

Monday 7th December 2009

The 2009 Meeting of States Parties: background to the meeting

The 2009 Meeting of States Parties (MSP) will complete the third year of the second inter-
sessional process for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC).
The MSP was preceded by a one-week Meeting of Experts (MX) in August. The BWPP
daily reports from the August MX and the 2006 Review Conference and the Meetings in 2007
and 2008 are available via the BWPP website at <http://www.bwpp.org/reports.html>.

The topic for discussion at the MX and MSP this year is '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'. This topic was agreed at the
Sixth Review Conference for the BWC which was held at the end of 2006. The MSP may
also discuss 'universalisation and comprehensive implementation of the Convention', as
agreed at the Sixth Review Conference.

By the weekend before the opening of the MSP, an advance copy of an ISU paper
'Background Information on Scientific and Technological Developments that may be Relevant
to the Convention' had been placed on the ISU website, together with the draft agenda, draft
programme of work, the annual report of the ISU and the Universalization report by the Chair
of the Meeting. The advance release of papers allows for their contents to be considered
before start of the Meeting.

The 2009 Meeting of Experts

The MX met at the Palais des Nations in Geneva, Switzerland from 24 to 28 August 2009. A
compilation of 'Considerations, Lessons, Perspectives, Recommendations, Conclusions and
Proposals Drawn From the Presentations, Statements, Working Papers and Interventions on
the Topics Under Discussion at the Meeting' was annexed to its formal report (document
BWC/MSP/2009/MX/3, dated 16 October 2009). These ideas and suggestions were
condensed into a 'Synthesis Paper' prepared by the Chairman and circulated to States Parties
(BWC/MSP/2009/L.1, also dated 16 October 2009). These documents are available via the
official BWC Implementation Support Unit (ISU) website <http://www.unog.ch/bwc> as
well as via the UN documents server <http://documents.un.org>.

Issues of disease surveillance and containment

The use of biological weapons – whether in warfare or as a terrorist or criminal act – is
nothing more than the deliberate use of disease. Countering this therefore includes questions
of public health and reduction in the threat of all disease. There is much common ground in

responses to outbreaks of disease, whether they stem from natural, deliberate or accidental (such as a laboratory incident) causes.

Infectious diseases are not limited by political boundaries and outbreaks can spread not only between countries but across whole regions. A few can have a global spread. In recent years there has been a growing recognition that outbreaks of infectious disease have an impact far greater than simply the health of the individual, but have ramifications and implications for economic security of a country and even national security. With the global economic downturn, there are many officials concerned about the additional economic impact following the global spread of the new influenza A (H1N1) strain [commonly, although misleadingly, referred to as 'swine flu'].

It is worth noting that while infectious diseases such as influenza were prominent in interventions by diplomats from Western countries during the MX, the focus for many other diplomats was the significant impact that other infectious diseases such as malaria were having on the quality of life and economic activity in their countries.

Article X issues

The BWC contains a bargain, embodied in Article X of the Convention, which is the renunciation by States Parties of hostile uses of biological materials and technologies in return for freedom to gain the benefits of the peaceful uses of them. Security, economic and geographical considerations influence how individual governments see the balance between the two sides of this bargain. Most Western states have consistently put emphasis on the security aspects of the bargain, while states seeking greater economic development see access to peaceful uses as a key justification for using precious governmental resources in their engagement with the Convention. For example, during the MX, Cuba (on behalf of the non-aligned states) circulated a Working Paper on 'The Establishment of a Mechanism for the Full Implementation of Article X of the Convention' (BWC/MSP/2009/MX/WP.24, dated 25 August 2009). The paper states 'There are marked disparities that result from asymmetries in the development of the States Parties. The Article X of the Convention is a fundamental tool to overcome this situation.'

The BWC and its chemical equivalent

This year, the MSP is being held the week after the Conference of the States Parties (CSP) under the Chemical Weapons Convention (CWC) which was held in The Hague where the CWC's institutional body, the Organization for the Prohibition of Chemical Weapons (OPCW), is located. In 2008, the CSP and the MSP were held in the same week; the CSP was unable to agree a final report and a Chairman's text was produced in its place. This year, the CSP did agree a final report, although this was not until 11pm on the final day.

Possible lessons are being learned from the BWC experience for the CWC context. The US statement to the CSP last Monday (30 November) included: 'we believe that holding some meetings to which all stakeholders are invited, along the lines of the very successful Experts Meetings for the Biological Weapons Convention, would pay real dividends to our work'. Australia's statement to the CSP spoke of the usefulness of seminars in which the participants can 'discuss and develop common understandings and promote effective action' – exactly the words used in the original mandate for the BWC Meetings agreed in 2002.

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Tuesday 8th December 2009

The 2009 Meeting of States Parties: the opening day

The 2009 Meeting of States Parties (MSP) opened on Monday morning with Ambassador Marius Grinius of Canada in the Chair. The Meeting started with the routine administrative decisions such as the adoption of the agenda and the programme of work, which follows the divisions within the Synthesis Paper. An additional feature of this procedural element was the adoption of Ambassador Carlos Portales of Chile to Chair the 2010 Meetings. Such a decision would normally be taken on the last day of the MSP, but circumstances meant that Ambassador Portales could not be present on Friday.

In his opening statement, the Chair noted the benefits of the MSP producing a 'concise focused product'. He reminded the Meeting that the purpose was not to negotiate in the traditional sense, but to 'develop common understandings and promote effective action' and noted that, given the subject matter of the Meeting, it would benefit from use of open sessions where possible.

Where copies of statements or presentations have been provided by those who delivered them, the ISU will place these on its website <<http://www.unog.ch/bwc>>.

Plenary statements

After the completion of formalities, the Meeting heard plenary statements from States Parties in the following order during the morning: Cuba (on behalf of the non-aligned [NAM] states), Sweden (on behalf of the EU), Australia (on behalf of the 'JACKSNNZ' – [an informal grouping of Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand]), Switzerland, Russia, China, Japan, Saudi Arabia, the United States, Germany, Nigeria, Algeria, India, Republic of Korea, Norway and Chile. After lunch, statements were made by Argentina, Mexico, Australia (national statement), Pakistan, South Africa, Malaysia, Iran, Turkey, Morocco, Bangladesh, Senegal and Madagascar

There were many general statements and there was much common ground. The need for capacity building featured prominently. The need for effective disease surveillance at all levels – local, national, regional and global – and the need for prompt diagnosis and cooperation in response to an outbreak were referred to in many statements. Many statements looked towards the next Review Conference in 2011 in one aspect or other. A number of statements made reference to the BWC's system of Confidence-Building Measures (CBMs).

The Cuba/NAM statement restated calls for a 'mechanism' for Article X implementation. Most, if not all, NAM country statements made direct reference to Article X issues. Pakistan stated Article X 'is very clear and unambiguous. It does not need any interpretation'. India stated 'it is also a fact that denial of materials, equipment and technology related to peaceful uses of bio-technology continue to exist'. Iran returned to its suggestion made during the MX that there should be formal arrangements under the BWC to consider cases of transfer denials. Most Western states described development activities they felt were relevant to Article X; and some noted the obligations on all States Parties to ensure they do not assist prohibited activities through transfers or other methods. Switzerland noted

it was 'not convinced' of the benefit or feasibility of negotiations on a legally binding Article X implementation mechanism.

A number of events were directly referred to, such as an EU sponsored workshop in Brussels in November on improving cooperation between States Parties under Article X; a workshop in Riyadh in October; and an Indonesian-Norwegian-ISU workshop on the BWC and global health held in Oslo in June. Nigeria noted that it is organizing a regional workshop for the West and Central African Regions in the early part of 2010 on disease surveillance issues which would include technical managers and policy makers. Sweden noted the EU Joint Actions in the biological field. It is the first year that Madagascar has made a statement to a BWC meeting. The statement by China included a very clear and concise summary of disease surveillance and international cooperation issues.

The US statement announced that a 'senior Administration official' would explain the US approach 'to countering the biological threat' later this week, but did not name the individual. This coyness has led to much speculation, and to delegates around the room joking about this, some even suggesting that it might be John Bolton! It seems likely that the senior official will be Ellen Tauscher, the new Under Secretary of State for Arms Control and International Security, but no member of the US delegation would be drawn on this. Whoever the individual might be, the Meeting should benefit from the increased political attention that derives from a high level of representation, such as that of an Under Secretary. Such a level of representation also sends a clear signal that much is changing in policy in this area within the US government and that biological issues are firmly on the agenda within US policy-making processes.

NGO statements

As in previous Meetings, time was set aside during the afternoon to provide an opportunity for NGOs to address the Meeting in an informal session. Statements were given in the following order: University of Bradford; Biosecurity Working Group of the Inter-Academy Panel on International Issues; International Network of Engineers and Scientists for Global Responsibility (INES); Center for Arms Control and Non Proliferation/Scientists Working Group on Biological Weapons; BioWeapons Prevention Project (BWPP); Verification Research, Training and Information Centre (VERTIC); Research Group for Biological Arms Control, Hamburg; National Defence Medical College of Japan & University of Bradford; London School of Economics; Pax Christi International; and European Biosafety Association.

Side events

The US National Academy of Sciences (NAS), the University of Bradford, the National Defense Medical College of Japan, and the Landau Network-Centro Volta (LNCV) held a lunchtime seminar on the topic of 'International Cooperation, Biosecurity and the Education of Life Scientists'. The seminar was chaired by Ambassador Serhiy Komisarenko of Ukraine and was introduced by Ambassador Grinius. Presentations were made by Jo Husbands (NAS) who gave her personal views on how ethical education of life scientists has progressed; Major-General Norihiko Yamada (Surgeon General, Air Staff Office, Japanese Ministry of Defence) spoke of Japanese educational courses on ethical issues relating to dual-use research; Simon Whitby (Bradford) introduced a new on-line educational project at <<http://www.dual-usebioethics.net/>>. Giulio Mancini (LNCV) talked about encouraging inclusion of dual-use issues in university life sciences courses.

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Wednesday 9th December 2009

The Second Day: cooperation and challenges

The 2009 Meeting of States Parties (MSP) continued on Tuesday as part of the second inter-sessional process for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). The Meeting was chaired by Ambassador Grinius of Canada.

The Programme of Work adopted on Monday had the subjects 'Aims' and 'Addressing problems, challenges, needs and restrictions' listed for discussion on the topic of capacity building in disease surveillance for the morning and afternoon respectively. However, both of these subjects were dealt with on Tuesday morning, and so Wednesday morning's subject, 'Developing mechanisms for building capacity', was brought forward to Tuesday afternoon.

There was considerable overlap between these sessions. Some countries spoke more than once in each session and some of these short interventions were the most informative. Some countries, such as Armenia and Kenya, took the floor for the first time in this MSP. In drawing out the themes in the analysis below, interventions are not listed in chronological order but are selected to illustrate the perspectives being expressed. Working Papers referred to will be available via the official BWC Implementation Support Unit (ISU) website <<http://www.unog.ch/bwc>> in due course.

Aims

Cuba, speaking in a national capacity, reminded participants that the use of the term 'disease' in the mandate for this meeting did not simply cover human diseases, but also those affecting animals and plants; and offered a further reminder that this mandate did not cover all of Article X, a reminder that the Chair remarked upon as being useful. Iran described Article X as one of the pillars of the Convention and said it needed to be thoroughly reviewed. The United States said that any review of Article X should be part of a review of the whole Convention and that is the job for the five-yearly Review Conferences. India said Article X cannot be seen in isolation and that the Convention must be regarded in a holistic manner.

Addressing problems, challenges, needs and restrictions

The balance between the obligations under the BWC for each State Party to ensure it does not assist others in the acquisition of biological weapons [Article III] while at the same time to ensure 'the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes' [Article X.1] was the subject of much discussion. Iran said that peaceful activities were being hindered by restrictions on transfers of reference samples that were needed to calibrate equipment vital for legitimate research. The UK argued that 'good faith' implementation of Article III obligations was not a restriction. Pakistan suggested that Article X lacked focus in the BWC process. The UK described the debate on an Article X mechanism as 'sterile', to which India responded it was sterile as there was no proper forum for dialogue on this issue.

The USA suggested that a challenge not specifically mentioned in the Synthesis Paper was that potential assistance providers did not always understand what was needed by possible recipients. Germany pointed out that some thousands of students from developing countries were studying in German universities. The UK highlighted its financial support for the Drugs for Neglected Diseases initiative (DNDi). Iran highlighted technical assistance it had provided (WP.7). India presented some of its experiences as both a supplier and receiver of assistance (WP.8).

Developing mechanisms for building capacity

Many of the discussions on mechanisms related to Working Papers either submitted or due to be submitted. The Cuba/NAM paper (WP.2) on establishment of a formal Article X implementation mechanism was referred to a number of times. Sweden (for the EU) described work done to develop a common format for reporting assistance opportunities (WP.6). Japan (for the JACKSNNZ) described four 'pillars' of international co-operation (WP.3).

The mystery visitor

The Russian Foreign Ministry announced this week: 'The second meeting of the Russian-American Presidential Commission's working group on arms control and international security was held in Moscow on December 7 under the chairmanship of Deputy Minister of Foreign Affairs of the Russian Federation Sergey Ryabkov and US Under Secretary of State Ellen Tauscher'. This information, taken together with the widely reported US-Russian consultations in Geneva on how to make arrangements to compensate for the expiry of the START I Treaty last weekend while a new treaty might be negotiated, puts a possible visit to the MSP in a new light. In co-chairing the Commission meeting in Moscow, Ellen Tauscher would be essentially acting as the President's personal representative. It would be therefore highly unlikely she could be in Geneva and take time away from any nuclear consultations unless this was with the explicit approval of President Obama himself.

It is known that President Obama and his closest advisers have taken an interest in issues of biological threats. In his foreign policy speech in Chicago on 16 July 2008 during the US presidential election, candidate Obama stated 'it's time for a comprehensive effort to tackle bioterror. ... As President, I will launch an effort across our government to stay ahead of this threat. To prevent bioterrorism, we need to invest in our analysis, enhance our information-sharing, and give our intelligence agencies the capacity to identify and interdict dangerous bio-weapons around the world'. A factsheet issued by the Obama campaign (available as a PDF file from <<http://tinyurl.com/C21-threats-pdf>>) noted that the USA should 'Lead an international effort to diminish impact of major infectious disease epidemics' and that, if elected, the candidate would 'work with the international community to make any use of disease as a weapon declared a crime against humanity'.

Side events

A lunchtime seminar was held by the European Union to launch a guide to help States Parties produce returns under the BWC system of Confidence-Building Measures (CBMs). The guide was funded under an EU Joint Action. The issues were introduced by Andreas Strub (EU Council General Secretariat) and Ambassador Grinius. Richard Lennane (ISU) described the guide in detail. The launch was chaired by Ambassador Magnus Hellgren (Sweden). Electronic copies of the guide are available via the ISU website.

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Thursday 10th December 2009

The Third Day: the mystery guest revealed

The 2009 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Wednesday with further discussion on capacity building in disease surveillance. The Meeting was chaired by Ambassador Grinius of Canada. The day also included an announcement by a previously unnamed senior official from a State Party and a presentation by the Moroccan Biosafety Association.

Most of the interventions on Wednesday morning's scheduled theme, 'Developing mechanisms for building capacity', had been given already as the MSP was running ahead of schedule. The next three scheduled themes were also covered during Wednesday's sessions: 'Developing the necessary infrastructure', 'Developing human resources' and 'Developing standard operating procedures'. Belgium, Kyrgyzstan and Ukraine took the floor for the first time in this Meeting during Wednesday's sessions.

Wednesday saw the end of the Programme dedicated to the topic of this year's meetings (apart from one presentation announced for Thursday owing to the travel commitments of the expert giving it). The remaining MSP sessions will discuss such matters as universalization activities, the report of the Implementation Support Unit, and drafting its own final report (the draft procedural elements of which were circulated on Wednesday).

Discussion and debate

As with the earlier sessions, the interventions on the themes ended up rather intermingled. Some countries offered specific recent experiences of dealing with infectious diseases from which lessons could be drawn. India and Ukraine, for example, both provided details of their responses to the 2009 strain of H1N1 outbreaks. In these situations, prompt identification of infected individuals and efforts to reduce contact between people to reduce transmission rates helped control the spread of the disease. South Africa commented that the issue of treatment for infectious disease was not explicitly covered within the Synthesis Paper and noted that identification and diagnosis of a disease without treatment does not allow for effective disease management. The delegate making this observation was a qualified clinician. The UK also referred to the treatment issue and noted this not only needed its own infrastructure but that supply of treatments needed to be sustainable. The UK then reinforced a point made many times during the August Meeting of Experts that good infrastructure is useless without having available personnel with relevant skills. Belgium commended the OECD's Development Assistance Committee (DAC) database as a means of coordinating assistance activities.

Launch of US biothreats policy

As expected, US Under Secretary of State Ellen Tauscher addressed the MSP to launch the 'National Strategy for Countering Biological Threats'. The speech, and a link to the Strategy document, can be found at <<http://www.state.gov/t/us/133335.htm>>.

The Strategy, which comes with the endorsement of President Obama, is contained in a 23-page document which elaborates the challenges of biological threats clearly and

concisely. The solutions suggested to deal with these challenges are not always very specific, but they are of a nature that would allow future policy to be adapted in a number of ways. This open nature of what is proposed is in stark contrast to earlier elaborations of policy that were far more focused on what would not be allowed. The Strategy 'is targeted to reduce biological threats by: (1) improving global access to the life sciences to combat infectious disease regardless of its cause; (2) establishing and reinforcing norms against the misuse of the life sciences; and (3) instituting a suite of coordinated activities that collectively will help influence, identify, inhibit, and/or interdict those who seek to misuse the life sciences'.

There is a specific section on 'revitalizing' the Convention which contains little new of substance although it is written in much more positive terms than many US statements of the past decade. However, the tone may jar with those delegates who feel it was actions of the US that led to the BWC being in the doldrums before its reinvigoration in 2006. The document notes: 'The tone, tenor, and quality of the United States Government's efforts and that of our international partners will be important to determine our mutual success'.

The Under Secretary announced the US would 'work towards' the public posting of future annual Confidence-Building Measure (CBM) returns and expressed a hope to revisit to the BWC for the Review Conference in 2011. The Under Secretary included an unambiguous statement in her speech that the US 'will not seek to revive negotiations on a verification protocol'. While such language will not please those who are in favour of a protocol, there are benefits in having this policy explicitly stated; any ambiguity may have led to the raising of false hopes for some.

The last time a policy statement was made by a US official at this level to a BWC meeting was by John Bolton in November 2001. For those who were not fans of the Bolton policy, the Tauscher policy will represent an improvement. However, even without a high-level announcement since 2001, US policy has evolved considerably during this period. While the Strategy and the speech are expressed in positive language towards the BWC; the answer to whether this represents a significant step change in US policy evolution or is simply a repackaging of the existing situation will only be provided once the Strategy is acted upon.

The US Strategy will be revisited in the 'reflections' section of the final MSP report to be published next week and posted at <<http://www.bwpp.org/reports.html>>.

Side events

A seminar on the biological aspects of the G-8 Global Partnership Programme was convened by Canada, the UK and the USA before the morning session. John Griffin (Canada, Global Partnership Biological Program Officer), Stephen Lynagh (US Department of State Global Partnership Coordinator) and Jo Adamson (UK Deputy Permanent Representative in Geneva) described relevant activities of each of their countries. Amb. Grinius also spoke briefly. Background information can be found at <<http://www.international.gc.ca/>>.

A lunchtime seminar was held by the Permanent Mission of Romania together with the ISU on 'Scientific Research and Exchange - Potential Impact on Non-Proliferation Measures for Biological Agents'. Introductions were given by Ambassador Maria Ciobanu (Romania) and Richard Lennane (ISU). Presentations on implications of developments in the life sciences were given by Marian Negut (Director, Cantacuzino Institute, Bucharest), Piers Millett (ISU) and Kathryn Nixdorff (International Network of Engineers and Scientists for Global Responsibility). This was the first gathering of the MSP, either in the main conference room or in the room for side events, that did not include Ambassador Grinius on the podium!

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Friday 11th December 2009

The Fourth Day: reports and consultations

The fourth day of the 2009 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC) started with a presentation on mobile laboratories by the Netherlands, followed by a short intervention by the UK. This concluded the discussion on the topic of this year's meetings and the rest of the day's sessions dealt with issues of universalization, the report of the Implementation Support Unit (ISU), and drafting of the final report of the MSP. Official documents and Working Papers referred to will be available via the ISU website <<http://www.unog.ch/bwc>> in due course.

Universalization activities

The Chair introduced his report on universalization (document BWC/MSP/2009/4). There are currently 163 States Parties to the BWC. Ambassador Grinius opened his comments on the report by noting with regret that no countries had joined the BWC so far during 2009. However, he said there were eight States that have indicated their accession or ratification processes are well advanced and four that have indicated that such processes have started. The eight are Burundi, Cameroon, Comoros, Kiribati, Mozambique, Myanmar, Tuvalu and the United Republic of Tanzania. The four are Côte d'Ivoire, Haiti, Namibia and Nepal. After describing activities that were being carried out to encourage universal membership which are detailed in the report, he concluded that a reasonable target would be to have the twelve States listed joining the BWC by the time of the 2011 Review Conference.

Report of the Implementation Support Unit

The report of the ISU (document BWC/MSP/2009/2 and 2/Add.1) was introduced by Richard Lennane, Head of the Unit. He described the ISU as an experiment, which in the year covered by the report had been significantly busier than in the previous two years and was perhaps reaching the limit of what can be done within existing resources. The ISU has three staff: Richard Lennane, Piers Millett and Ngoc Phuong Huynh, currently supported by two interns: Eben Lindsey and Rose Jago.

In the discussion that followed, a wide range of countries wanted to put on record their support for the ISU, these included the US, Sweden/EU, Canada, Norway, Germany, Cuba/NAM, China, India, Switzerland, Indonesia, Russia and Pakistan. Some stated the mandate of the ISU should be revisited at the 2011 Review Conference. Many delegations raised concerns that the numbers of Confidence-Building Measures (CBMs) were not higher and welcomed the publication of the ISU guide to producing returns. India noted it was to submit its return which would bring the 2009 total to 64, just one fewer than in 2007. Sweden noted the resources that would be made available to the ISU via the EU Joint Action. Canada announced it was to offer \$100,000 from its Global Partnership funds for support of activities through the ISU. The remit for Canadian Global Partnership funding had previously been limited to the countries that once formed the Soviet Union; now that the programme has a global scope, new ideas for project activities were being sought.

Preparations for the final report of the meeting

The drafting of the final report of the MSP usually takes place in two parts. The draft procedural elements of the report were circulated on Wednesday. These simply describe the practical aspects of convening the Meeting and are thus uncontroversial.

The second part is the inclusion of language relating to the substantive matters of the Meeting. At the end of the morning session the Chair circulated draft text for the substantive paragraphs of the final report. Ambassador Grinius reminded delegates that the conclusion of a report text was not a negotiation and that there were no binding commitments contained within it. He appealed to the delegates present to trust the judgement of the Chair and noted that this was the first of the annual meetings of the BWC devoted to Article X of the Convention and therefore it would be important to adopt a substantive document. After the delegates returned for the afternoon session, having read through the suggested text, it became clear that some countries were not comfortable with some of the wording. Most proposed amendments did not seem to be related to make-or-break issues. However, there was one substantive issue that was proving difficult to find a solution for.

The focal point of the divergent views rested on the use of the term 'mechanism' in the final report. The term has some political connotations as the non-aligned states tabled a Working Paper (WP.2) at the MSP on 'The Establishment of a Mechanism for the Full Implementation of Article X of the Convention'. [An almost identical Working Paper had also been tabled at the Meeting of Experts in August (MX WP.24).] Most of the draft text for the final report was cast in language to suggest things for States Parties, so, for example, they 'could' act upon or be 'encouraged' to consider particular ideas or activities – and therefore be able to decide what to do on a case-by-case basis. However, the paragraph referring to a possible mechanism was about what the Seventh Review Conference 'could' consider. The United States felt this text would presuppose that such a mechanism would end up on the agenda of the Review Conference. The UK expressed a view that the report was to highlight common understandings and that the proposal for a mechanism did not fulfil this criterion. No other Western delegation seems to have indicated a strong concern about the reference. Some non-aligned delegates indicated that they would find it extremely difficult to agree to a Final Report that made no reference to the mechanism proposal.

A small group of delegates met late into the evening in informal consultations, ceasing work just after 8pm. While common ground had been found on most of the textual matters to be resolved, the key issue remained outstanding and, in this form of consultation, nothing can be taken to be agreed until everything is agreed.

Side event

A lunchtime seminar was convened by the Verification Research, Training and Information Centre (VERTIC) on 'Regulatory Guidelines for National Implementation' which was chaired by Angela Woodward (VERTIC). Presentations were given by Scott Spence (VERTIC) on sample legal materials the Centre had derived from legislative and regulatory practice around the world; by Robert Mathews (Melbourne Law School) on the role of workplace codes in enhancing compliance with national implementation; and by Nicholas Sims (LSE) on further possible evolution of the accountability frameworks concepts. Details of VERTIC's National Implementing Measures project can be found via <<http://www.vertic.org/NIM>>.

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 14th December 2009

The Fifth Day: conclusion of the meeting

The fifth and final day of the 2009 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC) was almost completely taken up by efforts to reach an agreed text for a Final Report. The major focus of informal consultations began with the divergent views on the use of the word 'mechanism' until an agreed text for the relevant paragraph ended up referring instead to 'current and future proposals' that the next Review Conference 'could consider'. Discussion then focused on the balance within the report relating to the different articles of the Convention.

The many hours of informal consultations in a side room were interspersed with short plenary sessions that simply reported that some progress was being made. The final plenary was convened shortly after 16.00 and adopted the Final Report, closing at 16.43. The final plenary also included a number of statements thanking the Chair, the Implementation Support Unit (ISU), the translators and the conference room staff. The dates for the 2010 Meeting of Experts will be 23-27 August and for the MSP will be 6-10 December.

An advance copy of the Final Report and copies of other official documents and Working Papers are available via the ISU website <<http://www.unog.ch/bwc>>.

Looking forward to 2011

With only one more year of BWC Meetings before the 2011 Review Conference, there have been some indications of what some countries want to see from this. The proposal by the non-aligned countries for an Article X mechanism was aimed for discussion in 2011.

During one of the brief plenary sessions in the afternoon, Cuba, on behalf of the non-aligned, requested that an item be placed on the agenda for the 2010 MSP relating to preparations for 2011. Ambassador Grinius responded that the 2010 agenda should be set by the chair of those meetings, Ambassador Portales of Chile. Canada took the opportunity to highlight a paper (WP.4), entitled 'Policy Issues for the Seventh Review Conference', submitted by Canada on behalf of the JACKSNNZ. The paper is written by Jez Littlewood, an academic with long experience involved in BWC policy processes and is designed to prompt thinking about what might be desirable results from the Review Conference.

Side event

A lunchtime seminar was convened by the UN Interregional Crime and Justice Research Institute (UNICRI) on 'Biosecurity Risks and Assessment'. The seminar was chaired by retired Ambassador Sergey Batsanov (Russia). Presentations were given by three UNICRI staff: Andrew Prosser on 'Illicit Bio-trafficking: Assessing the Risks'; Marian de Bruijn on 'Intangible Transfers of Knowledge' and Sergio Bonin on 'Emerging Biotechnologies: Synthetic Biology and Nanobiotechnology'.

Reflections

A conscious effort is taken in writing these daily summaries to report what has taken place 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.

In the great majority of cases, membership of the BWC is essentially an invitation to countries to declare that they would not do something that they had never done, nor were they ever intending to do. Moreover, in accepting this invitation, they are also encouraged to implement controls to ensure that facilities within their jurisdictions are not abused by people with hostile intent to misuse the life sciences. This implementation of controls, through such measures as regulations and licensing, incurs significant costs within countries where there may be severe limitations on available resources. To keep such countries engaged in the BWC, it is important that political authorities see clear benefits in return for the costs they incur. This is where Article X has a particular importance.

The adjective used by most declared supporters of a mechanism for Article X implementation is ‘full’, yet it is not clear what ‘full implementation’ really means. Clearly, the desire is to have something that means greater implementation in the form of more activity by donor states which would lead to greater capacities and capabilities within recipient states. But how much does this greater implementation have to be to constitute ‘full implementation’ at any particular time? The same logic follows for removal of what are seen as obstacles to transfers. It is unlikely that any Western countries would be ready to agree to any form of mechanism unless the issue of what is expected by ‘full implementation’ is clarified.

Nevertheless, corridor discussions with delegates from non-aligned states invariably include illustrations of situations where additional or specifically targeted resources to deal with a particular problem in relation to infectious disease would make a significant difference. There is a level of frustration in delegates from many countries with lower levels of economic development that derives from wanting to reduce the huge burden that infectious disease imposes on their populations.

It is clear that there is a perception amongst some delegates from many poorer countries that tying questions of assistance for tackling infectious diseases to the BWC would open up significant new sources of funding from Western countries. However, this is unlikely to be the case. The sums spent by Western countries in support of general international development goals relating to infectious diseases are many times that which are spent on implementing the BWC.

A major event of the week was the announcement of the new biothreats strategy by the United States. The strategy had been kept closely guarded, which is always a signal that a document should be read carefully; it either heralds something truly significant or is a symptom of excessive news management and spin. Yet within the strategy there was considerable substance once it was possible to look beyond the hallmarks of spin such as phrasing the objectives of the strategy in a rather tortuous manner simply so that the initial letters would spell ‘protect’ or announcing that the President approved the policy ‘just last week’ when the letter from him within the Strategy document was dated 23 November [there are not many diplomats who would like to work a 16-day week!]

While there was substance within the strategy, many delegates felt the proof of whether it represented a significant change in policy would lie in how the United States engaged with multilateral processes. A considerable amount of goodwill was generated by the launch of the strategy at the BWC Meeting. However, much of this goodwill lasted barely 24 hours, until the US focused on the use of the term ‘mechanism’ in the draft final report. While it is clear that the US delegation felt it was involved in a debate over a matter of principle, it is not clear that many others in the conference room, who effectively lost half a day waiting for the informal consultations to arrive at an agreement, felt the same.

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 7 to 11 December 2009 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/reports.html>>.