

**20th Pugwash Workshop Study Group on the
Implementation of the CBW Conventions:
The BWC Intersessional Process towards the Sixth Review Conference and Beyond
Geneva, Switzerland, 8-9 November 2003**

BWC: Outcome of the Meeting of Experts, August 2003

*by? Graham S. Pearson**

It will be recalled that the Fifth Review Conference of the Biological and Toxin Weapons Convention (BWC) resumed in Geneva on 11 to 22 November 2002 agreed the decision recorded in its Final Document (BWC/CONF.V/17) that

18.? At its eighth plenary meeting on 14 November 2002, the Conference decided by consensus, as follows:

(a) To hold three annual meetings of the States parties of one week duration each year commencing in 2003 until the Sixth Review Conference, to be held not later than the end of 2006, to discuss, and promote common understanding and effective action on:

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.

(b) All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.

(c) Each meeting of the States Parties? will be prepared by a two week meeting of experts.? The topics for consideration at each annual meeting of the States Parties will be as follows: items i and ii will be considered in 2003, items iii and iv in 2004, item v in 2005.? The first meeting will be chaired by a representative of the Eastern Group, the second by a representative of the Group of Non-Aligned and Other States, and the third by a representative of the Western Group.

(d)? The meetings of experts will prepare factual reports describing their work.

(e) The Sixth Review Conference will consider the work of these meetings and decide on further work.

The Meeting of Experts 18 to 29 August 2003

83 States Parties participated together with two Signatory States and one State (Israel) was granted observer status.? Over 400 individuals, including over 100 legal and scientific experts, participated.

During the first week, the Meeting of Experts heard national overview statements from 16 States Parties on Monday 18 August and in subsequent sessions heard a total of 37 thematic presentations and held a structured general discussion on, *inter alia*, the subtopics of Legal, Regulatory and

Administrative (including civil legislation; penal legislation; regulations; and guidelines); Prohibitions (including direct implementation; war materials; development, production, possession and use; and complementary legislation); Restrictions (including classification; operational frameworks; intangible technologies; and sanctions); Practical Implementation and Enforcement (including national infrastructure; international cooperation; education and training; and experts); and Criminalization and Law Enforcement (including information sharing; enforcement; and international agreements).

In the second week, the Meeting of Experts heard national overview statements from 14 States Parties on Monday 25 August and in subsequent sessions heard a total of about 30 thematic presentations by States Parties and held a structured general discussion on, *inter alia*, the subtopics of Legal, Regulatory and Administrative (including national and international models and standards; and risk assessment, programme design and consequence management); Facilities (including facility planning and management; and storage, containment, custody and disposal of dangerous pathogens); Personnel (including personnel issues for pathogen management; and training and continued education in pathogen security); Transport and Transfer (including issues of transport and transfer of dangerous pathogens; and type of recipient facility); and Oversight and Enforcement (including issues of licensing, accreditation and authorization).

66 Working Papers were submitted by States Parties: Argentina (23), Australia (38, 39, 48, 49, 50, 56), Austria (53), Brazil (20), Bulgaria (58), Canada (26, 27, 28, 29), China (9, 25), Finland (57), France (17, 18, 19), Germany (12, 13, 21, 22, 24, 35, 36, 37, 59), Iran (51, 54, 55), Japan (10, 11), Korea, Republic of (16), Malaysia (52), Mexico (60), Netherlands (14), Poland (33, 44), Russian Federation (1, 31, 32), South Africa (30), Sweden (15), Thailand (61), Ukraine (40, 41, 42, 43), United Kingdom (7, 8, 34, 45, 63, 64, 65, 66), USA (2, 3, 4, 5, 6) and one 130 page long Working Paper (62) by 12 of the EU states (Austria, Belgium, Finland, France, Germany, Ireland, Italy, the Netherlands, Portugal, Spain, Sweden and the United Kingdom).

The Report of the Meeting of Experts in August 2003 is in two parts. Part I [\[1\]](#) provides a four page procedural report of the meeting to which is attached Annex I providing a list of the documents. Part II [\[2\]](#) is a 172 page document prepared to meet the decision of the Meeting of Experts that *"all the statements, presentations and contributions made available to the Chairman by the States Parties would be attached to this Report, in the language of submission, as Annex II"*. However, Annex II in Part II is preceded by a note from the Secretariat that:

"the statements, presentations and contributions included in this part of the report are presented in the languages of submission. In cases where the language of submission is not English, the text as submitted is followed by an informal transcript of the English interpretation, made from the tape recording of the meeting. These transcripts are not an official record, and are provided solely as a convenience to delegations. They may differ from the texts submitted. Statements, presentations and contributions which were submitted as working papers are not included in this Annex; please refer to the Annex I for the list of working papers."

It is not easy to analyse the information provided in Annex II as no indication is provided as to where *statements, presentations and contributions which were submitted as working papers* -- and thus are not included in Annex II -- were made during the Meeting of Experts, nor is there any indication in Annex II as to where the statements, presentations and contributions fit into the agreed detailed programme of work which broke down the two topics into subtopics and further detailed subelements.

The Meeting of the States Parties has thus a challenging task in the coming week to develop language for its report which will *promote common understanding and effective action* on the two topics considered at the Meeting of Experts.

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[1] United Nations, *Meeting 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, Meeting of Experts, Geneva, 18 - 29 August 2003*, Report of the Meeting of Experts (Part I), BWC/MSP.2003/MX/4 (Part I), 18 September 2003.?? Available at <http://www.opbw.org>

[2] United Nations, *Meeting 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, Meeting of Experts, Geneva, 18 - 29 August 2003*, Report of the Meeting of Experts (Part I), BWC/MSP.2003/MX/4 (Part II), 18 September 2003.?? Available at <http://www.opbw.org>