **Biosafety and biosecurity discussions**

The morning session on this topic had been scheduled for discussion of the theme 'concepts and approaches' with the afternoon reserved for the themes of 'building capacity' and 'risk management'. As it turned out, the afternoon session was cancelled as only one State Party, the United States, had asked for the floor and so this country will speak on the topic on Wednesday morning.

Much discussion was on definitions and standards for biosafety and biosecurity with references to standards set by other bodies, such as the World Health Organization. An example of regional cooperation on these subjects was given in a description of the Regional Seminar on Implementing Biosafety and Biosecurity Management, organized by Indonesia and Norway, that was held in Jakarta in June. It was suggested that a common understanding amongst States Parties of the meanings of biosafety and biosecurity in the context of the BWC would not amount to a 'one size fits all' approach.

### **Side Events**

Tuesday saw two side events. The first was an early-morning rendition in French of the VERTIC presentation on 'National Implementation Measures for the BWC' that had been given in English on Monday.

The second was a lunchtime seminar on Confidence-Building Measures (CBMs) hosted by the Geneva Forum entitled 'Preparing the Ground for the CBM Content Debate: What Information Builds Confidence?' that took its name from a project of the BIOS Centre at the London School of Economics (LSE) sponsored by the Swiss Department of Foreign Affairs. Presenters were: Richard Lenanne from the Implementation Support Unit who provided an overview of the role of the ISU in relation to CBMs; Filippa Lentzos from LSE who addressed the quality of current CBM information; and Reto Wollenmann from Switzerland, speaking on behalf of Ambassador Jurg Streuli, who outlined a longer-term perspective on CBMs. Details of the BIOS Centre project can be found at [http://www.lse.ac.uk/collections/BIOS/biosecurity/projects/building\\_confidence.htm](http://www.lse.ac.uk/collections/BIOS/biosecurity/projects/building_confidence.htm)

### **'World at Risk' report**

The US Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism published its report on Tuesday, entitled 'World at Risk'. It is not clear on what evidence the Commission based some of its conclusions about levels of threat. The report contains two biological-specific recommendations:

RECOMMENDATION 1: The United States should undertake a series of mutually reinforcing domestic measures to prevent bioterrorism: (1) conduct a comprehensive review of the domestic program to secure dangerous pathogens, (2) develop a national strategy for advancing bioforensic capabilities, (3) tighten government oversight of high-containment laboratories, (4) promote a culture of security awareness in the life sciences community, and (5) enhance the nation's capabilities for rapid response to prevent biological attacks from inflicting mass casualties.

RECOMMENDATION 2: The United States should undertake a series of mutually reinforcing measures at the international level to prevent biological weapons proliferation and terrorism: (1) press for an international conference of countries with major biotechnology industries to promote biosecurity, (2) conduct a global assessment of biosecurity risks, (3) strengthen global disease surveillance networks, and (4) propose a new action plan for achieving universal adherence to and effective national implementation of the Biological Weapons Convention, for adoption at the next review conference in 2011.

The report can be downloaded from <http://www.preventwmd.gov/report/>.

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Thursday 4th December 2008

## The Third Day: Completion of Topical Sessions

The 2008 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Wednesday morning with agenda item 6 – ‘Consideration of national, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins’ before moving onto discussion of agenda item 7 – ‘Consideration of 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’. The meeting also heard remarks from the Chairman, Ambassador Georgi Avramchev (The former Yugoslav Republic of Macedonia), on a biosecurity meeting he attended and received presentations on synthetic biology.

Wednesday saw the end of the sessions dedicated to the specific topics allocated to this year’s meetings and the rest of the MSP will be dedicated to discussion of such matters as universalization activities and the report of the Implementation Support Unit. The MSP will also need to draft its own final report (the uncontroversial draft procedural paragraphs of which were circulated on Wednesday).

About 40-50 per cent of the Wednesday sessions, as measured in time passed, were held as open meetings, and the open hours form the bulk of reporting here.

### **NSABB meeting**

At the start of the morning session, the Chairman described his participation in a meeting entitled ‘Sustaining Progress in the Life Sciences: Strategies for Managing Dual Use Areas of Concern’, that was held in Bethesda, Maryland, USA during 5-7 November. Over 130 participants drawn from 72 organizations in 37 countries had been involved in the meeting which was hosted by the US National Science Advisory Board for Biosecurity (NSABB).

Amongst other things, the meeting heard calls for a richer life-cycle review process for science, covering legal, ethical, safety and security aspects. A report of the meeting is to be published in due course and will be made available on the NSABB website <<http://oba.od.nih.gov/biosecurity/>>.

### **Biosafety and biosecurity discussions**

The United States then gave its presentation on the Biosecurity Engagement Program (BEP) which had been held over from Tuesday. Had the presentation been given the day before it would have been done in closed session, but on Wednesday morning it was open.

The BEP was described as aiming at long-lasting collaborations that improve the safety and security of capacity and infrastructure within a number of countries. The US

indicated it is currently engaged with over 40 countries in its efforts to enhance biosecurity. More information about the BEP can be found at <<http://www.bepstate.net>>.

### **Synthetic biology presentations**

Using the same procedure for suspending the meeting that allowed NGOs to address delegates on Monday, two presentations were given informally on the subject of synthetic biology. Stephen Maurer, of the Goldman School of Public Policy, University of California, Berkeley, spoke on 'Grassroots Biosecurity Initiatives' and Markus Fischer spoke about the 'Industry Association Synthetic Biology' (IASB), a collaboration between five German companies that is now recruiting new members internationally. A number of issues emerged during the presentations and the subsequent discussions.

The ability to cheaply purchase long sequences of DNA from production companies that previously would have been costly and labour intensive creates a situation where new abuses of the life sciences are possible. Most production companies will check sequences ordered against databases of known harmful sequences, such as those that come from lethal viruses and one of the leading databases for this is now available for free. Questions remain about which sequences should be tested for and how any international standards for this might develop. Most companies already screen orders, not least to ensure safe handling of sequences as they are produced. A draft code of conduct for production companies has been drafted and will be circulated to the MSP as a working paper. More information on the IASB can be found at <<http://www.ia-sb.eu>>.

### **Education and Codes of Conduct**

The MSP moved into closed session around noon for agenda item 7 and continued on this topic into the afternoon. The topic was broken down into three themes for the Programme of Work – 'Oversight of science', 'Education and awareness raising', 'Codes of conduct' – although most presentations seemed to contain elements of all three.

There appeared to be little of substance in this discussion that had not been raised during the Meeting of Experts in August.

### **Side Events**

An 'International Panel on Biosecurity Education' was held before the morning session, jointly convened by the American Association for the Advancement of Science (AAAS), the Landau Network-Centro Volta (LNCV) and the University of Bradford Disarmament Research Centre (BDRC). The meeting was chaired by Maurizio Martellini (LNCV) and presentations were heard from Giulio Mancini (LNCV) and James Revill (BDRC) entitled 'Project on Biosecurity Education in Europe', Jennifer Sta.Ana (AAAS) on 'Professional and Graduate-Level Programs on Dual Research and Biosecurity in the US', and Simon Whitby (BDRC) on 'Developing Biosecurity Education Materials'.

A lunchtime seminar by the United Nations Interregional Crime and Justice Research Institute (UNICRI) that was advertised some time ago did not take place. It was unfortunate that a lunchtime slot had been reserved without being used as many people had been unable to attend the morning seminar owing to other commitments at that time.

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Friday 5th December 2008

## The Fourth Day: Reports presented and a Final Report to be decided

The 2008 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Thursday morning with the agenda items 'Reports from the Chairman and States Parties on universalization activities' and 'Report of the Implementation Support Unit (including report on participation in the confidence-building measures)'. The meeting went on to consider of the draft final report of the Meeting itself. The entire proceedings for the day were held in closed session.

### **Report on Universalization**

The 2006 BWC Review Conference decided that the Chairman of each of the annual set of meetings of the renewed inter-sessional process should provide a report each year on universalization activities. The Chairman, Ambassador Georgi Avramchev (The former Yugoslav Republic of Macedonia), introduced his report on universalization activities at the start of the morning's proceedings. This report not only outlines specific activities to promote universalization either by the Chairman or the ISU, but also includes information from States Parties and other organizations, where that information has been provided to the Chairman or the ISU. Much of the information provided was from the BWPP. The Report (document number BWC/MSP/2008/4, dated 28 November 2008) is available via the UN Documents server <<http://documents.un.org>>.

### **Report of the ISU and discussion of CBMs**

The report of the ISU (document BWC/MSP/2008/3, dated 28 November 2008) contains information on the activities of the ISU over the past year and also contains a table of details of which countries have submitted Confidence-Building Measures (CBMs) in this time. The report includes details of 60 CBM submissions. An additional CBM return has since been received.

The discussion of the report offers a chance for delegates to take a wider perspective on the implementation of the BWC as it impossible to look at the ISU in isolation. The ISU reports to States Parties each year to illustrate how it has carried out the its mandated tasks. Paragraph 5 of part III of the Final Document of the 2006 Review Conference reads '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 ...'. By 'Taking into account' such considerations in outlining the specific tasks of the ISU, it follows that the activities of the ISU have to measured against this context, therefore 'comprehensive implementation' needs to be discussed during the review of the ISU report.

An example of taking a broader perspective on the role of the ISU was a statement by the Netherlands, which took the opportunity to remind the Meeting of the

working paper it introduced in 2007 on behalf of the EU on the ISU (see last year's MSP daily reports no 2 and no 6), with particular attention drawn to comments by other States Parties on related issues – such as the suggestion by Russia earlier this week on scientific advice. Russia responded to this, noting that its preference was for a panel of scientific expertise from nationally-appointed experts rather than from a forum where the experts might be chosen by other means, such as by the ISU, for example.

A number of States Parties urged further discussion on the role of CBMs and their content. Switzerland is particularly active in this regard. The Dutch referred to the 'intersessional straitjacket' that limited discussion on this topic before the 2011 Review Conference.

### **Draft Final Report**

Following the circulation of suggested paragraphs for the final report on the procedure of the MSP on Wednesday, two sets of suggested paragraphs describing the substantive discussions of the meeting were circulated by the Chairman on Thursday.

An initial draft of the substantive paragraphs was distributed to States Parties in the afternoon session of the Meeting. A number of informal consultations were then carried out, primarily through the formal regional grouping associated with the BWC – western, eastern and non-aligned – but also through other gatherings such as the EU and the JACKSNNZ (an informal grouping of Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand), for example.

A second draft of the substantive paragraphs was circulated at 6pm. While there are a number of changes between the two drafts, they are mostly to do with sequence or emphasis of issues. The drafts carry a lot more detail of discussions and concepts raised than past final reports. Further consultations were expected to be carried out on the draft.

### **Side Events**

There were three side events on Thursday, two of which were held in parallel. Early in the morning, before the MSP started, Barry Kellman (DePaul University) gave a presentation on 'Preventing Bioviolence'. At the same time, the Verification Research, Training and Information Centre (VERTIC) gave its presentation on 'National Implementation Measures for the BWC' in Spanish that had been given in English on Monday.

A lunchtime seminar was held by the United Nations Institute for Disarmament Research (UNIDIR) in association with the delegation of France on the subject of 'Universalization of Confidence-Building Measures in the Biological Weapons'. Opening remarks were heard from Christine Agboton Johnson (UNIDIR) and Sophie Moal-Makame (France). Presentations were given by Ngoc Phuong Huynh (ISU) on 'Successes and Challenges in Current CBMs', Filippa Lentzos (BIOS Centre, London School of Economics) on 'Global Trends in the Content of Information Exchanged', Angela Woodward (VERTIC) on 'Reaching a Tipping Point: Achieving the Universalization of the CBMs in the BWC'. Elisande Nexon (Fondation pour la Recherche Stratégique) acted as a discussant.

### **PLEASE NOTE:**

***There will be an additional MSP report covering the final day of the Meeting. This will be published early next week and will be posted at the web location given below.***

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Monday 8th December 2008

## The Fifth Day: Conclusion of the Meeting

The 2008 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) concluded on Friday morning. A number of informal consultations had been undertaken on the draft final report and, once these had been completed, the meeting held a public session to go through the formal adoption of the report and to take other formal decisions.

Considerable care had been taken this year to ensure that all States Parties were happy with the final report before the consultations in order to prevent a recurrence of the situation in 2007 in which Iran raised objections to the wording of the equivalent report after the public session had started.

The public session opened at 11.45 and started with the news from the UK that the Cook Islands had deposited its instrument of accession, bringing the treaty membership up to 163. The MSP was formally closed at 12.15.

### **Final Report**

The final report of the MSP contains more detailed language about the subject matters that were under discussion. The use of language is very careful to ensure that nothing might be construed as a decision or recommendation. (Iran reminded the meeting on Wednesday that it still interprets the mandate given to the inter-sessional process by the 2006 Review Conference in a strict manner and so could not agree to any decisions or recommendations from the MSP; an interpretation shared by the United States, among others.) The final report therefore uses phrases such as 'States Parties agreed on the value of' or 'States Parties recognised the value of'.

An informal advance copy of the final report of this MSP was up on the web by Friday afternoon (see <http://www.unog.ch/bwc>) with a formal version to be made available in the near future. The formal version will carry the document number BWC/MSP/2008/5.

### **The 2009 meetings**

The Chairman for the 2009 meetings will be Marius Grinius of Canada. The Meeting of Experts will be held on 24-28 August 2009 and the Meeting of States Parties on 7-11 December 2009.

There is only topic for discussion in 2009, although it comes in two parts: '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'

## Reflections

A conscious effort is taken in writing these daily summaries to report the facts and not give opinion. However, there are many times that the question is raised – ‘so what do you think about what happened?’ The following are some personal reflections that do not necessarily represent anyone’s views other than the author’s own.

The Meeting of States parties was undoubtedly a success within the terms of its remit, but this does lead to questions of what could have been achieved with a wider remit and what, in the long run, counts as success for the BWC. Limitations of the remit could be felt on such topics as the promotion of the Confidence-Building Measures (CBMs) and how the contents of the CBMs might be redefined in order to make them a more useful tool. Under a strict interpretation of the mandate from the 2006 Review Conference, such topics can only be discussed in 2011 at the next Review Conference.

On the subject of CBMs, the EU’s efforts to support other countries to submit their returns may be undermined unless Luxembourg manages to deliver its return by the end of the year. If this is done, the EU will have had all of its member countries submitting for three years in a row. The oddities of the CBM arrangements are illustrated by the listing of the Form F CBM return for Iraq in the annual report of the Implementation Support Unit as ‘nothing to declare’. Form F details past biological warfare-related activities, and Iraq admitted to such activities being carried out in the 1980s. However, the current CBM arrangements do not allow for any questions to be raised about a matter such as this, except in traditional bilateral diplomacy.

There were many calls for verification arrangements to be added to the Convention – not least by the UN Secretary-General – during the meeting. However, there is no debate about what ‘verification’ means. It is clearly impossible to have this debate within the current meeting mandate, but it will be important to have it as there may be a greater divergence of what might constitute verification than many delegates realise. The United States is not the only country that would be opposed to a formal verification arrangement, but it is certainly the most prominent State Party holding this position.

Perhaps the most memorable feature of this meeting for this author was the slightly surreal way that there were no clear distinctions for those in the room about which sessions were held in public and which in private. Not only was the timing of moving to closed session ironic on Tuesday (see report no 3), but on Wednesday, the moment when the discussion moved to awareness raising and codes of conduct – topics that are all about engagement with the outside world – was the moment at which the doors closed and the NGOs were required to be out of the room. The circumstances were a satirists dream! States Parties can always request that they would like to give their presentation in an open session. This would allow the outside world to know what has been presented and, for the subject of capacity building under discussion next year, would allow states to illustrate in public what they had achieved in this field.

Looking forward to 2009, hopefully attendance will return to the historically higher levels of the past. The scheduling clash with both the cluster bomb treaty signing in Oslo and the Conference of States Parties (CSP) for the 1993 Chemical Weapons Convention in The Hague meant that fewer people were able to attend the MSP or had to travel between events during the week. Next year should mark an improvement, as the dates scheduled for the CSP will be the week before the MSP, i.e., 30 November to 4 December 2009. Having these meetings back-to-back makes it easier for delegates who might travel a considerable distance into Europe to attend both. Just for the record, 126 CWC States Parties attended the 2008 CSP, but the meeting was unable to reach consensus on a final report.

*This is the sixth and final report from the Meeting of States Parties for the Biological and Toxin Weapons Convention which is being held from 1 to 5 December 2008 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) in co-operation with the Verification Research, Training and Information Centre (VERTIC). Copies are available via <<http://www.bwpp.org/2008MSP/MSP2008Resources.html>>.*