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## A PERSONAL ASSESSMENT OF THE BWC PROTOCOL NEGOTIATIONS

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A number of articles – even books – have been written to analyze the negotiations toward a Protocol for the Biological Weapons Convention (BWC) during the period from 1994 to 2001. The various works have researched extensively views of delegations, observers, and those responsible for managing and directing the negotiations. Their arguments, evidence, and analysis provide some valuable insights into the kinds of problems that anyone contemplating pursuit of a legally-binding international instrument to control the actions of nations with regard to national security issues needs to take fully into account. But some of the interactions and nuances of those negotiations have either been ignored or downplayed because the observers believed their understanding of the motivations were too speculative. This short article will attempt to raise some of those subjects, and perhaps to take a slightly different (some will argue more biased) look at some that inevitably are subjective and political.

The last session of the Ad Hoc Group (AHG) was almost ten years ago, and the international push to launch it focused ten years before that. Twenty years is a generation or more in the career patterns of those holding responsibility for such security portfolios in governments, so perhaps recalling the international context of the start of the negotiations is relevant, at least to put the discussion in perspective.

Formal negotiations began in 1995, following a special conference of States' Parties in 1994 to establish the AHG. But the impetus for a "verification protocol" to the BWC began earlier. In the aftermath of the 1979 anthrax event at Sverdlovsk in the then-USSR and assorted intelligence concerns about "rogue state" BW programs as alternatives to nuclear or chemical programs for "cheap" weapons of mass destruction, a number of states decried the absence of any "compliance or enforcement mechanism" in the BWC. As the NonProliferation Treaty (NPT) modified its safeguards protocol to increase surveillance of nuclear facilities and the Chemical Weapons Convention (CWC) negotiations made real progress toward agreement to include an extensive verification mechanism, international clamor for a parallel BWC mechanism intensified as the 1991 BWC Review Conference approached.

In 1991 the United States resisted the pressure for a straightforward agreement to commence verification negotiations outright, but agreed to the establishment of a set of international technical discussions to examine the feasibility of technological capability to strengthen the BWC. This group

("Verex") convened five times over two years and submitted a report whose adoption was the subject of the 1994 Conference. The report mastered indecision: there was no consensus (and thus no recommendation) on how to accomplish verification of the BWC; nonetheless, *each* of the 21 measures examined by the group was reported to have some characteristics that "could potentially strengthen the BWC."

Such wording vexed the participants in the 1994 Conference. The issue was supposed to be whether the Verex Report formed a reasonable basis for initiating formal negotiations on a legally-binding document to modify the BWC. (Whether this would be a Protocol, an Annex, or a revision was a question that persisted into the negotiations.) The Conference was scheduled for two-weeks' duration in Geneva. The ambiguous wording of the Report meant that to reject the concept of negotiating a legally-binding document would require the participants in the 1994 Conference to reject the work done over two years by the technical group – and the 1994 Conference participants (or at least the decision-makers) were drawn more from the political spectrum of their respective countries than from technical bodies.

The United States faced a particularly difficult situation. The US had long been the most skeptical country on the question of whether a formal verification mechanism could be devised for the BWC. (At the same time, the US was in the forefront of charging various countries with violating their obligations under the BWC by operating, or at least developing the capabilities for, illicit covert offensive BW programs.) The Clinton Administration, in a policy review prior to the 1994 Conference, had subtly but significantly altered the overall US policy approach to international instruments on WMD by declaring that it would be an objective of the Administration to strengthen the BWC. This policy document did *not* propose a verification mechanism for the BWC – but it

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did propose to strengthen the Convention, and that was what the wording in the Verex report had argued: that the proposed measures had the potential to strengthen the Convention.

So the question at the Conference quickly ceased being *whether there would be* formal negotiations, and focused on what the mandate of those negotiations would be. Discussion surfaced a fundamental difference among groups of states at the Conference, a fundamental difference that would remain unresolved even in the final draft of a Protocol considered by the AHG in 2001.

One group of states, principally but not entirely Western states, believed the negotiation was about a security enhancement to the BWC. There were significant differences among those states about what the content of any security-enhancing document should include, but all agreed the basic aim was to make the BWC a stronger instrument against the threat of biological weapons. The other group of states, primarily but not exclusively members of the Non-Aligned Movement, saw the negotiation primarily as one about technology transfer: how advanced biological and pharmaceutical knowledge and technology could be pried away from those more developed states that were, in the eyes of these developing states, monopolizing capabilities needed in developing areas. The principle that disarmament instruments should not be perverted into a rationale for suppressing legitimate, peaceful development in the technology associated with the document (e.g. nuclear, chemical, biological) had been enshrined in the basic Conventions, but the proponents of putting extensive means to “facilitate” technology sharing in the Protocol argued that the principles in the basic Convention text were being too narrowly interpreted by those states possessing advanced technology.

If there had been no other significant stumbling blocks to be overcome in the negotiations (and, in fact, there were a number of other obstacles), this schism, enshrined in the very mandate of the AHG, would have made successful outcome of the negotiations nearly impossible. There was no way to try to strike a consensus-based compromise between the two camps, since some in each camp thought its area was the primary purpose of the proceedings.

A second albatross around the neck of the BWC Protocol negotiations, though it was not apparent at the outset, was the CWC. The CWC, opened for signature in 1993, became a model for the BWC Protocol in the eyes of many of the most committed Western delegations. Thus, they believed that the provisions of the CWC verification system, modified only somewhat to account for differences in biological/pharmaceutical production, would work and would be largely acceptable to delegations for a BWC Protocol. This working perception led delegations and NGOs supporting the negotiation, including the US delegation, down a number of what turned out to be blind paths with no effective solutions, and perpetrated hundreds of pages of bracketed draft text that could not even be modified to offer alternatives that had a hope of either gaining acceptance or solving the issues they were supposed to address.

Trying to catalog all the instances of false analogy would take much longer in space and time than this short article. However, a couple of examples may be useful. The CWC set up an inspection system designed to deter clandestine CW production. This appears to have worked thus far. But a crucial element of the system is the limited number of places around

the globe where those chemicals either constituting chemical weapons or immediate precursors of chemical weapons are manufactured. And, before the advent of microreactor technology and when the target was national chemical weapons capability rather than terrorist chemical weapons capability (which can be both much smaller and less efficient), batch production of enough CW or precursors was both expensive and created at least elements of a recognizable footprint. All of this meant a reasonably affordable number of reasonably competent CW inspectors could deter a proliferator, or at least make a successful clandestine program extremely expensive and subject to penetration by interested national intelligence operations.

Contrast that picture to biology. There are no large-scale reactions or significant stockpile accumulations required for even a national BW program. Prophylaxis against infecting the work force or the surrounding community can be approached multiple ways with a low profile. There are no potential catastrophic accidents of the magnitude of a Bhopal (which was certainly *not* a chemical weapons accident, but rather an indication of what can happen with those kinds of chemical reactions even for peaceful and legitimate purposes), or even necessarily like that of Sverdlovsk. Given the nature of both research and production, along with the explosive growth of legitimate civilian research, the number of facilities *capable of* handling BW-relevant materials is in the multiple thousands and expanding almost daily. Even assuming some way to identify all such locations, to staff an international organization with enough even reasonably competent inspectors to create an inspection probability able to function as a deterrent would require a budget well beyond what any nation or group of nations would (or even could) pay.

The inherent ambiguity between natural disease and offensive BW creates another anomaly when compared with the CWC. If one discovers Sarin, it is reasonable to conclude there is a CW program there. If one discovers anthrax, is it BW or a prophylaxis effort against endemic animal disease? Probably the only truly clear instance would be smallpox – all the others would lead to international argument at least sufficiently ambiguous to allow those states who wished to do so to ignore the violation.

Admitting such a requirement for a new conceptual base is something that would have been easier for an extended *scientific* ad hoc group to conclude than the politically based and motivated AHG. But timing and the international perception of momentum weighed strongly against such an approach. Most states believed the “Verex” group established in 1991 was a transition to a negotiation, a belief reinforced by the success of the CWC negotiations. Especially with the new US administration in 1993 changing at least in part the traditional US view of the BWC, the 1994 Conference was viewed as the best, if not the only, chance to progress to direct negotiations. So countries seized that opportunity, imperfect as it was.

A separate, and not nearly so visible, obstacle to any successful BWC Protocol negotiation was the relationship between the US Government (USG) and the domestic biological/pharmaceutical industry. A key element to the success of the CWC negotiations was the very solid support for a CWC provided by the US domestic chemical industry from the outset to the conclusion. How such support was achieved is a separate discussion, but without that support

many of the US negotiating agreements would have been impossible, and ratification would have been out of the question.

It is not clear whether parallel support for any BWC Protocol could have been achieved from the US bio/pharmaceutical industry. It is clear that such support was not achieved. This does not mean relevant U.S. industry (and academia) was intractably opposed to any protocol from the outset, and it does not mean the USG did not expend considerable effort in outreach and consultation. But there was no success equivalent to the CWC example.

There was not, in contrast to the CWC situation with regard to US chemical industry, an initial impetus on the part of the bio/pharmaceutical industry to bend over backwards to be seen as actively cooperative to the negotiations. Rather, there were reservations about the USG and its desire to protect at least the interests, if not the rights, of industry. A part of this attitude may have been a hangover from efforts to institute parts of health care reform that drug manufacturers considered prejudiced against them, but if so this was an element that was never explicitly stated.

More directly, industry was apprehensive about what they believed they knew from a different process of biological inspection they had already seen. The United States, the United Kingdom, and the USSR (later the Russian Federation) had been involved in what is known as the Trilateral Process of inspections of alleged or potential offensive BW facilities. This process originated when the US and the UK obtained sufficient hard and indisputable intelligence information about the massive Soviet offensive BW program to demand on-site inspections of relevant sites in order to be assured that program had been dismantled. The USSR demanded, and was granted, so-called reciprocal rights to inspect (under the euphemism of “visit”) US and UK facilities to “ensure” there was no parallel US or UK program – despite the absence of any evidence of such a program.

Because the Soviet program included both research and production hidden in supposedly commercial facilities (BioPreparat), the “visit” program parameters included the possibility of visiting commercial facilities. These were not dispassionate, routine activities. The US-UK teams went to those facilities where there was convincing intelligence to support the proposition they were part of the Soviet BW program, and observed conditions almost impossible to explain as being for any other purpose. That result created in the reciprocal visits the premise that they be required to *prove the negative*. That is, even given the inherently dual-purpose nature of most things biological, could one demonstrate there was no existing capability that could have, under the right conditions and decisions, been diverted to BW activity? The Soviet/Russian “visitors” were skilled and experienced. While they did not explicitly charge offensive BW production at US facilities, they were quick to say that they could not “rule out” the “possibility” of capability diversion.

This was the experience of US industry in biological “verification” exercises. Trilateral “visits” were constrained to a very few US facilities. But those facilities and their corporate management were willing – even eager – to share this atmosphere with others. Coupled with some over-zealous and, in fact, unsupportable, pressure and promises to corporate management by some very senior USG officials, the result at the outset of BWC Protocol negotiations was an industry group fearful of the potential adverse publicity they perceived

possible from an inspection regime, and a lack of trust that parts of the US executive branch were in fact concerned with protecting their interests.

The US Department of Defense also had reservations about the dangers of Protocol inspections, informed at least in part by the Trilateral experiences. While the US was not pursuing offensive BW capability, we were (and still are) pursuing both defense against potential BW acts either by rogue nations or by terrorists, and, separately, against exotic diseases in various parts of the world that might pose threats to US service members. Depending on the attitudes of inspectors, it would be equally difficult to *prove the negative* about the capabilities inherent in either of those legitimate investigations, in the latter case potentially resulting in the loss of research facilities based outside the United States, and materially increasing the potential risk to US personnel.

While this perception of the prospect of an adversarial inspection regime and results might be partially alleviated by the experience of a decade of CWC inspections, where conceptually similar dual-use facilities have been inspected without pointing fingers at capabilities which might under some circumstances be converted into violations, there was no such base of experience during the bulk of the time the BWC Protocol was being negotiated, and by the end of the negotiations too many other obstacles had presented themselves to allow for re-evaluation of this premise.

Further difficulties in creating a cooperative working relationship with industry arose from a variety of areas where US facilities were operating so competitively and under such constraining domestic regulations they simply did not comprehend the nature of the arms control arena.

One incompatibility lay in the viciously competitive nature of proprietary pharmaceuticals. In the CWC, serious consideration was given to how to protect proprietary information during inspections of commercial facilities. The issue there was solved to general satisfaction by, for example, limiting sampling to those places in the process flow where proprietary catalysts were not present (acceptable because it was a closed process) and restricting views of control panels that might reveal temperature or pressure data about reactions that was proprietary. Here again, the success of the CWC model proved debilitating for BWC negotiations. Most of the negotiators, especially those from countries without leading-edge bio/pharmaceutical manufacturing capabilities, worked from the assumption that there were parallel means to provide equivalent protections in the biological sciences that could be drafted as general principles governing inspections. Such equivalence proved illusory, at least in the case of US industry.

There were instances where manufacturers maintained massive market dominance even after the lapse of patent protection because their manufacturing process for the proprietary name-brand drug provided purity improvement over generic substitutes (in at least one case as little as three per cent), which in turn provided demonstrably better patient response. This caused most physicians to specify the proprietary drug in prescriptions, resulting in significant continuing profit for the proprietary manufactures. The proprietary manufacturers argued that simple external observation of the production line could disclose the means for that purity differential, thus compromising their market. There were other instances where simple process reroutings, visible to even untrained observers who had seen other production lines,

significantly extended campaign lengths, lowering considerably the overall maintenance costs for lengthy production runs. Industry never found sufficient justification in the potential Protocol to endanger these and similar market advantages, relegating their support for a Protocol to tepid if not cool.

Compliance with strict Food and Drug Administration (FDA) standards (and unfamiliarity with some terminology common to the international arms control community) also created misunderstanding, if not outright misapprehension. The Protocol negotiations were concerned principally with facilities operating with the highest levels of bioprotection, since those were the places (it was argued) that would be most suitable to work with pathogens which could be used as biological weapons. Draft Protocol text focused inspections on facilities using BL3 and BL4 level protection. (NOTE: There is reason to question this focus, since in the 1950s, when the US had an offensive BW program, we operated BW facilities frequently with only BL2 level conditions [to protect surrounding communities] while ensuring that all personnel in the facility had current immunization against the agent being produced.) Seeing this draft text, most US manufacturers breathed a sigh of relief, arguing that they only used BL2 levels of safety, and did not work with those dangerous pathogens identified in the negotiations as potential agents. Unfortunately, a series of practice friendly visits by US negotiating team officials cast doubt on that sense of relief.

What we discovered was that while facilities, both production and research, were *classified* as BL2 (or perhaps BL2+), the *operating procedures* they followed – usually to ensure compliance with FDA standards for things like lot purity and identification – actually corresponded to what the World Health Organization would have classified as BL3-level protections. That meant considerably more US facilities would potentially be subject to inspection under a Protocol than had been initially anticipated. This discovery led to anxiety on the part of US industry about both the amount of interference with operations and the potential risk to sensitive information. It also made the US delegation realize that either inspections would be almost exclusively limited to Western states or the number of inspectors necessary for any secretariat would be prohibitively high.

Whatever eventual safeguard procedures might have been drafted to lessen the potential impact on operational efficiency, on ethical reputation (perceived as critically important to pharmaceutical manufacturers and the academic community), and on sensitive information (both proprietary and security), the negotiation never created an atmosphere capable of generating enthusiastic support from either defense or industry in the US – a crucial requirement for any prospect of ratifying a Protocol in the US Senate. By the time the US delegation was able to convince other delegations in the negotiation of the seriousness of US concerns in these areas and the inadequacy of the attitude that “if everybody else will agree to them, the US will come along in the end,” the other deficiencies in a Protocol approach to the BWC had become transparent at least to the United States, if not to others in the negotiations.

It is useful in examining the conduct of the negotiations themselves to make a quick reference to the CWC negotiations. Even though the US presented a draft Convention to the Conference on Disarmament in 1984, along with a call for intensified negotiations, the US did not start pushing seriously for a conclusion to those negotiations until 1989.

(This was also after the Soviet Union had accepted some of the basic premises on which the US approach was based, a move that caught some elements of the US bureaucracy by surprise. After all, if the Soviets were preventing any substantial progress on all fronts, the US did not have to address the underlying issues seriously, because there would be no international solution without the Soviets.) Once the US realized there was real opportunity for a successful conclusion to the negotiations, it required a concerted effort by the highest levels of the USG to force the extended discussion in Washington to formulate and defend the decisions – some of which were hotly debated over considerable time with some bruising internal confrontations – that eventually led to the successful conclusion of the Convention. I do not imply that all the ideas in the CWC came from the US. In fact, some of the most bruising debate was over how the US could accept ideas that others had proposed and which some elements in the US believed were dangerous to national security. But there was enough concerted leadership in the USG to force those issues to decision, and then to hold to those decisions once made.

The parallel situation internally in the USG did not exist during the BWC Protocol negotiations. Concluding a Protocol was never a priority objective for senior political leadership in the US Executive Branch. While the issue had a few avid followers, it was not discussed in substantive detail, and particularly not regularly, at senior (cabinet, or immediate sub-cabinet) levels, and there was not government-wide cabinet-level agency internal direction to devote the considerable attention and resources necessary to formulate USG alternatives to the approaches being espoused by other countries. The results were debilitating to the negotiations, both nationally and internationally.

Nationally, the shortcoming came as agencies did the homework to determine that proposals currently being discussed in Geneva – usually developed by trying to draw parallels with the CWC, adapted by a country having fewer complicating domestic concerns than the US – were not satisfactory answers to the issues they attempted to address. That allowed the US to act as a sharp critic of the proposals under consideration. What did not happen was the necessary effort to say “These ideas will not work. Now what ideas can we develop and propose as alternatives that will work?”

In some areas, there simply were not viable alternatives. Those concepts should have been abandoned early in the negotiating process, to allow focus on those areas where there was some prospect of improvement. But when the US, arguably the most skeptical of the Western delegations from the outset, could offer overwhelmingly only negative assessments, the field was left open for the same people who had proposed the original concepts to continue to pursue them, even if modified, since the US offered no acceptable alternatives. This is not to say the US did not offer proposals – but we did so infrequently enough never to seize control of the direction of the negotiation.

The other major disconnect during the negotiations was the existence of an element within the USG who believed the criticisms of and alternatives to existing proposals developed during the regular interagency process were only internal negotiating positions that could be further modified toward acceptance if only the US position were rejected in Geneva. This element, in repeated unjustifiable instances, would

communicate directly to other delegations that the bottom line presented by the US delegation in Geneva could, if rejected, be reconsidered in Washington. Needless to say, this undercut the negotiations in Geneva. And, since in the end the US positions had wider and more senior support within the interagency than the element believed, it resulted in other countries holding to positions and awaiting US compromise when a better use of the time and energy would have been reexamination of the proposals to see if US objections could somehow have been met.

This is not a comprehensive analysis of the negotiations. It is an attempt to present some issues that have not, in my exposure, been presented in the literature to date, and to present some perspectives on a few of the issues that have been raised.

This commentary should not be taken to mean that with some modifications in approach or procedure the BWC Protocol could have been completed successfully. Rather the lesson from these observations, I hope, is that there should be harder assessment of the desired and possible end result of a negotiation before it is proposed, and then there should be vigorous reviews of ongoing negotiations to ensure they have not either outlived their utility due to a changing environment or gotten so far diverted in content from their original objectives that there are no longer useful outcomes available to the existing approaches.

At the same time, the BWC Protocol negotiations from 1995-2001 should not be considered unmitigated failure. The rejection of an unworkable and dysfunctional draft Protocol is, in objective truth, a better outcome than trying to implement it and spending even more time and resources in futility. In addition, the repercussions of the end of the Protocol process have turned out to be useful. The immediate reaction to the US taking the correct but politically unpopular step in July of 2001 to terminate the negotiations was widespread (but incorrect) negative opinion that the US was against the underlying principle of effectively banning biological weapons. To counter such reaction, the US proposed a set of measures or conditions it believes would be more easily adopted and would more effectively enhance global efforts against biological weapons.

These proposals, after the eventual conclusion of the BWC Review Conference, became the core of the BWC work program that, with additional elements, continues to date. The focus, on identifying national as well as international actions to strengthen the already-present provisions of the basic Convention, has proven both widely acceptable and capable of creating palpable improvements in biology-related issues. It also, presaging UN Security Council Resolution 1540, identifies the locus for the most-needed actions in thwarting WMD: national sovereign implementation of effective legal and regulatory provisions to both outlaw illicit activity and

raise consciousness of both the legal requirements and the mind-sets that must accompany biological activity to realize the inherently dual-use nature of almost everything that is done.

A lesson that hopefully will come from the Protocol negotiations and be applied not only to biology but to other areas of international concern is the inherent limitation of a legally-binding negotiated approach to solving problems in a world where the agility of the underlying science and the imaginations of potential rogue proliferators simply outrace the best efforts of enforcers. For one thing, only sovereign states can accept and be bound by such legal instruments as treaties. Today the threat of non-state actors clearly exceeds the direct bounds of a treaty – though certainly treaties can establish the requirement for whatever sovereign entity controls the territory from which a terrorist organization operates has an obligation to outlaw and prosecute the terrorist activity. But that is an indirect approach through treaties that can be better achieved by a more direct, if less formal, approach.

Protocols to existing treaties offer yet another obstacle: they require independent ratification by those states already party to the original Convention. This is, at best, an uneven process that will take much longer in some states than others. In the interim – which may linger for generations – there is an uneven set of requirements among parties, which some argue undercuts the universal applicability of the basic requirements of the Convention itself. Amending a treaty or a protocol is a very cumbersome process – as the six years of inconclusive Protocol negotiations demonstrated in this instance. Any protocol attempting to deal with current conditions of science, technology, and manufacturing in a discipline as explosive as biology will inevitably be outdated long before it is ratified, let alone before any review conference could examine how to try to bring it up to date.

Thus, I would conclude that the failure of the 1995-2001 BWC Protocol Negotiations is less the failure of the particular effort than a demonstration of the wrong process with the wrong premises addressing too many issues that were incompatible. A great deal of work was done, and many ideas were explored – but there was never an effective outcome available.

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*This article is the third in a series of retrospectives by Ambassador Mahley. For OPCW : Reflecting on the Model, see the July 2009 issue of this Bulletin; for Controlling the BW Genie, see the October 2009 issue.*

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# A TALE OF TWO RIOT CONTROL AGENTS: UK ATTITUDES TO CS AND CR IN WARFARE AND LAW ENFORCEMENT 1969 -1975

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In December 1969 the then Labour government grappled with the problem of the use of riot control agents in war and how they were to be handled under the 1925 Geneva Protocol. The immediate issue at hand was how the riot control agent CS should be treated: was it covered by the Protocol's ban on "asphyxiating, poisonous or other gases"? This issue was given added piquancy by extensive US use of this agent in the Vietnam War. Harold Wilson's government was coming under pressure to state its views clearly on this matter.

A few years later and the then Conservative government and its Labour successor grappled with the problems over rules of engagement governing the use of CR as a last means of defence in the event of prison break-outs in Northern Ireland. We look at the main issues and arguments from now *de-classified* Cabinet Conclusions and Memoranda, Ministry of Defence (MOD) and Northern Ireland Office papers.<sup>1</sup> What emerges very clearly from both episodes is the very careful weighing of the scientific, political and legal arguments and, in the case of possible domestic use, the need for strict political control. The paper concludes with some observations on the contemporary relevance of these episodes.

## The CS case

### **The Prime Minister's memorandum**

The Cabinet Defence and Oversea Policy Committee had reviewed the legal, foreign policy and defence implications of the emergence of CS and its place under the 1925 Geneva Protocol during 1969. Ministers concluded that there were in practice two possible courses of action:

- (a) to reaffirm the 1930 interpretation of the 1925 Protocol without qualification (i.e. that whilst smokes were excluded, tear gases were prohibited) while making it clear that the UK would not object if any other state expressed the view (as the US had) that the Protocol did not prohibit the use in war of riot control agents; or
- (b) to reaffirm the UK's 1930 statement, but explain that the use in war of recently developed riot control agents (RCAs) such as CS, which the UK did not regard as significantly harmful, were not in the UK view covered by the Protocol.

The majority of the Committee favoured option (b), but felt that the full Cabinet ought to discuss the issue before endorsing any conclusion. Harold Wilson as Prime Minister therefore submitted a note to his colleagues on 16 December 1969 setting out the arguments for and against the proposed courses of action. He included memoranda from the FCO and MOD, which set out contrary views as well as those of the Attorney General on the legal aspects. The note said

significantly that, "*it can be maintained that chemical agents, whether regarded as lethal or incapacitating (including harassing materials) are all toxic agents. The term 'lethal' and 'incapacitating' agents are not absolute terms but imply statistical probabilities of response. Toxicity of these gases varies in different animal species and in different conditions. Depending on circumstances, not all individuals will die from an attack with a given lethal agent, whereas, again depending on circumstances, some might succumb to an attack with an incapacitating agent.*"

### **FCO Views**

The FCO case emphasised that the UK Government had taken the lead in 1930 in trying to establish that the Geneva Protocol's prohibition applied to the use of tear gas in war. If the UK were to change its position, then it would lay itself open to charges that it had done so in order to please the US and because the UK approved of the use of RCAs in Vietnam. The note went to state that any such change in policy would "*gravely prejudice our standing ... and the position which Britain now justly enjoys as the country which has taken the lead in trying to deal with the growing menace of chemical and biological weapons.*" Although the Foreign and Commonwealth Office (FCO) recognised that RCAs could in fact be used in war in order to save life, the manner in which RCAs had been used in Vietnam – spray tanks, long range artillery *etc* showed that the agents were not being used with this sole intention. Moreover, in the FCO view RCAs such as CS clearly were caught by the phrase "*or other gases*", which appears in the Geneva Protocol prohibition. When used for domestic purposes RCAs such as CS were used as an alternative to lethal force; in war the risk of it being used to increase the effect of lethal weapons, or its use resulting in escalation was so great that the wisest course was to prohibit it altogether.

### **MOD Views**

The MOD insisted that in scientific terms CS was a smoke and not a gas and could only be brought within the terms of the Geneva Protocol on the grounds that it was significantly harmful or deleterious to man – an argument which it rejected. If it were so, then its use for law enforcement, or to deal with riots would be difficult to justify. In fact the use of CS had saved innocent lives and gave the police and army a much more humane option than batons, bayonets and bullets or bombs. Science had provided a humane and harmless alternative to older methods and had helped to keep down the number of injuries and deaths in Northern Ireland during the

Troubles, which had started in 1969. If the UK were to stick with the 1930 interpretation this would focus attention on differences with the US and in addition, would cause endless difficulties over definitions of substances and the circumstances in which they could be used.

### **The Attorney General's view**

The Attorney thought that tear gases were significantly harmful and deleterious to man. The development of CS, which was lower in toxicity than tear gases used in World War I, did not place CS outside the Protocol. The interpretation of the Protocol as prohibiting all gases which were significantly harmful or deleterious to man applied to such gases in 1925 or developed later. CS despite its sophistication was still significantly harmful or deleterious as witness its use in Vietnam and in a recent Home Office warning to Chief Constables. He went on to argue that interpretation of the Protocol had to take account of the UK Government's 1930 interpretation i.e. tear gases were covered. To take different view would have required very convincing evidence to justify a change and this did not exist. Although the matter was not beyond some doubt, it was in law very much the better view that tear gases, CS especially, were covered by the Protocol.

### **Cabinet Conclusions**

This topic came to the full Cabinet at its 61<sup>st</sup> meeting in 1969 on 18 December. The Foreign Secretary, Michael Stewart, remained convinced of the arguments for sticking with the traditional interpretation i.e. the option in paragraph 3 (a) above. Stewart went on to rehearse the argument in the FCO note. Denis Healey, Defence Secretary, then laid out the views expressed in the MOD paper. He emphasised that to announce that the UK regarded itself as prohibited from using CS in war would strengthen the hands of those who argued that it should not be used in peacetime. The UK's 1930 statement had excluded screening smoke and since CS was less toxic than such smokes it made no sense to include it in the scope of the Protocol.

In discussion some support was expressed for the view that the UK should reaffirm the 1930 statement without qualification. The alternative of a qualified statement would unite critics of the government's Northern Ireland policy with those who criticised its disarmament policy. It would lead to charges that the UK was again "*seeking to whitewash the US.*" However, the majority of Ministers thought that the conclusion of the Defence and Overseas Policy Committee should be supported i.e. option (b) in paragraph 3 above. In summing up the Prime Minister said that it would be necessary for the qualification statement to be carefully drafted to make it clear that in referring to gases such as CS, the UK had in mind those of similar or lower toxicity. In addition, he thought that an accompanying statement, explaining the reasons that led to the change in the UK's position should be prepared and held ready to use in international or domestic discussion. The Foreign Secretary, in consultation with the Defence Secretary and the Attorney-General, was tasked to prepare statements on the lines indicated in the Prime Minister's summing up. It should be noted that this was a UK decision and no pressure had been brought to bear from the US.<sup>2</sup>

The UK change in position - namely that CS was not in fact covered by the Geneva Protocol - was announced in Parliament by Michael Stewart in February 1970. He said

that, "*...modern technology has developed CS smoke, which unlike the tear gases available in 1930, is considered to be not significantly harmful to man in other than wholly exceptional circumstances; and we regard CS and other such gases accordingly as being outside the scope of the Geneva Protocol. CS is in fact less toxic than screening smokes, which the 1930 statement specifically excluded.*" Interestingly enough this review also concluded that CN and DM were within the scope of the Geneva Protocol.<sup>3</sup> In terms of how CS might be used by UK armed forces, Lord Chalfont, Minister of State at the FCO, in an interview with Arthur Gavshon, the London Correspondent of Associated Press, on 4 February noted that CS would only be used, "*with the object of saving life and taking prisoners.*"<sup>4</sup> Later that summer the MOD gave the FCO a clear statement on the circumstances in which CS might be used by UK armed forces, "*British troops will never use substances such as CS or for that matter any other weapon in a manner inconsistent with the generally accepted rules of war as embodied, for example, in the 1948 Geneva Convention for the "Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field", Accordingly, an enemy rendered hors de combat would not deliberately be subjected to further acts of violence. Furthermore, CS provides British troops with the means of rendering an enemy temporarily hors de combat without resorting to lethal weapons, thus saving lives.*" Instructions to British soldiers on the use of CS were drafted in accordance with these principles.<sup>5</sup>

### **Domestic and international reactions**

Ronald Hope-Jones, head of the FCO's Atomic Energy and Disarmament Department (the lead department at that time) was so appalled by this *volte face* that he resigned. In fact this decision was not at all popular in Parliament, with NGOs, the public and in Geneva at the Conference of the Committee on Disarmament. Between February and April some thirty parliamentary questions were tabled. In the four months following the announcement, the FCO's Disarmament Department had received more than 200 letters of protest from MPs and the public. The Quakers and the UN Association were vocal too in their protests. In Geneva, Sweden and India were scathing; they argued that the decision weakened the Geneva Protocol and they also questioned the sincerity of the UK's approach to chemical and biological disarmament.<sup>6</sup> Alva Myrdal, Swedish Ambassador, said that the "*UK statement is most regrettable. It is particularly so since it comes from a government which in the past as well as in the present has shown such positive interest in getting ahead with further arms regulation measures in the field of biological and chemical disarmament.*"<sup>7</sup>

At the change in government in June 1970, Edward Heath's Conservatives replaced Harold Wilson's Labour in office. The new Foreign Secretary, Sir Alex Douglas Home and his Minister of State, Lord Lothian, were not fully convinced by the change in UK policy. The FCO Disarmament Department advised that, although it remained strongly of the view that the policy was mistaken, there was little point in re-opening the decision given the strength of MOD opposition to any such move, which its initial soundings had revealed. Ministers were not so sure. Home was worried that some "*more harmful gas could be used under cover of tear gas.*" He

decided that the MOD should be asked to reconsider. A Private Secretary letter was duly despatched on 11 September 1970. Defence Secretary Lord Carrington's Private Secretary responded in negative terms on 6 October and made clear that Carrington thought that the Labour government's decision had been the right one. The MOD argued too that the then government had managed to ride out the storm of protest over its change in policy. One of the other reasons cited for maintaining the new policy was that from the point of view of UK-US relations, it was surely better to stick to announced policy which was in line with Washington's.<sup>8</sup> Although FCO and MOD officials agreed a joint letter to the Attorney-General's office in December to seek a further formal legal view, at the end of the day there was no change in the policy as laid out by Stewart on 2 February. In fact Home and Carrington agreed that their decision to stick with the Labour line on CS would not be promulgated until, "*the force of circumstances requires it*".<sup>9</sup> There were no further changes in UK attitudes to the use of CS in war until the Chemical Weapons Convention was signed in 1993 and entered into force in 1997.

## The CR case

### Northern Ireland

The problem here was largely domestic and unrelated to international treaties and their interpretation: how could the authorities cope with an attempted mass break-out of Republican prisoners from HM Prisons in Northern Ireland? This question was all the more acute as the physical defences of the prisons concerned – the Maze and Magilligan – were weak and were in the process of being strengthened. A new riot control agent, CR, was available and it offered an effective solution. Safety and political considerations were however significant countervailing pressures. Just how did the then Conservative and Labour governments resolve these dilemmas?

### The problem: the Heath government's approach

By early 1973 CR (dibenzoxazepine) had been under investigation at the Chemical Defence Establishment (CDE) since 1961 and both its effectiveness and its safety had been extensively tested on animals and also human volunteers.<sup>10</sup> During these tests (or DBO as it was initially known) was found to be several times more effective as an irritant than CS. Tests had suggested that it was safer than CS, although examination of the carcinogenic and other long term medical effects were not expected to be completed before early 1974. CR was available in a liquid form, and had been studied at a strength of 0.0025% by the Medical Committee of the Chemical Defence Advisory Board, which operated under the aegis of the Defence Scientific Advisory Council.<sup>11</sup> It was in this concentration that CR would be used in any agent delivery system and in the first instance this meant SPAD - a small aerosol container that fitted into a pouch and was designed to be used at very close range – 3 to 4 feet.

The Army thought that CR in solution was the more effective and less physically risky choice of the possible alternatives such as baton rounds for dealing with rioting prisoners or attempted break-outs. CR use in smoke rounds was considered too hazardous in case it drifted off and affected civilians living and working nearby. The prison guard force

itself would need to wear protection, which would have operational implications for training and use of CR. HQ Northern Ireland therefore recommended that SPAD should be authorised for use as a last resort at the Maze in the two eventualities of either a riot beginning to run out of control, or of preventing escapes and arresting escapers.<sup>12</sup> This request was referred to a Cabinet sub-committee (GEN 79) following agreement between the Defence and Northern Ireland Secretaries of State that a joint paper explaining the issues to Ministerial colleagues would be prepared by the departments.<sup>13</sup>

William Whitelaw, Northern Ireland Secretary of State, was particularly concerned by a subsequent MOD proposal that the Commanding Officer of the military stand-by force at the Maze should be authorised to use SPAD as a last resort in the interim period until the question was considered by GEN 79. Although Whitelaw fully recognised the potentially dangerous situation at the Maze, he was of the opinion that any authorisation could place in jeopardy a political solution to the troubles in Northern Ireland. He felt that it would be a gift for Republican propaganda. The Prime Minister agreed that any decision on possible use of CR should await consideration and decision by a GEN 79 meeting.<sup>14</sup>

A GEN 79 meeting held on 13 September was inconclusive. Whitelaw remained concerned about the potential adverse political implications following any CR use and there were anxieties too over the agent's safety. The Himsworth (Medical Research Council) report Part II of 1971 on the toxicological aspects of CS and its use for civil purposes had made two recommendations for the introduction of new chemical riot control agents. The first of these noted that the effects of any chemical agents intended for use in internal security operations should be studied in a manner "*more akin to that in which we regard the effects of a new drug*." The MOD believed that this requirement was met by the Chemical Defence Advisory Board's Medical Committee in its study of CR liquid. The second recommendation noted that, "*if the competent authorities feel it justifiable to release a chemical agent for use in civil circumstances, the medical and scientific research relevant to this decision should straightaway be published in the appropriate scientific journals so that informed medical and scientific opinion may assess the situation itself*." Ministers and officials believed that this requirement would be addressed when a suitable report was published in the July 1973 edition of the journal *Medicine, Science and Law*. This was delayed however, which resulted in some GEN 79 members fearing that the second Himsworth recommendation had not been fully implemented.

The MOD, however, were quite sure that the Himsworth recommendations had been adopted. Chemical Defence Establishment had carried out a very extensive series of tests, the results of which were assessed by independent medical advisers who confirmed the MOD's conclusions that CR was safe under the conditions of proposed use. Although a rigorous longterm study to determine if CR could have carcinogenic effects was not yet quite completed, the evidence to date from this and from an earlier pilot study indicated that there was no cause for concern about possible long-term effects. After examining the matter afresh, Ian Gilmour (Under-Secretary of State, MOD) saw no reason to depart from the statements made by him in previous minuting to the Prime

Minister and by Lord Carrington at the GEN 79 September meeting that the requirements laid down by the Himsworth committee for introducing a new chemical riot control agent had been fully met, and he did not consider that those statements in any way misrepresented the position.<sup>15</sup>

In light of this it appears that Whitelaw was prepared, pending a further GEN 75 meeting, to reach an understanding with the General Officer Commanding Northern Ireland (GOC NI) about the circumstances in which SPAD might be used.<sup>16</sup> GEN 79 gave provisional approval for CR, but under strict conditions: authority for deployment would only be extended until completion of new security fences; it would be a last resort for mass break out – of at least 100; and would not be aimed at non prisoners aiding and abetting any escape.<sup>17</sup> Whitelaw also told GOC NI that he should be consulted first whenever possible. The MOD, although not disagreeing with the terms of the decision, argued that it would not be easy to translate these conditions into workable rules of engagement, especially the point about “*at least 100*”. It could well be difficult to count in some circumstances. Whitelaw finally agreed to revised rules of engagement on 4 October 1973.<sup>18</sup>

Carrington took the view that as long as the possibility existed and so long as the results of a successful mass escape remained as daunting as they undoubtedly were at that time, it would be quite wrong to deny the guard force the use of CR in the last resort – in the form of SPAD until better systems became available.<sup>19</sup> Moreover, the MOD subsequently argued that SPAD should still be available *even* after completion of the new security fences. This did not go down too well with Whitelaw and the Northern Ireland Office. They continued to see considerable dangers in the proposal. Whitelaw felt he had to oppose it believing that any disclosure that the use of CR was authorised at the Maze would be extremely damaging to the political progress towards some sort of settlement that was then being made.<sup>20</sup>

By December 1973 Whitelaw, however, was no longer Secretary of State at the Northern Ireland Office, having become Employment Secretary instead. His successor Francis Pym noted shortly after taking up office that the present authority on CR use should be continued under the existing rules; but no public announcement specifically relating to the Maze or to Northern Ireland should be made. In addition, further efforts should be made to dispel the scientific doubt about the effects of CR.<sup>21</sup> The Prime Minister commented that in light of what Pym had said the way was now clear for the present authority for the use of CR to be continued under the existing rules, subject to the further points made by the Secretary of State.<sup>22</sup>

### **The Labour government's approach: 1974-1975**

The key problem for the new Labour government under Harold Wilson was what to do about rules of engagement governing the use of CR in Northern Ireland: just how strict should these be? Non MOD Labour Ministers displayed the same degree of sensitivity on this matter as their predecessors. However, by spring 1974, Ministers were much more confident on the safety case. Defence Secretary Roy Mason stated in a written answer to a parliamentary question that an intensive testing programme into CR over several years was largely completed and gave no cause for concern. The results were being made available in reports to appropriate scientific journals, some of which had already been published with others

awaiting publication or in the course of submission.<sup>23</sup> Intensive research had been conducted at the Chemical Defence Establishment into the possible biological and environmental effects of CR, including its toxicology, pharmacology, carcinogenicity, teratology (effect on unborn children) and its possible contamination of food and the environment. The results of these tests were submitted to the independent scrutiny of the Chemical Defence Advisory Board's Medical Committee. No long term or adverse effects were discovered, and although some of the test programme elements were too long-term to have been completed as of summer 1974, the results thus far had given no cause for concern.<sup>24</sup>

### **Rules of Engagement (ROE)**

The issue, as it had been for the previous government, boiled down to the scope of the ROEs for the use of SPAD. Other delivery systems were also coming into the picture, but for the time being the focus was on SPAD. It was very clear, notwithstanding the safety advice received, that Ministers were still keen to control any use of CR at the prisons, the Maze in particular. We can see these concerns in exchanges between the Secretary of State for Defence and the Northern Ireland Secretary in May 1974. Mervyn Rees, the Secretary of State at the Northern Ireland Office, insisted that the ROEs make clear at the outset that the use of SPAD was permitted only on the authority of the GOC or, in his absence, the Commander Land Forces and if possible after prior consultation with the Secretary of State. Moreover, it had to be fully understood by all involved that SPAD was only to be used as a last resort and for the sole purpose of stopping a mass escape. Knowledge of the authority for the use of SPAD was to be limited to those with an absolute need to know.<sup>25</sup>

SPAD was to be deployed from secure storage only on the authority of the Commanding Officer of the Guard Unit at the Maze and could only be discharged on the authority of the Commissioned Officer responsible for the action in the area in which they were required. Use could only be authorised when escaping prisoners reached at least the line of the inner weld mesh fence and either were attempting to cross that fence in such numbers that the available security forces would otherwise be unable to prevent escape if the prisoners succeeded in breaching or crossing the outer fence; or they had got beyond the outer fence and there was no other means of preventing them from making good their escape.<sup>26</sup>

As noted above, thought was being given to using additional CR delivery systems for the guard forces. In July 1974 the Defence Secretary and the Secretary of State for Northern Ireland minuted the Prime Minister asking for his agreement for deployment of additional CR delivery devices at both the Maze and Magilligan prisons: these were water cannons and an enlarged SPAD or vehicle mounted device. These were still subject to approval by the Chemical Defence Establishment's Medical Committee.<sup>27</sup> However, the Prime Minister took the view that it was important that the Army should not be authorised to use these devices at the prisons until the Medical Committee had given its approval to the enlarged SPAD and trolley or vehicle-mounted device.<sup>28</sup> In December 1974 Harold Wilson was informed that the Medical Committee had concluded that the devices carried no risk of serious injury, but as with the hand held SPAD, all devices were to be subject to stringent rules of engagement agreed between the two departments.

The ROEs were too constraining for Lt Gen Sir Frank King (GOC Northern Ireland). He felt strongly that delegated authority was needed for a fast moving situation. In such circumstances it would not always be possible to get in touch with Ministers quickly. Recent disturbances at the Maze had highlighted this problem. Authority for CR to be deployed for the first time had in fact been given to the Commanding Officer of the Maze guard unit on the night of 15/16 October 1974. However, as Brigadier Garret told the Northern Ireland Office (NIO) on 1 November CR was not used.<sup>29</sup> Nevertheless, given the current prison threat the GOC was extremely keen that the limits on CR use by the guard unit commanding officers on their own initiative in an extreme situation should be removed as a matter of urgency.<sup>30</sup> Defence Secretary Roy Mason urged Northern Ireland Secretary Mervyn Rees to agree that they should accept the GOC's request to modify existing ROEs to the extent that if in the last resort the prison commanding officer was unable to obtain the requisite superior authority for the use of CR in time, he should be permitted to do so on his own authority.<sup>31</sup>

The upshot of these exchanges was that Ministers acceded to the military request. This meant a revision to the ROEs, whose salient features were as follows:

- Commanding Officer (COs) should not use CR without obtaining on any occasion prior approval of GOC; or Commander Land Forces (CLF) or CO 3 or 8 Brigade if neither previous two available;
- Whichever officers consulted, they should seek personal approval from the Secretary of State for Northern Ireland (anywhere in the UK), only in the unlikely eventuality that he was not readily available should authority be sought from the Duty Minister; if neither available then GOC, CLF or COs 3 or 8 Brigade may do so;
- Only if the relevant CO was unable to contact either, or *in extremis* a Minister direct, they may then approve CR use;
- Only if the situation at the prison is desperate and every second counts, may a unit commander himself authorise the use of CR without first seeking higher authority.

This last point was emphasised by Rees as he wanted it to be made unmistakably clear to the Commanding Officer concerned that by a desperate situation he meant one in which, for example, an uncontrollable mob of prisoners was using violence and was about to escape.<sup>32</sup> The Prime Minister agreed to this arrangement on 2 January 1975.<sup>33</sup> However, this did not mean that soldiers could train how to use CR; Ministers placed an absolute prohibition on any training since they feared that this might leak and cause political trouble.<sup>34</sup> HQ NI found that this imposed severe constraints.

## Conclusions

So what are we to make of UK approaches to CS and CR? What do these two cases tell us about UK thinking and do the events of 1969 to 1975 have any resonance for the contemporary handling and understanding of the riot control, incapacitating chemicals, law enforcement chemical issue in the CWC? We must be careful of course not to assume that mindsets in one period are necessarily going to remain the same in later periods separated by some thirty to forty years. Science and technology have changed dramatically too since 1969, but perhaps some of the core concerns are the same

and still relevant today.

Arguments in 1969 over lethal and non-lethal agents, their use in situations other than war, the humanitarian benefits, the potential threat posed to existing treaties and attempts to strengthen the CBW disarmament regime and the possible impact on UK-US relations all have echoes today. We should recall however that extensive US CS use in Vietnam gave the debate a much higher profile in the late 1960s and in 1970. Contemporary debates over incapacitating agents and the CWC by way of contrast have a much lower impact than CS and the Geneva Protocol did in its day. That said, given scientific understanding and the pace of technological change today in chemistry, genomics, proteomics, synthetic biology and incapacitant chemicals the threat posed to the long term health of the CWC is infinitely greater than the one posed to the Geneva Protocol by CS.

As for CR, it is very clear that Ministers – both Conservative and Labour – were acutely sensitive to both the safety aspects and what both saw as the inevitable adverse political consequences of any CR use in the prisons. The insistence on exceptionally tight ROEs shows that it was only ever to be used as the absolute last resort – political control too was a key requirement with Ministerial authorisation to be sought in almost every case and it should only ever be used for escaping prisoners. General use in Northern Ireland was never contemplated. Even training to use CR dispersal devices was prohibited. The connection with CS was also evident following from the Himsworth Committee's recommendation that any new riot control agent should be subject to the same sorts of safety testing that would apply to a new drug. Proposals to deploy CR to Northern Ireland therefore could only be agreed once the various safety studies had been completed and published and not before. Such testing did not apply just for the agent itself, but also had to take into account the different delivery systems that were becoming available. One cannot help but conclude that despite the very clear and conclusive safety studies, Ministers perhaps only subconsciously, may still have harboured lingering doubts over safety.

One might infer from this that in today's climate, where health and safety and liability concerns are very much greater than they were in the early 1970s, Ministers and officials would be even more sensitive to safety and ROE issues for any chemical that might be considered for law enforcement or riot control purposes. Although the political sensitivities surrounding the use of a new riot control agent at the height of the troubles in Northern Ireland were a special case, we can still conclude that similar concerns as applied in 1973-1975 would still in all probability obtain today. Indeed they may well be even greater.

## Notes

\* The views expressed here are the author's own and not necessarily those of the UK Foreign and Commonwealth Office.

<sup>1</sup> National Archives CAB 128/44 Part 2 C(69) 168, 16 December 1969, The Geneva Protocol and the Use of Riot Control Agents in War. Note by the Prime Minister; and CAB 129/146 Part 2 CC (69) 61<sup>st</sup> Conclusions, 18 December 1969, Item 3.

<sup>2</sup> WO 188/2704 Incapacitating and anti-riot control agents 1965-

- 1970, Lord Chalfont/Arthur Gavshon, 4 February 1970.
- 3 WO 188/2704 Incapacitating and anti-riot control agents 1965-1970, R.Holmes AD/BD to D/CDE The Toxicities of World War I lachrymators, screening smoke and riot control agents, 22 January 1970.
  - 4 WO 188/2704 Incapacitating and anti-riot control agents 1965-1970, Lord Chalfont/Arthur Gavshon, 4 February 1970.
  - 5 WO 188/2704 Incapacitating and anti-riot control agents 1965-1970, D.A.Nicholls, AUS(GS), MOD to D.V.Bendall, AUS, FCO, 20 July 1970.
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  - 7 CCD/PV.457, page 12, March 1970.
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  - 9 WO 188/2704 Incapacitating and anti-riot control agents 1965-1970, G.D.Heath, DBCD, MOD, to D/CDE, CS and the Geneva protocol, 17 June 1971.
  - 10 WO 188/2704 Incapacitating and anti-riot control agents 1965-1970, Dibenzoaxazepine (DBO).
  - 11 CJ 4/456 The Maze Prison: proposed and existing security arrangements. use of CR gas for riot control and to prevent escapes. Medical and political consequences. Consideration by Cabinet, MOD and FCO, 1973 Jul 31 - 1973 Nov 29, D.R.J. Stephen AUS (GS) to PS/Minister of State CR, 31 July 1973.
  - 12 CJ 4/456 The Maze Prison: proposed and existing security arrangements. use of CR gas for riot control and to prevent escapes. Medical and political consequences. Consideration by Cabinet, MOD and FCO, 1973 Jul 31 - 1973 Nov 29, DMO to Secretary of State, Security of HM Prison The Maze, 7 August 1973.
  - 13 CJ 4/456 The Maze Prison: proposed and existing security arrangements. use of CR gas for riot control and to prevent escapes. Medical and political consequences. Consideration by Cabinet, MOD and FCO, 1973 Jul 31 - 1973 Nov 29, Frank Cooper, MOD to Mr Howard-Drake, Use of CR, 9 August 1977.
  - 14 CJ 4/456 The Maze Prison: proposed and existing security arrangements. use of CR gas for riot control and to prevent escapes. Medical and political consequences. Consideration by Cabinet, MOD and FCO, 1973 Jul 31 – 1973 Nov 29, S.Bampton, NIO London to A.W. Stephens DS 10, MOD, 31 August 1973.
  - 15 CJ4/1338 Use of SPAD/CR gas in prisons, 1973 Jan 01 - 1975 Dec 31, D.E.Young, PS to M.Alexander, FCO, 2 October 1973.
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  - 21 CJ4/1338 Use of SPAD/CR Gas in prisons 1973 Jan 01 - 1975 Dec 31, Martin Reid, NIO to N.H.Nicholls MOD, 14 December 1973.
  - 22 CJ4/1338 Use of SPAD/CR Gas in prisons 1973 Jan 01 - 1975 Dec 31, R.Butler, 10 Downing Street to N.H.Nicholls, 18 December 1973.
  - 23 Hansard Written Answers, 18 March 1974, Roy Mason, CR Gas.
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  - 26 Op. cit.
  - 27 DEFE 24/966 Northern Ireland: use of troops and chemical control materials in Northern Ireland prisons, 1975 Sep 15-1978 Oct 30, Draft Submission PS/Secretary of State Use of CR at Northern Ireland Prisons attached to S.S.Brampton, NIO to N.Bevan DS10 MOD, 7 December 1976.
  - 28 CJ4/1338 Use of SPAD/CR Gas in prisons 1973 Jan 01 - 1975 Dec 31, Tom Bridges, No 10 Downing Street to Martin Reid NIO, Use of CR, 1 August 1974.
  - 29 CJ4/1338 Use of SPAD/CR Gas in prisons 1973 Jan 01 - 1975 Dec 31, Brig H.Garrett to J.B.Bourn NIO Belfast, 1 November 1974, Delegation of Authority to Deploy/Use CR.
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  - 31 CJ4/1338 Use of SPAD/CR Gas in prisons 1973 Jan 01 - 1975 Dec 31, Roy Mason to Secretary of State Northern Ireland, Use of CR Devices at HMP Maze and Magilligan, 11 November 1974.
  - 32 CJ4/1338 Use of SPAD/CR Gas in prisons 1973 Jan 01 - 1975 Dec 31, Mervyn Rees to Roy Mason SoS Defence, 16 December 1974.
  - 33 CJ4/1338 Use of SPAD/CR Gas in prisons 1973 Jan 01 - 1975 Dec 31, PM agreed on 2 January 1975 Patrick Wright, 10 Downing Street to M.F.Mumford, MOD, Use of CR at the Maze and Magilligan Prisons.
  - 34 DEFE 24/966 Northern Ireland: use of troops and chemical control materials in Northern Ireland prisons, 1975 Sep 15 - 1978 Oct 30, JRA MacMillan Col GS MO4 to DS10 Training with SPAD/MAXI SPAD, 31 December 1975.

## The Biological Weapons Convention Meeting of States Parties December 2009

As reported in the *Bulletin* 85 (September 2009), the Meeting of Experts of the States Parties to the Biological and Toxin Weapons Convention (BWC) was held in Geneva under the Chairmanship of Ambassador Marius Grinius of Canada on 24 to 28 August 2009 to discuss, and promote common understanding and effective action on:

*(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.*

The Meeting of Experts produced a report (BWC/MSP/2009/MX/3 dated 16 October 2009 – this and other official BWC documentation is available at <http://www.unog.ch/bwc>) to which was attached as Annex I a paper prepared by the Chairman listing the 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 report, as in the reports from the Meetings of Experts in previous years, stated that ‘*It was the Chairman’s view that the paper could assist delegations in their preparations for the Meeting of States Parties in December 2009 and in its consideration of how best to “discuss, and promote common understanding and effective action on” the topics in accordance with the decision of the Sixth Review Conference.*’ It should also be noted that, as at the Sixth Review Conference and at the subsequent Meetings of Experts and Meetings of States Parties, Richard Guthrie – on behalf of the BioWeapons Prevention Project (BWPP) in co-operation with the Verification Research, Training and Information Centre (VERTIC) – provided daily reports on the Meeting of States Parties that were made available in hard copy to the delegations as well as electronically. These reports can be found via <http://www.bwpp.org/reports.html>.

This provided the States Parties with an excellent starting point from which to develop language to meet the requirement of the mandate for the Meeting of State Parties in December 2009 to ‘*discuss, and promote common understandings and effective action*’.

### Preparation for the Meeting of States Parties, 7 to 11 December 2009

The Final Report (BWC/MSP/2009/MX/3 dated 16 October 2009) of the Meeting of Experts comprised a report of 5 pages together with Annex I a 33 page listing of the considerations,

lessons, perspectives, recommendations, conclusions, and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topic under discussion at the Meeting and Annex II, a 4 page listing of the documents of the Meeting of Experts. Annex I with its 33 pages addressing a single topic was virtually three-quarters as long as the comparable Annex I from MX08 with its 41 pages which addressed two topics; this reflected the very active participation in MX09 in which all the available time was taken up with presentations and statements from both States Parties, international organizations and from guests of the meeting.

The Chairman, Ambassador Marius Grinius of Canada, wrote to the States Parties on 15 October 2009 to say that, as he had foreshadowed at the close of the meeting, and as had been done in previous years, he had consolidated these proposals and ideas, removing duplications and merging similar concepts, to produce a synthesis paper. This synthesis, which was attached, was intended as food for thought, to help guide the States Parties in their preparations for the Meeting of States Parties. It contained no new material, but simply reflected the ideas put forward at the Meeting of Experts in what he hoped was a reasonably coherent, concise and accessible way. It was not intended to exclude any proposal from consideration, and States Parties were of course welcome to make additional proposals at the Meeting of States Parties. The synthesis paper was a resource for States Parties to draw upon in their preparations, and he encouraged them to use it that way.

On the outcome of the meeting, he said that *we should aim for an action-oriented product that closely resembles past reports and makes use of existing precedents and practices. The common understandings that we reach should be of practical assistance to all States Parties and enable them to take effective action in building capacity for disease surveillance, detection, diagnosis and containment. In particular, the outcome should be of use to those States Parties that are not able to participate in our meetings. I am convinced we must keep in mind the interests and needs of the entire membership of the Convention, especially the smaller States Parties which are often those most in need of assistance and encouragement.*

To this letter was attached the 5 page synthesis document subsequently issued, prior to the Meeting of States Parties, as MSP/2009/L.1 dated 16 October 2009.

Ambassador Grinius subsequently spoke to the group coordinators during the second half of November 2009 saying that *Throughout the year, I have repeatedly stressed the importance of actually building capacity to deal with disease. ... I am keen to ensure that we do not focus solely on a final document but continue to work towards an action-based outcome as well. He also reminded the States Parties of Paragraph 54 of Final Document of 6th Review Conference, which encouraged States Parties to provide*

*appropriate information on how Article X is being implemented to the ISU, and requested the ISU to collate the information for States Parties. The MSP would provide a useful vehicle to make such reports.*

In regard to universalization, Ambassador Grinius had presented an interim report as part of his closing remarks to the Meeting of Experts in August 2009. As in previous years an advance version of the report of the Implementation Support Unit was made available prior to the Meeting of States Parties.

In New York in the First Committee of the United Nations General Assembly, Hungary, on 14 October 2009, introduced a draft resolution (A/C.1/64/L.15) on the BWC which noted with satisfaction the number of States that have become Party to the Convention and in its operative paragraphs reaffirmed the call upon all States not yet party to become so at an early date, welcomed the information and data provided to date and reiterated its call upon all States Parties to participate in the exchange of information and data agreed at the Third Review Conference. The draft resolution continued in its third operative paragraph to say:

*3. Also welcomes the successful holding of meetings as part of the 2007-2010 intersessional process, and in this context also welcomes the discussion aimed at the promotion of common understanding and effective action on topics agreed at the Sixth Review Conference, and urges States parties to continue to participate actively in the remaining intersessional process;*

As in 2007, and 2008 and unlike previous comparable resolutions, this one did not specifically address the topics to be considered at the Meeting of States Parties in 2008 or subsequently.

As expected, the First Committee adopted this draft resolution without a vote on 28 October 2009. It was subsequently approved by the General Assembly without a vote on 2 December 2009 as A/RES/64/70.

### **Other Preparations**

On the weekend of 5-6 December 2009 before the Meeting of States Parties, there was a workshop in Geneva of the Pugwash Study Group on the Implementation of the Chemical and Biological Weapons Conventions entitled *Preparing for the Seventh Review Conference*. About 40 participants from 16 countries had a very useful and intense exchange of views which focussed on preparations for the Seventh Review Conference including preparing for a successful outcome, improving the monitoring of the implementation of the Convention, improving the CBM regime, the convergence of chemistry and biology, as well as concrete measures from the intersessional programme.

### **Meeting of States Parties, 7 to 11 December 2009: Opening Plenary Session**

The Meeting of States Parties began on Monday 7 December 2009 in a plenary session when the Chairman, Ambassador Marius Grinius of Canada, welcomed the representatives from the States Parties. He then moved on to the business of the meeting which, as displayed on the screen in the meeting room, had the overall aim of “*From Communication to*

*Cooperation*”. In regard to the adoption of the Agenda (BWC/MSP/2009/1), he noted that this had been circulated in all languages. This was adopted. The programme of work (BWC/MSP/2009/3), which had been developed from that attached to the Chairman’s letter of 15 October 2009, had likewise been circulated. The Chairman said that the majority of the time is devoted to agenda item 6, the topic for 2009. Time had been set aside for the NGOs on Monday afternoon and one aspect of agenda Item 9, the arrangements for the meetings in 2010, would be dealt with on Monday morning. He also added that most of the general debate would be held on the Monday, although this would be re-opened briefly on Wednesday at around midday to allow a senior representative of one State Party to make a statement. With these understandings the programme was adopted. The Chairman then noted that three papers had been issued. First, his synthesis document of 15 October 2009 had been issued in all languages (BWC/MSP/2009/L.1), and an advance copy of the report (BWC/MSP/2009/2) on the Implementation Support Unit (ISU) had been circulated as had an advance copy of his report on universalization activities (BWC/MSP/2009/4). In addition, as had been done in 2008, an additional background document had been issued by the ISU on recent developments in science and technology (BWC/MSP/2009/INF.1). He also noted that as usual all Working Papers would be issued in their language of submission only. Moving on to agenda item 4, adoption of rules of procedure, he proposed that as previously these meetings should continue to operate under the Rules of Procedure of the Sixth Review Conference applied *mutatis mutandis*. However, he pointed out that formal accreditation would not be required for the annual meetings; registration would be sufficient. These Rules of Procedure were agreed.

In regard to participation, he said that two States neither party or signatory – Israel and Angola – had requested observer status and this was so decided. Several international organizations – the European Union, the International Committee of the Red Cross (ICRC), the Organisation for the Prohibition of Chemical Weapons (OPCW) and the World Health Organization (WHO) – had also requested observer status and this was so decided. In regard to NGOs, the Chairman said that a number had requested the opportunity to address the meeting, and he proposed to suspend the meeting on Monday afternoon at 4.30 pm to allow them to do so. This was so decided. He also noted that there would be a number of lunch-time events.

100 States Parties to the Convention participated in the Meeting of States Parties as follows: Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia,

Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, and Yemen. This was four more than at the Meeting of Experts as 15 States Parties – Benin, Latvia, Liechtenstein, Luxembourg, Madagascar, Malta, Mauritius, Monaco, Mongolia, Montenegro, Niger, Panama, Rwanda, The former Yugoslav Republic of Macedonia, and Viet Nam – who had not participated at MX09 in August participated at MSP09 in December whilst 11 States Parties – Albania, Botswana, Brunei Darussalam, Burundi, Colombia, Equatorial Guinea, Kazakhstan, Lao People’s Democratic Republic, Swaziland, Tajikistan, and Zambia – who had participated at MX09 in August did not do so at MSP09 in December.

Six Signatory States participated – Côte d’Ivoire, Egypt, Haiti, Myanmar, Syrian Arab Republic and United Republic of Tanzania – two more than at MX09, as Côte d’Ivoire and Egypt participated at MSP09 but did not at MX09. Two States neither Party nor Signatory, Angola and Israel, were granted Observer status; one less than at MX09 when Cameroon participated. Four international organizations were granted observer status: the European Union, the ICRC, the OPCW, and the WHO. This was three less than in August when the European Commission, the European Centre for Disease Prevention and Control (ECDC), the Food and Agriculture Organization of the United Nations (FAO), the International Science and Technology Center (ISTC) and the World Organisation for Animal Health (OIE) participated and the European Union and the OPCW did not. 14 Non-Governmental Organizations and research institutes were present – three less than at MX09. The Convention now has 163 States Parties and 13 Signatory States, unchanged since the accession of the Cook Islands on Friday 5 December 2008.

There were about 470 participants at the Meeting of States Parties, of whom 418 came from States Parties, including some 167 participants from capitals. This compared well with the participation at the Meeting of Experts in August 2009 when there were just over 500 participants, of whom almost 420 came from States Parties, including over 205 from capitals.

Before making his introductory remarks, the Chairman moved on to consideration of Agenda item 9, the arrangements for the Meeting of Experts and Meeting of States Parties in 2010, and in particular the nomination of the Chairman for the 2010 meetings. As he understood that an Ambassador with a particular interest in this matter was about to leave Geneva, the item would be dealt with now. He went on to recall that the Sixth Review Conference had decided that the 2010 meetings would be chaired by a representative of the Non-Aligned Movement and Other States. He therefore invited the coordinator of the group, Cuba, to nominate the NAM candidate for Chairman of the meetings in 2010.

**Cuba** then took the floor and nominated Ambassador Carlos Portales of Chile as Chairman of the Meeting of Experts and Meeting of States Parties in 2010. This was put to the meeting and agreed. Ambassador Portales then spoke thanking the Meeting for appointing him. He said that he looked forward to contributing substantively to the Seventh Review Conference in 2011.

**The Chairman** then made his introductory remarks, noting that *The Meeting of Experts showed that States Parties continue to approach our various challenges in a collaborative, collegial spirit, and the wealth of material presented at that meeting shows the impressive resources we can muster when we work in concert.* He went on to say that *We now have to convert the many ideas and proposals discussed at the Meeting of Experts into a more concise, focused product. We will be working on the same basis as in previous years, on the same understandings about the scope of our mandate. Our task is to “promote common understanding and effective action”, not to negotiate binding agreements. All views and perspectives are welcome. We are not trying to exclude any points of view. States Parties will have different priorities, but all these can be reflected in a fair and transparent manner.*

He went on to say that *As Chairman, I am eager to ensure that the outcome of our work this year makes a lasting contribution to the efforts of States Parties – and other relevant actors – to take practical steps to strengthen the Convention by building capacity in the areas of disease surveillance, detection, diagnosis and containment. As I have said, we are not attempting to negotiate binding agreements. But I believe that we would make a significant and practical contribution to fulfilling the objectives of the Convention if we could develop a report which, for example:*

- *clearly acknowledges the role that improved international cooperation, assistance and exchange in biological science and technology can play in strengthening the comprehensive implementation of the Convention and reducing the risks posed to global security by biological weapons;*
- *identifies challenges and needs in the area of capacity-building, as well as practical means of meeting these;*
- *lists ways and means of improving the coordination of cooperation and assistance activities, of better integrating approaches to human, animal and plant diseases, and of increasing the long-term sustainability of capacity-building;*
- *encourages the involvement of all relevant stakeholders, including governments, international organizations, the scientific and medical communities, commercial industry and academia; and*
- *lists practical measures that States Parties can consider and draw upon when developing their own approaches to our topic.*

*These are just examples: there are of course many other themes and ideas that might usefully be included in our report. But I do urge you take advantage of the constructive atmosphere we have developed, to produce a report that will be a useful and practical resource for all those who share our goals of building capacity in disease surveillance, enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, and ultimately strengthening the Convention as an effective barrier against the development or use of biological weapons.*

He concluded by saying that he was *looking forward to a productive and focused meeting, and to working with you all to deliver a useful, practical and concrete outcome.* He encouraged all delegations to contribute freely to the debate, and he hoped that there would be a continuation of the very constructive and creative spirit States Parties had displayed at the Meeting of Experts.

### **General Debate, Monday 7 December 2009**

The Chairman then moved on to open the **General Debate.**

**Cuba** spoke on behalf of the Group of the Non-Aligned Movement and other States by saying that *Our Group recognizes the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention and reiterates its call to promote international cooperation for peaceful purposes, including scientific and technical exchange.* He went to add that *The Group of NAM Countries and other States Parties to the Biological Weapons Convention would like to emphasize that the Convention forms a whole. It is critical to deal with all of the issues interrelated to this Convention in a balanced and comprehensive manner.*

He continued by saying that *The strengthening of the Biological Weapon Convention cannot exclude inter alia the verification mechanism for the complete elimination of biological and toxin weapons through adopting a legally binding protocol to comprehensively strengthen the BWC.* Furthermore *The BTWC can not disregard the differences between its States Parties regarding the level of development and their national capabilities and resources. Although one of the main purposes of the implementation of Article X of the Convention is precisely to narrow these gaps, the BWC lacks an adequate mechanism for effective implementation of Article X.*

The statement then went on to address Article X in more detail by noting that *our Group presented Working Papers on the establishment of a mechanism for an effective implementation of Article X which could be, among others, a good basis for discussions on this matter. Allow me to reiterate their main elements:*

- *In our view any mechanism aimed at the effective implementation of Article X of the Convention should be open to participation of all States Parties to the Convention; and all the obstacles hampering its full implementation should be identified and overcome;*
- *As a matter of priority, it will be necessary to mobilize resources, including financial resources, to facilitate the widest possible exchange of equipment, material and scientific and technological information regarding the use of bacteriological (biological) and toxin agents for peaceful purposes, in particular from developed to developing States Parties;*
- *The development of human resources in developing States Parties in the implementation of the Convention, taking into account the special situation faced by them should be facilitated;*
- *Coordination of cooperation activities with other relevant international and regional organizations for the financial and technological support of activities*

*for the use of bacteriological (biological) and toxin agents for peaceful purposes will be needed; and*  
-- *A sponsorship programme to support participation of developing States Parties in the meetings and other activities of the Convention should be established. This programme could also be utilized, depending upon the availability of resources, to enhance participation of non States Parties in order to promote the goal of universality of the Convention.*

The Statement concluded by saying that *The States Parties of NAM have proposed this working paper as a contribution for further consideration of this vital issue in the Meeting of the States Parties and in the forthcoming Review Conference. Our group is ready to consider this and other proposals submitted by States Parties to the Convention individually or as a group with the view to advancing in the preparation of the Seventh Review Conference, taking into account the experiences and facts accumulated or agreements reached since the Convention entered into force.*

[www.unog/bwc accessed on 12 January 2010 shows that Cuba submitted a CBM in 2009]

**Sweden** spoke on behalf of the European Union and noted that the candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia, the countries of the stabilisation and association process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as Ukraine, the Republic of Moldova, Armenia, and Georgia aligned themselves with the statement. He started by saying that *Non-proliferation of weapons of mass destruction is at the forefront of EU foreign policy. Under the EU Strategy against the Proliferation of Weapons of Mass Destruction adopted by the EU Heads of State and Government in 2003 and the new lines for action adopted by the Council of Ministers in December 2008, the European Union is committed to counter proliferation of weapons of mass destruction and their means of delivery on the basis of three principles: Effective multilateralism, prevention and cooperation.* He went on to point out that *The BTWC is the major multilateral treaty related to biological and toxin weapons, hence the cornerstone of multilateral efforts to tackle the risks posed by such weapons. To tackle such risks, effective implementation of the convention by its States Parties is required. Effective implementation means adopting adequate control measures, but also facilitating international cooperation on peaceful uses of biological science and technology.*

The statement went on to say that *Looking forward to the 2011 BTWC Review Conference and beyond, the European Union recalls its commitment to the development of measures to verify compliance with the Convention. It continued by noting that The EU believes that it is important that the work on BTWC issues continues between the regular meetings of States Parties. Therefore, the EU organized a workshop giving an opportunity for dialogue with NAM countries in Brussels in November 2009. By further discussing some of the main themes from the BWC Meeting of Experts in August 2009, we hoped to help develop common understandings and facilitate effective action at the Meeting of States Parties. After describing*

other activities being taken by the EU to promote the Convention including universalization and improving the CBM submissions, the statement concluded by saying:

*Finally, the EU believes that preparations for the 2011 Review Conference should be initiated as soon as possible, including exploring options for strengthening the Convention and improving compliance, taking into account the risks from non-state actors. We should also reflect upon how to improve CBMs. In the run-up to the Seventh Review Conference, we look forward to consulting closely with other States Parties on these issues that will be decisive in shaping the way ahead of the Convention over the next decade.*

[www.unog/bwc accessed on 12 January 2010 shows that Sweden submitted a CBM in 2009]

**Australia** on behalf of the JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand) said that *This year's theme in the BTWC Intercessional process has allowed member states to have productive interaction regarding cooperation in the fields of disease surveillance, detection, diagnosis and containment. The statement went on to add that Another key element that has emerged from this year's theme is the close relationship between the BTWC and the public health communities. There is much to be gained from a coordinated approach to tackling the related threats of both deliberate as well as naturally-occurring human, plant and animal disease. The logical relationship between the BTWC and public health allowed for the enhanced involvement this year of international organizations such as the WHO, the FAO and the OIE. Their involvement in this year's Meetings has proven valuable. Their participation in next year's meetings will also be welcome, when the theme will be: "the 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".*

The statement continued by saying that *We have reviewed the proposal from the Group of NAM and Other States for establishment of a mechanism for the full implementation of Article X. The JACKSNNZ support the ultimate goals of improving coordination of assistance and cooperation activities, developing capacity and human resources in a sustainable manner, and sponsoring the participation of developing countries to BTWC meetings. Our experience has been that sustained efforts by the States Parties, with appropriate support from the Implementation Support Unit, are delivering real achievements towards improved coordination of assistance and cooperation activities. We note also that recipient states' focus on self-reliance and attention to the sustainability of capacity building has proved rewarding. We are committed to looking for continued opportunities to work closely with countries to further improve delivery of sustainable capacity building outcomes. The JACKSNNZ also submitted a working paper on this and we would be pleased to discuss this further in the course of this meeting and in the lead-up to the Seventh Review Conference in 2011.*

After reviewing a range of capacity building activities undertaken by JACKSNNZ members over the past 12 months compatible with their article X commitments, the statement concluded by noting *The JACKSNNZ share with other delegations an interest in the opportunity provided by the Seventh Review Conference in 2011 to review and discuss possible means for strengthening the BTWC. Toward this end, the JACKSNNZ contribute for discussion at this Meeting of States Parties and in the lead-up to the Review Conference, the Canadian-sponsored discussion paper "How to approach compliance issues in the Biological and Toxin Weapons Convention: policy issues for the Seventh BTWC Review Conference in 2011" .*

[www.unog/bwc accessed on 12 January 2010 shows that Australia submitted a CBM in 2009]

**Switzerland** then spoke, noting that the Meeting of Experts *highlighted that a maximum of cooperation and assistance is necessary in order to address the transnational challenges of modern biology. Switzerland fully subscribes to strengthening international cooperation and assistance for peaceful cooperation. He went on to thank the Chairman for the synthesis paper and to say that My delegation was reassured that cooperation can be enhanced within the existing framework provided by Article X. We are open and interested to elaborate innovative ways to enhance full implementation of this core pillar of the Convention. At the same time my delegation is not convinced of the benefit and the feasibility of launching negotiations on a legally binding mechanism to implement Article X. We must keep in mind that the BWC is primarily a disarmament and non-proliferation instrument.*

He then went on to look beyond the specific topic for this year and made some more general comments. He said *Next year, we will conclude the second such process [intersessional process (ISP)] and will officially start preparations for the 2011 Review Conference. Emerging from an at times difficult past, the Convention has benefited tremendously from this process. ... However, my delegation is not convinced that a mere continuation of more meetings in the existing format is the only and necessarily the most effective way to implement the BWC and to enhance its effectiveness. We should certainly build on the successful ISP structure and continue to achieve practical results in this constructive atmosphere. At the same time we should create new formats and other mechanisms to ensure this Convention is able to keep pace with a changing security, political and technological context. The fact that the Meetings of States Parties have no mandate to take decisions limits their scope of action. In the lead up to 2011, Switzerland would welcome a discussion on the adoption of a more comprehensive mandate for annual meetings.*

He then said *Let me briefly touch upon compliance and verification, since the BWC covers an entire category of Weapons of Mass Destruction but does not have such a mechanism. Switzerland is of the view that this Convention is in need of stronger mechanisms for resolving concerns about implementation of, and compliance with, the BWC.*

*In fact, Switzerland would welcome a legally binding compliance framework. We are convinced that an informal and forward-looking discussion is required on the kind of compliance mechanism that is needed to address existing and future challenges. In this regard, we would like to refer to the food-for-thought Working Paper submitted by Canada, on behalf of the JACKSNNZ. [BWC/MSP/2009/WP.4] The statement then concluded by considering CBMs and saying *We hope that in 2011 CBMs can be made more universal and more effective and that such progress can contribute to the overall strengthening of the BWC.**

[www.unog/bwc accessed on 12 January 2010 shows that Switzerland submitted a CBM in 2009]

The **Russian Federation** then spoke, saying *Intersessional meetings of the States Parties to the BWC are an important element in developing multilateral mechanism to effectively strengthen the Convention. At this stage, we should focus on comprehensively fulfilling the programme of intersessional meetings and thus implementing the decisions adopted by the Sixth Review Conference of the BWC. A successful completion of this programme will allow us, as a future activity, to look closely at issues still demanding urgent attention both at national and international levels.* The statement went on to address the topic being considered in 2009 and then noted that *A wide spectrum, of biological risks includes emerging infectious diseases, industrial accidents and hostile use of dangerous biological agents and toxins. We think that the greatest risk to the object and purpose of the Convention is presented by the threats directly related to illicit development, proliferation and use of biological agents and toxins in contravention of the provisions of the BWC. The ongoing globalisation increases possibilities for illicit trafficking of dangerous microorganisms, toxins and dual-use biotechnologies thus posing a challenge to international security as regards armed conflicts and terrorism activity. In view of this, reaching universality of the BWC remains a priority.*

The statement concluded by saying *We are confident that international cooperation, confidence-building measures and transparency may go a long way to reaching progress in combating proliferation and implementing the Convention as a whole. We take this opportunity to reaffirm our commitment to complying with all provisions of the Convention and decisions of all its Review Conferences without exception.*

[www.unog/bwc accessed on 12 January 2010 shows that the Russian Federation submitted a CBM in 2009]

**China** then spoke, saying that *The international security situation is undergoing complex and profound changes. World multipolarization is intensifying and science and technology are progressing rapidly. The far-reaching implications of international financial crisis have emerged before our eyes. Traditional and non-traditional security threats are intertwined. Terrorism, proliferation of weapons of massive destruction and prevalence of infectious diseases constitute grave challenges to global*

*security. He went on to say that *To strengthen disease surveillance and control capabilities under the Convention is of great importance to the protection against bio-terrorism, the enhancement of global bio-security and the improvement of the capacity for implementing the Convention.* The statement then set out China's perspectives on strengthening disease surveillance and international cooperation.*

The statement then concluded by noting that *All provisions including Article X of the Convention are equally important and should be fully implemented. To strengthen international cooperation helps improve the implementation capability of States Parties, promote the effectiveness of the Convention and finally enhance the universalization of the Convention. International cooperation and non-proliferation are not contradictory. States Parties should not hamper the international cooperation for peaceful purposes in the name of non-proliferation. In this regard, China fully supports the working paper submitted by the NAM and other States Parties, entitled 'The Establishment of a Mechanism for the Full Implementation of Article X of the Convention'. All restrictions that are contrary to the letter and spirit of the Convention should be removed. We are ready to engage in participative discussions with rest of the States Parties on the establishment of a mechanism for the full implementation of Article X of the Convention, with the aim of mobilizing resources, coordinating cooperation among countries, overcoming the problems and intensifying international cooperation.*

[www.unog/bwc accessed on 12 January 2010 shows that China submitted a CBM in 2009]

**Japan** then spoke, saying that *Today's growing bio-threat is caused by a variety of factors, ranging from natural disease outbreaks due to accidents or negligence to the intentional abuse of biological agents. The statement went on to add that *The BTWC stipulates the importance of international cooperation among the States Parties in the field of bacteriology for the prevention of disease. My delegation would like to stress the importance of the capacity building through international cooperation under Article X, which helps the States Parties in achieving the objectives of the BTWC, that are disarmament and non-proliferation.* He continued by providing examples of cooperation in which Japan had been engaged. He then said that *Based on these experiences, I would like to make a few suggestions of prioritizing programs for effective assistance. First, assistance should be tailored to meet the differing circumstances of each recipient state, such as their capacity for self-reliance and sustainability. Second, such assistance needs to be carried out in a manner that contributes to the non-proliferation of biological weapons. Third, international cooperation in the BTWC context should complement the activities of other relevant international organizations. And lastly, we should promote the bio-safety and bio-security through assistance in education and training. On these points, Japan prepared a working paper, which is supported by JACKSNNZ. [WP.3]. The statement concluded by saying that**

*The Seventh Review Conference is only two years ahead of us, and we should bear in mind that the Meeting of States Parties this year is an important step to create a positive atmosphere towards the Review Conference.*

[www.unog/bwc accessed on 12 January 2010 shows that Japan submitted a CBM in 2009]

**Saudi Arabia** then spoke, recalling that they had recently organized an international conference which had produced positive results on the important issues relating to the Convention and the role that the international community could play in curbing the proliferation of weapons of mass destruction. It also noted that Saudi Arabia had been among the first states to sign and ratify the Biological Weapons Convention of 1972.

[www.unog/bwc accessed on 12 January 2010 shows that Saudi Arabia had not submitted a CBM in 2009]

The **USA** then spoke, noting that *the preparations by my own government for this year's discussions, as well as the Expert's [sic] Meeting, have revealed the importance of engagement by a broad variety of stakeholders from disparate communities. These communities include the WHO, OIE, and FAO, and various regional associations, professional societies, and commercial industry, to name a few. The United States welcomed their participation in the Experts Meeting, side-by-side with our national experts. These discussions also reinforced for my government that there is indeed an important role for our BWC forum in bringing the security and health communities together, including representatives from civil society. He went on to say that The United States welcomed the emphasis during the expert's discussions of cooperative approaches to disease surveillance, detection, diagnosis and containment. These discussions highlighted the value of assistance in building capacity, and the fact that in very concrete and practical terms, assistance provided to States is directly relevant to Article X of the BWC. Capacity building is, of course, what we call "a two way street." It is a cooperative effort and each State has a role to play. This could be to identify needs and requirements and seek to partner with others, or from those in a position to do so, to indicate their willingness to cooperate, assist, and partner.*

The statement concluded by saying *We are also mindful of the Seventh Review Conference of the BWC in 2011. Like others, we are starting to think about this Conference and possible deliverables, and such thinking has been factored into our overall policy review. While it is premature for me to say more at this juncture, I can nonetheless assure you that we will be seeking ways and means to use the BWC better to counter bio-threats, and look forward to working with other States Parties to that end. In closing, Mr. Chairman, I would like to reaffirm the importance the Obama Administration attaches to the BWC, and to this forum, as a primary venue for international coordination of real-world efforts to counter bio-threats. We understand that to build global capacity to combat infectious disease, regardless of cause, prevent bioterrorism and strengthen the BWC, we must all engage*

*actively on a variety of levels, including with the international health and disarmament communities. The United States plans to continue its own significant contributions to furthering these shared objectives. To this end, a senior Administration official will address this forum mid-week to explain the overall United States' approach to countering the biological threat, one of President Obama's top national security priorities.*

[www.unog/bwc accessed on 12 January 2010 shows that the USA submitted a CBM in 2009]

**Germany** then spoke, saying that *While we are equally devoted to all multilateral disarmament and non-proliferation instruments, my delegation believes that due to the dramatic developments in all the fields of life-sciences, the Biological and Toxin Weapons Convention may have to deal in future with greater scientific and technological challenges than other WMD non-proliferation treaties. Making best use of the developments of biosciences and biotechnology by way of cooperation for the benefit of the health and well-being of the people can in our view help to raise awareness in all States Parties for the need of preventing the misuse of life-sciences for weapon purposes. He then went on to note that in regard to this year's topic, A database operated by the ISU describing ongoing and planned assistance projects as well as points of contact and application procedures of available assistance and research programmes could contribute to avoiding duplication of efforts. This is a topic that in Germany's view could be carried over as lesson learned from the BWC 2009 meetings to the 7th Review Conference in 2011, when the discussion of a new mandate for the ISU will be on the agenda. The statement concluded by saying that Transfer of knowledge, equipment, other materials and cooperation between States Parties require full transparency as to their destination and usage. Confidence Building Measures are the Convention's means for creating such transparency, which in turn will make trusting cooperation possible. Regrettably, however, both the number and quality of annually submitted CBMs do not in fact provide the degree of transparency that would indeed facilitate good cooperation. Norway, Switzerland and Germany, together with the Geneva Forum, have started an informal process to review the CBMs with the aim of increasing the participation in the annual exchange by updating the existing CBM forms and procedures. Representatives from all three regional groups and NGOs are involved in this process. We hope that in the margins of the meeting of experts 2010 proposals coming out of this process can be presented. We are confident that a wider audience can be better prepared for taking a decision on the future scope of CBMs at the Review Conference 2011.*

[www.unog/bwc accessed on 12 January 2010 shows that Germany submitted a CBM in 2009]

**Nigeria** then spoke, saying that *Nigeria... remains consistent and untiring in her efforts to ensure the full realization of the objectives of the BWC. He then went on to say in regard to the topic for 2009 that In its effort to develop*

human resources in the area of our assigned topics, Nigeria would be organizing a regional workshop for the west and central African region in the early part of 2010. The Workshop will help to train the needed personnel as well as provide opportunities for contacts and sharing of experiences between professional institutions that would be in attendance. The workshop will also include all those associated with disease surveillance, detection, diagnosis and containment, including technical managers and policy makers.

[www.unog/bwc accessed on 12 January 2010 shows that Nigeria submitted a CBM in 2009]

**India** then spoke, saying that *India believes that norms against biological weapons enshrined in the Convention must be upheld, particularly in view of the threat of bio-terrorism. India fully supports initiatives to strengthen the Convention, ensure its full implementation by all States Parties and to make it universal. We believe that only a multilaterally agreed mechanism for verification of compliance can provide the assurance of observance of compliance obligations by States Parties and act as deterrence against non-compliance. We believe that the decision regarding strengthening of the BWC and its effective implementation should be taken by the Review Conference on the basis of consensus. States Parties should also give consideration to preparations for the next Review Conference.* The statement then went on to say that *India believes that the promotional aspects of Article X are a crucial element in strengthening the BWC and in achieving universal adherence. While there are several examples of international cooperation in disease surveillance and control, it is also a fact that denial of materials, equipment and technology related to peaceful uses of bio-technology continue to exist and hamper legitimate uses of biological materials and should be addressed in the framework of the Convention, The BWC State Parties should facilitate the fullest possible exchange of equipment, materials and scientific and technical information for the uses of bacteriological (biological) agents and toxins for peaceful purposes. This would benefit the developing countries to meet their development needs, including improving public health and build a robust biotechnology industry. It would also promote universality of the Convention and would be instrumental in establishing linkages amongst States Parties leading to a higher level of confidence in the Convention. The strengthened implementation of the provisions of Article III would ensure that the cooperation envisaged under Article X is not abused.*

[www.unog/bwc accessed on 12 January 2010 shows that India had not submitted a CBM in 2009]

**Republic of Korea** then spoke, saying that *The Republic of Korea shares the global concern that the international spread of infectious diseases is resulting in an increasing number of problems and challenges throughout the world since they have no geographical boundaries. In order to address these problems and challenges, the international*

*community should consider various ways to facilitate international and regional cooperation by promoting capacity-building in the field of infectious diseases. The statement concluded by expressing the wish ... that we will be able to carry forward the momentum created at the 6th Review Conference and accelerated by the subsequent success of the intersessional work programs toward further progress at the 7th Review Conference in 2011.*

[www.unog/bwc accessed on 12 January 2010 shows that the Republic of Korea submitted a CBM in 2009]

**Norway** then spoke, saying that the regional workshop organized by Norway and Indonesia in Djakarta in June 2008 to address last year's topics had been followed up in June 2009 by a workshop in Oslo. The statement continued by saying that *The BTWC is part of a broad political partnership for promoting global health. As was also clearly stated at the last review conference, the BTWC should note the role of other agencies, such as the WHO, FAO and the OIE. These are the bodies that survey and combat disease on a daily basis, to the benefit of the health and security of us all. The point is that the BTWC must not seek to duplicate efforts of other institutions, but rather contribute to developing new synergies and building stronger partnerships. This leads me to the next issue that I would like to highlight, which is the need to sustain and further strengthen the global norm to ensure that the ban on biological and toxin weapons is effective. Important in this respect is the full universalisation of the BTWC. In order to ensure full universality, we must continue to encourage and assist States in the process of signing, ratifying and implementing the Convention.* He then went on to say *The lead-up to the 2011 Review Conference provides us an opportunity to deliberate on ways to further strengthen the BTWC, such as measures to verify compliance to the Convention. As part of the exercise leading up to the Review Conference we should consider how to make better use of the confidence building measures (CBM).*

[www.unog/bwc accessed on 12 January 2010 shows that Norway submitted a CBM in 2009]

**Chile** then spoke, saying that an effective verification regime is needed to strengthen the Convention regime. The statement went on to say that Chile was focusing on practical, realistic and appropriate mechanisms and that a Bill had been prepared to comprehensively implement the chemical and biological and radiological treaties and regulations. Chile had a legal instrument with control measures for chemical and biological materials of which copies could be provided. National regulatory frameworks for the peaceful use of biotechnology were the only way to ensure implementation of the Convention and such frameworks should be a priority task for the States Parties. Developments in regulation and cooperation were needed to meet the challenges, together with a system of verification to strengthen cooperation.

[www.unog/bwc accessed on 12 January 2010 shows that Chile submitted a CBM in 2009]

The Chairman then closed the meeting at the end of the morning session by drawing attention to a lunch time event, entitled *International Cooperation, Biosecurity and the Education of Life Scientists*, organized by the US National Academy of Sciences, the University of Bradford, the National Defense Medical College, Japan, and the Landau Network-Centro Volta, Italy. He said that the general debate would resume in the afternoon with a statement by Argentina.

**General Debate: Afternoon Session,  
Monday 7 December 2009.**

**Argentina** said that they stressed *the efforts being made within the framework of the Convention in order to deal with the terms of reference for international cooperation which represent a variety of developments in terms of scientific and technological process and your tasks must be backed from several viewpoints.* The statement went on to add that *The subject of this meeting is directly related to the important obligations contained in Article X of the Convention. We consider that that Article requires constant strengthening but at the same time we need to avoid dispersing or weakening the commitments entered into by the international community in its search for scientific development with peaceful purposes. Argentina attaches great importance to cooperation intended to strengthen national scientific institutions, to training national capacity, as also to scientific and material exchange. Without prejudice to this, this cooperation and exchange should not generate obstacles to technological development in the States Parties but nor can we accept actions which affect the standards covering non-proliferation for weapons of mass destruction and, more particularly, that undermine the objectives of the Convention.* The statement then concluded by outlining some national initiatives undertaken by Argentina.

[www.unog/bwc accessed on 12 January 2010 shows that Argentina submitted a CBM in 2009]

**Mexico** then spoke, saying that *Mexico wishes to reiterate its commitment to full compliance with the Convention, the first multilateral instrument which prohibits a specific type of weapon. Mexico is committed to complying with Article X, which requests that States carry out an exchange concerning equipment, material and scientific and technological information for the peaceful use of biological agents, as also for the development and application of scientific discoveries to prevent diseases.* The statement went on to outline the activities that Mexico had been engaged in nationally and with the WHO in regard to the outbreak of the virus A(H1N1).

[www.unog/bwc accessed on 12 January 2010 shows that Mexico had submitted a CBM in 2009]

**Australia** then spoke, saying *All of us here recognise that in the current, challenging international environment the Biological and Toxin Weapons Convention plays a crucial role. Building the capacity of the BTWC to detect, monitor and respond to biosecurity threats is the shared objective of all of us here. Australia recognises that effective*

*national implementation of the Convention and a robust regulatory regime is fundamental to national and international security. To this end Australia has strengthened its national regulation and continues to work closely with regional partners in the area of biosafety and biosecurity. The statement continued by noting that Effective national implementation is reinforced through improved transparency between States Parties. Australia remains committed to providing early and full reporting on domestic biosafety and biosecurity implementation. We believe such voluntary declarations will assist all States Parties, and states seeking to become States Parties.*

[www.unog/bwc accessed on 12 January 2010 shows that Australia submitted a CBM in 2009]

**Pakistan** then spoke, saying that *Pakistan fully associates itself with ... the NAM working paper regarding the effective implementation of Article X of the BWC. Pakistan is committed to the BWC regime and has always supported its implementation in letter and spirit. We were actively involved in negotiations of a Protocol on verification. In 2006, Pakistan, with the help and support of all States Parties as well as international community, achieved a successful outcome of the Sixth BWC Review Conference, which has outlined the intersessional work programme till the next Review Conference in 2011. We must build on the outcome for the next Review Conference in 2011. The 7th Review Conference must also pick up the unfinished work on the Protocol for effective implementation of the Convention. The statement continued by noting that However, we strongly believe in the need for greater biosecurity and bio-safety. But this is only one part of the BWC bargain. The other pillar is international cooperation and assistance for peaceful purposes as envisaged in Article X of the Convention. This year's topic ... is related to the implementation of this Article. The statement concluded by saying that Your synthesis paper summarizing the discussions of the August meeting rightly recognizes the importance of international cooperation and assistance as a fundamental objective of the Convention. The paper has also focused upon the needs and problems in this regard. What we need now is to work on ways and means to promote and enhance cooperation and assistance. We also need to develop a mechanism to work on these ways and means in a sustained and consistent manner. The Non-Aligned Movement has submitted a working paper suggesting to develop this mechanism as well as identified ways and means in this regard. We urge and encourage other States to support this initiative.*

[www.unog/bwc accessed on 12 January 2010 shows that Pakistan had not submitted a CBM in 2009]

**South Africa** then spoke, saying that *South Africa believes that the strengthening of the implementation of the BTWC is a core element to international peace and security. It is imperative that our common goal of eliminating the threat posed by biological weapons is achieved. The Convention clearly does not only provide a means to strengthen our security, but also contains an important technical co-operation and assistance provision, which enhances the*

*international community's ability to combat the debilitating impact of disease on our peoples and on the socio-economic development of our countries. In order to achieve the total eradication of biological weapons, South Africa believes that greater international coordination and assistance are required to alleviate this burden of threat. Initiatives such as the exchange in biological sciences and technology, the promotion of capacity building in the fields of disease surveillance, detection, diagnosis and containment of infectious diseases, among many others, can be further explored. The statement went on to add that South Africa also strongly believes, in line with Article X, that its implementation should not hamper economic and technological development of the peaceful uses of the bacteriological and toxin agents, but allow the beneficial elements of these agents to be developed to aid humanity. In this regard, Article X is very relevant to public health, particularly in the developing world where resources are often scarce and insufficient, and could provide the overlap between international health, technological advancement and the prevention of the spread of infectious diseases worldwide. South Africa believes that the inherent dynamism of Article X is that it has the potential to better prepare the global community against natural disease outbreaks and against the use of biological weapons by encouraging instead, cooperation amongst nations, the dissemination of valuable information and resources, as well as the development of advanced technologies in this field.*

[www.unog/bwc accessed on 12 January 2010 shows that South Africa had not submitted a CBM in 2009]

**Malaysia** then spoke, saying that *Malaysia recognises the importance for States Parties to undertake serious, persistent efforts as well as concrete actions to strengthen national and international efforts and capabilities as stipulated in the Convention. With regard to fulfilling the aims of the Convention, Malaysia continues to take measures to promote capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases, primarily through enhanced collaborative efforts, regionally and internationally. The statement continued by noting that Malaysia is of the strong view that given the increasing development in the field of biological science, there is a growing need for scientific and technological cooperation between States. Article X of the Convention provides for this. Malaysia firmly believes that Article X can be implemented in such a way allowing States Parties to undertake, to facilitate and 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. Whilst there is no "one-size-fits-all" solution for national implementation and approaches, such collaborative efforts certainly helps in strengthening or complementing existing national frameworks in place.*

[www.unog/bwc accessed on 12 January 2010 shows that Malaysia had not submitted a CBM in 2009]

**Iran** then spoke, saying that *Multilateralism is a principle [sic] policy of the Islamic Republic of Iran. The statement continued by noting that Lack of Universality of the Convention and the failure to establish a legally binding Protocol to comprehensively strengthen the implementation of the Convention and the actions which undermine the international cooperation within the framework of the Convention are among the issues that require to be seriously considered by the States Parties. Since we are approaching to the 7th Review Conference of the States Parties to the Convention in 2011, we need to be more focused on the issues and obstacles hampering the full implementation of the Convention in order to enable the Review Conference to take appropriate decisions. We hope the negotiations would be resumed on a legally binding instrument to comprehensively strengthen the convention including in the area of international cooperation for peaceful purposes. There is a vital need to enhance the role of the Convention in maintaining international and regional peace and security through its universal adherence. This should be done with the particular emphasis on the adherence of the advanced ones in biotechnology and those in volatile regions whose non-adherence to the BWC can pose a serious threat to the regional and international peace and security.*

The statement went on to say that *The Islamic Republic of Iran is of the view that facilitation of and participation in the fullest possible exchange of equipment, material and scientific and technological information regarding the use of bacteriological (biological) and toxin agents, and enhanced international cooperation in the field of peaceful biotechnologies activities, aimed at economic and social development, is a fundamental element in strengthening the implementation of the Convention. The statement continued by saying It should be pointed out that the States Parties have a legal obligation to refrain from imposing restrictions or limitations for transfer that would hamper economic or technological development of States Parties or international cooperation for peaceful applications in the field of biotechnology. To this end, the States Parties should undertake to review national regulations governing international exchanges and transfers in order to ensure its consistency with the objectives of the Convention and specifically the provisions of Article X. It went on to add that The Islamic Republic of Iran strongly believes that any politically motivated measures such as arbitrary export control regimes which restrict transfer, development and promotion of equipment, materials and scientific and technological knowledge, would hamper the economic and technological progress of States Parties and clearly violate Article X of the Convention. My delegation presented a Working Paper to the Expert Meeting in August on the establishment of a standing committee under the Convention to consider the cases of transfer denial (BWC/MSP/2009/MX/WP.22). We believe a State Party to the Convention should have the right to seek to redress the situation and settlement of disputes through institutionalized measure if it is denied by another State Party for receiving equipment and materials for peaceful application of biology and bio-technology. Therefore a mechanism should be established to deal with the issue*

*of settlement of disputes of transfer denial. We believe that this idea would be discussed in our meeting and be reflected in the final report of the present meeting. The statement concluded by saying that Iran had prepared a report on the implementation of Article X which would be distributed by the ISU.*

[www.unog/bwc accessed on 12 January 2010 shows that Iran submitted a CBM in 2009]

**Turkey** then spoke, saying that *The States Parties have addressed key topics since 2007. We wish to maintain this momentum. The topic of 2009 is one of the fundamental building blocks for the road to the Seventh Review Conference in 2011. Promotion of capacity building in the fields of disease surveillance, detection, diagnosis and containment of infectious diseases is key to our work. This is in line with the international cooperation and assistance provision of the Convention. The statement went on to say that The language and spirit of Article X provides a solid basis for international cooperation. Enhanced implementation of this Article will not only contribute to the development of capacities to prevent and contain epidemics, but will also help to build confidence. International cooperation has also a role in our universalization efforts. Exchange of scientific and technological information among States Parties will promote transparency and thereby contribute to reducing the risks of the use of biological agents and technical equipment for purposes prohibited by the Convention.*

[www.unog/bwc accessed on 12 January 2010 shows that Turkey submitted a CBM in 2009]

**Morocco** then spoke, saying that *Cooperation and exchange of information technology for peaceful ends is one of the most important pillars of the Convention. However, this still does not have an appropriate mechanism to this end. Within this framework, my delegation would like to launch an appeal to Member States in order to take the necessary measures to strengthen North-South and South-South cooperation and we hope that the Seventh Review Conference takes a decision recommending the establishment of a mechanism for the full implementation of Article X. The more and more urgent need to have such a mechanism has been reiterated during previous Review Conferences. The Sixth BWC Review Conference reaffirmed that the existing institutional ways and means for multilateral cooperation between Member States need to be strengthened in order to promote international cooperation for peaceful ends in the fields relevant to the Convention, such as medicine, public health, agriculture and the environment.*

[www.unog/bwc accessed on 12 January 2010 shows that Morocco submitted a CBM in 2009]

**Bangladesh** then spoke, saying that *Rapid advances in the field of life science have made it even more imperative than ever before to remain alert against the threat of biological weapons. The Biological and Toxin Weapons*

*Convention remains key to mobilizing international efforts to prohibit the development, production and stockpiling of such weapons. The Additional Understandings reached through the subsequent Review Conferences have further strengthened the relevance and effectiveness of the Convention. It is for our shared benefit that we must reach common understanding on a legally binding protocol to institute a sound verification regime for ensuring compliance with the Convention. That the lack of a permanent institutional framework for verification is affecting the sound health of the Convention has been felt for too long. We understand that negotiations on this issue would take time. However, we must remain seized with the matter, and use the Seventh Review Conference in 2011 to make positive strides in this regard on the basis of consensus. We also hope that the important lessons drawn from the inter-sessional work programmes would be adequately reflected in the Programme of Work due to be adopted by the Seventh Review Conference. The statement continued by noting that We strongly feel the need to further strengthen the CBM mechanism by taking into account the various proposals made relative to its reform. At the national level, we would like to focus more on strengthening data collection and inter-agency collaboration to better comply with our CBM reporting. We look forward to enlisting the support of ISU in facilitating the process. We stress that the CBMs should pave the way for instituting an effective verification regime. The statement then added that While we underline the need for a balanced and holistic treatment of all aspects of the Convention, we attach particular importance to the effective implementation of Article X with accent on the needs of the developing and least developed countries. We endorse the NAM Working Paper on the Establishment of a Mechanism for an Effective Implementation of Article X. We look forward to having substantive discussions on this and other proposals during the lead up to the Seventh Review Conference.*

[www.unog/bwc accessed on 12 January 2010 shows that Bangladesh had not submitted a CBM in 2009]

**Senegal** then spoke, outlining its position in regard to the Convention and its national implementation. In this respect the statement said that *the Senegalese authorities have taken an inventory of all the national laboratories and scientific research units in the country and have placed them under strict control to avoid any risk of an accident or inappropriate use of biological substances or matters available to them. Furthermore, in order to strengthen the surveillance of our laboratories and research units, a National Laboratory Network was set up by ministerial decree. This Network includes 17 laboratories within the Laboratory of the Pasteur Institute in Dakar which itself is part of the WHO network. The statement went on to say that However, Senegal still has challenges in terms of financial, technical and technological infrastructure and equipment capacity to prevent and react as effectively as it would like to disease outbreaks. Our constraints in this respect, which we share with other States Parties, particularly countries in the South, can be overcome if*

*appropriate measures are taken order to develop international cooperation for peaceful purposes. The BWC from this viewpoint is the ideal framework to promote this cooperation through transfers of technology between and amongst States Parties for peaceful purposes. In particular, it is important to take action to strengthen national capacity for development with epidemiological surveillance through promoting international cooperation, including South-South cooperation. In ratifying the Convention on Bacteriological (Biological) and Toxin Weapons, the States Parties including Senegal have committed under Article X to promoting exchanges for peaceful purposes. A better use of this aspect of the Convention, in other words scientific cooperation and the transfer of technology would make it possible to give a strong impetus to the universalization of the Convention and its implementation.*

[www.unog/bwc accessed on 12 January 2010 shows that Senegal had not submitted a CBM in 2009]

**Madagascar** then spoke, saying that *Madagascar does not have the necessary scientific and technical capacities in the field of epidemiological surveillance and in defence against pathogenic microorganisms and toxins, as recommended in the Convention. We would like to improve our capacities in this field in order to strengthen the measures of biological security and safety in our country. Here my delegation would like to tell you about some of the activities undertaken by the authorities of Madagascar within the framework of United Nations Security Council resolution 1540 and the Cartagena Protocol on preventing biotechnical hazards. At the present time, Madagascar is aiming to strengthen its legal framework and its control system of exports and border controls. In addition, a draft law is being adopted in order to establish a national biosecurity structure aimed at controlling imports, trade, possession and use of biotechnological products that may cause harm to public health and to the environment.* The statement went on to note that *We endorse the recommendation of the Non-Aligned Movement, in particular when it comes to establishing within the framework of the Convention a sponsorship programme to promote the participation of developing States Parties in meetings and other activities under the Convention. My delegation feels that the contribution to the discussions by experts coming from the capitals represents a constructive and fruitful progress in the implementation of the Convention.*

[www.unog/bwc accessed on 12 January 2010 shows that Madagascar had not submitted a CBM in 2009]

This completed the statements made in the General Debate on Monday 7 December 2009 and the Chairman then suspended the meeting, in order to invite NGOs to make statements. Two further statements in the General Debate were made subsequently; one by Kenya in the session on the afternoon of Tuesday 8 December and one by the senior representative from the United States in the morning session of Wednesday 9 December. These are reported here as part of the General Debate before this report goes on the NGO statements.

**Kenya** spoke on Tuesday afternoon, saying that *The topic of this year's BTWC meetings, first discussed by the meeting of experts in August 2009 whose report recommendations are being considered by this convention is of great importance to us. It addresses cooperation among party states in capacity building in the areas of Disease Surveillance, detection, diagnosis and containment which continues to be a challenge not only to Kenya, but majority of countries in the developing world. The statement then went on to outline some of Kenya's experience and its needs in the area related to this year's topic. It also noted that in Kenya A National Biological & Toxins Weapons Committee, which is now in place, is fast tracking on the implementation of BTWC's agreements & treaties.*

[www.unog/bwc accessed on 12 January 2010 shows that Kenya had not submitted a CBM in 2009]

Ellen Tauscher, Under Secretary for Arms Control and International Security, **USA**, spoke towards the end of the morning session on Wednesday, saying that *I have come here today to share with you President Obama's strategy for preventing biological weapons proliferation and bioterrorism. The United States intends to implement this strategy through renewed cooperation and more thorough consultations with our international counterparts in order to prevent the misuse and abuse of science while working together to strengthen health security around the world. When it comes to the proliferation of bio weapons and the risk of an attack, the world community faces a greater threat based on a new calculus. President Obama fully recognizes that a major biological weapons attack on one of the world's major cities could cause as much death and economic and psychological damage as a nuclear attack. And while the United States remains concerned about state-sponsored biological warfare and proliferation, we are equally, if not MORE concerned, about an act of bioterrorism, due to the increased access to advances in the life sciences. She went on to add that *Over the last several months, the Obama administration has engaged in a thorough review of our approach with scientists, academics, NGOs and government officials. We have determined that we have made considerable progress in recognizing and responding to a potential biological attack or outbreak of disease, although we can do more. More importantly, the Administration concluded that there was no comprehensive strategy to address gaps in our efforts to prevent the proliferation of biological weapons and scientific abuse. So just last week President Obama approved a new National Strategy for Countering Biological Threats. Our new strategy has a clear, overarching goal ... to protect against the misuse of science to develop or use biological agents to cause harm.**

The statement then continued to set out the broad goals of the new strategy (available at [http://www.whitehouse.gov/sites/default/files/National\\_Strategy\\_for\\_Countering\\_BioThreats.pdf](http://www.whitehouse.gov/sites/default/files/National_Strategy_for_Countering_BioThreats.pdf) and without President Obama's introduction and slightly edited as MSP/2009/WP.12) as follows: *First, we will work with the international community to promote the peaceful and*

*beneficial use of life sciences, in accordance with the BWC's Article Ten, to combat infectious diseases regardless of their cause. ... Second, we will work toward establishing and reinforcing norms against the misuse of the life sciences. We need to ensure a culture of responsibility, awareness, and vigilance among all who use and benefit from the life sciences to ensure that they are not diverted to harmful purpose. Third, we will implement a coordinated approach to influence, identify, inhibit, and interdict those who seek to misuse scientific progress to harm innocent people. ... Finally, and most relevant to this body, we want to reinvigorate the Biological Weapons Convention as the premier forum for global outreach and coordination. The Biological Weapons Convention embodies the international community's determination to prevent the misuse of biological materials as weapons. But it takes the active efforts of its States Parties – individually, and collectively – to uphold these commitments that continue to bolster the BWC as a key international norm.*

She then went on to add: *But I want to be clear and forthcoming and I hope this will not be a surprise to anyone. The Obama Administration will not seek to revive negotiations on a verification protocol to the Convention. We have carefully reviewed previous efforts to develop a verification protocol and have determined that a legally binding protocol would not achieve meaningful verification or greater security. It is extraordinarily difficult to verify compliance. The ease with which a biological weapons program could be disguised within legitimate activities and the rapid advances in biological research make it very difficult to detect violations. We believe that a protocol would not be able to keep pace with the rapidly changing nature of the biological weapons threat. Instead, we believe that confidence in BWC compliance should be promoted by enhanced transparency about activities and pursuing compliance diplomacy to address concerns. The statement concluded by looking ahead to the Seventh Review Conference in 2011 by providing some information on the US goals. This included the statement that A key consideration related to any treaty is the ongoing need to promote confidence in compliance. We believe that greater emphasis should be placed on voluntary measures to provide increased confidence. We must also increase participation in the existing Confidence-Building Measures. We should work together to review the Confidence Building Measures form to assess their effectiveness and identify areas for improvement. The statement went on to add that In a gesture of our transparency, I want to announce that the United States will ... Work toward posting future annual CBM submissions on the public access side of the Implementation Support Unit website and we will encourage other Parties to follow suit.*

### **NGO Informal Session**

After the statement on Monday afternoon by Madagascar, which completed the list of States Parties wishing to make a statement on the first day of the Meeting of States Parties, the Chairman suspended the afternoon session in order to reopen the meeting in informal session to enable NGOs to

make short statements. Statements were made by the following eleven NGOs:

- University of Bradford, Department of Peace Studies – Graham S. Pearson
- Biosecurity Working Group of the InterAcademy Panel on International Issues –Jo Husbands
- The INES (International Network of Scientists and Engineers for Global Responsibility) Working Group on Biological and Toxin Weapons Control –Kathryn Nixdorff
- Center for Arms Control and Non-Proliferation/Scientists Working Group on Biological and Chemical Weapons – Marie Chevrier
- BioWeapons Prevention Project – Rocío Escauriaza Leal
- VERTIC (Verification Research, Training and Information Centre) – Angela Woodward
- Research Group for Biological Arms Control, University of Hamburg – Gunnar Jeremias
- National Defence Medical College of Japan and University of Bradford – Nariyoshi Shinomiya
- London School of Economics of the University of London – Filippa Lentzos
- Pax Christi International – Trevor Griffiths
- European Biosafety Association – Ursula Jenal

### **Side Events**

There were a number of side events during the Meeting of States Parties – all but one were at lunchtime and the other from 0900 to 1000 am prior to the morning session. The side events were as follows:

Monday 7 December 2009: Lunchtime Seminar: US National Academy of Sciences, University of Bradford, UK, National Defense Medical College, Japan, and Landau Network-Centro Volta, Italy, entitled *International Cooperation, Biosecurity and the Education of Life Scientists*.

Tuesday 8 December 2009: Lunchtime Seminar: European Union, entitled *Launch of the Guide to Participating in the Confidence-building Measures of the Biological Weapons Convention*.

Wednesday 9 December 2009: Morning Seminar 0900-1000: Canada/G8 Global Partnership, entitled *International Cooperation to Combat the Global Biological Threat*.

Wednesday 9 December 2009: Lunchtime Seminar: Romania/ISU, entitled *Scientific Research and Exchange - Potential Impact on Non-proliferation Measures for Biological Agents*.

Thursday 10 December 2009: Lunchtime Seminar: VERTIC, entitled *Regulatory Guidelines for National Implementation of the 1972 BWC and Related Requirements of UNSCR 1540*.

Friday 11 December 2009: Lunchtime Seminar: UNICRI (United Nations Interregional Crime and Justice Research Institute), entitled *Biosecurity Risks and Assessment: Illicit Trafficking, Intangible Transfers of Knowledge, Biotechnological Advances*.

## Tuesday 8 December 2009

The Programme of Work (BWC/MSP/2009/3) adopted on Monday had the subjects *Aims and Addressing problems, challenges, needs and restrictions* in respect of the topic for 2009 scheduled for discussion in the morning and afternoon sessions respectively. However, both of these subjects were dealt with in the morning session of Tuesday morning, and so the subject *Developing mechanisms for building capacity* scheduled for the morning session of Wednesday was brought forward to the Tuesday afternoon session.

## Wednesday 9 December 2009

The Programme of Work (BWC/MSP/2009/3) adopted on Monday had the subjects *Developing mechanisms for building capacity* and *Developing the necessary infrastructure* in respect of the topic for 2009 scheduled for discussion in the morning and afternoon sessions respectively and the subjects *Developing human resources* and *Developing standard operating procedures* scheduled for discussion in the morning session of Thursday. In the event, the morning and afternoon sessions of Wednesday saw the completion of all of these subjects apart from one intervention delayed until Thursday because the expert concerned would not arrive until then. The early running of the consideration of these subjects arose from their inter-relationship so that States Parties could readily make their inputs in a single intervention.

At the start of the afternoon session, the Chairman distributed a *Draft Report of the Meeting of States Parties* dated 9 December 2009 which was subsequently issued on Friday morning in a slightly amended form – with expanded versions of paragraphs 33 and 34 on universalization and the ISU respectively – as BWC/MSP/2009/CRP.1 dated 11 December 2009. This draft report addressed the procedural aspects of the meeting.

## Thursday 10 December 2009

The morning session began with a final presentation related to this year's topic and then moved on to consideration of the next agenda items: Agenda Item 7 *Reports from the Chairman and States Parties on universalization activities* and Agenda Item 8 *Report of the Implementation Support Unit (including report on participation in the confidence-building measures)* which had originally been scheduled for the afternoon session on Thursday.

The Chairman's report on universalization (BWC/MSP/2009/4 dated 24 November 2009) noted that *No States have ratified or acceded to the Convention since the 2008 Meeting of States Parties, although Cameroon is reported to have completed all internal steps and is preparing to deposit its instrument of accession. The total number of States Parties now stands at 163; a further 13 states have signed but not ratified the Convention and an additional 19 states have neither signed nor ratified the Convention.* The report goes on to outline what is known about these 32 states. Of these, eight states are reported to be well advanced in the ratification process, and a further four are reported to have begun the process. The eight States reported to be well advanced in the ratification process are Burundi, Cameroon, Comoros, Kiribati, Mozambique, Myanmar, Tuvalu and the United Republic of Tanzania (the same States as in the 2008 report with the addition of the United Republic of Tanzania) whilst the four reported to have begun the process are Côte

d'Ivoire, Haiti, Namibia, and Nepal (the same States as in 2008 with the addition of Haiti). This report of some nine pages again provides useful detail on universalization.

The Report of the ISU (BWC/MSP/2009/2 dated 10 November 2009 together with an addendum BWC/MSP/2009/2/Add.1 dated 10 December 2009) is a 26 page report set out in four sections dealing with each area of the ISU's mandate to: provide administrative support for the Convention; facilitate its implementation; support the Confidence-Building Measures (CBMs); and assist the Chair and States Parties in their efforts to promote universalization. In regard to CBMs, the report records that *As of 1 November 2009, 62 states (38 per cent of States Parties) had submitted CBMs to cover the calendar year 2008, the same number as submitted the previous year. Of these, 36 submitted their CBM on or before the deadline of 15 April 2009. One State Party, Gambia, submitted a CBM for the first time. Nine States Parties which submitted CBMs in 2008 have not yet done so in 2009.* An analysis of the information provided in Annex III to the ISU report shows that the 9 States Parties which submitted CBMs in 2008 and which have not, as of 1 November 2009, submitted CBMs in 2009 are Bahrain, Chile, Ecuador, Jordan, Kazakhstan, Libyan Arab Jamahiriya, Nigeria, Thailand, and Ukraine. The Addendum shows that as of 10 December 2008, Chile had submitted its CBM in 2009.

At the end of the morning session, the Chairman circulated a draft text for the substantive paragraphs of the report (Chairman, 10 December 2009). In circulating this text, the Chairman reminded States Parties that the adoption of a report text was not a negotiation and that there were no binding commitments contained within it. He appealed to the States Parties to trust his judgement as Chair. He 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.

When the afternoon session opened it was evident that some States Parties had some difficulties with the proposed substantive paragraphs. Whilst some of the proposed amendments were readily accepted the main point of difficulty related to the use of the term *mechanism*. This had acquired political significance in that the NAM had submitted a Working Paper (MSP/2009/WP.2) entitled *The Establishment of a Mechanism for the Full Implementation of Article X of the Convention* – which was closely similar to the working paper the NAM had submitted at the Meeting of Experts (MSP/2009/MX/WP.24) with the same title. The paragraph in the draft substantive text relating to mechanisms was paragraph 30 *ter* which read as follows:

30 *ter. Recognizing the need to monitor and sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider further specific mechanisms to identify needs, identify and overcome obstacles for capacity building, mobilize the necessary financial resources, facilitate the development of human resources, support the participation of developing States Parties in the meetings and other activities of the*

*Convention, and coordinate cooperation with other relevant international and regional organizations.*

Some Western Group States Parties such as the United States considered such text could presuppose that such a mechanism would appear on the agenda of the Review Conference. The UK noted that the MSP report was to highlight common understandings and that the proposal for a mechanism did not meet this criterion. No other Western delegation seems to have expressed a strong concern about the reference. Some NAM States Parties 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.

### **Friday 11 December 2009**

Most of the final day of the Meeting of States Parties was taken up with efforts to reach an agreed substantive text for the Final Report. This entailed informal consultations in side rooms interspersed with short plenary sessions that reported that some progress was being made. Discussion continued on the use of the word *mechanism* until agreement was reached on text which instead referred to *current and future proposals* that could be considered by the next Review Conference:

*32. Recognizing the need to sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider current and future proposals on means of better identifying needs, overcoming challenges to capacity building, mobilizing financial resources, facilitating the development of human resources, supporting the participation of developing States Parties in the meetings and other activities of the Convention, and coordinating cooperation with other relevant international and regional organizations.*

Further discussion then focused on the balance of references to Article X and to Article III of the Convention within the substantive paragraphs.

### **Outcome of the Meeting of States Parties**

During the Meeting of States Parties, 12 Working Papers were submitted: two on behalf of the European Union (WP.1 and WP.6), two on behalf of JACKSNNZ (WP.3 and WP.4) and one on behalf of the NAM (WP.2). There were two by the USA (WP.10 and WP.12) and one by Cuba (WP.11), by France (WP.5), India (WP.8), Iran (WP.7), and Pakistan (WP.9).

The EU working papers provided the Moderators' summary of an international workshop held in Brussels, Belgium on 11-12 November 2009 on improving cooperation under Article X for disease surveillance, detection diagnosis and containment [WP.1] and a paper on striving towards a common format for reporting assistance opportunities and needs from States Parties in areas with relevance for the BTWC [WP.6].

The JACKSNNZ papers addressed international cooperation under Article X of the Convention [WP.3] and a paper outlining policy issues for the Seventh Review Conference [WP.4] – although this paper is listed in Annex II of the MSP Report as being submitted by Canada, the actual paper makes it clear that it is a JACKSNNZ paper].

The NAM paper addressed the establishment of a mechanism for the full implementation of Article X of the Convention [WP.2] whilst the ones by the United States addressed US efforts to support global implementation of the IHR (2005) [WP.10] and the US strategy for countering biological threats [WP.12], the one by Cuba addressed Cuba's national experience in disease surveillance for humans, animals and plants [WP.11], the one by France addressed some priorities in providing international assistance [WP.5], the one by India addressed India's experience in international cooperation and capacity building in disease surveillance, detection, diagnosis, and containment of disease [WP.8], the one by Iran addressed technical assistance, exchange and cooperation undertaken by the Islamic Republic of Iran under Article X of the BWC [WP.7] and the one by Pakistan addressed the needs, hurdles and challenges that need to be considered in enhancing international cooperation and promoting capacity building [WP.9].

The JACKSNNZ working paper on policy issues [WP.4] for the Seventh Review Conference consists of some 21 pages which provide considerable food for thought about the issues that are likely to be considered at the Review Conference in 2011. It makes four proposals:

21. *PROPOSAL ONE: A small group of states parties in conjunction with each other and civil society should undertake a review and audit of all the previous decisions made at review conferences to identify which additional understandings have been successful and effective and which have not in order to assist in the development of future work priorities. This should be done in the period March 2010 to March 2011.*
26. *PROPOSAL TWO: Each state party should submit a comprehensive compliance report to the review conference in 2011. A comprehensive report would require states parties to consider in detail how they achieve compliance nationally and, through the submission of the report, demonstrate to other states parties implementation of the Convention. The report should be precise and provide full details of implementation mechanisms and activities.*
29. *PROPOSAL THREE: Conduct a national review of implementation to develop proposals for the Seventh Review Conference.*
30. *PROPOSAL FOUR: Arrange, or establish, actual or virtual workshops involving states parties and civil society to feed concrete ideas into the preparations for the review conference. This might be coordinated and facilitated by the ISU in Geneva.*

It then goes on to identify a number of agreements might be the outcome of the Review Conference:

- *Agreement on annual one week Meeting of Experts to deal with technical and other information sharing activities.*
- *Agreement on annual formal political Meetings of States Parties*
- *Agreement on annual meeting on special topics*

This paper should be helpful in preparing the ground for Seventh Review Conference.

### **Substantive Paragraphs in the Final Report**

As already noted, the Chairman provided a first set of substantive paragraphs in his paper circulated during the Thursday morning session. This comprised thirteen paragraphs as follows:

20. *Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, in the interests of achieving comprehensive implementation of the Convention, States Parties agreed on the value of working together to promote capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases. States Parties affirmed that building such capacity would directly support the security and non-proliferation objectives of the Convention, as well as supporting the development of the peaceful applications of biological science and technology in accordance with Article X.*

21. *States Parties recognized that Article X is a useful and appropriate platform for collaboration and that through the full implementation of Article X, States Parties can complement the activities of other forums and promote maximum cooperation and assistance in areas concerning disease surveillance, detection, diagnosis, and containment of infectious diseases.*

22. *States Parties agreed that although disease surveillance, mitigation and response are primarily national responsibilities, infectious diseases know no geographic boundaries and neither should efforts to combat them. States Parties noted that international organizations, such as the FAO, IPPC, OIE and WHO, have a fundamental role to play in addressing disease and recognized the importance of these intergovernmental organizations in supporting and financing relevant national activities. States Parties recognized the value of enhancing the capabilities and coordinating role of these organizations.*

23. *States Parties recognized the importance of developing effective infrastructure for disease surveillance, detection, diagnosis and containment, including in pursuit of requirements in other settings to establish core national health capacities, such as those under the revised International Health Regulations (2005). Such infrastructure could include:*

- (i) Surveillance systems which are sensitive, specific, representative, timely, simple, flexible and acceptable, and which have capabilities for continuously collecting and analyzing data from various sources;*
- (ii) Capacity for rapid detection and identification of pathogens, including improved access to high quality diagnostics and expertise;*

- (iii) Primary health care services and veterinary and phytosanitary services, such as laboratory systems and disease management and treatment capacity;*
- (iv) Emergency and epidemiological response capabilities;*
- (v) Communication capabilities, including for public information and professional collaboration;*

24. *Recognizing that infrastructure is of little use if there are not appropriately trained individuals to use it, States Parties agreed on the value of developing human resources for disease surveillance, detection, diagnosis and containment, including by:*

- (i) Making use of workshops, training courses and conferences at the national, regional and international levels;*
- (ii) Ensuring that training materials are available in native languages;*
- (iii) Taking advantage of both computer-based and hands-on training;*
- (iv) Fostering an interdisciplinary approach to infectious disease problems, incorporating traditional biomedical science with economics, social sciences, demographics and agricultural science;*
- (v) Engaging with all relevant human resources, including technicians, managers, policy makers, and health professionals;*
- (vi) Identifying ways to reduce "brain-drain", where individuals leave after they have been trained and certified;*
- (vii) Providing the political leadership needed to ensure training and personnel issues are given adequate attention at the national level; and*
- (viii) If in a position to do so, providing sponsorship for training, exchange visits, and travel to expert meetings.*

25. *Recognizing the opportunities for building capacity through sharing practices and procedures, States Parties agreed on the value of implementing standard operating procedures, taking into account their national needs and circumstances, including through:*

- (i) Using standard operating procedures to enhance sustainability, improve trust, build confidence, contribute to quality control, and foster the highest standards of professional performance;*
- (ii) Working at the national level with ministries of health and agriculture and other relevant agencies to develop relevant legislation, standards and guidelines;*
- (iii) Developing and using best practices for surveillance, management, laboratory practice, manufacturing, safety, security, diagnostics, trade in animals and products, as well as associated procedures;*
- (iv) Strengthening international protocols for the rapid sharing of information; and*
- (v) Using case studies of biosecurity considerations, risk assessment and the transportation of dangerous goods and disease management to improve existing practices and procedures.*

26. States Parties agreed on the value of ensuring the sustainability of capacity building in the fields of disease surveillance, detection, diagnosis and containment, including through: pooling resources; making funding processes longer-term and more predictable (including through the use of mutually-agreed exit strategies); ensuring ownership by the receiving country and the involvement of all relevant stakeholders; addressing needs for day-to-day maintenance of core health capacity; tailoring activities to meet the differing circumstances of each recipient state; taking full advantage of existing resources, networks and institutional arrangements; utilising twinning programmes to strengthen networks of reference laboratories; and using collaborative projects to develop biosafety, biosecurity, basic science, tools and core technologies thereby increasing motivation and support.
27. States Parties agreed on the value of improving integration of capacity-building activities so that scarce resources are used effectively to combat disease irrespective of its cause, including through: ensuring effective communication and coordination among human, animal and plant health sectors; using an interdisciplinary, all-hazards approach drawing on all relevant disciplines; and improving how government departments and agencies work with the private sector, academia and non-governmental experts. States Parties also noted the utility of public-private partnerships in dealing with disease.
28. States Parties recognized the importance of ensuring that there is effective coordination among relevant activities to minimise duplication and ensure a more comprehensive approach to building capacity, including through: improved coordination and information sharing among assistance providers both internationally and among national departments; enhanced communication among States Parties and with international efforts to tackle infectious disease, such as those undertaken by the FAO, IPPC, OIE and WHO; taking advantage of all available routes for assistance – bilateral, regional, and international – to forge North-South, South-South and North-North partnerships; and improving cooperation, communication and networking among national institutions, departments, agencies and other stakeholders.
29. States Parties recognized that there remain challenges to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes to their full potential, and that many States Parties face considerable obstacles in building sufficient capacity for disease surveillance, detection, diagnosis and containment. States Parties agreed on the value of mobilizing resources, including financial resources, to facilitate the widest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. States Parties agreed that all States have a role to play, calling on those States Parties seeking to build their capacity to identify their specific needs and requirements and seek partnerships with others, and on those States Parties in a position to do so to provide assistance and support.
30. States Parties recalled that the Sixth Review Conference had emphasized 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. States Parties noted in this respect that full implementation of Article III of the Convention would help to facilitate the exchange of equipment, materials and scientific and technological information in accordance with Article X.
- 30 bis. States Parties affirmed the role of the Implementation Support Unit in supporting the capacity-building activities of the States Parties by facilitating communication and partnerships, and acting as a clearing-house for information on needs for and sources of assistance and cooperation. In this context, the States Parties recalled that the Sixth Review Conference had encouraged States Parties to provide appropriate information to the Implementation Support Unit on their implementation of Article X, and welcomed the reports on cooperation activities that were submitted by States Parties during this meeting.
- 30 ter. Recognizing the need to monitor and sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider further specific mechanisms to identify needs, identify and overcome obstacles to capacity building, mobilize the necessary financial resources, facilitate the development of human resources, support the participation of developing States Parties in the meetings and other activities of the Convention, and coordinate cooperation with other relevant international and regional organizations.
31. The States Parties further considered that in pursuing the above understandings and actions, States Parties could, according to their respective circumstances and constitutional and legal processes, take into account the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topic under discussion at the Meeting of Experts, as contained in Annex I of the Report of the Meeting of Experts (BWC/

MSP/2009/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2009/L.1, which is attached to this report as Annex I. This annex was not proposed for adoption as an outcome of the Meeting, and therefore was not discussed with that aim. Thus, the annex was not agreed upon and consequently has no status.

32. States Parties are encouraged to inform the Seventh Review Conference of, *inter alia*, any actions, measures or other steps that they may have taken on the basis of the discussions at the 2009 Meeting of Experts and the outcome of the 2009 Meeting of States Parties, in order to facilitate the Seventh Review Conference's consideration of the work and outcome of these meetings and its decision on any further action, in accordance with the decision of the Sixth Review Conference (BWC/CONF.VI/6, Part III, paragraph 7 (e)).

A further version of the first eleven paragraphs (para 20 to 30 *ter*) was issued at 17.45 on the Thursday afternoon. New language is highlighted in bold and deletions indicated.

20. Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, in the interests of achieving comprehensive implementation of the Convention, States Parties agreed on the value of working together to promote capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases. States Parties affirmed that building such capacity would directly support the security and non-proliferation objectives of the Convention, as well as supporting the development of the peaceful applications of biological science and technology in accordance with Article X.

21. States Parties stressed the importance of implementation of Article X and recalled that they 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. States Parties recognized that Article X is a ~~useful and appropriate~~ **fundamental** platform for collaboration and that through the full implementation of Article X, States Parties can complement the activities of other forums and promote maximum cooperation and assistance in areas concerning disease surveillance, detection, diagnosis, and containment of infectious diseases.

OR

21. States Parties recognized that **the Convention** is a useful and appropriate platform for collaboration and that through the ~~full~~ implementation of **all articles of the**

**Convention, including** Article X, States Parties can complement the activities of other forums and promote maximum cooperation and assistance in areas concerning disease surveillance, detection, diagnosis, and containment of infectious diseases.

21 *bis*. States Parties were encouraged by and welcomed the broad scope of assistance, cooperation and partnerships already in place to support States Parties in meeting their national obligations under the Convention and in enhancing their disease surveillance, detection, diagnosis and containment capabilities.

22. States Parties agreed that although disease surveillance, mitigation and response are primarily national responsibilities, infectious diseases know no geographic boundaries and neither should efforts to combat them. States Parties noted that international organizations, such as the FAO, IPPC, OIE and WHO, have a fundamental role to play in addressing disease and recognized the importance of these inter-governmental organizations in supporting and financing relevant national activities. States Parties recognized the value of enhancing the capabilities and coordinating role of these organizations.

23. States Parties recognized the importance of developing effective infrastructure for disease surveillance, detection, diagnosis and containment, **taking primarily appropriate action in the Convention**, including in pursuit of requirements in other settings to establish core national health capacities, such as those under the revised International Health Regulations (2005). Such infrastructure could include:

- (i) Surveillance systems which are sensitive, specific, representative, timely, simple, flexible and acceptable, and which have capabilities for continuously collecting and analyzing data from various sources;
- (ii) Capacity for rapid detection and identification of pathogens, including improved access to high quality diagnostics and expertise;
- (iii) Primary health care services and veterinary and phytosanitary services, such as laboratory systems and disease management and treatment capacity;
- (iv) Emergency and epidemiological response capabilities;
- (v) Communication capabilities, including for public information and professional collaboration;
- (vi) **An appropriate regulatory framework, including available resources for its implementation and surveillance activities;**
- (vii) **Treatment of diseases, including availability of diagnostic equipment, vaccines and medicines.**

24. Recognizing that infrastructure is of little use if there are not appropriately trained individuals to use it, States Parties agreed on the value of developing **adequate infrastructure, equipment and technology and human resources** for disease surveillance, detection, diagnosis and containment, including by:

- (i) Making use of workshops, training courses and conferences at the national, regional and international levels;
  - (ii) Ensuring that training materials are available in native languages;
  - (iii) Taking advantage of both computer-based and hands-on training;
  - (iv) Fostering an interdisciplinary approach to infectious disease problems, incorporating traditional biomedical science with economics, social sciences, demographics and agricultural science;
  - (v) Engaging with all relevant human resources, including technicians, managers, policy makers, health professionals **and academia**;
  - (vi) Identifying ways to reduce “brain-drain”, where individuals leave after they have been trained and certified;
  - (vii) Providing the political leadership needed to ensure training and personnel issues are given adequate attention at the national level; and
  - (viii) If in a position to do so, providing sponsorship for training, exchange visits, and travel to expert meetings.
25. Recognizing the opportunities for building capacity through sharing practices and procedures, States Parties agreed on the value of implementing standard operating procedures, taking into account their national needs and circumstances, including through:
- (i) Using standard operating procedures to enhance sustainability, improve trust, build confidence, contribute to quality control, and foster the highest standards of professional performance;
  - (ii) Working at the national level with ministries of health and agriculture and other relevant agencies to develop relevant legislation, standards and guidelines;
  - (iii) Developing and using best practices for surveillance, management, laboratory practice, manufacturing, safety, security, diagnostics, trade in animals and products, as well as associated procedures;
  - (iv) Strengthening international protocols for the rapid sharing of information; and
  - (v) Using case studies of biosecurity considerations, risk assessment and the transportation of dangerous goods and disease management to improve existing practices and procedures.
26. States Parties agreed on the value of ensuring the sustainability of capacity building in the fields of disease surveillance, detection, diagnosis and containment, including through: pooling resources; making funding processes longer-term and more predictable (including through the use of mutually-agreed exit strategies); ensuring ownership by the receiving country and the involvement of all relevant stakeholders; addressing needs for day-to-day maintenance of core health capacity; tailoring activities to meet the differing circumstances of each recipient state; taking full advantage of existing resources, networks and institutional arrangements; utilising twinning programmes to strengthen networks of reference laboratories; and using collaborative projects to develop biosafety, biosecurity, basic science, tools and core technologies thereby increasing motivation and support.
27. States Parties agreed on the value of improving integration of capacity-building activities so that scarce resources are used effectively to combat disease irrespective of its cause, including through: ensuring effective communication and coordination among human, animal and plant health sectors; using an interdisciplinary, all-hazards approach drawing on all relevant disciplines; and improving how government departments and agencies work with the private sector, academia and non-governmental experts. States Parties also noted the utility of public-private partnerships in dealing with disease.
28. States Parties recognized the importance of ensuring that there is effective coordination among relevant activities to minimise duplication and ensure a more comprehensive approach to building capacity, including through: improved coordination and information sharing among assistance providers both internationally and among national departments; enhanced communication among States Parties and with international efforts to tackle infectious disease, such as those undertaken by the FAO, IPPC, OIE and WHO; taking advantage of all available routes for assistance – bilateral, regional, and **international multilateral, including through the Convention** – to forge North-South, South-South and North-North partnerships; and improving cooperation, communication and networking among national institutions, departments, agencies and other stakeholders.
29. States Parties recognized that there remain challenges to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes to their full potential, and that many States Parties ~~face considerable obstacles~~ **have problems** in building sufficient capacity for disease surveillance, detection, diagnosis and containment. **Keeping in mind Article X**, States Parties agreed on the value of mobilizing resources, including financial resources, to facilitate the widest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. States Parties ~~agreed that all States have a role to play, calling on~~ **stressed that** those States Parties seeking to build their capacity **should** identify their specific needs and requirements and seek partnerships with others, and **that** those States Parties in a position to do so **should** provide assistance and support.
30. States Parties recalled that the Sixth Review Conference had emphasized 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. States Parties noted in this respect that **assistance must take place in the context of Article III and that full implementation of Article III of the Convention would help to facilitate the exchange of equipment, materials and scientific and technological information in accordance with Article X.**

30bis. States Parties affirmed the role of the Implementation Support Unit, **consistent with its mandate**, in supporting the capacity-building activities of the States Parties by facilitating communication and partnerships, and acting as a clearing-house for information on needs for and sources of assistance and cooperation. In this context, the States Parties recalled that the Sixth Review Conference had encouraged States Parties to provide appropriate information to the Implementation Support Unit on their implementation of Article X, and welcomed the reports on cooperation activities that were submitted by States Parties during this meeting.

30 ter. Recognizing the need to monitor and sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider **further specific mechanisms to identify needs, identify and overcome obstacles to capacity building, mobilize the necessary financial resources, facilitate the development of human resources, support the participation of developing States Parties in the meetings and other activities of the Convention, and coordinate cooperation with other relevant international and regional organizations.**

OR

30 ter. Recognizing the need to ~~monitor and~~ sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider **further specific mechanisms proposals for specific mechanisms, including a proposal for establishment of a mechanism for full implementation of Article X to identify needs, identify and overcome obstacles to capacity building, mobilize the necessary financial resources, facilitate the development of human resources, support the participation of developing States Parties in the meetings and other activities of the Convention, and coordinate cooperation with other relevant international and regional organizations.**

OR

30 ter. **Recognizing States Parties recognized the need to monitor and sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes.**

OR

30 ter. Recognizing the need to **monitor review** and sustain progress on capacity-building, assistance and exchange in the fields of disease surveillance, detection, diagnosis and containment, ~~with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could further specific mechanisms to identify needs, identify and overcome obstacles to capacity building, mobilize the necessary financial resources, facilitate the development of human resources, support the participation of developing States Parties in the meetings and other activities of the Convention~~ **examine opportunities for facilitating progress in these fields and coordinate cooperation with other relevant international and regional organizations.**

A further version of the first eleven paragraphs (para 20 to 30 ter) was issued at 21.00 on the Thursday evening in which a single version of 30 ter. replaced the four alternatives in the previous version. New language is highlighted in bold and deletions indicated.

20. Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, in the interests of achieving comprehensive implementation of the Convention, States Parties agreed on the value of working together to promote capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases. States Parties affirmed that building such capacity would directly support the security and non-proliferation objectives of the Convention, ~~as well as supporting the development of the peaceful applications of biological science and technology in accordance with Article X.~~ **and would also contribute to enhancing health security.**

21. **in this connection, States Parties recalled that the Sixth Review Conference stressed the importance of implementation of Article X and recalled that the States Parties they 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. States**

Parties recognized that Article X is a **useful and appropriate fundamental** platform for collaboration and that through the full implementation of Article X, States Parties can complement the activities of other forums and promote maximum cooperation and assistance in areas concerning disease surveillance, detection, diagnosis, and containment of infectious diseases.

22. States Parties agreed that although disease surveillance, mitigation and response are primarily national responsibilities, infectious diseases know no geographic boundaries and neither should efforts to combat them. States Parties noted that international organizations, such as the FAO, IPPC, OIE and WHO, have a fundamental role to play in addressing disease and recognized the importance of these inter-governmental organizations in supporting and financing relevant national activities. States Parties recognized the value of enhancing the capabilities and coordinating role of these organizations.

23. States Parties recognized the importance of developing effective infrastructure for disease surveillance, detection, diagnosis and containment, **taking primarily appropriate action in the Convention, including in pursuit of requirements in other settings to establish core national health capacities, such as those under the revised International Health Regulations (2005).** Such infrastructure could include:

- (i) Surveillance systems which are sensitive, specific, representative, timely, simple, flexible and acceptable, and which have capabilities for continuously collecting and analyzing data from various sources;
- (ii) Capacity for rapid detection and identification of pathogens, including improved access to high quality diagnostics and expertise;
- (iii) Primary health care services and veterinary and phytosanitary services, such as laboratory systems and disease management and treatment capacity;
- (iv) Emergency and epidemiological response capabilities;
- (v) Communication capabilities, including for public information and professional collaboration;
- (vi) An appropriate regulatory framework, including available resources for its implementation and surveillance activities;
- (vii) Treatment of diseases, including availability of diagnostic equipment, vaccines and medicines.

24. Recognizing that infrastructure is of little use if there are not appropriately trained individuals to use it, States Parties agreed on the value of developing ~~adequate infrastructure, equipment and technology~~ and human resources for disease surveillance, detection, diagnosis and containment, including by:

- (i) Making use of workshops, training courses and conferences at the national, regional and international levels;
- (ii) Ensuring that training materials are available in native languages;

- (iii) Taking advantage of both computer-based and hands-on training;
- (iv) Fostering an interdisciplinary approach to infectious disease problems, incorporating traditional biomedical science with economics, social sciences, demographics and agricultural science;
- (v) Engaging with all relevant human resources, including technicians, managers, policy makers, health professionals and academia;
- (vi) Identifying ways to reduce “brain-drain”, where individuals leave after they have been trained and certified;
- (vii) Providing the political leadership needed to ensure training and personnel issues are given adequate attention at the national level; and
- (viii) If in a position to do so, providing sponsorship for training, exchange visits, and travel to expert meetings.

25. Recognizing the opportunities for building capacity through sharing practices and procedures, States Parties agreed on the value of implementing standard operating procedures, taking into account their national needs and circumstances, including through:

- (i) Using standard operating procedures to enhance sustainability, improve trust, build confidence, contribute to quality control, and foster the highest standards of professional performance;
- (ii) Working at the national level with ministries of health and agriculture and other relevant agencies to develop relevant legislation, standards and guidelines;
- (iii) Developing and using best practices for surveillance, management, laboratory practice, manufacturing, safety, security, diagnostics, trade in animals and products, as well as associated procedures;
- (iv) Strengthening international protocols for the rapid sharing of information; and
- (v) Using case studies of biosecurity considerations, risk assessment and the transportation of dangerous goods and disease management to improve existing practices and procedures.

26. States Parties agreed on the value of ensuring the sustainability of capacity building in the fields of disease surveillance, detection, diagnosis and containment, including through: pooling resources; making funding processes longer-term and more predictable (including through the use of mutually-agreed exit strategies); ensuring ownership by the receiving country and the involvement of all relevant stakeholders; addressing needs for day-to-day maintenance of core health capacity; tailoring activities to meet the differing circumstances of each recipient state; taking full advantage of existing resources, networks and institutional arrangements; utilising twinning programmes to strengthen networks of reference laboratories; and using collaborative projects to develop biosafety, biosecurity, basic science,

tools and core technologies thereby increasing motivation and support.

27. States Parties agreed on the value of improving integration of capacity-building activities so that scarce resources are used effectively to combat disease irrespective of its cause, including through: ensuring effective communication and coordination among human, animal and plant health sectors; using an interdisciplinary, all-hazards approach drawing on all relevant disciplines; and improving how government departments and agencies work with the private sector, academia and non-governmental experts. States Parties also noted the utility of public-private partnerships in dealing with disease.

28. States Parties recognized the importance of ensuring that there is effective coordination among relevant activities to minimise duplication and ensure a more comprehensive approach to building capacity, including through: improved coordination and information sharing among assistance providers both internationally and among national departments; enhanced communication among States Parties and with international efforts to tackle infectious disease, such as those undertaken by the FAO, IPPC, OIE and WHO; taking advantage of all ~~available~~ **appropriate** routes for assistance – bilateral, regional, **international** and multilateral, including ~~through~~ the Convention – to forge North-South, South-South and North-North partnerships; and improving cooperation, communication and networking among national institutions, departments, agencies and other stakeholders.

28 bis. States Parties welcomed the range of assistance, cooperation and partnerships already in place to support States Parties in meeting their national obligations under the Convention and in enhancing their disease surveillance, detection, diagnosis and containment capabilities.

29. States Parties recognized, **however**, that there remain challenges to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes to their full potential, and that **these challenges restrict the ability of many States Parties have problems in building to build** sufficient capacity for disease surveillance, detection, diagnosis and containment. Keeping in mind Article X, States Parties agreed on the value of mobilizing resources, including financial resources, to facilitate the widest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. **Recognizing that all States Parties have a role to play**, States Parties stressed that those States Parties seeking to build their capacity should identify their specific needs and requirements and seek partnerships with others, and that those States Parties in a position to do so should provide assistance and support.

30. States Parties recalled that the Sixth Review Conference had emphasized 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. States Parties noted in this respect that ~~assistance must take place in the context of Article III and that full implementation of Article III of the Convention would help to facilitate the exchange of equipment, materials and scientific and technological information in accordance with Article X.~~

30 bis. States Parties affirmed the role of the Implementation Support Unit, consistent with its mandate, in supporting the capacity-building activities of the States Parties by facilitating communication and partnerships, and acting as a clearing-house for information on needs for and sources of assistance and cooperation. In this context, the States Parties recalled that the Sixth Review Conference had encouraged States Parties to provide appropriate information to the Implementation Support Unit on their implementation of Article X, and welcomed the reports on cooperation activities that were submitted by States Parties during this meeting.

30 ter. **Recognizing the need to sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider means of better identifying needs, overcoming challenges to capacity-building, mobilizing financial resources, facilitating the development of human resources, supporting the participation of developing States Parties in the meetings and other activities of the Convention, and coordinating cooperation with other relevant international and regional organizations.**

The final version of the substantive paragraphs was circulated at 15.00 on the Friday afternoon, 11 December 2009, and adopted later the same afternoon. This contains some changes from the third draft as indicated in the version provided below with new language in bold and deletions indicated:

20. **Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, in the interests of achieving comprehensive implementation of the Convention, States Parties agreed on the value of working together to promote capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases. States Parties affirmed that building such**

capacity would directly support the security and non-proliferation objectives of the Convention. ~~and would also contribute to enhancing health security.~~

21. **in this connection, States Parties recalled that the Sixth Review Conference stressed the importance of implementation of Article X and recalled that the States Parties they 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. States Parties recognized that ~~the Convention Article X~~ is a useful and appropriate platform for collaboration and that through the full implementation of ~~the Convention, including Article X~~, States Parties can complement the activities of other forums and promote maximum cooperation and assistance in areas concerning disease surveillance, detection, diagnosis, and containment of infectious diseases.**

22. States Parties agreed that although disease surveillance, mitigation and response are primarily national responsibilities, infectious diseases know no geographic boundaries and neither should efforts to combat them. States Parties noted that international organizations, such as the FAO, IPPC, OIE and WHO, have a fundamental role to play in addressing disease and recognized the importance of these inter-governmental organizations in supporting and financing relevant national activities. States Parties recognized the value of enhancing the capabilities and coordinating role of these organizations.

23. States Parties recognized the importance of developing effective infrastructure for disease surveillance, detection, diagnosis and containment. ~~taking primarily appropriate action in the Convention, including in pursuit of requirements in other settings to establish core national health capacities, such as those under the revised International Health Regulations (2005).~~

(a) Such infrastructure could include:

- (i) Surveillance systems which are sensitive, specific, representative, timely, simple, flexible and acceptable, and which have capabilities for continuously collecting and analyzing data from various sources;
- (ii) Capacity for rapid detection and identification of pathogens, including improved access to high quality diagnostics and expertise;
- (iii) Primary health care services and veterinary and phytosanitary services, such as laboratory systems and disease management and treatment capacity;
- (iv) Emergency and epidemiological response capabilities;
- (v) Communication capabilities, including for public information and professional collaboration;

(vi) An appropriate regulatory framework, including available resources for its implementation and surveillance activities;

(vii) Treatment of diseases, including availability of diagnostic equipment, vaccines and medicines.

(b) States Parties noted that developing such infrastructure could also contribute to the fulfillment of their other respective international obligations and agreements, such as the revised International Health Regulations (2005).

24. Recognizing that infrastructure is of little use if there are not appropriately trained individuals to use it, States Parties agreed on the value of developing human resources for disease surveillance, detection, diagnosis and containment, including by:

(i) Making use of workshops, training courses and conferences at the national, regional and international levels;

(ii) Ensuring that training materials are available in native languages;

(iii) Taking advantage of both computer-based and hands-on training;

(iv) Fostering an interdisciplinary approach to infectious disease problems, incorporating traditional biomedical science with economics, social sciences, demographics and agricultural science;

(v) Engaging with all relevant human resources, including technicians, managers, policy makers, health professionals and academia;

(vi) Identifying ways to reduce "brain-drain", where individuals leave after they have been trained and certified;

(vii) Providing the political leadership needed to ensure training and personnel issues are given adequate attention at the national level; and

(viii) If in a position to do so, providing sponsorship for training, exchange visits, and travel to expert meetings.

25. Recognizing the opportunities for building capacity through sharing practices and procedures, States Parties agreed on the value of implementing standard operating procedures, taking into account their national needs and circumstances, including through:

(i) Using standard operating procedures to enhance sustainability, improve trust, build confidence, contribute to quality control, and foster the highest standards of professional performance;

(ii) Working at the national level with ministries of health and agriculture and other relevant agencies to develop relevant legislation, standards and guidelines;

(iii) Developing and using best practices for surveillance, management, laboratory practice, manufacturing, safety, security, diagnostics, trade in animals and products, as well as associated procedures;

(iv) Strengthening international protocols for the rapid sharing of information; and

(v) Using case studies of biosecurity considerations,

*risk assessment and the transportation of dangerous goods and disease management to improve existing practices and procedures.*

26. States Parties agreed on the value of ensuring the sustainability of capacity building in the fields of disease surveillance, detection, diagnosis and containment, including through: pooling resources; making funding processes longer-term and more predictable (including through the use of mutually-agreed exit strategies); ensuring ownership by the receiving country and the involvement of all relevant stakeholders; addressing needs for day-to-day maintenance of core health capacity; tailoring activities to meet the differing circumstances of each recipient state; taking full advantage of existing resources, networks and institutional arrangements; utilising twinning programmes to strengthen networks of reference laboratories; and using collaborative projects to develop biosafety, biosecurity, basic science, tools and core technologies thereby increasing motivation and support.
27. States Parties agreed on the value of improving integration of capacity-building activities so that scarce resources are used effectively to combat disease irrespective of its cause, including through: ensuring effective communication and coordination among human, animal and plant health sectors; using an interdisciplinary, all-hazards approach drawing on all relevant disciplines; and improving how government departments and agencies work with the private sector, academia and non-governmental experts. States Parties also noted the utility of public-private partnerships in dealing with disease.
28. States Parties recognized the importance of ensuring that there is effective coordination among relevant activities to minimise duplication and ensure a more comprehensive approach to building capacity, including through: improved coordination and information sharing among assistance providers both internationally and among national departments; enhanced communication among States Parties and with international efforts to tackle infectious disease, such as those undertaken by the FAO, IPPC, OIE and WHO; taking advantage of all appropriate routes for assistance – bilateral, regional, international and multilateral, including the Convention – to forge North-South, South-South and North-North partnerships; and improving cooperation, communication and networking among national institutions, departments, agencies and other stakeholders.
29. States Parties ~~welcomed~~ **recognized** the range of **bilateral, regional and multilateral** assistance, cooperation and partnerships already in place to support States Parties in meeting their national obligations under the Convention and in enhancing their disease surveillance, detection, diagnosis and containment capabilities. States Parties recognized, however, that there remain challenges to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes to their full potential, and that **addressing such problems, challenges, needs and restrictions will help these challenges restrict the ability of many** States Parties to build sufficient capacity for disease surveillance, detection, diagnosis and containment. Keeping in mind Article X, States Parties agreed on the value of mobilizing resources, including financial resources, to facilitate the widest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. Recognizing that all States Parties have a role to play, States Parties stressed that those States Parties seeking to build their capacity should identify their specific needs and requirements and seek partnerships with others, and that those States Parties in a position to do so should provide assistance and support.
30. **Recalling the agreements on Article X and Article III reached at the Sixth Review Conference**, States Parties recalled that the ~~Sixth Review~~ Conference had emphasized 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. States Parties noted in this respect that full implementation of Article III of the Convention would help to facilitate the exchange of equipment, materials and scientific and technological information in accordance with Article X.
- 30 bis. States Parties affirmed the role of the Implementation Support Unit, consistent with its mandate, in supporting the capacity-building activities of the States Parties by facilitating communication and partnerships, and acting as a clearing-house for information on needs for and sources of assistance and cooperation. In this context, the States Parties recalled that the Sixth Review Conference had encouraged States Parties to provide appropriate information to the Implementation Support Unit on their implementation of Article X, and welcomed the reports on cooperation activities that were submitted by States Parties during this meeting.
- 30 ter. Recognizing the need to sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider means of better identifying needs, overcoming challenges to capacity-building, mobilizing financial resources, facilitating the development of human resources, supporting the

*participation of developing States Parties in the meetings and other activities of the Convention, and coordinating cooperation with other relevant international and regional organizations.*

The subsequent two further paragraphs that had been unmodified throughout then continued in the final version of the report.

33. ~~31.~~ *The States Parties further considered that in pursuing the above understandings and actions, States Parties could, according to their respective circumstances and constitutional and legal processes, take into account the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topic under discussion at the Meeting of Experts, as contained in Annex I of the Report of the Meeting of Experts (BWC/MSP/2009/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2009/L.1, which is attached to this report as Annex I. This annex was not proposed for adoption as an outcome of the Meeting, and therefore was not discussed with that aim. Thus, the annex was not agreed upon and consequently has no status.*

34. ~~32.~~ *States Parties are encouraged to inform the Seventh Review Conference of, inter alia, any actions, measures or other steps that they may have taken on the basis of the discussions at the 2009 Meeting of Experts and the outcome of the 2009 Meeting of States Parties, in order to facilitate the Seventh Review Conference's consideration of the work and outcome of these meetings and its decision on any further action, in accordance with the decision of the Sixth Review Conference (BWC/CONF.VI/6, Part III, paragraph 7 (e)).*

### **Adoption of Final Report**

The Meeting of States Parties met for the final time on the afternoon of Friday 11 December 2009 and at that session agreed their final report, issued as BWC/MSP/2009/5. In addition to the substantive paragraphs as indicated above, the final report contained a paragraph on universalisation and another on the Implementation Support Unit:

35. *The Meeting of States Parties reviewed progress towards obtaining universality for the Convention and considered the Report from the Chairman on Universalization Activities (BWC/MSP/2009/4), as well as reports from States Parties on their activities to promote universalization. The States Parties reaffirmed the particular importance of the ratification of the Convention by signatory states and accession to the Convention without delay by those which have not signed the Convention, contributing to the achievement*

*of universal adherence to the Convention. In this context, the Meeting took note of the reports, and called on all States Parties to continue to promote universalization, and to support the universalization activities of the Chairman and the Implementation Support Unit, in accordance with the decision of the Sixth Review Conference.*

36. *The Meeting of States Parties also considered the Report of the Implementation Support Unit (BWC/MSP/2009/2), including the report on participation in the confidence-building measures (CBMs). The Meeting took note of the Report, and expressed its satisfaction with the work of the Implementation Support Unit. The Meeting noted with concern that participation in the confidence-building measures had levelled off over the past two years, and encouraged all States Parties to make an annual CBM submission in accordance with the decisions of the respective Review Conferences, seeking assistance through the Implementation Support Unit where required. The Meeting called on States Parties to continue working closely with the Implementation Support Unit in fulfilling its mandate, in accordance with the decision of the Sixth Review Conference. Recalling the decision of the Sixth Review Conference that the Implementation Support Unit would be funded by States Parties for the period from 2007-2011, the Meeting requested the United Nations Office for Disarmament Affairs to ensure, in accordance with the terms of General Assembly resolution 63/88, that the administrative arrangements for the Unit, including employment contracts for the staff of the Unit, appropriately reflect the full duration of the Unit's mandate.*

### **Final Session**

Later on the afternoon of Friday 11 December 2009, the meeting met in plenary session to adopt the report of the Meeting of States Parties. The final item of business was to decide on the dates of the Meetings in 2010.

As already noted, the Chairman for the 2010 meetings had been nominated by the NAM and Other States Group earlier in the week as Ambassador Carlos Potaes of Chile. The Meeting of Experts will be held on 23-27 August 2010 and the Meeting of States Parties on 6-10 December 2010. The topic for discussion in 2010 is: ‘

*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.*

The Chairman then closed the Meeting of States Parties by making some concluding remarks which focused on the three areas that he had addressed throughout the year – *our efforts to deal with disease: second, the exchange of CBMs; and third, progress in expanding the membership of the Convention* – by looking back on them in reverse order.

On universalization, he noted that although there had been no new accessions, there were *a couple of states teetering on the edge of joining*.

On CBMs, he said *I have been pleased by our efforts to make it easier to participate in the CBM process. I am happy that we have managed to put out a guide for taking part during my Chairmanship. I noted with considerable interest plans for the future, including the EU's support to improve the BWC's website for electronic submissions, and the statement from Undersecretary of State Ellen Tasucher that the US will work together with other States Parties to review the CBMs.*

On the topic of dealing with disease, he said that now that the report has been agreed *I think we should take a moment to reflect on its comprehensiveness. I am sure that this document will stand the test of time and act as a useful bridge into the next review conference. I think it captures where the common understandings lie between States Parties on these issues. Our work this year illustrates that States Parties do take all their responsibilities under this Convention seriously and that a treaty that deals with biological weapons can contribute to our efforts to deal with disease.*

*As I have been prompting you all year, I was keen to make sure that our outputs for this year were broader than just our final document. I wanted to ensure we had action-based outcomes. To that I end, the ISU have produced several practical tools which I hope will help. They have published a paper listing the contact details of sources of assistance – making it easier to get in touch with those who can hopefully provide what you need. The ISU has also published details of national approaches, need and offers in the Compendiums of National Approaches, allowing you ongoing access to critical resources. Finally, the ISU will naturally continue its role as a clearing house for assistance under the Convention, and will therefore, continue to be a useful first port of call.*

He then went on to add: *In my opening remarks, I noted that I had not seen as many examples of brokering of assistance as I had hoped to do. I am still convinced there are opportunities we are not taking. I would encourage all States Parties to reflect, in the lead up to the next review conference, on the databases, common formats and mechanisms that have been proposed throughout the course of this year.*

*In conclusion, my experience this year has shown, that we can find common understandings, and we can work together, and that when we do, there is very little that we cannot achieve. It was a real pleasure to be in the chair when the BWC received its first high-level address since 2006 and I think it is fitting to leave you with one of the remarks we heard here on Wednesday morning. It seems to sum up very nicely what we have been doing here this year, namely “increasing the availability and access to knowledge and products of the life sciences to help reduce the impact from outbreaks of infectious diseases whether of natural, accidental or deliberate origin”.*

The Meeting was then closed.

## Reflections

The Meeting of States Parties with about 470 participants had almost as many as the over 500 at the Meeting of Experts in August 2009 – the number of representatives from the States Parties was virtually the same: almost 420 at both meetings. There was participation by 100 States Parties – four more than at the Meeting of Experts. The meeting was open throughout, as had been the Meeting of Experts in both 2008 and in 2009, thus enabling all those present to follow the developments and to better understand the issues that presented difficulties to some delegations. There can only be benefit in all stake-holders being present throughout such meetings as this significantly enhances the understanding of all concerned.

The participation and statement by a senior member of the US administration was of particular interest. This was primarily to introduce the new US national strategy to counter biothreats which was issued the same day by President Obama. In regard to the BWC, the US national strategy includes the following:

### ***Revitalizing the Biological and Toxin Weapons Convention (BWC)***

*The BWC is a uniquely important venue through which we can promote and globally advance our objectives for non-proliferation and risk management of biological threats. The membership of the BWC, however, is not universal and concerns remain that some treaty partners may be developing biological weapons. As the central international forum dedicated to mitigating risks posed by the development and use of biological weapons, the BWC can help focus attention on the evolving nature of biological threats, increase attention to and promote international efforts to prevent proliferation and terrorism, and build tighter linkages between the health and security sectors. We will seek to utilize the BWC as our premiere forum for global outreach and coordination on the full scope of risk management activities by:*

*Promoting confidence in effective BWC implementation and compliance by its States Parties, inter alia, by promoting transparency about legitimate activities and pursuing compliance diplomacy to address concerns;*

*Promoting universal membership in the Convention; Ensuring that our participation in BWC meetings is broadly inclusive of relevant departments and agencies and headed by an appropriately senior representative;*

*Advancing a substantive agenda that emphasizes topics and activities consistent with the objectives of this Strategy with broad potential to enhance global risk management;*

*Seeking to renew existing relationships while building new, broader coalitions of “like-minded” BWC States Parties; and*

*Encouraging stronger partnerships between security and public health communities by focusing on activities that improve global capabilities to counter infectious disease in a manner that mitigates risks from natural, accidental, and deliberate outbreaks.*

There are some useful ideas expressed in the strategy – notably the undertakings to *utilize the BWC as our premiere forum for global outreach and coordination*, and to *renew existing relationships while building new, broader coalitions of “like-minded” BWC States Parties* as well as the goal of *promoting transparency about legitimate activities and pursuing compliance diplomacy*. It is, however, notable that although the national strategy document makes no mention of the words verification or protocol or legally-binding, the statement to the Meeting of States Parties made it clear that *The Obama Administration will not seek to revive negotiations on a verification protocol to the Convention. We have carefully reviewed previous efforts to develop a verification protocol and have determined that a legally binding protocol would not achieve meaningful verification or greater security*. It is interesting to compare this with what President Obama said at the Climate Change Conference taking place in Copenhagen at the same time, 7 to 18 December 2009, as the Meeting of States Parties in Geneva. In his Copenhagen statement, he said

*Second, we must have a mechanism to review whether we are keeping our commitments, and exchange this information in a transparent manner. These measures need not be intrusive, or infringe upon sovereignty. They must, however, ensure that an accord is credible, and that we’re living up to our obligations. Without such accountability, any agreement would be empty words on a page.*

*I don’t know how you have an international agreement where we all are not sharing information and ensuring that we are meeting our commitments. That doesn’t make sense. It would be a hollow victory.*

There would thus appear to be support at a high level for an accountability framework such as that originally proposed in the context of the BWC by Canada at the Sixth Review Conference (BWC/CONF.VI/WP.1), and well worthy of further consideration in the run up to the Seventh Review Conference in 2011.

As the Chairman said in his concluding remarks *Our work this year illustrates that States Parties do take all their responsibilities under this Convention seriously and that a treaty that deals with biological weapons can contribute to our efforts to deal with disease*. The general climate at the Meeting of States Parties was again positive and constructive although it was clear in the final discussions that there were differing views in regard to whether reference to a mechanism in the final language could attract consensus. It was evident that although the NAM Working Paper (BWC/MSP/2009/WP.2) in its second paragraph made it clear – *Nevertheless we hope that a decision can be adopted in the Seventh BWC Review Conference in 2011 recommending negotiations on a legally binding Protocol to comprehensively strengthen the implementation of the*

*Convention including in the area of international cooperation for peaceful purposes*. – that the proposals for a mechanism for the implementation of Article X were again set in the context of a legally binding Protocol to comprehensively strengthen the implementation of the Convention, some delegations had concerns that there were already a wide range of mechanisms and consequently the negotiation of a mechanism solely for the implementation of Article X would utilize resources and political will that might be better spent elsewhere.

A good step forward was shown by the fact that all the group statements (the European Union, the JACKSNNZ group, and the NAM and Other States group) as well as over half of the 29 States Parties that made a statement said that they were looking ahead to the Seventh Review Conference in 2011. In addition, some ten statements expressed views about the strengthening of the implementation of the Convention through a legally-binding mechanism. Thus, Cuba (on behalf of the NAM) said *The strengthening of the Biological Weapon Convention cannot exclude inter alia the verification mechanism for the complete elimination of biological and toxin weapons through adopting a legally binding protocol to comprehensively strengthen the BWC*. Sweden (on behalf of the EU) said *Finally, the EU believes that preparations for the 2011 Review Conference should be initiated as soon as possible, including exploring options for strengthening the Convention and improving compliance, taking into account the risks from non-state actors*. Australia (on behalf of the JACKSNNZ group) said *The JACKSNNZ share with other delegations an interest in the opportunity provided by the Seventh Review Conference in 2011 to review and discuss possible means for strengthening the BTWC. Toward this end, the JACKSNNZ contribute for discussion at this Meeting of States Parties and in the lead-up to the Review Conference, the Canadian-sponsored discussion paper “How to approach compliance issues in the Biological and Toxin Weapons Convention: policy issues for the Seventh BTWC Review Conference in 2011”*.

Switzerland said *Switzerland is of the view that this Convention is in need of stronger mechanisms for resolving concerns about implementation of, and compliance with, the BWC. In fact, Switzerland would welcome a legally binding compliance framework. We are convinced that an informal and forward-looking discussion is required on the kind of compliance mechanism that is needed to address existing and future challenges*. India said *We believe that only a multilaterally agreed mechanism for verification of compliance can provide the assurance of observance of compliance obligations by States Parties and act as deterrence against non-compliance. We believe that the decision regarding strengthening of the BWC and its effective implementation should be taken by the Review Conference on the basis of consensus*. Norway said *The lead-up to the 2011 Review Conference provides us an opportunity to deliberate on ways to further strengthen the BTWC, such as measures to verify compliance to the Convention*. Chile said an effective verification regime is needed to strengthen the Convention regime. Pakistan said *The 7th Review Conference must also pick up the unfinished work on the Protocol for effective*

*implementation of the Convention. Iran said We hope the negotiations would be resumed on a legally binding instrument to comprehensively strengthen the convention including in the area of international cooperation for peaceful purposes. And Bangladesh said That the lack of a permanent institutional framework for verification is affecting the sound health of the Convention has been felt for too long. We understand that negotiations on this issue would take time. However, we must remain seized with the matter, and use the Seventh Review Conference in 2011 to make positive strides in this regard on the basis of consensus.*

It is apparent that the majority of the States Parties, who are active in the annual Meetings of States Parties, are showing that they are ready at the Seventh Review Conference to start consideration of how best to strengthen the implementation and improve the effectiveness of the Convention. There is a widespread appreciation that such a process needs to start from the Convention today and to seek to build on areas in which there is consensus – it is not a question of trying to go back to where the previous negotiations ended and to carry on from there. The international situation has developed over the past decade and it is time to start afresh.

What is clear is that ideas on how to move forward need to be put forward during the coming year, ideally as Working Papers submitted to the Meeting of Experts in 2010. Some ideas have already been put forward and it will be far better for States Parties to respond to those ideas as well as putting forward developments or modified ideas in Working Papers this year. Leaving the putting forward of ideas and responding to ideas already put forward until the start of the Seventh Review Conference is unlikely to lead to consensus, and will make the Review Conference a more difficult occasion on which to make progress.

The steps being taken by Switzerland, Germany and Norway to prepare the groundwork for the consideration of the CBM mechanism and how this might be enhanced and

augmented at the Seventh Review Conference are commendable. The Working Paper on policy issues for consideration at the Seventh Review Conference submitted by Canada on behalf of the JACKSNNZ group opens up a range of topics for consideration. It is very much to be hoped that the other groups – notably the EU, the NAM and other States and the group of Latin American states – will consider these topics along with any others that they consider important and submit Working Papers in 2010 setting out how they see them being taken forward by the Seventh Review Conference. And the same is true for individual States Parties.

It is fair to say that the time for encouraging statements is fast reaching the point at which concrete proposals need to be put forward now so that all States Parties can start their preparations for the Seventh Review Conference.

The [www.unog.ch/bwc](http://www.unog.ch/bwc) website created by the ISU continues to be very useful. They are to be complimented for the material that is posted both prior to, during and after the Meetings – of particular value are the statements made by States Parties in the order in which they are presented to the Meetings, together with the Chairman's remarks at the start, during and at the end of the Meetings.

Overall the Meeting of States Parties had a successful outcome that continued the momentum created by the successful outcome of the Sixth Review Conference. It was evident that many of the delegations have started to look forward towards the Seventh Review Conference in 2011. It is to be hoped that other groups of States Parties as well as individual States Parties will follow the example of the JACKSNNZ group and submit working papers in 2010, setting out their ideas as to how the key issues to be considered at the Seventh Review Conference can best be addressed. This will help to ensure a successful outcome in 2011.

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*This review was written by Graham S. Pearson,  
HSP Advisory Board.*

What follows is taken from issue 86 of the Harvard Sussex Program CBW Chronicle, which provides a fuller coverage of events during the period under report here, and also identify the sources of information used for each record. All such sources are held in the Sussex Harvard Information Bank, which is open to visitors by prior arrangement. For access to the Chronicle, or to the electronic CBW Events Database compiled from it, please apply to HSP Sussex.

**1 August** Iranian Minister of Science and Technology Mohammad Mehdi Zahedi says that Iranian intelligence forces prevented a plot by anti-government forces to detonate ten chemical bombs in a number of cities during the unrest that followed the disputed presidential election in June. Zahedi says the groups also "had plans to carry out chemical explosions in several locations in Tehran on the day of the election". He adds that foreign agents, whom the government has accused of inciting violence following the election, were behind attempts to get young Iranians to launch a "velvet revolution" in the country. "This political movement started its preparations for overthrowing [the Islamic Republic] from nearly a year ago," says Zahedi.

**2 August** In South Africa, the shadow minister for defence and military veterans of the main opposition Democratic Alliance party says that the National Conventional Arms Control Committee (NCACC) has authorized a number of illegal international arms deals, including the export to Libya of glide bombs that could be used to deliver nuclear, chemical or biological weapons. David Maynier says that in addition to failing to meet regularly and produce regular reports as required by law, the committee had an insufficient number of members present when it met to approve the deals. As a result, during the past thirteen months, "several dodgy deals appear to have slipped through the cracks".

Four days later, the ruling African National Congress issues a statement rejecting Maynier's accusations in the following terms: "Maynier clearly does not want the facts to get in the way of a good story... The authenticity and/or legitimacy of his alleged sources is highly dubious. It is high time that the [Democratic Alliance] backed up its conspiracy theories with hard facts."

**3 August** In Glasgow, Scotland, the forty-second [see 5-9 Aug 07] Congress of the International Union of Pure and Applied Chemistry (IUPAC) includes a symposium on 'Ethics, Science and Development'. Among those addressing the symposium is OPCW Director-General Rogelio Pflirter, who speaks on 'The Chemical Weapons Convention and the role of the OPCW in promoting international cooperation for the peaceful uses of chemistry'.

**3-7 August** In Saratov, Russia, the first OPCW assistance-and-protection course for Russian-speaking participants takes place.

**3-12 August** In West Java, Indonesia, there is a course on sample preparation and trace analysis of compounds related to the CWC. The course is organized by the OPCW in cooperation with the Research Centre for Chemistry of the Indonesian Institute for Science.

**4 August** Indian Defense Minister Shri A K Antony announces the release of the *National Disaster Management Guidelines on Management of Chemical (Terrorism) Disaster*.

Amongst other things, Antony says: "Terrorists are getting more and more aggressive in their activities the world over and they are adopting newer techniques and technologies in their operations." The guidelines, compiled by the National Disaster Management Authority, cover areas such as counterterrorism, surveillance, environmental monitoring, and prevention of hazardous waste smuggling. They also cover medical management of casualties and highlight the role of relevant disaster management authorities and various executive committees at the centre, state and district levels. [See also 22 Aug 08]

**4 August** In the USA, Kenneth Brill, Director of the National Counterproliferation Center, Office of the Director of National Intelligence, says the US intelligence community is increasing its focus on spotting "over-the-horizon" WMD threats and assessing the internal workings of potential proliferators. In a speech at the Washington Institute for Near East Policy, Brill says: "The WMD proliferation challenge in the 21<sup>st</sup> century is keeping states and nonstate actors from doing what they can do if they choose to do so... If we focus our attention only on the states or terrorist groups mentioned in those headlines, we are just asking to be surprised... If our capabilities are focused solely on Iran and North Korea and al-Qaeda, we will have done our policy-makers a huge disservice when an 'over-the-horizon' nation goes nuclear or a new terrorist group starts putting the pieces together for a biological weapon."

**4 August** In Oregon, lightning sets off a number of wildfires at the Umatilla chemdemil facility as well as on adjacent property. *The East Oregonian* reports officials from the depot as saying preliminary estimates show that several thousand of the facility's 19,729 acres have been destroyed; however, its stockpile of chemical weapons – which are in reinforced concrete, earth-covered igloos designed to resist fire or other threats – have not been affected.

**4 August** The *Honolulu Star Bulletin* reports that over the past two years the Army has, under a congressional mandate, reviewed more than two million documents and spent \$7 million in identifying the location of chemical and conventional munitions dumped in three areas off Oahu, investigating their effects on the environment, and assessing methods for their removal. The *Bulletin* reports the Army as saying that between 1932 and 1944 agents such as lewisite, mustard gas, hydrogen cyanide and cyanogen chloride were dumped at two locations near Pearl Harbor and one near Waianae. The Army believes that the agents dumped include the dumping in 1944 of 598 tons of mustard gas contained in 16,000 M47-A2 bombs. There are, however, no current plans to recover the agents. Tad Davis, the Army's deputy assistant secretary for the environment, safety and occupational health, is quoted as saying: "[The deep-water survey] gave us a better understanding of disposal techniques... The [disposal] vessel was moving on a certain course and disposing of the munitions since they were found in a line on the ocean floor." [See also 29 Oct 08]

**4-5 August** In San Francisco, the first Federal Bureau of Investigation (FBI) synthetic biology workshop takes place, with the theme being *Building Bridges Around Building Genomes*. The purpose of the event – which is organized by the FBI Weapons of Mass Destruction Directorate in cooperation with the Department of Health and Human Services, and the American Association for the Advancement of Science – is to address the challenges in communication and cross-agency education posed by the dual-use potential of developing synthetic biology.

**5 August** The US Department of Energy Office of the Inspector General releases *Special Report: Allegations of Conflict of Interest Regarding Licensing of PROTECT by Argonne National Laboratory*. The report relates to allegations made some six months previously that an exclusive licensing agreement awarded by Argonne National Laboratory in July 2007 for the Program for Response Options and Technology Enhancements for Chemical/Biological Terrorism (PROTECT) was made subject to inadequate competition, conflicts of interest, and other improprieties. PROTECT, a chemical and biological warning system, was developed in response to the sarin gas attacks in Tokyo [see 20 Mar 95]. The report concludes thus: “[T]he competition and licensing process for PROTECT had not completely satisfied Department [of Energy] objectives related to ensuring that technology partnering programs provide fair opportunities to interested parties... The Department’s oversight of Argonne’s competition and licensing activities was limited.”

**5 August** In the USA, the RAND Corporation releases *Public Health Preparedness and Response to Chemical and Radiological Incidents: Functions, Practices, and Areas for Future Work*. The purpose of the report, which was prepared for the Department of Health and Human Services, is “to characterize public health functions in chemical and radiological incidents, examine current state and local public health department practices in the context of these functions, and identify areas where further practice development may be warranted”.

**7 August** Russian Director of the Federal Special Purpose Construction Agency (Spetsstroy) Nikolay Abroskin says that Russia has now destroyed 37 per cent of its stockpile of chemical warfare agents and is on schedule to destroy its entire stockpile by 2012. Speaking at a press conference in Moscow, Abroskin says: “We will meet all deadlines... There will be no delays in the implementation of the international convention. Today, the state authorities regard the federal program ‘Destruction of Chemical Weapons Stockpiles in the Russian Federation’ as one of the most successful programs in the country.” [See also 16 Jun]

**7 August** Ukrainian President Victor Yushchenko survived an attempt to poison him five years ago [see 10 Sep 04] because benign lumps growing on his face and body isolated the toxin away and so prevented it from attacking his vital organs, so reports the *New Scientist*, quoting the dermatologist that led the team treating Yushchenko. Jean Saurat says: “A new organ was created out of normal structures of the skin, and the tissue expressed very high levels of dioxin-metabolizing enzymes... They were made to detoxify the dioxin... A hamartoma is a new organisation of normal cells that simply organise themselves differently... So skin can be regarded as a detoxifying organ.” Saurat is quoted as saying that at the start of his treatment Yushchenko had concentrations of TCDD (2,3,7,8-tetrachlorodibenzo-p-dioxin) 50,000 times higher than that the typical amount. “He’s not completely clean yet, but we’ve got more than 95 per cent of it out now”, says

Saurat. *The Lancet* subsequently publishes an article by Saurat and the rest of the team detailing their findings with regard to the poisoning of Yushchenko. [See also 8 Aug 08]

**8-10 August** In Tehran, there is a regional training course for CWC national authorities in Asia on training escorts for Article VI inspections conducted by the OPCW. The course provides information about Article VI declaration requirements, on the Article VI verification regime of the CWC, on the identification of potentially declarable Article VI activities, and on the obligations of parties in facilitating the smooth conduct of inspections. A mock inspection is also conducted at the site of an Other Chemical Production Facility. Attending the course are more than forty participants from the following fifteen CWC parties: Bangladesh, Cambodia, India, Indonesia, Iran, Iraq, Jordan, Laos, Malaysia, Mongolia, Pakistan, Sri Lanka, Thailand, Uzbekistan and Viet Nam.

**11 August** In Washington DC, the American Association for the Advancement of Science (AAAS) holds a workshop on *Building the Biodefense Policy Workforce*. The event brings together twenty-five experts in biosecurity from government, academia, and non-governmental organizations. Four weeks later, AAAS publishes a report of the meeting, which highlights the increased use of potentially dangerous pathogens, including select agents, in civilian research laboratories throughout the USA.

**12 August** In Washington DC, the US Army says it has unearthed an uncapped glass flask containing mustard agent at a vacant property near the American University campus. According to the Associated Press, the Army Corps of Engineers has, over the past fifteen years, conducted four excavations of chemical weapons and related materials at the site, which was used as a chemical-weapons development and testing site during the First World War. The Corps commenced the latest excavation nearly two years previously [see 29 Oct 07]. Project Manager Dan Noble says: “We had judged the likelihood of making a discovery like this was low probability, but not zero probability... We have a high level of confidence that there was absolutely no public exposure here.”

Seven days later, Washington, DC congressional delegate Eleanor Holmes Norton says the Army has stated that chemical weapons found in the area pose no threat to the air or water in the neighbourhood. “Our position is that the corps must remain until there is an objective all-clear here... There is no indication that the neighborhood is unsafe,” says Norton.

**13 August** Russian President Dmitry Medvedev signs an executive order authorizing the Roskhimzashchita (Russian Chemical Protection) Corporation to, amongst other things, further the development of protection against chemical weapons and from terrorist attacks involving the use of chemical weapons. According to the International Security Research and Intelligence Agency, Roskhimzashchita was established by a presidential executive order in October 2003.

**13 August** In Washington DC, around forty participants convene at the White House Conference Center to discuss “policies to prevent intentional biothreats”, so reports Global Security Newswire. The discussion is led by Laura Holgate, Senior Director for WMD Terrorism and Threat Reduction in the National Security Council, and by her deputy for biodefense questions, James Petro. An “international analyst who attended the session and spoke on the condition of anonymity” is quoted by Global Security Newswire as saying the meeting focused on three broad themes: biological threats to the nation, existing international initiatives used to combat

bioterrorism, and the role NGOs could play in the administration's strategy. Also discussed are the approach the administration could adopt with regard to the BWC and the 2011 Review Conference; existing international biodefence initiatives; and the role the United Nations or NATO might play in preventing acts of bioterrorism. As regards domestic issues, matters discussed include oversight of the life science community, including biosafety and biosecurity.

**14 August** In the UK House of Commons, Foreign Secretary David Miliband presents his response to the Foreign Affairs Committee report on *Global Security: Non Proliferation* [see 14 Jun].

In response to the Committee's recommendation that the government should press for a new international convention criminalizing the misuse of chemical and biological weapons, Miliband says: "Unfortunately we have not detected a broad enough constituency amongst other states in support of a Criminalisation Convention; however, we would be prepared to look at this again if it became clear that other states saw utility in taking this idea forward. The UK has taken action instead through the Biological Weapons Act, the Chemical Weapons Act and the Anti-Terrorism Crime and Security Act which include provision for UK nationals to be prosecuted for committing offences overseas. Until such time as there is more support for a Criminalisation Convention the UK will focus on encouraging other states to make similar provisions in their national legislation. Also implementation of [United Nations Security Council resolution] 1540 is helping to ensure that states adopt and enforce appropriate legislation to prosecute individuals engaged in criminal activities involving biological or chemical weapons."

With regard to the request that the government set out its efforts to help attain universality of the BWC, Miliband says: "The UK works bilaterally and with the EU and other partners to coordinate diplomatic action and assistance activities in these areas. We have recently, for example, lobbied Burundi, Guyana, Nepal, Syria and Tanzania and are encouraged by the response that we have so far received... [The Foreign and Commonwealth Office] is considering ways to engage the Commonwealth Office and other regional groups for leverage. A particular priority will be to focus on those Commonwealth countries that are CWC States Parties but have not acceded to the BTWC.... The obstacles to universality are varied... Offers of implementation assistance is an important way of improving the national performance of many existing States Parties as well as acting as an inducement for some states currently outside the Convention to join. Current FCO-funded activity is focused on legislative analysis and assistance to states which do not have comprehensive national implementing measures in place (including through a multi-year project worth £623,000 delivered through the UK based NGO VERTIC)."

Responding to the Committee's recommendation that the government work towards strengthening the BWC by way of a verification protocol, Miliband says: "We share the committee's view that a verification protocol for the BTWC should remain a key objective for the UK. We remain ready to support such a verification mechanism as a long term objective. But there are still no signs that international opinion is sufficiently agreed on either the need for such a mechanism, or on what it might contain... Any decision to re-open negotiations on a verification mechanism could only be taken at present by a Review Conference – the Seventh Review is scheduled for 2011. Given the need for such Conferences to operate by consensus this means that it would be, given prevailing divergences of view, extraordinarily difficult to secure support for any new work on verification. We have already discussed with

key partners some ideas on possible steps to strengthen the Convention and plan to share further ideas with the US and other partners during the autumn on what realistic options might be available, which could attract widespread support." On the question of what measures the government intends to pursue to strengthen the BWC at the seventh Conference, he says: "At present we see prospects for progress on the role of the Implementation Support Unit (ISU) and improving the efficacy and utility of the [Confidence Building Measures] regime. We intend to seek broad support for measures in these areas well before the Conference convenes... We are uncertain of the value of a formalised Accountability Framework at present. However, we would wish to see an interessional work programme that required States Parties to report on their actions to implement the Convention and explain any difficulties and problems encountered... Effective national implementation of the Convention is a key UK objective and we have contributed to programmes and projects designed to bring this about. There has been reluctance in the BTWC context by some States Parties to see adoption of an action plan comparable to the one agreed by the First CWC Review Conference. We will look again at this as an objective for the Seventh Review Conference – at the very least we will wish to see proper weight given to this topic in the Conference Final Declaration... We have long held the view that the Convention needs a more formalised and regular review mechanism for scientific and technological developments. We made this clear in the 2002 Green Paper [see 29 Apr 02]. We would hope that this might be an area where some progress might be possible at the Seventh Review Conference and have started to identify possible options for consideration. One of the key issues to be addressed here is the growing convergence between chemistry and biology, which is an issue that the UK flagged up in a Working Paper for the Second CWC Review Conference."

As regards the Committee's recommendation that the government set out its proposals for ensuring that the BWC and CWC keep pace with technological developments in accordance with the general purpose criterion, Miliband says: "We are [...] looking at ways in which scientific review might be made a more central element in BTWC meetings... We intend to make science and technology a key element in our approach to the CWC in the years ahead, particularly with a view to promoting a substantive debate and action on these issues at the Third CWC Review Conference in 2013. To this end we will draw on advice from the National Authority Advisory Committee and other bodies such as the Royal Society, as well as industry and academia, through specially organised seminars or workshops. We will also continue supporting the work of the OPCW Director-General's Scientific Advisory Board, including through voluntary financial contributions."

In response to the Committee's request that the government explain its position in relation to herbicides, defoliants and incapacitants and their status under the BWC and CWC and its recommendation that the government press for negotiations on an unambiguous prohibition of their use as weapons to commence at the next Review Conferences, Miliband responds thus: "Herbicides and defoliants are not covered by the CWC and we see no need to amend the Convention accordingly... Their position under the BTWC is more complex. Herbicides and defoliants are generally held to be chemicals, but such agents could be based on chemicals derived from natural sources – such as hormones – a fact which would make their development, production, stockpiling, acquisition or retention for hostile purposes or in armed conflict a breach of the BTWC. Anti-crop biological agents are already prohibited if held contrary to the provisions of the BTWC's Article I. The Sixth Review Conference Final Declaration made clear that the Convention's Article I prohibitions apply to human,

animal and plant agents... Development, production, retention, acquisition or use of 'Incapacitating biochemical weapons' are prohibited by both Conventions. Use of the word 'weapons' here is crucial. We must recall that although there is no express prohibition on use in the BTWC, the Fourth Review Conference in 1996 reaffirmed that the use 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. This point was reiterated at the Sixth Review Conference in 2006... There is less clarity under the CWC in relation to chemicals that have an incapacitating effect and are also intended for use for law enforcement purposes. However it is important to note that the rules of the general purpose criterion apply – namely that as long as the types and quantities are consistent with a permitted purpose, then there is no problem in terms of compliance with the Convention. We believe that in the long run greater clarity may be required on how incapacitating chemicals used for law enforcement purposes are to be treated under the Convention particularly in terms of increasing transparency about States Parties' activities involving these chemicals... We see no need for any negotiations to commence at the next Review Conference on an unambiguous prohibition of the use of certain biological and chemical agents, which are non-lethal or which target plants, including crops and vegetation... As noted above, the BTWC Fourth and Sixth Review Conferences affirmed that any use (i.e. against humans, animals or plants) inconsistent with permitted purposes would be an effective violation of the Convention."

In answer to the Committee's request that the government set out what action it is taking to mitigate the threat the UK faces from terrorist use of chemical or biological weapons, Miliband says: "The Government has already set out, in CONTEST, the UK's Strategy for Countering International Terrorism [...] [see 24 Mar], the actions taken to mitigate the Chemical and Biological threat as part of its programme of work to counter the use of chemical, biological, radiological or nuclear devices by terrorists."

**15 August** In New York, health officials administer preventive antibiotics to large numbers of civilians during an exercise that involves responding to the simulated dispersal of airborne anthrax particles. New York City Health Commissioner Thomas Farley says the exercise, held in the gymnasium of Marta Valle Secondary School, "is aimed at getting medication to a large number of people as quickly as possible". According to the Associated Press, in the event of a real anthrax attack, the city would establish around two hundred 'points of dispensing', each staffed by about a hundred people, which would distribute medicine from stockpiles stored in laboratories and warehouses around the city.

**16 August** The Indian Defence Research and Development Organisation (DRDO) is testing hand grenades loaded with Bhut Jolakia chilli peppers, so reports IANS news service. Director of the DRDO Directorate of Life Sciences R B Srivastava is quoted as saying: "The trials have been done for the hand grenades. It gives out such pungent smoke that it makes one come out of one's hiding place... War scenario is changing. Low intensity conflict is the norm of the day. The paramilitary forces face the problem of forcing the terrorists out of their hideouts... We wanted to find a non-lethal way to tackle the insurgents and the mob during riot controls." According to *The (London) Daily Telegraph*, the DRDO has concluded that Bhut Jolakia chillies from Assam are the hottest in the world, with a capsaicin potency of over a million Scoville

Heat Units (SHUs). The Red Savina Habaneros have a rating of 350,000-580,000 (SHUs).

**16 August** Canada is to provide Kyrgyzstan with \$27 million under the G8 Global Partnership Against Weapons and Materials of Mass Destruction [see 26-27 Jun 02] to fund the construction of a secure facility for the storage and research of pathogens such as anthrax and plague, so reports the Ontario *National Post*. Trevor Smith, who heads biological and chemical non-proliferation programmes at the Canadian Foreign Affairs Department is quoted as saying: "It's a long laundry list of security deficiencies. For facilities that are home to some of the most dangerous materials that are naturally occurring on this planet, that is simply unacceptable... Someone shows up at an institute with tens of thousands of dollars in a briefcase, and says 'I need five grams of anthrax or 5 [grams] of pneumonic plague or 5 [grams] of cholera, no questions asked,' there would be a temptation, no doubt." Smith adds that during tours of the country, Canadian officials identified insufficient safeguards, such as doors with broken locks held shut with string and wax seals; fences that had fallen down, windows with no bars and no glass, and trees that had overgrown perimeter security fences.

**17 August** The US Department of Homeland Security and the Environmental Protection Agency submit draft *Planning Guidance for Recovery Following Biological Incidents* for public feedback. Under the guidance, officials would be permitted to alter cleanup standards to fit the specific circumstances of a biological incident rather than being required to meet established rules. The draft biological cleanup guide "applies to characterization, decontamination, clearance and restoration/reoccupance of a variety of public facilities, drinking water infrastructure, and open areas" and "is intended to achieve effective cleanup following a biological incident while minimizing the expected total social cost, which includes human health costs, ecological and environmental damage, loss of site utility and the economic costs of the actions taken".

**17 August** In the USA, *Time* magazine publishes an interview with International Atomic Energy Agency Director-General Mohamed El Baradei, who says he deeply regrets failing to take a harder stand on the question of Iraq's nuclear capabilities prior to the US-led invasion of Iraq [see 20 Mar 03]. Responding to questions submitted by readers El Baradei says: "I should probably, before the Iraq war, have screamed and howled harder and louder to prevent people from misusing the information that was made available by us... The most dissatisfying moment of my life, of course, was when the Iraq war was launched... That hundreds of thousands of people lost their lives on the basis of fiction, not facts, makes me shudder."

**18 August** The Russian *Voyenno-Meditsinskiy Zhurnal* publishes research of results from an inpatient study of personnel working at chemical weapons storage and destruction facilities (CWDFs). The study evaluated the health of 217 personnel at CWDFs and that of 28 individuals who had previously had direct contact with chemical agents and who had undergone inpatient testing and examination in the military field therapy clinic of the Military Medical Academy S M Kirov. Data obtained for the study show a significant increase in morbidity of the cardiovascular, central and peripheral nervous system, and gastrointestinal tract for those working at CWDFs. The authors state that as a result of the study they have refined the list of diseases for which examination of a possible causal link to exposure to toxic chemicals classified as chemical weapons is advisable.

**19 August** From OPCW headquarters, Director-General Rogelio Pfirter issues a note on the evaluation of the results of the twenty-fifth [see 1 Apr] OPCW proficiency test which commenced on 4 April 2009 and concluded on 23 May 2009. The note states that all fourteen participating laboratories met the adopted criteria for submission, timelines, and reporting, and thus qualified for scoring in the test. No laboratories failed the test owing to reporting of false positive chemicals. The Reference Chemical Laboratory Military Unit in Slovakia failed the test owing to the absence of a statement, comment, and sample preparation pages/flow charts for samples in which no scheduled chemicals and/or their degradation products were found. Three laboratories reported a total of five non-scoring chemicals. Three laboratories identified all of the deliberately introduced (spiked) chemicals used for scoring, reported them, and included sufficient analytical data.

**19 August** In the USA, a lawyer representing five Iraqi claimants announces that the lawsuit against one of three companies [see 7 Apr] that supplied material to Iraq that Iraq used to produce chemical weapons which were later used during Operation Anfal [see 18 Mar 88], is to be dropped. The Associated Press quotes the unidentified lawyer as saying that after discussions with VWR International LLC it was determined that the company was not the successor to a company allegedly involved in supplying such material to Iraq. The lawyer says the claimants may yet pursue claims against another successor company and will proceed with their claims against Thermo Fisher Scientific Inc and Alcolac Inc.

**19 August** In Washington, DC, a federal court rejects a request by a number of local community organizations representing residents who live near the Alabama, Arkansas, Oregon and Utah chemdemil facilities that the Army be ordered to halt the incineration of chemical weapons at the facilities [see 11 Mar 03]. In the lawsuit, the Chemical Weapons Working Group, the Sierra Club, Vietnam Veterans of America Foundation and others claimed that that the Army violated the National Environmental Policy Act as its 1988 environmental impact statement and subsequent documents were outdated, failed to adequately assess alternatives to incineration, and failed to assess the impact of weapons, such as mustard agents, containing mercury. In his ruling, District Judge Richard Eaton says: "The court finds the plaintiffs have failed to demonstrate that there is significant new information requiring the Army to prepare supplemental programmatic and site-specific [environmental impact statements]... The court finds persuasive the defendant's decision not to test alternative technologies at the four incineration sites because no practical or feasible alternatives existed that were ready for immediate implementation." He adds that the plaintiffs had did not demonstrate that "alternatives to incineration are readily available and capable of destroying the quantity and type of chemical warfare agents and munitions at the challenged sites". Speaking to the Associated Press, Chemical Weapons Working Group head Craig Williams says that an appeal against the ruling is possible. [See also 3 Nov 08]

**20 August** Indian Minister of State for Defence M M Pallam Raju says India should be prepared for the "eventuality" that chemical, biological and nuclear weapons may fall into the hands of terrorists, whilst stressing that adequate steps are being taken to counter any such threats. Speaking at a Confederation of Indian Industry conference in New Delhi, Raju says: "In future the potential is there that terrorists could get nuclear, biological and chemical weapons towards which we should take adequate steps... We should be prepared for any

eventuality. And nuclear, biological and chemical weapons is something we are preparing for."

**21 August** In Geneva, there is a workshop on the revised International Health Regulations (IHR) [see 15 Jun 07] at the Palais des Nations. The event – which is jointly organized by the World Health Organization in cooperation with the BWC Implementation Support Unit – is aimed at familiarizing delegations who will be attending the third BWC Meeting of Experts in three days time with the IHR in advance of the meeting. The event also includes a discussion of synergies in IHR and BWC implementation, and considers the relationship of the IHR to promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment.

**22-23 August** In Jongny, Switzerland the Geneva Forum holds a workshop on *Options and Proposals to Strengthen the Confidence-Building Measures Mechanism of the Biological Weapons Convention*. Among those making presentations is Nicholas Sims of the London School of Economics and Jez Littlewood of Carleton University, Canada. A 'Compendium of Proposals to Improve the CBM Mechanism' by Filippa Lentzos and R Alexander Hamilton, both of the London School of Economics, is also circulated.

**24-28 August** In Geneva, the third [see 18-22 Aug 08] BWC Meeting of Experts takes place in accordance with the decision taken at the sixth BWC Review Conference [see 8 Dec 06]. The topic for discussion at meeting – which is convened under the chairmanship of Ambassador Marius Grinius of Canada – is enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes; and promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: (1) for BWC parties in need of assistance, identifying requirements and requests for capacity enhancement; and (2) from BWC parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields.

Participating in the meeting are the following ninety-six BWC parties: Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Equatorial Guinea, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Laos, Lebanon, Libya, Lithuania, Malaysia, Mexico, Moldova, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russia, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, South Korea, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, the UK, the USA, Uruguay, Venezuela, Yemen and Zambia. Also participating are Haiti, Myanmar, Syria and Tanzania – all four of which have signed but not yet ratified the Convention – but without taking part in the making of decisions. Three states – Angola, Cameroon and Israel – which are neither parties nor signatories to the Convention – participate as observers. Also participating are the UN Office for Disarmament Affairs, the UN Institute for Disarmament Research and the United Nations Interregional Crime and Justice Research Institute. Participating as observers are the European Commission, the European Centre for Disease Prevention and Control, the Food and Agriculture

Organization, the International Committee of the Red Cross, the International Science and Technology Center, the World Health Organization and the World Organisation for Animal Health. In total, ten non-governmental organizations and research institutes attend the meeting. Also, at the invitation of the Chairman, ten scientific, professional, academic and industry bodies, and one independent expert, participate as guests in informal exchanges in the open sessions of the meeting.

At the end of the meeting the Chairman Grinius circulates an interim report on activities to secure universal adherence to the BWC, in accordance with the decision of the Sixth Review Conference. The meeting notes that the Chairman would prepare the provisional agenda and programme of work for approval and adoption at the Meeting of States Parties to be held in December. The Meeting of Experts adopts its report by consensus, as orally amended. [See also 21 Aug]

**26 August** The Colorado Office of the Attorney General announces that on behalf of the Colorado Department of Public Health and Environment it has filed a second lawsuit against the Army, alleging it needs to do more to protect the public from chemical weapons stored at the Pueblo chemdemil facility. The lawsuit seeks a court order requiring the Army to comply with the Colorado Hazardous Waste Act and requests unspecified monetary penalties for violating the Act. It alleges the Army is violating the Act because the facility's officials "continue to operate without the required monitoring" of the igloos where the weapons are stored. It also alleges that several deadlines have passed without the officials "providing the required documentation" to the health department describing "the detailed procedures and equipment used at the facility to sample, analyse and monitor the waste chemical weapons in the stockpile storage units." According to the *Chieftain*, state health officials have reportedly criticized the Army's policy of only conducting quarterly inspections of the storage igloos at the facility. Last year, the department requested a court order to establish what spokesman for the Colorado Office of the Attorney General Mike Saccone is quoted as calling "an enforceable treatment schedule" for the chemdemil of mustard gas.

Two weeks later, the *Denver Post* reports that the Army plans to increase monitoring of the storage igloos. Commander of the facility Rob Wittig is quoted as saying: "The state thinks we should do it more frequently, so we're going to work with the state as best we can." According to the *Post*, Wittig was the previous day scheduled to tell state health officials that the Army planned, by spring 2010, to initiate weekly igloo checks and would begin operating twelve air sensors.

**29 August** Armenia used mustard gas against Azerbaijani forces during the conflict between the two countries in Nagorno-Karabakh in 1992-1993, according to the *Azerbaijani Today*.az, quoting a Lithuanian military journalist who covered the conflict. In an interview, Richardas Lapaytis says: "During the Nagorno-Karabakh conflict chemical weapons were used in the territory of the Nakhchivan Republic. The use of mustard gas was not a mass phenomenon. However, some Azerbaijani soldiers have died in that years rather strange death. A strange rash and redness were discovered in their bodies. I showed copies of examinations to the Lithuanian Ministry of Health where they officially declared: such a death occurs as a result of mustard gas poisoning. And mustard gas is a chemical weapon the use of which is prohibited by all international conventions." [See also 9 Sep 04]

**31 August** The Czech secret service (BIS) releases its annual report which CTK news agency quotes as saying, amongst other things, that Iran, North Korea and Syria at-

tempted to acquire Czech "chemical substances, equipment and technologies that might be used for the development and production of weapons of mass destruction".

**31 August** In Brussels, NATO publishes its new strategic policy for preventing the proliferation of WMD and defending against CBRN threats. In a press release, Ambassador Jacek Bylica, Head of NATO's WMD Centre says: "The document is comprehensive in scope... It is guided by a clear vision: that the Alliance – its populations, territory and forces – will be secure from threats posed by weapons of mass destruction and related materials. It provides high-level political guidance for our future activities in support of international arms control, disarmament and non-proliferation treaties and regimes, as well as for military planning and capacity-building for defending against the threats posed by these weapons... In implementing this policy, NATO will foster cooperation with partners, and international and regional organizations in order to develop a common understanding of the WMD threat... It will encourage participation in and compliance with international arms control, disarmament and non-proliferation efforts." The document was first circulated at the NATO Summit in Bucharest in 2008 and was subsequently endorsed by Heads of State and Government at the Strasbourg/Kehl Summit in April this year. The document is published the following day.

**31 August** The US Environmental Protection Agency (EPA) announces that following a multi-year review, it has concluded that the Army's closure of the Johnston Atoll Chemical Agent Disposal System (JACADS) has "met all of its permit requirements for closing the facility". EPA Director of the Pacific Southwest Region's Waste Management Division Jeff Scott says the approval of the closure assures protection for the ecology and environment of the Johnston Island National Wildlife Refuge, which is now part of the new Pacific Remote Islands Marine National Monument. In a letter dated 18 August 2009 EPA Region IX official John Beach wrote that "EPA finds that the Army has fulfilled the requirements of its JACADS Permit" and that the EPA "accepts the Army's closure of the facility as a clean closure."

**1-3 September** In Mexico City, Mexico, the tenth [see 6-8 May 08] regional meeting of CWC national authorities in Latin America and the Caribbean (GRULAC) takes place. The meeting gives participants the opportunity to present their needs for assistance in relation to implementing Article VII of the Convention, as well as any support they may require for their Article VI obligations, and to demonstrate what support they can offer to other parties in the region. It also helps the OPCW to determine how it can best enhance the assistance it offers to relevant parties. [See also 26-28 Mar 08]

**3 September** In Khirbet Salem, southern Lebanon, an explosion recently occurred at a Hezbollah underground arms depot, resulting in three members of the group dying from the effects of chemical weapons and eight from the blast itself, according to a report in the Kuwaiti daily *Al-Seyasseh*, which is cited by a number of media outlets. The allegations of the incident on 14 July were reportedly referred to in intelligence briefings and despatched to European capitals and NATO officials some five days ago, and are based on information received from intelligence sources of European units acting in conjunction with the United Nations Interim Force in Lebanon (UNIFIL) peacekeeping forces. The briefings reportedly state that, via airports in Syria, Iran has sent Hezbollah new types of weapons, thousands of gas masks to protect against chemical and biological weapons, and an alert system against weap-

ons of mass destruction. Since December 2008, Hezbollah has reportedly been in possession of chemical weapons stored in warehouses throughout the Beqaa valley and in the south of the country near Tyre. As regards the explosion, *Al-Seyasseh* quotes unidentified Lebanese sources as saying local residents prevented UNIFIL from investigating the scene of the explosion following the incident. During the briefings, however, it was reportedly stated that chemical leaks occurred following the explosion and that it was in fact Hezbollah operatives who prevented the Lebanese army and UNIFIL from investigating the area for twenty-four hours, while attempts were made by Hezbollah to remove traces of chemicals from the area. The report *Al-Seyasseh* refers to, however, states that UNIFIL forces did find evidence of chemical residue in soil samples surrounding the area in question. According to The Media Line, Israel has accused UNIFIL of having knowledge that Hezbollah was storing weapons at the depot, but chose to do nothing about it. However, speaking to The Media Line, an unidentified spokesman for UNIFIL is quoted as saying that there had been “no serious violations” of Security Council resolution 1701.

Five days later, DEBKA-file reports that on 1 September unidentified “intelligence sources” stated that Hezbollah had recently boosted its military capabilities with a supply of chemical shells and short-range missiles with chemical warheads, and was about to receive biological weapons as well.

**5 September** In Urumqi City, Xinjiang province, an examination of the medical records of 217 victims who were recently stabbed with hypodermic syringes have shown “no evidence” that they have contracted “diseases related to radioactive substance, anthrax, toxic chemical, microorganism, hepatitis A, hepatitis B or AIDS”, so says Director of Disease Control and Biological Security at the Academy of Military Medical Sciences Qian Jun. Xinhua news agency reports that local hospitals have now dealt with 531 people claiming to have been victims of the stabbings, which began some three weeks previously. However, only 106 of these people have displayed physical signs of being stabbed; it is thought that the remaining cases may be the result of mass hysteria.

Two days later, four suspects allegedly caught at the scene after stabbing a woman in the neck in Urumqi on 3 September are prosecuted for “spreading false dangerous substances”, so reports Xinhua. Previously, another four suspects were prosecuted for endangering public security.

Six days later, China Daily reports the attacks as having now spread to other cities in the Xinjiang region.

Seven days later, three native Uighurs are sentenced for their roles in the attacks. Xinhua reports that Yilipan Yilihamu was sentenced to up to fifteen years imprisonment for “spreading false dangerous substances” when he stabbed a woman in the buttock on 28 August, while Muhutaerjiang Turdi was sentenced to ten years, and Aimannisha Guli to seven years imprisonment for robbing a taxi driver on 29 August by threatening him with a syringe. These three convictions bring to five the number of people convicted of attacks in which syringes were used.

Nine days later, UPI news agency reports Qian Jun as saying that no dangerous radioactive or biological substances have been found in blood samples taken from victims of the attacks. “Although no radioactive or toxic substances were found, some patients showed various levels of anxiety and depression and have been recommended for psychological counselling,” says Qian.

**7 September** The American Chemical Society has today recorded the 50,000,000<sup>th</sup> new chemical substance into the CAS Registry.

**7-8 September** In Montreux, Switzerland, there is an international bioterrorism response and co-ordination tabletop exercise for officials from numerous international and regional organizations and national governments. Exercise ‘Black ICE II’, which is co-hosted by Switzerland and the USA, builds on the lessons learned since the first Black ICE exercise held in Montreux some three years previously. The exercise is based around a scenario in which terrorists carry out an attack with pneumonic plague. Participants identify capabilities, needs, and issues to be addressed in order to ensure an effective international response to such an attack. Attending the exercise are representatives from the BWC Implementation Support Unit, the International Civil Aviation Organization, NATO, INTERPOL, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, the Counter-Terrorism Committee of the Organization of the American States, the Organization for Security and Co-operation in Europe, the Pan American Health Organization, the UN Office for Disarmament Affairs, the World Food Programme, and the World Health Organization. Experts from India, Kenya, Malaysia, Mexico, Poland, Switzerland, and the USA as well as from the European Commission and the European Council Secretariat also participate.

**7-11 September** In Kuopio, Finland, there is an international training course on assistance and protection, which is organized jointly by the government of Finland and the OPCW.

**7-11 September** In Spanish Town, Jamaica, a regional emergency chemical-response training course for participants from countries of the Caribbean Community (CARICOM) takes place. The purpose of the course – which is organized by the OPCW in cooperation with and with the financial support of the UK Ministry of Defence and the Office of the Prime Minister of Jamaica – is to enhance individual, national, and regional expertise that can be utilised by the OPCW in the Caribbean region in the context of action undertaken under Article X of the CWC.

**7-18 September** In Helsinki, Finland, there is a course on the enhancement of laboratory skills in using liquid chromatography-mass spectrometry to analyse chemicals related to the CWC [see also 5-16 May 08]. The course, which is organized by the Finnish Institute for Verification of the CWC (VERIFIN) with the support of the OPCW, is aimed at laboratories that are active or plan to become active in the analysis of chemicals related to the CWC, and for those that are participating or intend to participate in OPCW proficiency testing.

**8 September** The Palestinian Centre for Human Rights (PCHR), based in Gaza City, releases *Targeted Civilians: Report on the Israeli Military Offensive against the Gaza Strip 27 December 2008 – 18 January 2009*. Specifically, regarding the use of white phosphorus by Israeli forces [see also 22 Apr], the report states: “In Gaza City, PCHR documented two distinctive cases during which IOF [Israeli Occupation Forces] used white phosphorous against UNRWA [United Nations Relief and Works Agency] warehouses and the building of the PRCS [Palestinian Red Crescent Society] in Gaza City. According to investigations conducted by PCHR, on 15 January, IOF bombarded UNRWA warehouses with at least three white Phosphorous bombs, wounding three persons and setting fire to the warehouses, burning large quantities of supplies... PCHR also documented the use of white phosphorous in the northern Gaza Strip. For example, on 17 January 2009, the UNRWA school in Beit Lahiya was attacked with conventional and white phosphorous shells. At the time

of the attack the school was being used as a shelter for displaced persons. Mohammed, 4, and Bilal, 5, al-Ashqar were killed in the attack... On 4 January, IOF attacked the Abu Halima household in Beit Lahia using conventional and white phosphorous shells. Sa'ad Allah Abu Halima and four of his children were killed in the attack." According to PCHR, the report is "the outcome of efforts made by all units at PCHR at the levels of observation, documentation, investigation and filing". It is "intended to professionally and objectively express PCHR's account of the latest Israeli offensive against the Gaza Strip".

**8 September** In the US Senate, Director of the National Vaccine Program Office, Department of Health and Human Services (HHS) Bruce Gellin provides an overview of the role of HHS with regard to developing medical countermeasures for chemical, biological, radiological and nuclear threats, during his testimony before the Appropriations, Health and Human Services, Education, and Related Agencies Subcommittee on Labor.

**9-10 September** In Costa Rica, a regional United Nations workshop on implementing Security Council resolution 1540 [see 28 Apr 04] for Central American countries takes place in San José [see also 29 Apr – 1 May]. Among those invited to participate are officials from Belize, Costa Rica, Cuba, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama. Up for discussion is improving the exchange of information and export controls, having regard to resolution 1540.

**9 September** The US Government Accountability Office transmits to Congress *Emergency Preparedness: Improved Planning and Coordination Necessary for Modernization and Integration of Public Alert and Warning System*. The report examines the current status of the Emergency Alert System; the progress made by the Federal Emergency Management Agency (FEMA) in implementing an integrated alert and warning system; and the challenges involved in implementing an integrated alert and warning system. The report sets out a series of recommendations, including that FEMA develop strategic goals and processes for deployment of the new Integrated Public Alert and Warning System and that it report periodically thereon.

**9-10 September** At OPCW headquarters, a challenge-inspection exercise takes place. As no notice of the exercise was given, it enabled the Secretariat to test its preparedness in relation to the requirements of the CWC, as well as the Secretariat's internal procedures. Following the exercise, OPCW Director-General Rogelio Pfiirter says: "I believe that the exercise demonstrated that the Secretariat is indeed able to act promptly to a request for a challenge inspection. At the same time, on the basis of critically evaluating the results, action is already under way to further refine our internal procedures and preparedness to conduct a challenge inspection."

**13 September** In the USA, a researcher from the University of Chicago dies during his work on a vaccine against the plague. A subsequent post mortem on Malcolm Casadaban shows his blood as having an enervated strain of *Yersinia pestis*, with no other signs of the cause of death present. *The New York Times* reports local health officials as saying antibiotics were made available to about a hundred people in Casadaban's personal and professional circles. None of those provided with antibiotics have, however, shown any symptoms of contracting the plague. *The Chicago Tribune* reports Chicago City Public Health Department spokesman Tim

Hadac as saying: "There is no evidence at all of [a] spread." Meanwhile, spokesman for the University of Chicago Medical Center John Easton is quoted as saying that the bacteria Casadaban was working with, which were developed as a vaccine against the plague in the late 1960s, do not present a danger. *The Tribune* reports that investigators are looking into whether Casadaban had a genetic predisposition that made him susceptible to the bacteria.

**14 September** In Pochev, Russia, at a meeting of the State Commission for Chemical Disarmament, Director for the Implementation of Convention Commitments, Interfax-AVN military news agency quotes Ministry of Industry and Trade Viktor Kholstov as saying that as of 1 September 2009 Russia had destroyed 15,200 tonnes of the 18,000 tonnes of toxic agents that it is scheduled to destroy by 31 December 2009. [See also 7 Aug]

**14 September** In Poland, an Iraqi scientist who worked on a top-secret Iraqi project to develop chemical weapons during the 1980s is currently working for the Polish military intelligence service (WSI), so reports *Russia Today*, quoting a report in the Polish newspaper *Rzeczpospolita*. Identified by *Rzeczpospolita* as Dr Z, the scientist who with the help of the WSI has now changed his name, reportedly moved to Poland with his family in 2004. Previously, he studied and received his doctorate in chemistry in Poland. He has allegedly passed on the WSI information relating to the locations of secret research facilities and reserves of chemical material. According to *Rzeczpospolita*, the US Central Intelligence Agency was unsuccessful in attempting to entice the scientist from Poland. He is reportedly one of several Iraqi military researchers now living in Poland.

**14-18 September** In Tshwane, South Africa, there is the fifth regional course on assistance and protection for African CWC parties.

**15 September** In the US Senate, there is a congressional briefing on a new report by the National Research Council Committee on a *New Biology for the 21<sup>st</sup> Century: Ensuring the United States Leads the Coming Biology Revolution*. The report was compiled in response to a request made in July 2008 by the National Institutes of Health, National Science Foundation and Department of Energy to examine the current state of biological research in the USA and recommend how research can exploit recent technological and scientific advances.

**15 September** In San Francisco, in a speech at the Commonwealth Club, US Director of National Intelligence Dennis Blair announces the release of the *2009 National Intelligence Strategy*, which "lays out the strategic environment, sets priorities and objectives, and guides current and future decisions on budgets, acquisitions, and operations." The eighteen-page document states: "The United States faces a complex and rapidly changing national security environment in which nation states, highly capable non-state actors, and other transnational forces will continue to compete with and challenge US national interests... Adversaries are likely to use asymmetric means and technology (either new or applied in a novel way) to counter US interests at home and abroad." While noting that "state actors" such as Iran, North Korea, China, and Russia remain significant threats, the document refers to the number of more diffuse risks where the role of homeland security intelligence will be critically relevant. It sets out six "mission objectives", including deterring WMD proliferation. On WMD proliferation it says: "The intelligence community

(IC) must support five enduring policy objectives for countering the proliferation of WMD and their means of delivery: dissuade, prevent, roll back, deter, and manage consequences... The IC will work with partners inside and outside the US government to improve capabilities needed to support action across all five WMD objectives. The IC must continue enhancing its capabilities in the following areas: [...] identify opportunities and levers that the United States and its allies can use to discourage interest in WMD; [...] increase support to policymakers in preventing WMD proliferation by enhancing capabilities that contribute to US government efforts to prevent the flow of WMD-related materials, technologies, funds, and expertise; [...] identify opportunities and levers that the United States and its allies can use to end or roll back WMD or capabilities that raise serious concerns; [...] improve capabilities to understand adversaries' WMD plans, intentions, and doctrines and to deny the impact of their capabilities; [...] reinforce US Government efforts to mitigate or manage the consequences of WMD use by supporting the characterization of adversaries' WMD capabilities and the development of countermeasures against WMD use, and by improving the ability to support timely attribution of WMD used against the United States, its allies, or friends."

**17 September** *Washington Post* journalist David Hoffman publishes a story in the *Bulletin of Atomic Scientists* that reports the existence outside Russia of a unique collection of papers originating in the defence industrial department of the Central Committee of the Communist Party of the Soviet Union during 1974-90. The papers are those of Vitaly Katayev, who had worked on the staff of the Central Committee as a deputy to Politburo member Lev Zaikov, who oversaw the USSR's military-industrial complex. Katayev had died in 2001, the several hundred papers and notebooks that form the collection now being held at Stanford University, in the Hoover Institution Library and Archives. Hoffman quotes Katayev's account of a meeting of a Politburo commission on 27 July 1989. The first agenda item had been "About measures for modernizing the organization of work on special problems", meaning biological weapons. Besides Zaikov the other 16 participants included the USSR Foreign Minister, the head of the KGB and the Chief of the General Staff. They discussed practical implications of the impending Chemical Weapons Convention that Foreign Minister Shevardnadze had been actively promoting. Of concern now was the potential empowerment of international inspectors to conduct challenge inspections at Biopreparat or other bioweapons facilities. Hoffman observes that the discussion "suggests that the threat of intrusive verification was taken seriously by the same group of men who had violated the weak BWC". The richness of the Katayev papers on diverse aspects of Soviet military preparedness, already evident from publications in the scholarly literature, is confirmed a week later when Doubleday publishes Hoffman's book *The Dead Hand: The Untold Story of the Cold War Arms Race and Its Dangerous Legacy*.

[Editorial note: A particular value of the (relatively few) BW-related papers in the Katayev collection is that, being mostly memoranda for the Central Committee or records of discussions within it, they display the development of actual Soviet BW policy, thus providing a hitherto largely unavailable context for the accounts of clandestine Soviet bioweapons activities furnished by Vladimir Pasechnik [see 17 Dec 02] and later by Kanatjan Alibekov [see 6 May 99] and then Igor Domaradsky [see 15 Oct 97]. The CBW content of the Katayev papers had gone unremarked until now. In his book, Hoffman's acknowledgements include thanks to Milton Leitenberg and Ray Zilinskas, who have now been working for a decade and more on a detailed study of the Soviet BW programme. It was

Leitenberg who told Hoffman about the Katayev collection at Stanford.]

Seven weeks later, again writing in the *Bulletin of Atomic Scientists* but this time solely on the Soviet BW programme, Hoffman refers to another paper in the Katayev collection — a letter written by Lev Zaikov to USSR President Gorbachev and Foreign Minister Shevardnadze in May 1990, on the day after Britain and the USA had presented formal complaints to the USSR about its biological weapons programme. Zaikov wrote in his letter: "Any possible leak of information by Pasechnik [see 24 Sep 04], who is a narrow specialist, will not cause major damage in revealing our scientific and technical achievements in this field, but might prove a basis for Western countries to question the Soviet Union's compliance with the Biological Weapons Convention." Further detail on this episode appears on pages 345-49 of Hoffman's book.

**17 September** In Sacramento, California, a federal court convicts a man on three counts of posting more than a hundred anthrax hoax letters and two counts of posting threatening communications last year. Marc Keyser was arrested after several newspapers, other media outlets, businesses and the Modesto district office of Representative George Radanovich received the letters [see 29 Oct 08]. According to the Associated Press, Keyser faces up to five years imprisonment and a \$250,000 fine for each count.

**18 September** In Shanghai, China, a WMD Commodity Identification Training (WMD-CIT) workshop organized by the US National Nuclear Security Administration (NNSA) and the Chinese General Administration of Customs — in cooperation with the China Arms Control and Disarmament Association and the University of Georgia Center for International Trade and Security — concludes. The event, which was attended by Chinese customs managers and other front-line officers, focused on effective ways of recognizing and inspecting WMD-related goods. It was followed by discussions on a Chinese-based curriculum at the Shanghai Customs College. The NNSA, which was established by Congress in 2000, describes itself as "a semi-autonomous agency within the US Department of Energy responsible for enhancing national security through the military application of nuclear science in the nation's national security enterprise."

**18 September** In Shopian, Kashmir, India, ten days after the body of Muhammad Hussain Zargar — a member of the Majlis-e-Mushavarat Consultative Council — was found in an orchard, police announce that a report by the Forensic Science Laboratory has shown the cause of death to have been organo-phosphorous poisoning. Speaking to *Rising Kashmir*, SSP Shopian Shahid Mehraj says: "Now we will launch investigation to find out circumstances that forced [Muhammad Hussain Zargar] to consume poison." *Rising Kashmir* quotes unidentified "sources" as saying that a preliminary report of the post mortem by a team of doctors from the Government Medical College Srinagar states that there were minor injuries on Zargar's body, whilst reserving their opinion on the cause.

**18 September** The Australian parliament has passed a law that grants the health ministry broader authority in responding to an attack involving biological weapons or other outbreaks of disease, so reports the Australian *Daily Telegraph*. Under the bill, government agencies would be required to report missing or stolen biological materials such as anthrax, smallpox and plague to law enforcement and government officials. It would also permit the use of reasonable force in searching private properties and confiscating material possibly linked to illegal activities.

**19 September** The Tokyo District Court clears a former president of Pacific Consultants International (PCI) for breach of trust in relation to charge of having misused government funds for destroying chemical weapons abandoned in China by the Japanese Imperial Army. However, Shota Morita – who was arrested last year together with three other former employees of the consultancy firm [see 23 Apr 08] – is sentenced to one year imprisonment, suspended for two years, for tax evasion. [See also 24 Mar]

**19 September** In the Ukraine, the head of investigations into criminal cases at the office of the Prosecutor General Larysa Cherednichenko has said that high-ranking officials from the presidential secretariat and family members of President Victor Yushchenko falsified evidence in the case relating to his poisoning, so reports the Kiev *Segodnya*. Cherednichenko says that having reached this conclusion after working in the parliamentary permanent investigations commission, she reported it to Prosecutor General Oleksandr Medvedko. In her report to Medvedko, Cherednichenko accuses some officials close to Yushchenko, led by his wife Kateryna, of interfering with the investigation, and trying to hide the “artificiality” of the fact of the poisoning. *Segodnya* quotes the report as saying: “As [Davyd] Zhvaniya [see 8 Aug 08] said, the victim had blood samples taken from him in September-October 2004 with help from an Austrian doctor. However, the samples were not studied in Ukraine or another European country. They were secretly taken to the US, where they were enriched with dioxin and were later taken to the UK with help from the US special services. Those blood samples were sent by the administration of the Austrian clinic Rudolfinerhaus to expert establishments, which found dioxin”. *Segodnya* reports having obtained information that Cherednichenko was warned that she would be dismissed from her office immediately after she wrote her report on 26 August. She reportedly turned down the offer of two positions and has contested her dismissal in court. [See also 7 Aug]

**21 September** The US Government Accountability Office releases *High Containment Laboratories: National Strategy for Oversight is Needed*. The report examines the increase in the number of high-containment laboratories in the USA; which federal agency is responsible for tracking such expansion and determining the associated aggregate risks; lessons learned from incidents occurring at such laboratories; and actions taken by the regulatory agencies. It states: “Four highly publicized incidents in high-containment laboratories, as well as evidence in scientific literature, demonstrate that (1) while laboratory accidents are rare, they do occur, primarily due to human error or systems (management and technical operations) failure, including the failure of safety equipment and procedures, (2) insiders can pose a risk, and (3) it is difficult to control inventories of biological agents with currently available technologies. Taken as a whole, these incidents demonstrate failures of systems and procedures meant to maintain biosafety and biosecurity in high-containment laboratories.” The report recommends that the National Security Advisor – in consultation with the National Intelligence Council and the secretaries of health, agriculture, defence, and homeland security – create a single entity to oversee the growth of high-containment laboratories. The advisor would determine the number, location, and mission of the laboratories needed to effectively counter biological threats. The advisor would also analyse the risks associated with the laboratories’ expansion and determine how much oversight is needed. The agency would then develop national standards for designing, building, commissioning and operating the laboratories.

According to the report, the number of registered BSL-3 laboratories rose from 415 in 2004 to 1,362 by 2008.

**22 September** In the US Senate, the Judiciary Subcommittee on Terrorism and Homeland Security holds a hearing on *Strengthening Security and Oversight at Biological Research Laboratories*. Testifying before the first panel – on the executive branch’s current efforts to strengthen and improve biosecurity and biosafety at laboratories, including personnel reliability, physical and perimeter security, and inventory control – are Daniel D Roberts, Assistant Director Criminal Justice Information Services Division, Federal Bureau of Investigation; Brandt Pasco, Compliance Assurance Program Manager, Department of Homeland Security; and Jean D Reed, Deputy Assistant to the Secretary of Defense for Nuclear, and Chemical, and Biological Defense Programs. Those testifying before the second panel – which hears evidence from outside experts – include Chairman of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism Bob Graham [see also 29 Jun]; and Nancy Kingsbury, Managing Director of Applied Research and Methods, Government Accountability Office, who discusses the report released by the GAO the previous day [see 21 Sep].

**22 September** The US Senate Homeland Security and Governmental Affairs Committee holds a hearing to consider legislation introduced by Chairman of the Committee, Joseph Lieberman to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism [see 2 Dec 08]. Under the proposed legislation the Department of Homeland Security would have authority to set security standards at federal and private laboratories that handle select agents. Testifying before the Committee are Chairman and Vice-Chairman of the Commission Bob Graham and Jim Talent [see also 22 Sep]. Also testifying is Managing Director, Forensic Audits and Special Investigations, Government Accountability Office, Gregory D Kutz.

**22 September** In the US House of Representatives, Nancy Kingsbury, the Managing Director of Applied Research and Methods at the Government Accountability Office, testifies before the Energy and Commerce Subcommittee on Oversight and Investigations on the need for a national strategy regarding the oversight of high-containment laboratories. Her testimony is a repeat of that which she gave earlier in the day before the Senate Judiciary Subcommittee on Terrorism and Homeland Security [see 22 Sep]. Also testifying before the committee is Co-Chair of the American Society for Microbiology Ronald Atlas.

**22 September** From the US National Academies, the Institute of Medicine and the National Research Council release *Sustaining Global Surveillance and Response to Emerging Zoonotic Diseases*. The report was compiled in response to the US Agency for International Development requesting advice on how to improve and sustain global capacity for surveillance and response to emerging zoonotic diseases. In this regard, the report recommends that the USA should take the lead in working with global health organizations with a view to establishing a global surveillance system that better integrates the human and animal health sectors.

**22 September** From Pittsburgh, Pennsylvania, the Center for Biosecurity of the University of Pittsburgh Medical Center publishes a breakdown of the administration’s FY 2010 budget request for civilian biodefence activities. According to the study, the total amount requested is \$6.05 billion, which

represents an increase of \$330.9 million over the amount request for FY 2009. Of the total, \$1.09 billion would be committed to biodefence programmes, while \$4.96 billion would be applied to various activities, including basic science research, enhancing public health preparedness and improving disease surveillance. According to the study, the Department of Defense would receive nearly \$686.8 million in funding for biodefence activities, an increase of \$63 million from the previous year. Meanwhile, Medical Biological Defense activities would receive \$441.5 million, an increase of \$93.9 million; and both the Biological Threat Reduction and the Biological Warfare Defense programmes would receive decreases in funding of \$33.3 million and \$15.5 million respectively. The proposed budget would allocate the Department of State a total of \$36.8 million for civilian biodefence initiatives, an increase of \$5.9 million. The Office of Biological Weapons Affairs – which comes under the Bureau of Verification, Compliance, and Implementation – would receive \$2.2 million in funding for its specific task of dealing with biological threat reduction. The study states that the total requested for the Department of Homeland Security is \$396.1 million, representing an increase of \$28.9 million. Under the proposed budget, funding for the Metropolitan Medical Response System would be terminated and replaced with the Medical Surge Grant Program, which would be funded at a “similar level” of \$40 million. The BioWatch programme meanwhile would receive \$94.5 million, representing a decrease of \$17.1 million from the previous year. The Department of Health and Human Services Department would, meanwhile, receive around \$4.5 billion for biodefence programmes, representing an increase of \$215 million. The Centers for Disease Control and Prevention would receive an increase of \$14 million for “upgrading state and local capacity” to support preparedness efforts, an increase of \$26 million for its Strategic National Stockpile Program, and a \$30 million increase to \$305 million for advanced research and development of medical countermeasures. The Department of Agriculture would be granted a total of \$233 million, which represents an increase of \$15 million over the previous year. The article notes that the budget is a “departure” from previous budgets in that no funding is proposed for the Department’s food defence and agricultural defence initiatives. Instead, a similar amount of funding for biodefence-related activities would be allocated among programmes under the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service and the National Institute of Food and Agriculture. The study notes that under the new system, the budget is “much less transparent” and makes it more difficult to discern biodefence funding. [See also 26 Feb and 28 Apr]

**22 September** In Denver, Colorado, a federal court rejects a request by the Colorado Department of Public Health and Environment that the Pueblo chemdemil facility be forced to complete the destruction of its stockpile of chemical weapons by the 2017 deadline set by Congress [see 31 Jul] on the grounds that the state has no legal authority with regard to setting any such deadline. A Department press release states that the ruling, by District Judge Richard Matsch, relates to 2,600 tons of mustard agent in assembled munitions stored at the depot.

Three months later, the Department files an appeal against the ruling. [See also 26 Aug]

**24 September** In Wales, an Army Explosive Ordnance Disposal Regiment conduct a controlled detonation of a bomb containing sulphur mustard at Whiteford Sands near Swansea. The Ministry of Defence subsequently announces that two personnel involved in the operation were briefly hospitalized three days after the operation. BBC News Online

quotes an unidentified spokesman from the Ministry as saying: “I would emphasise that there is no risk to anyone who visited other beaches in the Gower area... We can confirm that two members of the [...] Regiment appear to have been exposed to sulphur mustard while disabling a piece of British military ordnance from the inter-war years found by a member of the public at a beach in Whiteford Sands, Swansea... Neither of the individuals have been seriously harmed. Both have received treatment and are being monitored at their unit.” According to the *Western Mail*, the Royal Air Force conducted bombing drills on the beach during the Second World War, which included drills involving the use of munitions containing sulphur mustard. According to The Press Association, experts from the Ministry concluded that a small quantity of the agent may have been released during the disposal operation.

Three months later, the National Public Health Service for Wales says that the beach where the bomb was discovered has been decontaminated and is now once again open to the public. It adds that there have been no reports of any member of the public developing symptoms from exposure to sulphur mustard.

**24-25 September** In Istanbul, Turkey, there is a CWC sub-regional seminar on *Chemical Industry: Related Issues in the Mediterranean Basin*. Attending the seminar, which is organized by the OPCW, are participants from the following fourteen CWC parties: Albania, Algeria, Bosnia and Herzegovina, France, Greece, Iraq, Iran, Jordan, Lebanon, Morocco, Oman, Spain, Turkey and Yemen. Representatives of a number of Turkish authorities also participate, as well as Egypt, a non-party. The aim of the seminar is to inform representatives of the chemical industry about the provisions of the CWC and the issues and challenges for the industry in complying therewith. The seminar also provides an opportunity to inform CWC parties about new initiatives being undertaken by the Technical Secretariat on a range of Article VI issues, including enhancement of the inspection regime for Other Chemical Production Facilities (OCPFs) producing unscheduled discrete organic chemicals containing phosphorus, sulphur or fluorine. In his opening speech, OPCW Director-General Rogelio Pflirter notes that the OPCW has now conducted 1,670 industrial inspections in more than 80 countries worldwide.

**25 September** At OPCW headquarters, the tenth annual associate programme concludes, having commenced ten weeks previously [see 20 Jul].

**25-27 September** At Wiston House in the UK, there is a Wilton Park Conference on *Preventing and Mitigating the Next Use of Chemical and Biological Weapons* [See also 26-28 Sep 08]. There are 45 participants from 16 countries (Australia, Canada, Denmark, Egypt, Finland, France, Italy, Japan, Kyrgyzstan, the Netherlands, Russia, Sweden, Tajikistan, the UAE, the UK and the USA) and four international organizations (the EU, the ICRC, the OPCW and the UN). The predistributed synopsis of the agenda reads: “How can the ‘next use’ of chemical or biological weapons be prevented? What are the implications of globally-proliferated dual-use capabilities and how can sound risk-assessment can be implemented? How can global buy-in to the prevention enterprise be achieved? What can we learn from past instances of use, by different actors? How can the problems of attribution and accreditation be confronted? Are the current CBW regimes up to the job and how can they maintain relevance? The presentations are by Ralf Trapp, Robert Kadlec, Jean Pascal Zanders, David R Franz, Jeanne Guillemin, Katsuhisa Furukawa, Jez Littlewood, Clive Rowland, Gabriele Kraatz-Wadsack, Jenifer Smith, Charles Duelfer, Amy Smithson, Larry Kerr, Piers Millett

and Michael Moodie. The presentations by Littlewood and Rowland are in Session 4, 'Perceptions of Utility' and are chiefly concerned with incapacitating-agent weapons.

**28 September** The US Department of Justice Office of the Inspector General (OIG) releases *The Federal Bureau of Investigation's Weapons of Mass Destruction Coordinator Program*. In the report, Inspector General Glenn Fine states that many inside the programme were not able to identify "the top specific WMD threats and vulnerabilities that faced their particular field division", and that the FBI also had not established adequate training programs to educate its analysts on the subject or established "specific qualification" that the WMD coordinators should have. Furthermore, it says that coordinators were not directly involved in the WMD threat assessments used by field offices. The report states: "For the FBI to operate a continuous process for providing an ongoing flow of WMD intelligence, we believe that close interaction between WMD coordinators and intelligence analysts is essential... Although WMD coordinators and intelligence analysts had received various types of WMD training, the training they received was not necessarily aligned with the threats and vulnerabilities that these personnel faced at the field division-level. We believe this was, in part, due to WMD coordinators not being involved in the field division WMD domain assessment, as well as the FBI not adequately tracking the training received by its WMD field division personnel." The report sets out a total of thirteen recommendations, which include implementing procedures to help increase WMD coordinators' domain awareness; ensuring that WMD coordinators and intelligence analysts are sharing WMD-related information; and providing the necessary training to ensure that WMD coordinators and intelligence analysts have the skills necessary to address domain needs." The FBI responds to the report thus: "While the inspector general's report acknowledges a number of actions the FBI had taken prior to the audit, the bureau will continue to work with the [OIG] to identify any additional areas that could be strengthened or improved."

**29 September** The United States Court of Appeals for the District of Columbia Circuit rejects an appeal by eight service members who challenged a finding by the Food and Drug Administration (FDA) that the mandatory anthrax vaccine was effective. The claimants had argued that a study on humans in the 1950s that included only a limited number of inhalation cases was not sufficient to prove the efficacy of the vaccine. In upholding a previous decision by the District Court for the District of Columbia [see 29 Feb 08], the court rules thus: "Once again, we are presented with a scientific judgment by the FDA to which we owe considerable deference. And once again, the plaintiffs fail to proffer any scientific evidence to rebut it. Our conclusion must therefore be [that] the FDA did not act arbitrarily or capriciously in resting a finding of effectiveness on the results of the Brachman Study." The Associated Press quotes the claimants' lawyer John Michels as saying that no decision has been made on whether to lodge another appeal. [See also 25 Feb]

**29 September** In San Francisco, Environmental Protection Agency (EPA) Administrator Lisa Jackson says that the 1976 Toxic Substances Control Act (TSCA) should be updated as many of the toxic substances covered by it are no longer used or produced, while others now considered to be harmful are not regulated. Speaking at the Commonwealth Club, Jackson says: "[O]ver the years, not only has TSCA fallen behind the industry it's supposed to regulate – it's been proven an inadequate tool for providing the protection against chemical risks that the public rightfully expects... Since 1976,

EPA has issued regulations to control only five existing chemicals determined to present an unreasonable risk. Five from a total universe of almost 80,000 existing chemicals... Today I'm announcing clear Administration principles to guide Congress in writing a new chemical risk management law that will fix the weaknesses in TSCA... First, we need to review all chemicals against safety standards that are based solely on considerations of risk – not economics or other factors – and we must set these standards at levels that are protective of human health and the environment. Second, safety standards cannot be applied without adequate information, and responsibility for providing that information should rest on industry... Third, both EPA and industry must include special consideration for exposures and effects on groups with higher vulnerabilities – particularly children... Fourth, when chemicals fall short of the safety standard, EPA must have clear authority to take action. We need flexibility to consider a range of factors – but must also have the ability to move quickly. In all cases, EPA and chemical producers must act on priority chemicals in a timely manner, with firm deadlines to maintain accountability... Fifth, we must encourage innovation in green chemistry, and support research, education, recognition, and other strategies that will lead us down the road to safer and more sustainable chemicals and processes... Finally, we need to make sure that EPA's safety assessments are properly resourced, with industry contributing its fair share of the costs of implementing new requirements."

**29-30 September** In Warsaw, Poland, there is another [see 3-4 Dec 07] Interpol 'Black Death' tabletop exercise, the scenario of which is the intentional release of the plague. The exercise is designed to assist senior law enforcement officials, health care professionals and experts from international organizations in identifying any critical co-operation and coordination issues that could prevent a quick and successful response to a plague attack. It brings together twenty-seven participants from Belarus, Czech Republic, Finland, Poland, Slovakia and Ukraine, as well as fifteen participants from international organizations such as Europol, the United Nations Office for Disarmament Affairs, the World Health Organization, the European Centre for Disease Control, the European Commission, and the Organization for Security and Co-operation in Europe and the Commonwealth of Independent States.

**29-30 September** In Viña del Mar, Chile, there is a regional training course for customs authorities on technical aspects of the CWC transfers regime. The course – which is organized by the OPCW, funded by the government of Spain and hosted by the government of Chile – brings together participants from the following twenty-two CWC parties in Latin America and the Caribbean: Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Ecuador, El Salvador, Grenada, Mexico, Nicaragua, Panama, Paraguay, Peru, St Kitts, Trinidad and Tobago, and Uruguay. The course provides participants with information on the provisions of the transfers regime under the Convention, in order to improve the ability of CWC parties to monitor transfers of scheduled chemicals.

**30 September-2 October** At UN headquarters, there is a conference on the *Comprehensive Review on the Status of Implementation of [Security Council] Resolution 1540* [see 28 Apr 04]. The aim of the conference is to assess the evolution of risks and threats, address specific critical issues, and identify possible new approaches for implementing resolution 1540. Delegates from a total of thirty-five countries and nineteen groups, including the OPCW and IAEA participate in the conference. 1540 Committee Chairman Jorge Urbina says the

Committee plans to compile a report on collaborative anti-WMD strategies before the end of 2009. A report submitted by Urbina to the Council some six months previously on the modalities for considering a comprehensive review, in accordance with Security Council resolution 1810 (2008), recommended that the review should be a process to assess the evolution of risks and threats, address specific critical issues that had not yet been resolved and identify possible new approaches for the implementation of the resolution. It also recommended that the review be based on a two- to four-day open-ended meeting of the Committee to be held in October to November with the participation of all United Nations members, as well as related intergovernmental and regional organizations. A number of background papers are prepared for the conference by 1540 Committee experts according to the document on modalities for the consideration of a conference to undertake a comprehensive review (S/2009/170). The Committee points out that the papers which are prepared by a group of experts at the request of the Committee do not necessarily represent the views of the Committee.

**30 September** The US National Research Council Committee on Laboratory Security and Personnel Reliability Assurance Systems for Laboratories Conducting Research on Biological Select Agents and Toxins releases *Responsible Research with Biological Select Agents and Toxins*. The report relates to an executive order issued by former President George Bush, which amongst other things, requested additional input from the National Science Advisory Board for Biosecurity and the National Research Council [see 9 Jan]. The 161-page report addresses existing regulations and oversight to safeguard against the “deliberate use” of select agents and examines both physical security and personnel reliability at laboratories. The report identifies the following six principles that should guide consideration of biological select agents and toxins (BSAT) research, on the basis of which it offers its conclusions and list of nine recommendations: “research on biological select agents and toxins is essential to the national interest”; “research with biological select agents and toxins introduces potential security and safety concerns”; “the Select Agent Program should focus on those biological agents and toxins that might be used as biothreat agents”; “policies and practices for work with biological select agents and toxins should promote both science and security”; “not all laboratories and not all agents are the same”; and “misuse of biological materials is taboo in every scientific community”. As regards the classification of select agents, the report states: “The list of select agents and toxins should be stratified in risk groups according to the potential use of the agent as a biothreat agent, with regulatory requirements and procedures calibrated against such stratification. Importantly, mechanisms for timely inclusion or removal of an agent or toxin from the list are necessary and should be developed.” The report also recommends that facilities take a full inventory of their select agents, but warns against relying on such methods to ensure security. In this regard, it notes: “Because biological agents have an ability to replicate, accountability is best achieved by controlling access to archived stocks and working materials. Requirements for counting the number of vials or other such measures of the quantity of biological select agents (other than when an agent is transported from one laboratory site to another) should not be employed because they are both unreliable and counter-productive, yielding a false sense of security.” The report recommends that “the current Security Risk Assessment screening process should be maintained”. The process relies on databases of criminals, immigrations and terrorists maintained by the Federal Bureau of Investigations

and the Homeland Security Department to determine if an individual should be given clearance to work in a biological facility. However, the report notes that “the appeal process should be expanded beyond the simple check for factual errors to include an opportunity to consider the circumstances surrounding otherwise disqualifying factors”. As regards the Select Agent Program, it states: “[B]ecause of confusion within the community about how physical security requirements should be implemented [...] the Select Agent Program should define minimum cross-agency physical security requirements, which recognize that facilities have unique risk-based security needs and associated design components, to assist facilities in meeting their regulatory obligations.” [See also 29 Apr]

**October** The Danish Institute for International Studies releases *Denmark and Modern Non-proliferation Assistance and Disarmament*. The ‘policy brief’ sets out how Denmark could expand its expertise with a view to developing a “niche non-proliferation and disarmament programme”. The brief sets out ten recommendations, which include: continue funding Green Cross outreach offices in support of chemical weapons destruction projects in Russia; take the lead on a project to develop a chemical risk assessment methodology; await results of the Global Partnership review and funding decisions by the members of [the International Science and Technology Center (ISTC) in Moscow and the Science and Technology Center in Ukraine (STCU) in Kiev] to discern the potential for long-term funding; establish a Danish ‘niched’ programme in the area of biological non-proliferation; and establish a targeted chemical and biological non-proliferation education programme.

**October** In the UK, the Verification Research, Training and Information Centre (VERTIC) releases *Regulatory Guidelines for National Implementation of the 1972 Biological and Toxin Weapons Convention (BWC) and Related Requirements of UN Security Council Resolution 1540* [see 28 Apr 04]. The guidelines aim to provide “guidance for States when they are engaged in the process of preparing any regulatory and administrative measures that may be necessary to supplement their primary legislation for national implementation of the [BWC] as well as the biological weapons-related provisions of [...] resolution 1540”. In this regard, they comprise “suggestions, tips and links to examples of best practices” as opposed to a set of “model regulations”.

**October** In the USA, the JASON defense advisory panel publishes *Rare Events*, which examines the ability of the USA to anticipate catastrophic terrorist events, including the use of WMD, in the near absence of historical records from which to develop predictive models. The report, which was requested by the Department of Defense, makes the following general conclusions: “Experience from the natural sciences and engineering provide guidelines for how to characterize certain aspects of the risks involved, but are of limited value or applicability at the present time. Social science approaches pursued to date are far less well developed, and not even at the point at which their utility can be evaluated, as currently applied. No reliable metrics of accuracy have yet been identified... Collaborative experiments are of limited value because they are based on an as-yet-unproven assumption that lack of communication and collaboration is the key choke point in anticipating [terrorist] WMD threats. No clear objectives or metrics have, so far, been identified for collaborative experiments.... Area expertise and real-world experience appear to be highly valuable in addressing the problem at hand. Some of this expertise is available in academia, but not ex-

clusively so... There is a clear need to establish a solid, rigorous, long-term foundation for applied research, development, and operations. This research will be rooted in social sciences and involve academics... There is danger in premature model building and the use of such models, to the exclusion of careful data collection." The report makes a series of targeted recommendations that the Department should consider adopting to improve its modelling and capabilities for attempting to predict a catastrophic event. JASON is an independent group of scientists which advises the government on matters of science and technology. [See also Mar 08]

**1 October** At UN headquarters, there is a seminar on *Resolution 1540: At the Crossroads*, which takes place on the sidelines of the ongoing conference on the *Comprehensive Review on the Status of Implementation of [Security Council] Resolution 1540* [see 30 Sep – 1 Oct]. The seminar is sponsored by the United Nations Office for Disarmament Affairs and co-organized by the Stanley Foundation, the Arab Institute for Security Studies, the Fondation pour la Recherche Stratégique, the Henry L Stimson Center, the Institute for Security Studies, the Nonproliferation for Global Security Foundation, the Stockholm International Peace Research Institute (SIPRI), the Verification Research, Training and Information Centre (VERTIC) and the World Institute for Nuclear Security. Its purpose is to assist non-governmental organizations, academia and the industry in contributing towards the review of the resolution. The seminar is opened by United Nations High Representative for Disarmament Affairs Sergio Duarte. Members of the 1540 Committee itself as well as experts and representatives of invited organizations make presentations and submit papers. Among the presentations is one on the Harvard Sussex Draft Convention for international criminalization of CBW armament and use.

**2 October** In the UK, a man pleads not guilty at Newcastle Crown Court to a series of offences, including possession of a chemical weapon, namely ricin, contrary to the Chemical Weapons Act. Ian Davison also denies a charge of possessing a prohibited weapon, namely a spray canister capable of discharging an obnoxious liquid or gas. Both Ian Davison and his son Nicky, who also appears in court, deny two counts of possessing information likely to be used by a person committing or preparing an act of terrorism. These charges relate to their possession of a copy of the 'Poor Man's James Bond', which contained information about the production of explosives and improvised devices, and of 'The Anarchist Cookbook'. Both Ian and Nicky Davison were arrested after traces of ricin were found during a raid on Ian Davison's house, which followed investigations by the authorities into extreme rightwing activity [see 2 Jun 09]. Ian Davison is remanded in custody, while Nicky Davison's conditional bail is extended.

**5 October** In South Korea, Defence Minister Kim Tae Young submits to the National Assembly a report stating that North Korea possesses thirteen pathogens that could be used as biological weapons, and between 2,500 and 5,000 tons of chemical weapons. In the case of biological weapons, the report states that North Korea is believed to possess anthrax, typhoid fever, dysentery, cholera, plague, Brucella, tularaemia, epidemic typhus, smallpox, epidemic hemorrhagic fever, yellow fever, botulinum toxin, and "yellow rain toxin". The chemical agents it possesses are believed to include mustard gas, phosgene, sarin and tabun. [See also 18 Jun]

**5 October** In the UK, the Security Service MI5 inadvertently prevented an effort by al-Qaeda in 2000 to acquire

material that could have been used to commit acts of bioterrorism, according to Cambridge University historian Christopher Andrew in his newly published book *The Defense of the Realm*, the first authorized history of MI5. Andrew says Pakistani microbiologist Rauf Ahmad was found carrying suspicious materials and equipment in his luggage after attending a conference on pathogens in the UK. According to US intelligence officials, Ahmad had previously made contact with al-Qaeda deputy chief Ayman al-Zawahiri [see 28 Jul 08]. According to Andrew, al-Qaeda remains determined to carry out acts of terrorism using chemical, biological or nuclear weapons. The 1,000-page book was commissioned by MI5 to mark its 100<sup>th</sup> anniversary.

Meanwhile, *The (London) Independent* details a series of events in the history of both MI5 and the Secret Intelligence Service MI6, including the acquisition by 'Q Department' at MI6 of an odourless shellfish toxin from the government's chemical and biological weapons laboratory at Porton Down, with a view to developing a method of assassinating Egyptian President Nasser following his nationalization of the Suez Canal. The team responsible for the task, led by Frank Quinn, acquired a dozen boxes of Egyptian Knopje chocolates, for which Nasser had a particular predilection. Quinn reportedly developed a method to heat the base of the chocolates so that they became detached, thus enabling injection of the toxin. Though a box of the contaminated chocolates was completed, they were not used. When UK Prime Minister Anthony Eden subsequently rejected a plot to pump nerve gas into Nasser's air conditioning system, Quinn suggested a plan conceived by the US Central Intelligence Agency involving the use a packet of cigarettes containing a poisoned dart. Dr Ladell, a scientist at Porton Down who was nicknamed 'The Sorcerer', had reportedly tested the dart on sheep. In his report, Ladell wrote: "[The animal] begins to buckle at the knees and it starts to roll its eyes, froths at the mouth... Slowly the animal sinks to the ground, its life draining away." Quinn, however, feared that the dart could be traced. This plan too was never put into practice.

**5 October** The US Congressional Research Service releases *Iran: US Concerns and Policy Responses*. On chemical and biological weapons the report states: "Official US reports and testimony continue to state that Iran is seeking a self-sufficient chemical weapons infrastructure, and that it 'may have already' stockpiled blister, blood, choking, and nerve agents – and the bombs and shells to deliver them. This raises questions about Iran's compliance with its obligations under the [CWC]... These officials and reports also say that Iran 'probably maintain[s] an offensive [biological weapons] BW program ... and probably has the capability to produce at least small quantities of BW agents' [see 3 Mar 08]." The report also states: "Iran purportedly has acted as an intermediary with North Korea to supply Syria with various forms of WMD and missile technology [see 26 Nov 07]."

**5 October** US Deputy Assistant to the Department of Homeland Security Secretary Robert Hooks says that the time taken to regularly inspect filters installed in around thirty cities under the Biowatch programme could prevent adequate warning of a biological weapons attack, so reports *USA Today*. Hooks is quoted as saying that as the filters can be checked only as often as every twenty-four hours, authorities could be left with little time to verify an attack, identify its origin and distribute medication before fatalities arise. He adds that an ideal sensor would act as a "lab in a box", by autonomously identifying a dangerous agent and raising an alert within six hours. [See also 7 May]

**6 October** The US Army Chemical Materials Agency announces that it has completed the chemdemil of two million chemical agent-filled munitions since entry into force of the CWC [see 29 Apr 97]. Agency spokesman Greg Mahall says that around 226,000 chemical-filled munitions were destroyed prior to the CWC entering into force and that another 1.2 million weapons remain to be destroyed.

**6 October** The *Washington Post* reports on developments in the clean-up of old chemical munitions in the Spring Valley neighbourhood of northwest Washington DC, where field trials had taken place during 1917-18 as part of the Army Chemical Warfare Service project at American University. The report states that "bacteria" had been tested there at that time as well as poisonous gases and other toxic materials for use in bombs, shells and grenades. A US Army historian speculates that this was actually a reference to ricin, saying that ricin was the only toxin or biological agent that he knew had been studied as a weapon — as a fill for 75-mm artillery shell — by the Army during World War I. Intelligence of German research on ricin had been the stimulus.

**6 October** In Washington DC, there is a conference on *Prevention of Biothreats: A Look Ahead*. The event brings together more than 150 administration officials, policy analysts, scientists, health leaders, congressional staff members, and members of the media to discuss ways of countering the threat from biological weapons. The conference is organized by the Center for Biosecurity at the University of Pittsburgh, hosted by the Center in collaboration with the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, and funded by the Alfred P Sloan Foundation.

**7 October** The US Government Accountability Office transmits to Congress *Homeland Defense: Planning, Resourcing, and Training Issues Challenge DOD's Response to Domestic Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive Incidents*. The report identifies the extent to which the Department of Defense's (DOD's) chemical, biological, radiological, nuclear, and high-yield explosive incidents (CBRNE) consequence management plans and capabilities are integrated with other federal plans; how DOD has planned for and structured its force to provide CBRNE consequence management assistance; to what extent DOD's CBRNE consequence management response forces (CCMRF) are prepared for their mission; and the extent to which DOD has CCMRF funding plans that are linked to requirements for specialized CBRNE capabilities. The conclusion of the report is as follows: "Until all CBRNE plans that are being developed under the Integrated Planning System are complete, it will be difficult for DOD to know whether its considerable body of operational plans will adequately address anticipated gaps in the capabilities needed to respond to multiple, near-simultaneous, CBRNE incidents. DOD will also need to overcome challenges related to sourcing its CBRNE Consequence Management Response Forces, including issues regarding coordinating with states about the availability and deployment status of National Guard units, integrating Guard and Reserve units with active duty forces, and ensuring that forces charged with dual missions are properly trained to function effectively when called on for consequence management response... Because each of the CCMRFs are comprised of units that are geographically dispersed, from both the Active and Reserve Components, and from all of the military services, it must have opportunities to train as a complete force before assuming the mission and to demonstrate its capability to successfully conduct the mission, including the ability to deploy rapidly. For the mission to succeed, it is critical to ensure that

each unit can meet its designated response time. Because DOD has not developed complete and approved requirements for the CCMRF mission and fully defined and monitored funding responsibilities, it lacks full visibility across the department for this mission. Without an overarching approach to develop full and complete mission requirements, an approach and mechanisms in place to fully support those requirements, and a centralized focal point to ensure that all requirements have been identified and fully funded, DOD's ability to carry out this high-priority homeland security mission efficiently and effectively could be in jeopardy." The report sets out a series of recommendations for the DOD to adopt in order to rectify the "absence of completed plans under the Integrated Planning System or other specific guidance on DOD's expected contribution to the federal response to a domestic CBRNE-related incident."

**8 October** China is strengthening its surveillance activities after detecting the presence of sarin along its border with North Korea, in Liaoning province, in November 2008 and February 2009, so reports the Tokyo *Asahi Shimbun*, citing unidentified Chinese military sources. The Chinese special operations forces reportedly found 0.015-0.03 micrograms of the gas per cubic metre whilst conducting regular surveys along the border. At the time there were reportedly strong winds blowing from the North Korean side of the border. The sources are quoted as saying that the Chinese authorities suspect the release as having resulted from some experiments or accidents within North Korea.

**8 October** In Tehran, Iran, a revolutionary court has handed down the first death sentence against a man accused of involvement in the protests following the recent disputed presidential election — whose indictment also included receiving instructions on how to construct a chemical weapon from a fellow member of an Iranian group in exile — so reports *The Guardian* (London). Mohammad Reza Ali-Zamani had reportedly confessed to working for the group — the Iran Monarchy Committee, considered by the Iranian authorities to be a terrorist organization — during a series of public mass trials that commenced in August. Prosecutors alleged, amongst other things, that he plotted political assassinations with US military officials in Iraq before returning to Iran "aiming at causing disruption during and after the election".

**12 October** At UN headquarters, President of the sixty-fourth session of the General Assembly Ali Abdussalam Treki receives a letter from a group of seven medical doctors and academics setting out reports relating to the birth of deformed babies in Fallujah, Iraq [see 8 Nov 05, Fallujah]. The letter states: "In September 2009, Fallujah General Hospital had 170 new born babies, 24 per cent of whom were dead within the first seven days, a staggering 75 per cent of the dead babies were classified as deformed. This can be compared with data from the month of August in 2002 where there were 530 new born babies of whom six were dead within the first seven days and only one birth defect was reported... [W]hat is more alarming is that doctors in Fallujah have said, 'a significant number of babies that do survive begin to develop severe disabilities at a later stage'... We request from the United Nations General Assembly the following: 1. To acknowledge that there is a serious problem regarding the unprecedented number of birth defects and cancer cases in Iraq specifically in Fallujah, Basra, Baghdad and Al-Najaf. 2. To set up an independent committee to conduct a full investigation into the problem of the increased number of birth defects and cancers in Iraq. 3. To implement the cleaning up of toxic materials used by the occupying forces including De-

pleted Uranium, and White Phosphorus. 4. To prevent children and adults entering contaminated areas to minimize exposure to these hazards. 5. To investigate whether war crimes, or crimes against humanity, have been committed.” The seven signatories are Nawal Majeed Al-Sammarai, David Halpin, Malak Hamdan, Chris Burns-Cox, Haithem Alshaibani, Yasmin Alibhai-Brown and Nicholas Wood.

**13 October** In Charleston, South Carolina, a man who had been charged with threatening to kill President George W Bush, pleads guilty in a federal court to a series of charges, including plotting to use biological weapons to attack other government officials. The Associated Press reports that Steven Cucuzzella, who was arrested earlier this year, had been charged with making a threat against the president, but the charge was eventually dropped. He now faces up to ten years imprisonment and a \$250,000 fine.

**13 October** In Oklahoma City, Ted Cieslak, the Department of Defense’s liaison officer to the Centers for Disease Control and Prevention, gives a lecture on *Biowarfare and Bio-terrorism: A Primer* at the Oklahoma University of Public Health.

**13-16 October** At OPCW headquarters, the Executive Council convenes for its fifty-eighth [see 14-17 Jul] session, which is again chaired by Jorge Lomónaco Tonda, Permanent Representative of Mexico

The following delegations make statements during the general debate: Cuba (on behalf of the Non-Aligned Movement and China), Sweden (on behalf of the European Union and associated countries), South Africa (on behalf of the African Group), China, Russia, the UK, Pakistan, Brazil, India, Saudi Arabia, Japan, Ukraine, Libya, the USA, Iran, Indonesia (observer), Nigeria, South Korea, and Iraq (observer).

The Council notes a status report by Director-General Rogelio Pfirter on the progress made by those parties that have been granted extensions of deadlines for chemdemil. The report states: “As at 30 September 2009, the aggregate amount of Category 1 chemical weapons destroyed by [South Korea], Albania, India, [Russia], and the [USA] was approximately 35,892 metric tonnes, or approximately 51.70 per cent of the declared quantity of this category of chemical weapons. [South Korea], Albania, and India had completed the destruction of all their Category 1 chemical weapons, while [Libya] had yet to commence destroying the Category 1 chemical weapons it had declared.... Since the last status report submitted by the Director-General [on 16 April 2009, the aggregate amount of Category 2 chemical weapons destroyed to date remained unchanged – 915.575 [metric tonnes], or 51.84 per cent, of the total amount declared. Albania, India, [Russia], and the [USA] completed the destruction of all their declared Category 2 chemical weapons, whereas [Libya] destroyed 39 per cent of the amount it had declared... [Libya] has destroyed all of its Category 3 chemical weapons, as well as 551 [metric tonnes], or 39 per cent, of its Category 2 chemical weapons. It also completed the reloading of mustard and two chemical weapons precursors at the Ruwagha Chemical Reloading System at the end of April 2009, as the preparatory stage for transportation to the Rabta chemical weapons destruction facility... As at 30 September 2009, [Russia] had destroyed 16,024 [metric tonnes] of its Category 1 chemical weapons, or 40.10 per cent, of the aggregate amount declared... [Russia] has also destroyed all of its declared Category 2 and Category 3 chemical weapons... As at 30 September 2009, the [USA] had destroyed 18,200 [metric tonnes] of Category 1 chemical weapons, or 65.54 per cent, of its declared stockpile. It had also destroyed 0.010 [metric tonnes] of Category 2 chemical weapons, following the unplanned re-

covery and destruction of three munitions filled with chloropicrin. The [USA] has destroyed all of its declared Category 3 chemical weapons.”

The Council notes that part of the status report regarding a request by Libya for an extension of its chemdemil deadlines [see 14-17 Jul]. The report states: “[Libya] has submitted a request for extension of the intermediate and final deadlines for the destruction of its Category 1 chemical weapons stockpile, as follows: phase 1 (1 per cent), to be completed by 1 November 2010; phase 2 (20 per cent), to be completed by 15 December 2010; phase 3 (45 per cent), to be completed by 31 January 2011; and phase 4 (100 per cent), to be completed by 15 May 2011. It has further called upon the Council to consider its extension request and to adopt a recommendation on that request, to be forwarded to the Conference for consideration at its fourteenth session.” The Council considers the request and approves a recommendation that the matter be considered by the Conference of States Parties at its fourteenth session.

The Council notes the opening statement of Director-General Rogelio Pfirter regarding implementation of Article VII of the Convention. Since the last annual report on the status of implementation submitted to the Council at its fifty-fourth session [see 14-17 Oct 08], five more CWC parties have designated or established national authorities, i.e. Bahamas, Comoros, Congo, Dominican Republic and Iraq. The total number of parties that have fulfilled their obligations to designate national authorities now stands at 97 per cent. The number of parties that have adopted legislation “covering all key areas” of the CWC increased by four since the last report on the status of implementation, which corresponds to 46 per cent of the total. Another forty-two parties have laws in place that cover various key aspects.

The Council considers and notes national papers by Libya, Russia and the USA on the status of their destruction activities. It also considers and notes a national paper by China entitled ‘Report on the Status of the Chemical Weapons Abandoned by Japan in China’ and a national paper by Japan entitled ‘The Report on the Current Status of the ACW Projects in China (Reporting Period: from 1 April to 30 June 2009)’.

The Council decides to establish a facilitation to develop guidelines, which would in future be read together with the Convention, for the security and destruction of chemical weapons that come into the possession and/or control of a CWC parties in situations not foreseen by the Convention, including conflict situations and otherwise.

The Council requests its chair “to engage in informal consultations with interested delegations on how and when to initiate discussion by the Council on issues related to meeting the final extended deadlines for the destruction of chemical weapons and to keep the Council informed of these consultations”.

The Council considers notes by Chairman Lomónaco Tonda regarding the withdrawal by Algeria, Finland, Germany, Indonesia, Switzerland, and the UK of their candidates for the appointment to the position of Director-General. The Council recommends that the Conference at its fourteenth session appoint Ahmet Üzümcü as OPCW Director-General for a term of office beginning on 25 July 2010 and ending on 24 July 2014. An OPCW press release describes Ahmet Üzümcü as “a career diplomat with extensive multilateral experience in political-military affairs and disarmament and proliferation issues”. He is currently the Permanent Representative of Turkey to the United Nations Office at Geneva. [Note: There had been much constructive farsightedness in the presentation that Ambassador Üzümcü had made to the Executive Council during the selection process [see 14-17 Jul]. For example, on the issue of the time-limited tenure policy for OPCW staff, he had spoken of its specific benefits but had added: “Neverthe-

less, it might be advisable to retain a core staff to ensure continuity. The individual performance of the staff and the need of the organization should determine the composition and the percentage of this group.” And he had never once used the expression ‘weapon of mass destruction’.]

**14 October** Russian Head of the International Cooperation Office for Chemical Weapons Storage and Disposal Department Sergei Serbin says Russia has now destroyed a total of 16,705 metric tons, or nearly forty-two per cent, of its chemical weapons stockpile. Speaking during a press conference near the Shchuchye chemdemil facility, Serbin says: “The disposal is proceeding as planned... The yearly target for Russia has been accomplished by 77 per cent. As for the Shchuchye facility, it has destroyed 86 per cent of the yearly target.” He adds that nearly 776 of the 5,450 metric tons of sarin nerve agent stored at the Shchuchye facility have now been destroyed. [See also 14 Sep]

**14 October** In Brussels, there is a Security and Defence Agenda (SDA) roundtable on *raising Biopreparedness Levels in Europe*. Among those leading the discussion are World Health Organization Assistant Secretary-General Susanne Weber-Mosdorf and former US White House Senior Director Biological Defense Policy Robert Kadlec. The SDA report on the roundtable is published some two months later.

**16 October** At UN headquarters, OPCW Director General Rogelio Pflirter addresses the General Assembly Committee on Disarmament and International Security during its thematic debate on WMD. In his address to the Committee, Pflirter commends Russia and the USA for their commitment to chemdemil, but notes the short time remaining for them to complete their destruction activities. Pflirter says that to date Russia has destroyed 16,024 metric tons of its Category I chemical weapons, or 40.1 per cent of its declared aggregate amount. The USA, he says, has destroyed 18,200 metric tons, or 65.54 per cent of its chemical weapons. He notes that the OPCW Executive Council is considering a proposal that would require the Council Chairman to engage in information consultations with all interested delegations on the feasibility of revised deadlines [see 13-16 Oct]. Pflirter says that since entry into force of the CWC [see 29 Apr 97], the OPCW has conducted 3,812 inspections in the territories of 81 CWC parties; however, 5,576 facilities remained liable for inspection. The number of inspections, he says, should be increased. According to Pflirter, reinforcing the verification regime is necessary for maintaining confidence in the CWC. [See also 13-16 Oct]

**16 October** In New York, there is a seminar on matters pertaining to chemical weapons dumped at sea. The seminar, which takes place on the sidelines of the meeting of the General Assembly Committee on Disarmament and International Security [see 16 Oct], is organized by the government of Lithuania. It brings together representatives from the United Nations Office for Disarmament Affairs, experts from the OPCW, the Committee on Disarmament and International Security, and representatives from non-governmental organizations. In a press release, the Lithuanian Ministry of Foreign Affairs states that the previous day – during a meeting with UN High Representative for Disarmament Affairs Sergio de Queiroz Duarte – Lithuanian permanent representative to the OPCW Vaidotas Verba said that in 2010 Lithuania would present a resolution on sea-dumped chemical weapons to the Committee on Disarmament and International Security. According to the press release, Duarte assured Lithuania’s representatives that the Office for Disarmament Affairs supported the initiative.

Three days later, in Washington DC, speaking at a seminar in the offices of Global Green USA, Verba says the main object of the resolution would be “to encourage dialogue between the countries affected”.

**19 October** The Seoul *Chosun Ilbo* reports that a database belonging to the South Korean army command was hacked into on 5 March 2009, resulting in the loss of around two thousand national secrets, including information on how to respond to chemical accidents and on around seven hundred South Korean toxic chemicals manufacturers. The National Institute of Environmental Research, which created the Chemical Accident Response Information System, reportedly terminated its Internet connection to the army command a day after the attack, having been tipped off by the South Korean intelligence service. The chemicals monitored by the System include acetone, alcohol, paint thinner and other organic solvents, sulphuric acid, hydrochloric acid and benzene, and heavy metals including lead, mercury and cadmium. *Chosun Ilbo* cites the November edition of its sister magazine, *Monthly Chosun*, which states it obtained the information from the office of the prime minister. Meanwhile, Yonhap news agency reports the password to the database as having been leaked after the computer of an army colonel became infected with a virus whilst he was visiting an Internet portal site. The agency quotes an unidentified military official as saying that South Korea does not rule out the possibility of North Korea having been involved in the attack.

**19 October** The US Defense Threat Reduction Agency (DTRA) announces having commenced “a half-billion dollar grant program” on ways “to reduce, eliminate and counter biological, chemical, nuclear and other weapons of mass destruction” threats to the USA. The DTRA says it is looking for “white-paper proposals” from accredited colleges and universities, as well as from commercial businesses and non-profit organizations. Individual grants under the Fundamental Research to Counter Weapons of Mass Destruction programme are expected to range from \$150,000 to \$300,000 per annum.

**20-21 October** In Riyadh, Saudi Arabia, there is a workshop on the BWC, which is jointly organized by the government of Saudi Arabia and the BWC Implementation Support Unit. Participating in the workshop are governmental officials and technical experts from Saudi Arabia and the other Member States of the Gulf Cooperation Council, i.e. Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates. Amongst others, the Verification Research, Training and Information Centre (VERTIC), London also plays a leading role in the event. The workshop addresses a number of themes, including the potential biological weapons threat to humans, animals, plants, food safety and the economy in the Gulf states; actions taken by the international community in response to such threats, including the BWC and UN Security Council resolution 1540 [see 28 Apr 04]; approaches to effective national implementation of the BWC; and recent scientific and technological developments relevant to the biological weapons threat and options for the effective oversight thereof. Presentations are made by Piers Millett of the Implementation Support Unit on ‘The Biological Weapons Threat’, and ‘Scientific and Technological Developments’; Richard Lennane of the Implementation Support Unit on ‘Responding to the Threat: the BWC and SCR 1540’, and ‘Assistance, Cooperation and Coordination’; Scott Spence of VERTIC on ‘National Implementation of the BWC and SCR 1540’, and ‘National Implementation Measures Project’; Angela Woodward of VERTIC on ‘Confidence-building Measures’; and Richard Lennane and Angela Woodward on ‘Regional Perspectives:

The BWC in the Middle East'. In addition, a number of presentations are made by Saudi governmental officials around the general theme of 'National Perspectives in Saudi Arabia'.

**21 October** In the USA, the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism releases *The Clock is Ticking: A Progress Report on America's Preparedness to Prevent Weapons of Mass Destruction Proliferation and Terrorism*. The 27-page interim report is a precursor to a 'report card' that the Commission is scheduled to release in January 2010, which will grade the Administration and Congress on their progress in implementing the recommendations set out in the Commission's earlier report *World at Risk* [see 2 Dec 08]. Amongst other things, the report states: "The Commission believes the US government needs to move more aggressively to limit the effects of a biological attack. While the President did appoint a WMD Coordinator, the Commission strongly recommends that a senior political appointee with extensive biodefense and public health background be assigned to the National Security Council staff... The Obama Administration's request for [Bio-medical Advanced Research and Development Authority] in FY 2010 was only \$305 million. That is insufficient by a factor of 10 [see also 22 Sep]... The nation also needs to invest in rapid, point-of-care diagnostic tests [...] Most importantly, point-of-care diagnostic tests would improve the nation's ability to treat people by providing a more timely and accurate diagnosis." During a panel discussion at George Washington University, Commission Chairman Bob Graham says: "We hope [the interim report] will be a wake-up call to action so that our final report will be as both accurate and as positive for the American people in terms of what their government is doing for their security."

**26 October** In Wiltshire, UK, scientists at DTSL Porton Down are developing a type of paint capable of absorbing chemical biological and radiological agents so as to provide protection to personnel operating inside and around a treated vehicle, so reports the *Salisbury Journal*. Steven Mitchell, the scientist leading the research, says the paint is being developed from strippable coatings that are currently used to provide temporary camouflage for vehicles, and that reactive coatings are being studied that contain catalysts and possible enzymes in order to create self-decontaminating coatings. Mitchell says: "Ultimately, what we'd like to create is a coating that changes colour to indicate its been contaminated, decontaminates itself, then returns to the original colour when it's clean... This is a long-term but not an unreasonable ultimate objective." Meanwhile, BBC News Online quotes Mitchell as saying: "There are a number of advantages to this technology. One is its flexibility; it is easy to apply and easy to remove. You can change your colour or your signature in theatre in a relatively straightforward manner... [Y]ou could apply it with a paint brush, or you could apply it with a roller... That's important for potential use in theatre because you might not have a sophisticated paint spray system available."

**26 October** In the UK, the University of Bradford Non-lethal Weapons Research Project publishes *Dangerous Ambiguities: Regulation of Riot Control Agents and Incapacitants under the Chemical Weapons Convention*. The report, written by Michael Crowley, examines how riot control agents (RCAs) and incapacitants – and related means of dispersal and delivery – are regulated under the CWC. It also assesses through case studies, how effectively the Convention's reporting, verification and compliance mechanisms have been applied to these chemical agents and means of delivery. The report states: "[A]lthough RCAs are defined under the CWC, the

scope and nature of their permissible use in situations of armed conflict and in law enforcement operations are ambiguously regulated, due in part to the Convention's failure to describe and demarcate 'method of warfare' and 'law enforcement'... [T]here has been a failure by the OPCW oversight and policy making organs to effectively monitor implementation of the Convention with regard to RCAs and incapacitants and to take action where reports of possible breaches of the Convention have become public... Whilst the international governmental community has been unable or unwilling to address the ambiguities and weaknesses in the CWC regulatory regime, a number of countries have permitted activities that may undermine (and potentially breach) the Convention and/or may be in contravention of relevant international law. The areas of concern highlighted by this report include: the reported misuse of riot control agents by law enforcement officials, military personnel and private military company employees; the development and use of incapacitants; and the manufacture of certain munitions containing chemical agents." A unique feature of the report is its detailed and documented overview of RCA abuse by law-enforcement and other officials, including gross violations of human rights. The report also describes a major shift that is apparently taking place in the UK government's interpretation of the law-enforcement provisions of the CWC. The report concludes by setting out a number of policy recommendations relating to riot control agents and incapacitants for consideration by CWC parties, including that concerned parties "create informal intergovernmental mechanisms seeking to clarify ambiguities and obscurities in the CWC and to address the perceived limitations of OPCW structures and mechanisms". Subsequently, Global Security Newswire quotes a "US official with knowledge of the issue", speaking on condition of anonymity, as saying that attempting to define "law enforcement" would be an extremely sensitive topic for debate that would quickly extend beyond matters covered by the CWC. The official is also quoted as saying "We certainly wouldn't have put that at the top of the list of the things to discuss at the Chemical Weapons Convention." The official adds that the USA was not opposed to discussing incapacitants, but that those pressing the issue had been "poorly prepared" at the last CWC Review Conference.

**26 October** The US Food and Drug Administration (FDA) says that "to make a complete judgment about whether the anthrax drug raxibacumab should be licensed for marketing is not possible". The FDA makes the announcement following concerns about the reliability of some of the data collected on how the experimental anthrax treatment is absorbed by the human body, delivered throughout the body and metabolized. Although studies on monkeys and rabbits exposed to anthrax indicated the drug was a safe countermeasure to infection, the FDA says more information is needed to make an assessment on the size of a human dose of the drug. It says that it will decide if the manufacturer, Human Genome Sciences Inc, needs to run additional animal or human studies of the drug after having completed an investigation of the data and after having received advice from a panel of outside experts. The drug, known commercially as ABthrax, was developed under Project BioShield [see 21 Jul 04].

**27 October** In Haifa, Israel, the Rambam Hospital has in recent days opened a new emergency facility that provides protection from missiles and chemical weapons, so reports Arutz Sheva. The hospital reportedly came under fire by Hezbollah during Israel's offensive against the organization three years previously [see 14 Jul 06]. The director of the hospital, Rafi Beyar, says the new facility is the first stage of a plan that includes the establishment of a secure three-quarters

of an acre underground hospital for 1,730 patients, a children's hospital and facilities for cancer care and for cardiac treatment, and a tower for clinical research.

**27 October** US Department of Homeland Security Secretary Janet Napolitano announces the release of proposed new safety guidelines to protect first responders operating in major cities following an anthrax attack. Measures include individual protective gear as well as decontamination and cleaning protocols. The public has one month to comment on the guidelines.

**27-28 October** In Rabat, Morocco, there is the seventh [see 11-13 Nov 08] regional meeting of the African CWC national authorities. The purpose of the meeting – which is organized by the government of Morocco and the OPCW – is to provide the opportunity for national authority representatives to exchange experiences, develop contacts and discuss activities to be undertaken in Africa that will further enhance sub-regional and regional cooperation. Fifty participants from the following thirty-six CWC parties attend the meeting: Algeria, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Gabon, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Madagascar, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, South Africa, Tanzania, Tunisia, Uganda, Zambia and Zimbabwe.

**27-30 October** In Singapore, there is a Proliferation Security Initiative (PSI) maritime exercise – Deep Sabre II [see 15-18 Aug 05] – at Changi Naval Base. Participating in the exercise are representatives from the following eighteen PSI members: Argentina, Australia, Brunei, Canada, France, Germany, Italy, Japan, New Zealand, Papua New Guinea, the Philippines, Poland, Russia, South Korea, Spain, Turkey, the United Arab Emirates and the USA. In addition, representatives of three non-members – Malaysia, India and Pakistan – attend as observers. In total, more than two thousand personnel participate in, or observe, the exercise, whilst eighteen vessels and eight aircraft are called into action.

**28-30 October** In Hanoi, Viet Nam, there is the seventh [see 4-6 Nov 08] regional meeting of CWC national authorities in Asia. Participating in the meeting, which is hosted by the government of Viet Nam, are more than fifty representatives from the following thirty CWC parties: Australia, Bangladesh, Bhutan, Cambodia, China, Fiji, Indonesia, Iran, Japan, South Korea, Kyrgyzstan, Laos, Malaysia, Maldives, Nepal, Oman, Pakistan, Palau, Philippines, Qatar, Samoa, Saudi Arabia, Singapore, Sri Lanka, Thailand, United Arab Emirates, the USA, Uzbekistan, Viet Nam and Yemen. In addition, a representative from Myanmar, a non-party, also attends the meeting. During the meeting participants exchange views on enhancing regional and sub-regional cooperation, identify areas for possible cooperation, and hold bilateral meetings with OPCW Technical Secretariat staff on national implementation issues.

**28-30 October** In The Hague, 350 international experts convene for the second annual CBRNe World Conference and Exhibition. In his keynote speech, OPCW Director-General Rogelio Pflirter provides an overview of OPCW collaborative activities with a variety of stakeholders globally and at the national level aimed at ensuring full implementation of the CWC.

**29 October** In Cleveland, Australia, a veterinarian who was involved in the first known Hendra outbreak that claimed the life of a horse trainer in 1994 says that the US Department

of Homeland Security is funding research into the Hendra and Nipah viruses for fear that they could be used as biological weapons. Speaking during a Queensland Horse Council conference on the Hendra virus, which is attended by horse owners and bat carers in Cleveland, Peter Reid says: "There is no effective treatment or vaccine for Hendra or Nipah and the mortality rate is high... Bats are quite accessible and in the wrong hands it can pose quite a threat."

**30 October** South Korea and the USA have agreed that the US military would take charge of securing or destroying North Korean weapons of mass destruction and marine amphibious assaults in the event of internal instability within North Korea, according to the commander of the ROK-US Combined Forces Command (CFC). Making his comments during a seminar, General Walter Sharp says that the arrangement – which is part of the newly-developed bilateral Operational Plan (OPLAN) 5029, which outlines specific courses of action to cope with various levels of internal turmoil in the North, such as a mass inflow of North Korean refugees, a civil war provoked by revolt or coup, South Korean hostages being held in North Korea and natural disasters – will continue even after South Korea assumes operational control of its troops from the USA on 17 April 2012. Subsequently, *Defense News* quotes an unidentified South Korean CFC commander as saying: "There are various case-by-case scenarios in the operational plan... Both troops will conduct contingency operations jointly or independently in accordance with emerging situations. That is, the US military will take charge of WMD elimination works if needed." *Defense News*, however, quotes South Korea's Joint Chiefs of Staff as neither confirming nor denying the existence of the plan, saying only that it has a conceptual plan (CONPLAN) on North Korean contingency situations.

Ten days later, a commentary on OPLAN 5029 by the North Korean Workers' Party *Rodong Sinmun*, which is also carried by the official KCNA news agency, reads thus: "The warlike forces classified 'the emergency situation' into 'a regime change' in the dignified DPRK, 'the spread of WMDs' and nonsensical 'rebellion', etc. Their concoction of such farcical events which can never happen in the DPRK is an unpardonable provocation to it... Those forces went the lengths of simulating all sorts of nonsensical events and citing them as pretexts for mounting pre-emptive attacks on the DPRK."

**30 October** In Manila, Philippines, Canadian Ambassador to the Philippines Robert Desjardins and Philippine Undersecretary for Public Safety, Department of Interior and Local Government Marius Corpus sign a Memorandum of Understanding under which Canada will donate the Philippines P10 million of CBRN event response equipment for use by fire brigades based in Cebu, Davao and Manila. These three cities are where the Canadian government has been conducting its international first responder training courses. On the courses, Desjardins says: "All good things must come to an end and after four years of direct training, it is time to eventually move on and move out... We have trained a dozen trainers. This is an example of knowledge transmitted and multiplied exponentially." Jennette Jusayan, chief of the Bureau of Fire Protection Public Information Office points out that this is the second time that the Canadian government has donated such equipment [see 30 Jul 08].

**30 October** The UK Ministry of Defence has denied that any contamination occurred as a result of the testing of an anthrax bomb in the Burry estuary – on the Gower peninsula in Wales – in 1942, so reports BBC News Online. In response to concerns about water quality and the death of

cockles in the estuary, an unidentified MoD spokesman is quoted as saying: "The Gower coast was often used for munition testing during WWII. However, a bacterial weapon was only tested once, in 1942, when a 30-lb bomb charged with anthrax spores was dropped from a Blenheim aircraft at 5000 feet. There was no residual contamination of the site as it was washed by the incoming tide. No other biological weapons trial was done at Penclawdd and no other species of bacteria were used." The Member of Parliament for Llanelli, Nia Griffith, has now written to the MoD asking for further details on the test. According to BBC News Online, the testing of the bomb first emerged in an article written by Llanelli historian Gerald Grant [but see 20 Jul 99].

**30 October** The US Government Accountability Office (GAO) transmits to Congress *Supply Chain Security: Feasibility and Cost-Benefit Analysis Would Assist DHS and Congress in Assessing and Implementing the Requirement to Scan 100 Percent of US-Bound Containers*. The report assesses the progress made by Customs and Border Protection (CBP) – within the Department of Homeland Security (DHS) – to implement the requirement in the 9/11 Commission Act that 100 per cent of US-bound cargo containers be scanned by 2012 and its consequent implementation of the Secure Freight Initiative (SFI). The report states that whilst CBP has been able to scan a majority of the US-bound cargo containers at the comparatively low volume ports, it has not achieved sustained scanning rates above five percent at the comparatively larger ports. It concludes thus: Challenges in scanning US-bound cargo containers [...] have raised questions about the feasibility of scanning 100 per cent of US-bound cargo containers. While CBP officials have stated that they may not be able to overcome these challenges based on the experiences of the SFI program to date, the agency has not conducted an analysis of the feasibility of implementing 100 per cent scanning... DHS and CBP officials have acknowledged that they will likely not be able to achieve 100 per cent scanning of US-bound cargo containers by 2012, and expressed concerns over the feasibility, costs, and security benefits associated with the requirement. However, without conducting feasibility and cost-benefit analyses, DHS and CBP will not be able to fully evaluate various alternatives for implementing the 100 per cent scanning requirement or other alternatives that enhance cargo container security in a cost-efficient manner." The report recommends therefore that CBP complete a feasibility analysis, cost estimates, and a cost-benefit analysis, and provide these results to Congress.

**30 October** In Oregon, the Department of Environmental Quality (DEQ) announces that a court has issued a summary judgment against the environmental organization GASP which had requested a court order preventing the Umatilla chemdemil facility from incinerating its bulk containers of mustard agent on the grounds that mercury could also be present. Multnomah County Circuit Judge Michael Marcus rules that incineration is currently the best method for destroying mustard agent at the facility and that filters in use at disposal plant "were the best applicable technology". Marcus also rejects arguments that the plant was operating illegally, given the status of state environmental permits, and supports the State's decision to permit a temporary experimental programme to incinerate mustard agent containers.

**2 November** In Moscow, Russian Foreign Minister Sergei Lavrov rejects yet another request by UK Foreign Minister David Miliband that Russia extradite Andrei Lugovoi [see 21 May 08] to the UK in connection with the poisoning of

Alexander Litvinenko with radioactive polonium-210 [see 11 Nov 06]. At a joint press conference following a meeting of the two ministers, Miliband says: "We did discuss this issue in some detail. I emphasised the importance we continue to attach to the request made by our independent prosecuting authorities in respect of the murder of Mr Litvinenko." In response, however, Lavrov says: "Our position hasn't changed. Our British colleagues understand that." He says that Russia's constitution prevents the extradition to the UK of Lugovoi, a former agent with the Federal Security Service, and that Russia would be prepared to prosecute him, although thus far UK prosecutors have failed to present "sufficient" evidence to make this possible. Miliband, however, says that the Crown Prosecution Service has already handed "full" and "substantial" information to its Russian counterparts [see 22 May 07]. As regards the Russian constitution preventing Lugovoi's extradition, Lavrov says: "I believe our British colleagues understand their demand – that we amend our constitution – is absolutely unrealistic." Miliband's visit, which is aimed at focusing on issues of "common ground", marks the first visit to Russia by a UK foreign secretary for five years.

The next day, in an interview with *The (London) Times*, Lugovoi says he is innocent of any involvement in the death of Litvinenko and claims that Litvinenko had tried to recruit him to work for MI6 when the two met in London in 2006. Lugovoi says: "My message to David Miliband is that he should acknowledge that Litvinenko was part of British special services. But he is silent about that. The rest is just lies."

**2 November** The US Department of Homeland Security Office of Inspector General releases a redacted version of *CBP's [Customs and Border Protection's] Ability to Detect Biological and Chemical Threats in Maritime Cargo Containers*. The report by Inspector General Richard L Skinner "addresses the tools, information, and guidance that the US Customs and Border Protection officers use to examine high-risk containers that potentially contain biological and chemical weapons". It states: "US Customs and Border Protection has taken steps to mitigate the threat of nuclear and radiological weapons in maritime cargo containers, but could do more to mitigate the threats posed by biological and chemical weapons. Customs and Border Protection officials said that new devices are currently being developed and tested that could help officers rapidly detect and identify biological and chemical threats during cargo inspections. However, Customs and Border Protection has not conducted a formal risk assessment to determine which pathways, including maritime cargo, pose the highest risk of biological and chemical weapons entering the Nation. Conducting a formal risk assessment of the various pathways would help ensure that Customs and Border Protection allocates its detection technology development resources to threat pathways that pose the highest risk to national security... In addition, Customs and Border Protection needs updated policies and procedures on how inspections for such threats are to be conducted. Currently, operating procedures do not require that [REDACTED] nor do they describe [REDACTED] conduct the inspections. Without updated policies to focus cargo inspections, biological and chemical threats may go undetected... Customs and Border Protection concurred with our recommendations to complete a risk assessment and update its policies and procedures for inspecting cargo containers for biological and chemical threats." The report was compiled in accordance with the requirement set out in the Coast Guard and Maritime Transportation Security Act 2004, which calls for an annual evaluation of the current cargo targeting and inspection systems for containerized cargo.

**3 November** In Ukraine, where a flu epidemic has for some weeks been gripping the country in the run-up to presidential elections, rumours are to be heard that biological-warfare experiments are the cause of the epidemic. Prime Minister (and presidential candidate) Yulia Tymoshenko later says that, as of 8 November, the number of new cases of the so far unidentified strain of flu has dropped to 32,448 from 127,252 five days previously. According to Bloomberg, the number of confirmed cases now stands at 969,247 and the number of deaths at 155; swine flu has been confirmed in 65 cases, 14 of which were fatal. Earlier in the month, a team of experts from the World Health Organization (WHO) arrived in Ukraine to investigate the outbreak [see also 25 Apr Geneva]. At a joint press conference with Tymoshenko, the head of the Ukrainian WHO mission, Jukka Pukkila, says it is too early to draw any conclusions. The situation in Ukraine, he says, is “similar to what we see in other countries,” adding that the epidemic may “go on for several weeks or maybe even couple of months”.

**3 November** In Washington DC, there is a summit of US and European Union leaders on ways of enhancing cooperation to address bilateral, regional and global challenges, including non-proliferation and disarmament. A declaration on non-proliferation and disarmament, annexed to a joint declaration issued at the end of the summit, states: “We support [United Nations Security Council resolution 1540] [see 28 Apr 04], welcome its recent comprehensive review, and will continue our consultations to better coordinate third country assistance that promotes adherence to the obligations imposed by 1540 as we work together towards full implementation of the Resolution, including in such areas as export controls and regional centers to promote cooperative efforts. We call on all states to implement the measures included in the Resolution and urge all states and regional and international organizations to cooperate with the Committee established by that Resolution... We will continue to work toward universalisation and full implementation of the [CWC] and we support, to this end, the work of the [OPCW]. We will also work for the universalisation and full implementation of the [BTWC] and we encourage, in this regard, the work of the Implementation Support Unit. We continue to support the intersessional Program of Work, including efforts to improve the ability of all nations to recognize and respond to outbreaks of infectious disease. We will continue to work together to find ways to address the evolution of the biological weapon threat, and to promote compliance with the BTWC by greater transparency and effective implementation.”

**4 November** The OPCW Technical Secretariat posts on its website a 14-page document entitled *Summary of Verification Activities in 2007*. It contains unusually detailed official information about the Verification Division’s activities during calendar year 2007. A covering Note by the Director-General portrays this webposting as a new initiative designed to improve transparency. The release had been preceded by several months of informal consultation by the Secretariat and the chair of the OPCW Executive Council with a number of CWC states parties.

**4 November** The US Senate approves the appointment of Tara O’Toole as Under Secretary for the Science and Technology Directorate at the Department of Homeland Security [see 6 May].

**4 November** In Washington DC, the Senate Homeland Security and Governmental Affairs Committee approves a bill intended, amongst other things, to improve security at US biological research facilities. The Weapons of Mass Destruction

Prevention and Preparedness Act of 2009 classifies the list of select agents and toxins into three tiers, and makes the Department of Homeland Security (DHS) responsible for establishing high security standards for laboratories that handle select agents. The Department of Health and Human Services Department, meanwhile, would oversee sites in the remaining two tiers. The bill also instructs the Director of National Intelligence to improve US intelligence capabilities relating to WMD and terrorism and authorizes the establishment of a National Bioforensics Analysis Center to identify perpetrators of biological attacks. It also requires that a national strategy be established for dispensing medication to the public via the US Postal Service in the event of a biological attack. In addition, it would authorize US technical assistance to countries seeking help to bolster security at their laboratories.

**5 November** At UN headquarters, after two days of debate, the General Assembly endorses the findings and recommendations set out in the report of the United Nations Fact Finding Mission on the Gaza Conflict, which also addressed the use by Israeli forces of white phosphorus [see also 8 Sep]. The resolution calls for independent investigations of alleged war crimes to be established by both the Palestinian Authority and Israel within three months. It also requests Secretary-General Ban Ki-moon to transmit the report to the Security Council and to report back to the Assembly in three months on implementation “with a view to considering further action, if necessary, by the relevant United Nations organs and bodies”. In total 114 member states vote in favour of the resolution, 18 vote against, and 44 abstain. The four-member Fact Finding Mission was headed by former judge of the Constitutional Court of South Africa and former Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda Justice Richard Goldstone. It had been established on 3 April 2009, at the behest of the President of the Human Rights Council, “to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after”. Besides identifying apparently illegal behaviour by Hamas, the 475-page report concluded that the use by Israeli forces – in a number of instances – of white phosphorus violated both the Fourth Geneva Convention 1949 and customary international law. On the issue of white phosphorus, it states: “The Mission has recounted [in its report] a number of incidents where it has particular concern about the choice to use white phosphorous. These incidents have been addressed in detail elsewhere and include the incidents at the UNRWA compound in Gaza City, the attacks on al-Quds and al-Wafa hospitals, also in Gaza City, and the use of white phosphorous in the attack on the Abu Halima family to the north of al-Atatra and in Khuz’a... The Mission [has] made clear that the risks [white phosphorous] posed to the civilian population and civilian objects in the area under attack were excessive in relation to the specific military advantages sought... The Mission finds that the Israeli armed forces were systematically reckless in determining to use white phosphorous in built-up areas and in particular in and around areas of particular importance to civilian health and safety... In addition to the reckless use of white phosphorous, the Mission must emphasize that it is concerned not only with the inordinate risks the Israeli armed forces took in using it, but also the damage it caused in fact. In speaking with medical experts and practitioners, it was impressed by the severity and sometimes untreatable nature of the burns caused by the substance... While accepting that white phosphorous is not at this stage proscribed under international law, the Mission con-

siders that the repeated misuse of the substance by the Israeli armed forces during this operation calls into question the wisdom of allowing its continued use without some further degree of control. The Mission understands the need to use obscurants and illuminants for various reasons during military operations and especially in screening troops from observation or enemy fire. There are, however, other screening and illuminating means which are free from the toxicities, volatilities and hazards that are inherent in the chemical white phosphorous. The use of white phosphorous in any form in and around areas dedicated to the health and safety of civilians has been shown to carry very substantial risks. The Mission therefore believes that serious consideration should be given to banning the use of white phosphorous in built-up areas.” [See also 22 Apr]

**5 November** The US Department of Veterans Affairs has been notifying veterans of the Viet Nam War – and those stationed in the demilitarized zone in Korea during the late 1960s – that Cell B leukemias, Parkinson’s disease and ischemic heart disease have been added to the list of illnesses presumed to be linked to exposure to Agent Orange, so reports the Wisconsin *Daily Tribune*. According to Wood County Veterans Service Officer Rock Larson, the purpose of extending the list is to simplify and expedite the application process for benefit payments.

**5 November** In the USA, the National Research Council Committee on Disposal of Legacy Nerve Agent GA and Lewisite Stocks at Deseret Chemical Depot transmits its report to the Chemical Materials Agency. In assessing the disposal of stocks of legacy nerve agent GA and lewisite, the Committee specifically reviewed information provided to it on the fifty per cent design of the Area Ten Liquid Incinerator facility.

**5-6 November** At OPCW headquarters in The Hague, the Temporary Working Group on Sampling and Analysis under the auspices of the OPCW Scientific Advisory Board convenes for its fourth meeting. It discusses: sample preparation for aqueous solutions of degradation products; emerging techniques having possible applications for on-site analysis as well as for analysis of toxins; and criteria for trace analysis in investigations of alleged use.

**6 November** In Japan, the Supreme Court rejects appeals by two former members of the Aum Shinrikyo cult against their death sentences for, amongst other things, their roles in the sarin attack on the Tokyo underground railway network [see 20 Mar 95]. Toru Toyoda and Kenichi Hirose were among five cult members who physically released the agent, and were specifically charged with carrying the sarin into the trains on the Hibiya and Marunouchi lines in plastic bags, which they then punctured with umbrellas. The death penalties were handed down by the Tokyo District [see 17 Jul 00] and subsequently upheld by the Tokyo High Court [see 28 Jul 04]. In his ruling, presiding judge Justice Yukio Takeuchi says that the attack constituted “organized and premeditated acts of indiscriminate mass murder” and that the crime was “extremely cruel and inhumane”. He adds that the death penalty is the right sentence notwithstanding that the two committed the crime under the instructions of higher cult members. If, as is expected, the Supreme Court does not reverse its decision on technical grounds, it would bring the number of former members of the cult awaiting execution for their involvement in dispersing sarin in the Tokyo attack and other related crimes to eight [see 17 Jul], including its founder Chizuo Matsumoto, also known as Shoko Asahara [see 15 Jul]. Ikuo Hayashi, who was also convicted for his involvement in the crime was

sentenced to life imprisonment owing to him having surrendered himself to the authorities.

**6 November** In the Netherlands, Dutch Foreign Minister Maxime Verhagen and Justice Minister Ernst Ballin have transmitted a letter to parliament setting out their support for a Belgian proposal to amend the 1998 Rome Statute of the International Criminal Court – when its 110 signatory states meet later this month in The Hague – so as to include the use of chemical and biological weapons as constituting war crimes, so reports Deutsche Presse-Agentur. During a meeting some ten months previously, the parties to the Statute failed to reach a consensus on the new text, which is due to be signed in Uganda on 31 May 2010. As of 28 September 2009, the following parties to the Statute had indicated their support for all or some of the amendments: Austria, Argentina, Belgium, Bolivia, Bulgaria, Burundi, Cambodia, Cyprus, Germany, Ireland, Latvia, Luxembourg, Mauritius, Mexico, Samoa, Slovenia and Switzerland.

**6 November** US President Barack Obama orders the extension for one year of Executive Order 12938 [see 14 Nov 04], and its subsequent amendments, under which a “national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of [WMD] and the means of delivering such weapons” was declared. [See also 3 Jul 03]

**6 November** The US House of Representatives passes a bill that would make permanent the temporary authority given to the Department of Homeland Security in 2006 to oversee security at chemical facilities [see 4 Oct 06]. The Chemical Facility Anti-Terrorism Standards would also increase the Department’s authority in requiring companies to substitute certain chemicals that could be used by terrorists with alternatives, and would codify the authority of the government to regulate security at public water treatment facilities.

**6 November** In Paraguay, 217 members of the indigenous Ava Guarani community are sprayed with what would appear to be some form of pesticide after refusing to leave their land in the east of the country, which local soy growers say belongs to them.

Three days later, Paraguayan Minister of Health Esperanza Martinez says that those affected suffered vomiting, diarrhoea, headaches and nausea; however, although one person is in a serious condition, the remainder are recovering. In a statement, Martinez says: “For us, it’s very clear that this is an acute community-wide intoxication caused in a premeditated manner by an unknown substance... But it is very clear because all of the similar symptoms occurred after this incident.”

**8 November** The Australian Department of Defence has confirmed the discovery in August of a number of shells containing mustard gas at a former US military weapons depot, so reports the Australian *Sunday Mail*. The discovery of the 144 105mm Howitzer shells was made by a coal mining company which was conducting a survey of the depot near Columboola, between Chinchilla and Miles. The *Toowoomba Chronicle* quotes an unidentified spokesman for the Department as saying: “Defence technicians attended to the items and using specialist equipment were able to confirm that at least three of these munitions contained a Mustard agent.”

Two days later, the *Toowoomba Chronicle* reports that the shells will first be checked by United Nations weapons inspectors before they are removed for further analysis. The *Chronicle* says it is believed that the shells will be destroyed

by June 2010. Meanwhile, Colin Trinder of the Department of Defence is quoted as saying: "There is no way of triggering [the shells] because there are no fuses in them."

**9 November** In Yemen, during ongoing cross-border attacks, Saudi fighter jets have in recent days repeatedly bombed the villages in the areas of al-Malahaid and the border region of Jabal al-Dukhan with white phosphorus, says a spokesman for the Yemeni Houthi Shia fighters. Speaking on the Iranian Arabic-language news channel al-Alam, Mohammad Abdessalam rejects Saudi claims that its offensive is targeted against Houthi positions on Saudi territory. According to Abdessalam, Yemeni villages are the main target, and he says that dozens of civilians have died as a result.

**9 November** In New York, the Uzbek, French and Austrian missions to the United Nations receive envelopes containing an unidentified white powder.

The next day, the German and UK missions to the United Nations also receive envelopes containing the powder. *The New York Times* reports the police as stating that the substance contained in the three envelopes sent the previous day was flour. All five letters were postmarked from Dallas, police say. The police also say that the note inside the envelope received by the German mission read 'Al Qaeda FBI in America', which is similar to notes found in the three envelopes received the previous day.

Two days later, the Russian mission to the United Nations becomes the sixth mission to receive an envelope containing the powder.

**9 November** The Emperor of Japan bestows The Order of the Rising Sun on a biochemistry professor from Colorado State University for his contribution towards identifying the members of the Aum Shinrikyo cult as being behind the sarin gas attacks in Japan in the 1990s. Following the attacks in Matsumoto [see 28 Jun 94] and on the Tokyo underground railway network [see 20 Mar 95]. Anthony Tu assisted investigators by applying his knowledge of chemicals produced from the degradation of sarin in soil to identify the facility where the sarin had been produced. In 2002, Tu published a book on the subject *Chemical Terrorism: Horrors in Tokyo Subway and Matsumoto City*.

**9-11 November** At OPCW headquarters, the Scientific Advisory Board convenes for its fourteenth [see 30 Mar – 01 Apr] session. Having previously decided that nanomaterials were not currently known to have an intrinsic toxicity that would make them attractive for use in chemical weapons, and therefore that the risk they posed to the CWC was low, the SAB now discusses the question of applications of nanomaterials to improve protective countermeasures against chemical weapons. It decides to continue to maintain a close watch on developments in nanotechnology and nanomaterials.

**9-13 November** In Ankara, Turkey, there is a training workshop on weapons of mass destruction terrorism, which is organized by the NATO Centre of Excellence Defence Against Terrorism. Among those making presentations is John Hart of SIPRI, who gives two lectures on the historical aspects of chemical and biological warfare.

**11 November** In Germany, the lawyer of a Russian businessman, who was named in a Russian investigation into the death of Alexander Litvinenko [see 11 Nov 06] is notified by the prosecutor's office in Hamburg that charges against him for smuggling nuclear materials are being dropped. Dmitry

Kovtun [see 21 May 08] was among the three people to meet with Litvinenko in his London hotel on the day he was reportedly poisoned. Russia Today quotes Kovtun as saying that it is now only a matter of time before the UK authorities clear his former business partner Andrei Lugovoi of involvement in Litvinenko's death [see 2 Nov]. Kovtun says: "The decision of the German prosecutor's office is not only the first step toward full rehabilitation of me and Andrei Lugovoi, it has also taken a cornerstone out of the charges against Andrei Lugovoi in England that will also collapse as the Berlin Wall did."

**11 November** In the UK, researchers at the government's Defence Science and Technology Laboratory (DSTL) at Porton Down have developed an antidote against ricin which is now ready to move into production, so reports BBC News Online. Jane Holley, the principal scientist in biomedical sciences at DSTL, says: "In the past there has been lots of research carried out using different methods. But this is the first [anti-toxin] that has been moved into production... It is anticipated that a product will be available for use in the next couple of years." Holley adds that full licensing is likely to take about five years. According to BBC News, the antidote, which the researchers had worked on for eight years, can protect against death up to twenty-four hours after exposure. Although it was initially intended for use by the military, researchers at DSTL are investigating the antidote's potential use in a civilian environment. [See also 6 May]

**11 November** In the USA, PBS television broadcasts 'Airmen and Headhunters' as part of its *Secrets of the Dead* series. It makes mention of Dyak tribesmen in Borneo using poisoned-dart blowpipes against the Japanese army patrols during 1944-45.

**11-12 November** In Tokyo, there is the first South-East and East Asia regional seminar on the CWC and chemical-process safety management. The aim of the seminar is to introduce CWC parties in the region, whose economies are either developing or are in transition, to new approaches and best practices that can be adopted in relation to safety management. Participating in the seminar are CWC national authorities, chemical-industry associations, and representatives of small and medium-sized chemical industries in the region.

**12 November** The Council of the European Union approves the European Union CBRN Action Plan adopted some six months previously by the European Commission [see 24 Jun]. The Council "invites the Commission to report back to the Council on a regular basis on the implementation of the EU CBRN Action Plan and to submit a comprehensive progress report for the first time by the end of 2011 and calls on the Member States to assist the Commission in this task through providing the necessary information on implementation of the EU CBRN Action Plan at the national level".

**12 November** From the UK, the journal *Nature* reports on a three-year study funded by the European Commission to determine policy for Europe-wide BSL-4 requirements with a view to avoiding unnecessary duplication. The study, which is the first phase of a project called 'European Research Infrastructure on Highly Pathogenic Agents' (ERINHA), also aims to introduce Europe-wide guidelines on best safety and security practices, and facilitate researchers in moving between EU member states to make use of facilities. It is part of broader European Strategy Forum on Research Infrastructures, which was established to coordinate Europe's large research infrastructures.

**12 November** The US Centers for Disease Control and Prevention (CDC) says it now estimates that around 3,900 people have died from the H1N1 virus in the USA during the past six months, based on a new system of counting that relies on more precise figures having provided by ten states. According to BBC News Online, the latest figures show that about 22 million people contracted the virus in the past six months, around 98,000 of whom were hospitalized. The previous estimated death toll was 672. In a statement, Dr Anne Schuchat of the CDC says: "This is just the first six months and I am expecting all of these numbers, unfortunately, to continue to rise... [Although still imprecise, the new statistics provide] a bigger picture of what has been going on in the first six months of the pandemic." Meanwhile, BBC News Online quotes figures from the World Health Organization as showing that a week previously the global death toll from the virus passed the 6,000 mark. [See also 3 Nov Ukraine]

**13 November** At UN headquarters, the chairmen of the three committees established by Security Council resolutions 1267, 1373 and 1540 [see 28 Apr 04] brief the Security Council on progress made by the committees during the previous six months. Chairman of the 1540 Committee Jorge Urbina says the Committee is conducting a comprehensive review as requested by the Council in resolution 1810 [see 25 Apr 08] and hopes to report on the outcome by 31 January 2010. Urbina says that the review process has, through various fora, offered UN members and relevant intergovernmental organizations an opportunity to share experiences with regard to implementation of resolution 1540. Representatives of industry, academia and non-governmental organizations have also had the opportunity to provide input. Urbina says that the Committee and its expert group has actively participated in twenty workshops and other meetings on resolution 1540. The Committee is also intensifying efforts to develop its clearing-house function for channelling assistance to UN members. [See also 30 Sep – 2 Oct]

**13-14 November** In Como, Italy, there is workshop and roundtable on *Biosecurity, Biosafety and Dual-Use Risks: Trends, Challenges and Innovative Solutions*. The event is organized by the International Working Group – Landau Network-Centro Volta, Como, Italy, in cooperation with the Bradford Disarmament Research Centre, University of Bradford, UK. The event brings together representatives of international governmental organizations, scientists, academics and policymakers to discuss issues relating to biosecurity, biosafety and dual-use materials.

**14 November** In Abu Dhabi, United Arab Emirates, an Interpol training course on prevention and detection of bioterrorist threats for first responders and officials from emergency management authorities in the Middle East and North Africa region commences. The week-long course, 'Train the Trainers on preventing Bioterrorism' – which is hosted by the United Arab Emirates Ministry of the Interior – includes practical exercises on dealing with a suspect arriving in a country, issues relating to a suspect who needs to be interviewed, and procedures on how to search suspicious packages. An introduction to personal protective equipment is also provided. Participating in the course are representatives from eleven countries in the Middle East and North Africa region. [See also 19-21 Mar 07]

**14 November** The US Public Health Service has funded an investigation whose findings, so *New Scientist* now reports, show that the Pepper-Spray active ingredient capsaicin

can increase the lethality of cocaine. The findings have been published in *Forensic Toxicology*.

**16 November** The US Department of Homeland Security, in cooperation with the Federal Bureau of Investigation, has been equipping Transportation Security Administration officers to patrol US railways with hand-held sensors that can detect traces of biological and radiological materials in luggage, so reports the *New York Post*. The checks are carried out with a view to preventing a possible act of bioterrorism against a major US city. According to the *Post*, similar technology is used by the New York Police Department to monitor the city's bridges, subways, tunnels and streets.

**16-18 November** In Warsaw, Poland, the Polish Academy of Sciences and the US National Academies host an international workshop to assess current programmes around the world that relate to dual-use technology and associated problems.

**17 November** In Pakistan, an organization affiliated to the Taliban threatens to poison water sources and reservoirs in retaliation for the military launching an offensive against it in South Waziristan region. The News daily quotes unidentified "official sources" as saying that a letter sent by Tehrik-e-Taliban Pakistan to senior officials in Rawalpindi and Chaklala says that it has "procured 200 litres of poisonous materials that would be used to contaminate water sources and reservoirs in Rawalpindi and Chaklala". According to PTI news agency, the military claims that more than five hundred Taliban fighters have been killed since the operation was launched against them in South Waziristan a month previously.

**17 November** The US Institute of Medicine releases *Crisis Standards of Care: Summary of a Workshop Series*, which summarizes discussion that took place at four workshops hosted by the Forum on Medical and Public Health Preparedness for Catastrophic Events between March and May 2009. The aim of each workshop was to learn lessons from work undertaken to develop state, regional, and local crisis standards of care policies and protocols; to identify areas requiring further development, research, and consideration; and to facilitate communication and collaboration among neighbouring jurisdictions.

**18 November** In Indonesia, where a year-long outbreak of rabies in Bali has claimed 17 lives, the Molecular Biology Laboratory of the University of Udayana School of Medicine has determined that the virus responsible has characteristics similar to those of rabies virus sampled elsewhere in Indonesia, thus making international bioterrorism an unlikely explanation.

**18 November** In Russia, the Maradykovsky chemdemil facility has completed destruction of its stockpile of 4,866 munitions containing 232.6 metric tons of sarin nerve agent, so reports Interfax news agency [see also 29 Jul]. Interfax quotes a statement by the government for the region of Kirov as saying: "The facility has completed the construction of a line for the destruction of mustard-lewisite mixture. In late November, hook-up and commissioning work will start at the line, testing the technology for destroying this toxic substance first in neutral and then in real media."

**18-26 November** In The Hague, the Assembly of States Parties to the International Criminal Court (the ICC) convenes for its Eighth Session. This serves, inter alia, as the preparatory meeting for the first Review Conference of the

Rome Statute that established the ICC, which is to be held in Kampala, Uganda, from 31 May to 11 June 2010. Among the resolutions adopted by the Assembly is one that had originally been proposed by Belgium that the Review Conference should consider including within the definition of war crimes in Article 8 paragraph 2(e) of the Statute “employing poison or poisoned weapons” and “employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices”. If this amendment were to be adopted, employment of the specified toxic weapons would become a war crime not only in the situation of international armed conflict, as at present [see 30 Jun 00 New York], but also in non-international armed conflict as well. Another adopted resolution, also proposed by Belgium, requires the Ninth Session of the Assembly (New York, 6-10 December 2010) to consider further expanding the lists of war crimes in Article 8 paragraphs 2(b) and 2(e) to include “the employment of: Agents, toxins, weapons, equipment and means of delivery as defined by the Biological Weapons Convention; Chemical weapons as defined by the Chemical Weapons Convention.”

**19 November** In Washington state, USA, a man serving a ten-year prison sentence for producing ricin from castor beans with the intent to poison his wife, has requested that his conviction be overturned on the grounds that one of the prosecution’s expert witnesses was later fired for misconduct in other criminal cases, so reports *The Spokesman-Review*. Kenneth Olsen was originally sentenced to nearly fourteen years imprisonment [see 28 Oct 03], however, although the 9<sup>th</sup> Circuit Court of Appeal upheld his conviction, it did remand and reduce his sentence. A key witness against Olsen was Arnold Melnikoff, then head of the Washington State Patrol crime laboratory, where some of the evidence against Olsen was sent for testing. Some months prior to Olsen’s trial, however, Melnikoff’s earlier testimony as a key witness in a rape trial was found to have been based on questionable science. The conviction for rape was overturned and the man released after having served fifteen years imprisonment. According to the *Spokesman-Review*, in his appeal, Olsen contends that his legal team was not adequately briefed on investigations into Melnikoff’s professional conduct, which resulted in Melnikoff losing his job in 2004. The appeal also contends that one juror at the trial had already come to the conclusion that Olsen was guilty prior to the trial actually commencing.

**20 November** In Pretoria, South Africa, the US National Nuclear Security Administration (NNSA) and the South African Department of Trade and Industry conduct the first bilateral ‘train-the-trainer’ WMD Commodity Identification Training instructor workshop. During the workshop, US and South African interagency officials, including NNSA and a multi-National Laboratory training team, and the South African Revenue Service and South African Department of Energy discuss global best practices to help front line inspectors identify WMD and WMD-related goods crossing international borders. The workshop covers such topics as processes relating to chemical, biological and nuclear weapons development, as well as missile development, and an in-depth overview of related materials and equipment. In a press release, the NNSA states that the WMD Commodity Identification Training Program was developed by NNSA’s International Nonproliferation Export Control Program, which together with the US Department of State’s Export Control and Related Border Security Program has, since 11 September 2001, collaborated with more than sixty countries to strengthen implementation of WMD-related export controls, and has trained more than 12,000 customs and export control officials worldwide. The NNSA,

which was established by Congress in 2000, describes itself as “a semi-autonomous agency within the US Department of Energy responsible for enhancing national security through the military application of nuclear science in the nation’s national security enterprise.” [See also 18 Sep]

**20 November** In the USA, the Director of the Center for Biosecurity, Thomas Inglesby, announces that the Center has resigned its membership of the Alliance for Biosecurity. The announcement comes two weeks after the former Director of the Center, Tara O’Toole, was confirmed as Under-Secretary for Science and Technology at the Department of Homeland Security [see 4 Nov].

**23 November** In Tehran, on the second day of a series of drills lasting five days, the Iranian military practices dealing with the aftermath a chemical attack, which includes such matters as decontamination procedures.

**24 November** In London, the Iraq Inquiry Committee conducts its first day of public hearings. The Committee – which was established by the government earlier in the year [see 25 Mar] – will examine the case the government made for invading Iraq in 2003, the planning for the invasion, and the failure to prepare for reconstruction of Iraq. It will consider the period from the summer of 2001 to the end of July 2009. The Committee is chaired by Sir John Chilcot, who is joined by Sir Lawrence Freedman, Sir Martin Gilbert, Sir Roderic Lyne and Baroness Usha Prashar. In his opening statement, Chilcot says: “We want to establish a clear understanding of the various core elements of the UK’s involvement in Iraq, and how these developed over time... We will learn the reasons why particular policies or courses of action were adopted, and what consideration was given to alternative approaches... The Committee and I are [...] determined to conduct as much of our proceedings in public as possible... These public hearings [...] form only one part of our work. Over the past months we have requested and received mountains of written material from Government departments involved in Iraq during 2001-09. We have spent many hours combing through these official records – and will continue to do this in the months ahead... [We] are not, just hearing from the ‘official’ representatives. We value hearing a broad spectrum of views from a wide range of people and organisations... We’ve already made a start on this by holding: five meetings with the families of those who were killed or are missing in Iraq; preliminary meetings with Iraq veterans; and two seminars with a range of experts [see 5 Nov]. We hope to have further seminars early next year... Our first round of public hearings begins today and runs until early February 2010. We will then take a break from public hearings, returning to our analysis of written material. We will hold some private hearings: to take evidence on matters which if disclosed in public would cause harm to the public interest, or where there are other genuine reasons why a witness would have difficulty being frank in public. There will be a further round of public hearings in the middle of 2010. We expect to invite back some previous witnesses and, where relevant, call some new ones... [P]eople should not jump to conclusions if they do not hear everything they expect to in the first round of hearings: there will be more to follow... Once we have collected all the evidence we need, we will be in a position to draw conclusions and make recommendations. We plan to report by the end of 2010... [W]e are not a court or an inquest or a statutory inquiry; and our processes will reflect that difference. No-one is on trial. We cannot determine guilt or innocence. Only a court can do that. But I make a commitment here that once we get to our final report, we will not shy away from making criticisms where they are warranted.”

**25-26 November** At OPCW headquarters in The Hague, a workshop on *Matters Related to Other Chemical Production Facilities* (OCPF) takes place, made possible by funding from Canada and the UK. The workshop brings together 107 participants from 72 CWC parties, including representatives of national authorities, OPCW delegations and industry experts. The purpose of the workshop is to enhance participants' understanding of the technical aspects of the OCPF verification regime by looking at past experience, present practice, and future challenges with a view to ensuring the effective implementation of the relevant provisions of the Convention, as well as the full achievement of its goals in the area of non-proliferation and confidence building. On the second day, participants visit two OCPF sites in Rotterdam and Amsterdam, as well as the OPCW laboratory in Rijswijk.

**26 November** Russia has now "completed the destruction of 17,998.205 [metric] tons, or 45.03 per cent of its chemical weapon stockpiles", a month ahead of the deadline set by the CWC, according to a press release by the Russian Ministry of Foreign Affairs [see also 7 Aug]. The press release adds that Russia is committed to the chemdemil of its entire declared stockpile "within a timeframe established by the Convention". [See also 16 Oct]

**27 November** The US Department of Health and Human Services publishes for public comment a set of guidelines setting out how providers of synthetic double-stranded DNA sequences should do business – how they should screen customers who might possibly be evil-doers intent on making biological weapons. The guidelines, published in the *Federal Register*, require that companies screen both customers and their orders using a standard set of procedures including automated steps to detect sequences that encode specific features of select agents and toxins. Should a search arouse concerns, the matter "should be further investigated by the provider", the guidance says. For example, providers should contact customers to ascertain the proposed end-use of the order and the scientific legitimacy of their work. Amongst other things, the guidelines recommend that companies involved in the manufacture of synthetic DNA screen both their clients and the DNA sequences that they request, thus allowing customers to establish the identity and institutional affiliation of customers; and that companies identify clients who place several orders of the same sequence within a short time frame, who attempt to pay by cash, or who request that the product be mislabelled. Foreign clients, the guidelines say, should be screened against terrorist databases and other lists of concern.

**27 November** From Oregon, TrineDay publishes *A Terrible Mistake: The Murder of Frank Olson and the CIA's Secret Cold War Experiments*, a book by journalist H P Albarelli Jr about the US Army CBW scientist, Frank Olson [see 24 Jun 04], who fell to his death from a New York hotel window in 1953 [see 11 Jul 94]. Olson had been working in the Special Operations Division (SOD) of Fort Detrick, and had thereby becoming involved in a variety of clandestine-weapons projects for the CIA. A striking feature of the book is its claim that the sudden outbreak of disease that affected some 250 people in the small French town of Pont St Esprit in the Gard in August 1951 – a disease described at the time as mass insanity or ergot poisoning, and attributed to consumption of contaminated bread— was actually the consequence of a covert LSD-aerosol experiment run by the SOD.

**27-29 November** In The Hague, the eleventh [see 28-30 Nov 08] annual meeting of CWC national authorities takes place. The meeting is designed as a forum for personnel from

national authorities who are involved with the national implementation of the CWC. Attending the meeting are 172 participants from 117 CWC parties representing the regional groups as follows: Africa, 33; Asia, 31; Eastern Europe, 17; Latin America and the Caribbean, 17; Western Europe and all other regional groups, 19. The Pacific Islands Forum also participates in the meeting. The thematic focus of the meeting is the sharing of experiences in national implementation of the CWC.

**29 November** *The* (London) *Times* reports documents compiled by the US Department of State in 1992 – which were based on information acquired by the Central Intelligence Agency to bolster the case against Abdelbaset Ali Mohamed al-Megrahi in, amongst other things, procuring chemical weapons for the Libyan government. The documents assert that al-Megrahi, who was convicted for his role in the Lockerbie bombing [see 21 Dec 88], had a "deep involvement in Libya's most sensitive, high-priority procurement operations" and that "an al-Megrahi subordinate operating in Germany in 1988 played an important role in acquiring and shipping chemical weapons precursors to Libya. Al-Megrahi is also linked to a senior manager of Libya's chemical weapons development programme." However, the *Times* quotes al-Megrahi's attorney in Scotland, Tony Kelly, as saying: "If there was any evidence backing any of this up, I am absolutely certain it would have been introduced at trial – and it wasn't... I think you're just left with it being unsubstantiated [...] intelligence rumours." In August 2009, al-Megrahi, who is terminally ill with cancer, was released from prison by the Scottish authorities on compassionate grounds. The *Times* quotes an unidentified spokesman for the US State Department as saying: "We maintain our position that Megrahi should have served out the entirety of his sentence in Scotland for his part in the bombing of Pan Am flight 103."

**30 November** In The Hague, the Assistant to the US Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Andrew Weber, describes to the OPCW Conference of the States Parties the present status of the US chemdemil programme: "We have met our 1 percent, 20 percent, and 45 percent treaty milestones. To date, we have destroyed 67.6 percent of our Category 1 chemical weapons, which includes 85.3 percent of our chemical rockets, the destruction of 96.6 percent of our nerve agent and destruction of all of our binary chemical weapons. We have destroyed all of our Category 3 chemical weapons. We have destroyed all of our former chemical weapons production facilities. We have completed destruction operations at three of our facilities. We have four destruction facilities currently operating at a cost of over one billion dollars and two additional sites under construction. To date, we have provided an estimated 20.5 billion dollars for the destruction of chemical weapons in the United States of America. Over the years, we have successfully addressed a wide range of safety and environmental concerns raised by local citizens living near our storage and destruction facilities and by state and local authorities. We have made every effort to ensure that our chemical weapons are destroyed consistent with the Chemical Weapons Convention; safely, without harm to workers, people living near the facilities, or the environment; verifiably, under the eyes of OPCW inspectors; and as rapidly as feasible. [...]"

Let me assure you that the Obama administration is fully committed to examining all possible options for accelerating our chemical weapons destruction activities even further, consistent with the Chemical Weapons Convention and its applicable safety, technical, and environmental requirements. In 2006, the United States reported that it expected to have only

66 percent of its stockpile destroyed by 2012. This is however a milestone we have now reached. We will continue to seek ways to accelerate the program. [...] The United States understands our obligations under the Convention, and we are fully committed to meeting the Convention's objectives, including verified destruction of 100 percent of our stockpile as rapidly and as safely as possible." [Note: According to current planning and funding for the destruction programme [see 28 Apr and 31 Jul], completion is not in fact expected for another decade at least, though Weber does not say this. The 2023 date that some are projecting for 100 percent destruction would miss the CWC deadline, as now understood, by eleven years.]

Weber notes the assistance that the United States has provided to the chemdemil programmes of other countries including the Russian Federation, which he congratulates on having achieved its 45 percent destruction deadline. He says that the USA "has contributed over a billion dollars to cooperative threat reduction programs aimed at furthering the goals of the Chemical Weapons Convention". He observes, too, that the USA "contributed over 45 million dollars to assist the Republic of Albania in eliminating 16.6 metric tons of chemical weapons agents at Qaf Molle, destroying 100 percent of its stockpile in a verified manner".

**30 November-4 December** In The Hague, there is the fourteenth [see 2-5 Dec 08] session of the Conference of the States Parties to the CWC, which is chaired by Ambassador Vaidotas Verba of Lithuania.

Participating in the Conference are the following 122 States Parties: Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Laos, Lebanon, Libya, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russia, Rwanda, Samoa, San Marino, Saudi Arabia, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, South Korea, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, Tanzania, the UK, the USA, Uruguay, Uzbekistan, Viet Nam, Yemen, and Zambia. Attending as observers are Israel – which has signed but not ratified the Convention – and Myanmar, which is a non-party. Eight international organizations, specialized agencies, and other international bodies attend as observers, while thirty non-governmental organizations also observe proceedings.

The following delegations make statements during the general debate: Sweden (on behalf of the European Union and associated countries), Cuba (on behalf of the Non-Aligned Movement and China), Argentina, South Africa (on behalf of the Africa Group), India, the USA, Russia, Yemen, Mexico, Singapore, Japan, Switzerland, Bosnia and Herzegovina, New Zealand, Thailand, Turkey, Bangladesh, Burkina Faso, Saudi Arabia, Pakistan, Algeria, Brazil, Canada, China, Lebanon, Philippines, Israel (observer), Australia, Nigeria, Indonesia, Peru, Malaysia, Sri Lanka, Viet Nam, United Arab Emirates, Morocco, Sudan, Tunisia, Serbia, Norway, Republic of Korea, Ecuador, Colombia, Iran, Guatemala, Qatar, Chile, Bahrain, San Marino, Libya, Zambia, Iraq, Kenya, Mongolia, and Costa

Rica (on behalf of GRULAC and on its own behalf).

The Conference considers and notes a report on the status of implementation of Article VII of the CWC as at 19 August 2009 and adopts a decision on the matter.

The Conference considers and notes a report by Director-General Rogelio Pflirter on the progress made by those CWC parties that have been granted extensions of deadlines for the destruction of their Category 1 chemical weapons.

The Conference notes with concern that the final extended destruction deadline of 29 April 2012 may not be fully met. While noting that significant progress has been made, the Conference also notes that as of 1 December 2009 over 48 per cent of chemical weapons stockpiles remain to be destroyed. In this regard, the Conference urges all possessor parties to "take every necessary measure with a view to ensuring their compliance with the final extended destruction deadline".

The Conference considers and adopts a decision on the extension of intermediate and final deadlines for the destruction by Libya of its Category 1 chemical weapons [see also 13-16 Oct].

The Conference considers and adopts a decision on the guidelines regarding low-concentration limits for declarations of Schedule 2A and 2A\* chemicals.

The Conference considers and approves the report of the OPCW on the implementation of the Convention in 2008.

The Conference notes the annual report by Director-General Rogelio Pflirter on the implementation of the universality action plan during the period 19 November 2008 to 11 September 2009, and considers and adopts a decision on the universality of the CWC and the further implementation of the action plan.

The Conference appoints Ahmet Üzümcü as the OPCW Director-General for a term of office beginning on 25 July 2010 and ending on 24 July 2014 [see also 13-16 Oct].

During his address to the Conference, US Representative to the Executive Council Robert Mikulak says: "[The verification] regime [for Other Chemical Production Facilities] was created by the negotiators of the Convention to capture a whole set of industrial facilities which were not Schedule 1, 2 or 3 facilities but which still potentially posed a significant risk. Some of these facilities could be suitable for producing chemical weapons or even contain embedded chemical weapons production mobilization capability. The framers of the Convention understood this risk and did their best to create a verification regime for this category of industrial facilities. The regime is neither perfect nor complete, and it now falls to us to complete and perfect it. We should all look beyond inspection numbers and work together to achieve a regime that is focused on those facilities which pose the greatest risk. This should be one of the key tasks for the Executive Council in the coming year."

This session of the Conference is the last that Director-General Rogelio Pflirter will be addressing, so he had concluded his opening statement reporting on the work of the Technical Secretariat with additional words of his own that did "not necessarily reflect the Secretariat's institutional views". He had selected three topics. The first was the "complex challenge" that the issue of destruction deadlines presented for the OPCW, "above all, politically". He applauded the recent decision of the Executive Council to initiate "a process of reflection" [see 13-16 Oct], observing that the "ultimate success of the treaty should not be tied to any particular date"; and he reiterated the 2008 Secretariat suggestion that member states might wish to hold a special meeting on the issue "much closer to 2012". His second topic was the importance of enhancing the OCPF regime in order to "ensure the non-proliferation of chemical weapons": expansion of the number

of OCPF inspections would be required, and this might be achieved through a “sharing of the burden” between the Secretariat and National Authorities. On his third topic he spoke as follows: “One other matter I wish to refer to is my perception about the need for the OPCW, at some stage in the not too distant future, to take stock of the growing interest on the part of some governments and civil society, in developments related to matters where the Convention might be—perhaps purposely—ambiguous or have lacunae, and which might impact on the ultimate effectiveness of the ban on chemical weapons. Incapacitants or non-lethal weapons is one such area when it comes to the exact types and quantities of chemicals and their permitted use. The Scientific Advisory Board could help shed some light on this matter and the Third Review Conference might offer the appropriate context for an initial formal look into it.”

On the first day of the Conference, the Russian ITAR-TASS news agency together with the Russian Ministry of Industry and Trade and the Russian Embassy to the Netherlands open a photographic exhibition on chemical disarmament in Russia. The exhibition displays fifty-five pictures from all seven chemdemil facilities.

**1 December** In India, the Chief Minister of Madhya Pradesh state Shivraj Singh Chouhan rejects claims made in a recent report that the former Union Carbide pesticide plant at Bhopal continues to discharge toxic chemicals into drinking water, adding that the water is “100 per cent clean”, so reports BBC News Online. Speaking to the BBC ahead of the 25<sup>th</sup> anniversary of the industrial disaster, Chouhan says that clean water is supplied by tanker to those communities without piped water. According to the BBC, however, many residents say that supplies are infrequent and insufficient, forcing them to continue relying on contaminated ground water. The BBC quotes a report by the UK-based charity the Bhopal Medical Appeal and the Sambhavna Clinic in Bhopal as saying: “[T]here are still high levels of toxic chemicals in the drinking water supply in 15 communities near the old Union Carbide pesticide plant... [The water] in and around the Union Carbide factory site in Bhopal still contains extremely unsafe levels of carbon tetrachloride and other persistent organic pollutants, solvents, nickel and other heavy metals... Not surprisingly the populations in the areas surveyed have high rates of birth defects, rapidly rising cancer rates, neurological damage, chaotic menstrual cycles and mental illness.” Meanwhile, a statement issued by Union Carbide, now a subsidiary of Dow Chemical Inc, reads thus: “The groundwater issue at the Bhopal site is best addressed by the state government of Madhya Pradesh, which owns the site and is responsible for clean-up activities... Our understanding is that the central and state governments have plans for site clean-up and we’re hopeful they will follow through with their remediation plans, including addressing concerns about groundwater.” [See also 19 Jul 04]

**1 December** In Washington DC, US Department of Health and Human Services Secretary Kathleen Sebelius announces that a review of the capability of the USA to produce vaccines and treatments for biological weapons and other public health threats will be completed by “early next year”. Speaking at the American Medical Association Third National Congress on Health System Readiness, she says: “We’ll look for the fastest ways to move new technologies that will let us quickly produce countermeasures that are more dependable and robust... Today, we face a wider range of public health threats than ever before in our history... It could be anthrax delivered in an envelope. It could be a dirty bomb set off in a subway car... But the countermeasure that saves the day

during a quick-hitting public health emergency can often take years to discover, develop, manufacture and distribute... Like a lot of countries, we’ve often failed to make the kind of long-term investments in countermeasures we need to stay safe... [A new system is needed] that is so dependable and comprehensive that it deters potential bioterrorism attacks and makes our enemies say: ‘It’s not worth the effort’.”

**1 December** In the USA, News Channel 8 cites a recent draft report by the US Army Corps of Engineers as stating that between 1993 and 2001 the Corps unearthed at least 865 intact World War I-era munitions at Spring Valley, at least eighty of which are listed as “chemical in nature” [see 27 Apr 02]. According to the report, three projectiles containing arsine, a round containing mustard gas and another round containing lewisite are scheduled to be destroyed in 2010 together with another eighty-six munitions, some of which are reportedly documented as constituting an “explosive hazard”. [See also 26 Jun 02 and 10 Jun]

**2 December** In Washington DC, testifying before the Senate Commerce, Science and Transportation Committee, Department of Homeland Security (DHS) Secretary Janet Napolitano says that she will request an extension of the congressionally mandated 2012 deadline for checking all US-bound cargo on ships for WMD materials. Napolitano says: “In order to implement the 100 per cent scanning requirement by the 2012 deadline, [DHS] would need significant resources for greater manpower and technology, technologies that do not currently exist, and the redesign of many ports... These are all prohibitive challenges that will require the department to seek the time extensions authorized by law... Expanding screening with available technology would slow the flow of commerce and drive up costs to consumers without bringing significant security benefits.” Napolitano says that, in order to meet the deadline, costs would have to increase to a minimum of \$168 billion for monitoring the nation’s 21,000 inbound shipping routes. She says that a less comprehensive measure could focus only on incoming containers from a small fraction of the more than 700 ports connected to the country, adding that the large majority of imported cargo comes from only 58 of those ports. Napolitano’s comments follow the release of a report by the Government Accountability Office, which recommended Customs and Border Protection conduct a feasibility study and cost estimate analysis on meeting the 2012 deadline [see 30 Oct].

**2 December** In the US Senate, Government Accountability Office Director of Natural Resources and Environment John Stephenson testifies before the Committee on Environment and Public Works on *Chemical Regulation: Observations on Improving the Toxic Substances Control Act*. His testimony, which is “based on prior GAO work”, addresses the implementation by the Environmental Protection Agency of the Toxic Substances Control Act and Integrated Risk Information System. It also discusses options for acquiring additional information on chemical risks, controlling such risks, and sharing more of the information collected under the Toxic Substances Control Act.

**2-3 December** In The Hague, 43 representatives of 29 non-governmental organizations around the world – in Africa, Asia, the Middle East, East and West Europe, and North America — assemble to debate and then agree by consensus a founding document for the “Chemical Weapons Convention Coalition”. A mission statement subsequently issued, apparently still in draft form, by the nascent Coalition describes

itself as “an independent, international body whose mission is to support the aims of the Chemical Weapons Convention (CWC) and to supplement the efforts of the member states of the Organization for the Prohibition of Chemical Weapons (OPCW), with focused civil society action aimed at achieving full membership of the CWC, the safe and timely elimination of all chemical weapons, preventing the misuse of chemicals for hostile purposes, and promoting their peaceful use”. The initiative has been led primarily by Global Green USA in the person of one of its directors, Paul Walker. The founding meeting has been conducted in the margins of the Fourteenth Session of the OPCW Conference of the States Parties [see 30 Nov – 4 Dec], during which Director-General Rogelio Pfirter commends the initiative and notes that the Technical Secretariat was assisting the NGO meeting. US Representative Robert Mikulak likewise welcomes the formation of the Coalition, framing it within an area that he tells the Conference “deserves greater attention”, namely “strengthening the Organization’s relationship with stakeholders and civil society, including industry and nongovernmental organizations”.

**5 December** In the UK, six medical experts have requested Attorney-General Baroness Scotland to give them permission to request that the High Court order a new inquest, or the resumption of the previous inquest, into the death of Dr David Kelly [see 17 Jul 03] on the grounds that the conclusion by the Hutton Inquiry [see 28 Jan 04] that the cause of death was suicide is flawed, so reports the London *Daily Mail*. The move follows reports some five months previously that a group of thirteen doctors were to mount a legal challenge over the matter [see 12 Jul]. The original coroner’s inquest was halted by the then Lord Chancellor Lord Falconer on the grounds that the Hutton Inquiry would fulfil “the function of an inquest”. In a thirteen-page dossier prepared as the basis for the legal action, medical lawyer Michael Powers QC, trauma surgeon David Halpin, epidemiologist Andrew Rouse, surgeon Martin Birnstingl, radiologist Stephen Frost, and specialist in internal general medicine Chris Burns-Cox argue that the bleeding from Dr Kelly’s ulnar artery in his left wrist is “highly unlikely” to have caused his death. They claim the Hutton inquiry was “totally inadequate” as a means of identifying the cause of Dr Kelly’s death and are seeking to obtain Dr Kelly’s post mortem report. They also say the Hutton Inquiry lacked the powers of a full inquest because it did not hear evidence taken under oath, it did not have the power to subpoena witnesses and it did not have the power to summon a jury. Under Section 13 of the 1988 Coroners Act, the High Court can order a new inquest, or the resumption of a previous inquest, in “special cases”, including cases where “it is necessary or desirable in the interests of justice”.

Seven weeks later, the *Daily Mail* reports seeing a letter from Assistant Head of Legal and Democratic Services at Oxfordshire County Council Nick Graham to the group of doctors which says that a year after he completed his inquiry, Lord Hutton ordered that “records provided [which were] not produced in evidence” remain classified for thirty years and all medical reports remain classified for seventy years. The following day, Lord Hutton issues a statement saying that he has written to the Ministry of Justice to make it clear that he has no objection to the doctors and their legal advisers from seeing Dr Kelly’s medical records, including his post mortem report. In his statement, Lord Hutton says: “I requested that the post-mortem report [...] should not be disclosed for 70 years as I was concerned that the publication of that report [...] would cause [Dr Kelly’s] daughters and his wife further and unnecessary distress... However, I consider that the disclosure of the report to the doctors and their legal advisers

for the purpose of legal proceedings would not undermine the protection which I wished to give Dr Kelly’s family, provided that conditions were imposed restricting the use and publication of the report to such proceedings.”

**5-6 December** In Geneva, there is the thirtieth workshop of the Pugwash Study Group on the implementation of the CWC and BWC, with the theme on this occasion being *Preparing for the Seventh BWC Review Conference*.

**5-11 December** In Boston, USA, the Department of Homeland Security (DHS) Science and Technology Directorate conducts tests to sample the particle and gas concentrations in more than twenty underground railway network stations, as well as in underground trains, that are the responsibility of the Massachusetts Bay Transportation Authority (MBTA). A DHS press release states that the study involves the release of “common, harmless tracer gases used for indoor and outdoor air testing; an inert particle tracer tagged with a biologically inert, non-toxic organic dye used in medical imaging applications; and a common optical brightener often used in laundry detergents and paper manufacturing”. The study, it says, will help scientists “understand the airflow characteristics for smoke or unintentional spills of chemicals or fuels – providing data that will help guide the design of next generation detection systems and enable transportation systems to strengthen evacuation, ventilation and other incident response strategies”. Announcing the study three days previously, DHS Secretary Janet Napolitano says the study is “one of many efforts the Department is undertaking across the country to inform our emergency response planning in preparation for chemical or biological terrorist attacks”. Meanwhile, the *Boston Globe* quotes MBTA Police Chief Paul MacMillan as saying that a second round of testing will be conducted in the summer with a view to understanding seasonal differences in air flow.

**6 December** In the USA, *The Salt Lake Tribune* reports Utah Representative Rob Bishop as calling for a congressional hearing on a report he recently uncovered, which states that a stretch of rural Arizona near the US-Mexico border “would be an ideal area to smuggle a weapon of mass destruction”. The report – *Threat Assessment for Public Lands (2002-2003)* – was completed by the Department of the Interior in late 2002 and is marked as “sensitive”. It states that terrorists could smuggle such weapons using “well-established smuggling routes” over Interior-managed lands which “invite” such activity. The *Tribune* quotes both the Department of the Interior and the Department of Homeland Security as having said the report is now outdated.

**7 December** In Geneva, in the margins of the ongoing BWC Meeting of States Parties, the US National Academy of Sciences, the University of Bradford, the National Defence Medical College of Japan, and the Landau Network-Centro Volta hold a seminar on *International Cooperation, Biosecurity and the Education of Life Scientists*. The seminar is opened by the current chairman of the Meeting of States Parties, Ambassador Grinius of Canada.

**7 December** In Santiago, Chile, a judge orders the arrest of six individuals for their roles in the death of former Chilean president, Eduardo Frei Montalva. In the indictment, Judge Alejandro Madrid says there is evidence that Frei was poisoned with mustard gas and thallium in the months before his death in January 1982. According to Madrid, Frei’s poisoning at the Santa Maria Clinic weakened his immune system and so made him unable to survive his stomach

surgery. Those charged with murder are Dr Patricio Silva Garín, CNI (secret police) agent Raul Lillo Gutierrez, and Frei's chauffeur Luis Alberto Becerra Arancibia. Dr Pedro Samuel Valdivia is charged as an accomplice, whilst Dr Helmar Rosenberg Gómez and Dr Sergio González Bombardier are charged with having falsified the post mortem report. The indictment states that during the post mortem several organs were removed, apparently to conceal the presence of toxic chemicals. Madrid refers to a number of other killings by state agents, particularly those targeting prominent opponents overseas. He says that because these "provoked an international commotion", the killing of Frei had to be "imperceptible to all, with the exception of those who intervened" directly. Speaking to reporters, Judge Madrid says that Frei's death "was due to the gradual introduction of non-conventional toxic substances". *The* (London) *Guardian* quotes Alvaro Varela, a human rights lawyer working for the Frei family, as saying: "Those charged today are not the only one... There are more and we are headed in their direction." [See also 9 Jul 08]

**7-10 December** In Cairo, Egypt, there is a regional United Nations workshop on implementing United Nations Security Council resolution 1540 [see 28 Apr 04] [see also 9 Sep]. The event has been organized by the UN Office for Disarmament Affairs and is hosted by the Egyptian government, with financial support being provided from the European Union and the governments of Norway and the USA. Invitations have gone to officials from the Republic of the Congo, Democratic Republic of the Congo, Egypt, Ethiopia, Ghana, Kenya, Libya, Mauritania, Morocco, Nigeria, South Africa, Sudan, Tanzania and Uganda, as well as to representatives of a number of international, regional and sub-regional organizations. The workshop aims to enhance national capacities for the management of export-control processes at a practical level, and to improve information- and experience-sharing between participating countries. It is also expected to facilitate assistance related to implementation of the resolution.

**7-11 December** In Geneva, States Parties to the BWC convene for the third [see 1-5 Dec 08] of four annual meetings in preparation for the 2011 Review Conference, in accordance with the decision taken at the Sixth Review Conference [see 8 Dec 06]. The purpose of the meeting is to develop and consolidate the work undertaken by the second meeting of experts four months previously [see 24-28 Aug] on enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes; and promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: (1) for BWC parties in need of assistance, identifying requirements and requests for capacity enhancement; and (2) from BWC parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields. The meeting is chaired by Ambassador Marius Grinius of Canada.

The following one hundred BWC parties participate in the meeting: Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru,

Philippines, Poland, Portugal, Qatar, Romania, Russia, Rwanda, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, South Korea, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, the UK, the USA, Uruguay, Venezuela, Viet Nam and Yemen. The following six non-parties that have signed but not yet ratified the Convention participate without taking part in the decision-making process: Côte d'Ivoire, Egypt, Haiti, Myanmar, Syria and Tanzania. In addition, Angola and Israel, which are neither parties nor signatories to the Convention, participate as observers. Also attending the meeting as observers are: the United Nations Office for Disarmament Affairs, the United Nations Institute for Disarmament Research, the United Nations Interregional Crime and Justice Research Institute, the European Commission, the International Committee of the Red Cross, Interpol, the OPCW, and the World Health Organization. Also granted observer status are fourteen non-governmental organizations and research institutes.

On the third day, US Under-Secretary of State Ellen Tauscher announces the launch by the USA of *National Strategy for Countering Biological Threats*, which was signed off by US President Barack Obama some two weeks previously. In her address, she rejects any future support by the USA for a verification protocol thus: "The Obama Administration will not seek to revive negotiations on a verification protocol to the Convention. We have carefully reviewed previous efforts to develop a verification protocol and have determined that a legally binding protocol would not achieve meaningful verification or greater security... It is extraordinarily difficult to verify compliance. The ease with which a biological weapons program could be disguised within legitimate activities and the rapid advances in biological research make it very difficult to detect violations. We believe that a protocol would not be able to keep pace with the rapidly changing nature of the biological weapons threat... Instead, we believe that confidence in BWC compliance should be promoted by enhanced transparency about activities and pursuing compliance diplomacy to address concerns." With regard to reducing biological threats the 23-page document states: "Our 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." On the subject of the BWC, the Strategy states: "The BWC is a uniquely important venue through which we can promote and globally advance our objectives for non-proliferation and risk management of biological threats. The membership of the BWC, however, is not universal and concerns remain that some treaty partners may be developing biological weapons... We will seek to utilize the BWC as our premiere forum for global outreach and coordination on the full scope of risk management activities by: promoting confidence in effective BWC implementation and compliance by its States Parties, *inter alia*, by promoting transparency about legitimate activities and pursuing compliance diplomacy to address concerns; promoting universal membership in the Convention; ensuring that our participation in BWC meetings is broadly inclusive of relevant departments and agencies and headed by an appropriately senior representative; advancing a substantive agenda that emphasizes topics and activities consistent with the objectives of this Strategy with broad potential to enhance global risk management; seeking to renew existing relationships while building new, broader coalitions of 'like-minded' BWC

States Parties; and encouraging stronger partnerships between security and public health communities by focusing on activities that improve global capabilities to counter infectious disease in a manner that mitigates risks from natural, accidental, and deliberate outbreaks.”

On the fourth day, Grinius introduces his report on universalization. Grinius says that there are currently 163 parties to the BWC, while noting that no non-parties had thus far joined the Convention during 2009. In this regard, however, he says that eight non-parties – Burundi, Cameroon, Comoros, Kiribati, Mozambique, Myanmar, Tuvalu and Tanzania – have indicated that their processes for accession or ratification are well advanced, and that a further four non-parties – Côte d'Ivoire, Haiti, Namibia and Nepal – have indicated that such processes have commenced. Grinius says that a reasonable target would be for these twelve non-parties to join the BWC by the time of the 2011 Review Conference.

Also on the fourth day, Head of the BWC Implementation Support Unit Richard Lennane introduces his report on the activities of the ISU. During the debate that follows some delegations raise concerns about the number of Confidence-Building Measures submitted not having been higher. India states that it would submit its return, thereby bringing the total number of submissions in 2009 to sixty-four. Sweden announces that it intends to make resources available to the ISU under the European Union Joint Action in support of the BWC [see 10 Nov 08]; and Canada announces it will provide \$100,000 from its Global Partnership funds to support ISU activities. [See also 8 Dec]

**8 December** In Amman, Jordan, within the past week the Cassation Court has overturned the life sentences handed down to eight individuals last year [see 21 May 08] for planning a chemical attack on the US Embassy, the prime minister's office and the headquarters of Jordan's intelligence service [see 13 Apr 04], so reports *The Jordan Times*, quoting an unidentified “senior judicial source”. At the first trial, the State Security Court sentenced the eight individuals to death [see 15 Feb 06]; however the Cassation Court overturned the sentences on appeal after the prosecutor had been found to be a target of the failed plot [see 6 May 07]. The State Security Court rejected the ruling, but commuted the death sentences to life imprisonment in accordance with an amended law relating to the illegal possession of weapons and explosives. The source is quoted by the *Times* as saying that the State Security Court “will study the Cassation Court's decision and decide whether to insist on its previous ruling or comply with the higher court's decision”.

**8 December** In Brussels, the Council of the European Union adopts its latest [see 26 Jun] six-monthly progress report on the implementation of the EU Strategy Against the Proliferation of Weapons of Mass Destruction, which covers activities carried out during the second half of 2009. Amongst other things, the report states: “Active implementation of the [BTWC] Joint Action in support of the World Health Organisation in the area of bio-safety and bio-security [was launched in August] [see 14 Apr 08]; the implementation of an assistance project to a specific country has started... The implementation of Joint Action in support of the BTWC [was launched in August] [see 10 Nov 08]... The EU has continued to successfully insert a WMD clause in third-country agreements, including with the Republic of Korea, Iraq, Indonesia and the Gulf Cooperation Council. The Partnership and Cooperation Agreement with Syria, which contains a WMD clause, entered into force... The Instrument for Stability established in 2006, allows for the financing of certain WMD related projects pertaining to its component ‘CBRN risk

mitigation’ [see also 8 Apr]. A new Indicative programme for the period 2009-2011 has been adopted. It devotes EUR 123 millions to projects in this area including export controls. The Annual Action Programme 2009 will be adopted late 2009 for an amount of EUR 32 million. Innovative actions, such as support for the Multilateral Nuclear Assurances and the creation of CBRN Centres of Excellence, have been included.

**8 December** In Geneva, on the sidelines of the ongoing BWC Meeting of States Parties [see 7-11 Dec], the European Union holds a lunchtime seminar to launch *Guide to Participating in the Confidence-Building Measures (CBM) of the Biological Weapons Convention*. The guide was prepared by the United Nations Office for Disarmament Affairs with the support of the European Union under its Joint Action in support of the BWC [see 10 Nov 08]. Its purpose is to provide practical advice and guidance to officials responsible for preparing CBM. The guide includes: background information on the CBM process; general advice for preparing to participate in the CBM; and detailed guidance on gathering the specific information required for each form. It also includes some suggestions for providing information in addition to that required by the CBM forms.

**8 December** In London, speaking before the Iraq Inquiry Committee, which commenced its public hearings some two weeks previously [see 24 Nov], the former head of MI6 says that the intelligence services were not asked to “firm up” the government's dossier on Iraqi WMD [see 24 Sep 02]. John Scarlett, who at the time was the head of the Joint Intelligence Committee, says: “There was absolutely no conscious intention to manipulate the language or to obfuscate or to create any misunderstanding on what this might refer to.” Scarlett, however, does acknowledge that the document should have stated more clearly that it was addressing battlefield weapons as opposed to missiles. With regard to the allegation that Iraq had the capability to strike UK targets with missiles carrying WMD within 45 minutes of an order to do so, Scarlett says: “Close attention was paid [...] to the recent important and valuable intelligence, which was described as reliable and authoritative, and the assessments staff were instructed to firm up the judgment on possession in particular in the light of that intelligence.”

A week later, in an interview with *The (London) Independent*, Brian Jones – the former head of the nuclear, chemical and biological branch of the Defence Intelligence Staff – says that Scarlett misled the inquiry when he said that intelligence that Iraq had the ability to launch missiles carrying WMD within 45 minutes was “reliable and authoritative”. Jones says: “Having said there was the intelligence to show Iraq had WMD, there was no indication in what [Scarlett] said about what is now very well known, that those additional pieces of new intelligence were all caveated... Information was coming from untried sources - that is absolutely clear... The description Scarlett gave [the inquiry] for the secondary source, who passed the information on, was ‘reliable and authoritative’... If he is passing on information from someone who has never reported before then that is a nonsense.”

**8 December** In the UK, a member of parliament publishes *The Failure of British Political and Military Leadership*, which claims that intelligence relied on by the government when it made the claim that Iraq could launch a chemical attack on UK targets within 45 minutes of an order to do so, originated from a taxi driver in Iraq. In the report, Adam Holloway – who is a member of the House of Commons Defence Committee and a former officer in the Grenadier Guards and journalist – says the government ignored advice that the claim was not credible when writing the dossier spelling

out the case for the Iraq War [see 24 Sep 02]. In the report, Holloway says: "Under pressure from Downing Street to find anything to back up the WMD case, British Intelligence was squeezing their agents in Iraq for information. One agent did come up with something - the '45 minutes' or something about missiles allegedly discussed in a high level Iraqi political meeting. But the provenance of this information was never questioned in detail until after the Iraq invasion, when it became apparent that something was wrong. In the end it turned out that the information was not credible, it had originated from an émigré taxi driver on the Iraqi-Jordanian border, who had remembered an overheard conversation in the back of his cab a full two years earlier. Indeed, in the intelligence analyst's footnote to the report, it was flagged up that part of the report probably describing some missiles that the Iraqi Government allegedly possessed was demonstrably untrue. They verifiably did not exist... Despite this glaring factual inaccuracy [...] the report was treated as reliable... It seems that someone, perhaps in Downing Street, found it rather inconvenient and ignored it lest it interfere with our reasons for going to war... Why did the people at the very top of the wider intelligence community not make the case more forcefully to the Blair Government that they were misusing an intelligence report on WMD in Iraq, and ignoring the analyst's comments that indicated parts of it were demonstrably wrong? As one who understands put it, 'You get in the Prime Minister's office. His highest priority is your own chance to get ahead. He looks you in face. You think: 'I want to stay here, I want to please him, and I want to be on his plane'... Top leaders will always get the intelligence they want'."

**8 December** The US Congress, in its conference report on the *Consolidated Appropriations Act 2010*, approves the transfer of \$304 million from the Project Bioshield Special Reserve Fund to the Department of Health and Human Services (DHHS) National Institute of Allergy and Infectious Diseases, and \$305 million to the DHHS Biomedical Advanced Research and Development Authority. The Fund will now have around \$2.4 billion available through FY2013 to "procure and stockpile emergency countermeasures". Some six months previously, a proposal by President Obama to draw on the Fund to finance production of the H1N1 flu vaccine was met with stiff resistance in Congress and by industry [see 8 Jun].

**9 December** In Russia, the Maradykovsky chemdemil facility has commenced the destruction of mixtures of lewisite and mustard agents, so reports RIA Novosti news agency. Mikhail Manin, a "regional official", is quoted as saying that "two and a half [metric] tons of this dangerous substance has been destroyed by now", and that a total of 150.1 metric tons of mustard-lewisite mixtures, contained in 277 units of ammunition, is set to be eliminated at the facility. Previously, the facility completed the destruction of its stockpile of sarin [see 18 Nov]. [See also 26 Nov]

**9 December** In Geneva, during the ongoing BWC Meeting of States Parties [see 7-11 Dec], there is seminar organized by Canada, the UK and the USA on *Biological Aspects of the G-8 Global Partnership Programme*. Canadian Global Partnership Biological Program Officer John Griffin, US Department of State Global Partnership Coordinator Stephen Lynagh, and UK Deputy Permanent Representative in Geneva Jo Adamson describe relevant activities in each of their countries. The current chairman of the Meeting of States Parties, Ambassador Grinius of Canada also speaks.

Later in the day, the Permanent Mission of Romania together with BWC Implementation Support Unit hold a seminar on *Scientific Research and Exchange: Potential Impact on Non-Proliferation Measures for Biological Agents*.

**10 December** The Japanese Supreme Court upholds the death sentence of Yoshihiro Inoue, who was previously convicted for his role in the sarin attack on the Tokyo underground railway network [see 20 Mar 95]. Of the thirteen former members of the Aum Shinrikyo cult to have been sentenced to death for their roles in the attack, Inoue is the ninth to have his death sentence upheld by the Supreme Court [see 6 Nov]. Appeals against the sentences of the remaining four Aum members are pending. Presiding Judge Seishi Kanetsuki says in his ruling that Inoue "played an essential and significant role on his initiative" in the attack.

**10 December** In Geneva, on the sidelines of the BWC Meeting of States Parties [see 7-11 Dec], the Verification Research, Training and Information Centre (VERTIC) convenes a seminar on *Regulatory Guidelines for National Implementation*.

**10-11 December** In Warsaw, Poland, the annual NATO conference on weapons of mass destruction, arms control, disarmament and non-proliferation takes place. It is the first such conference to take place since NATO adopted its comprehensive policy on threats posed by WMD [see 31 Aug]. The event brings together 170 senior officials representing more than 40 NATO and partner nations, including from the NATO Mediterranean Dialogue and Istanbul Cooperation Initiative, the Gulf Cooperation Council and from the Asia-Pacific region. Among those addressing the conference is OPCW Director-General Rogelio Pfiirter.

**11 December** In Geneva, on the sidelines of the final day of the BWC Meeting of States Parties [see 7-11 Dec], the United Nations Interregional Crime and Justice Research Institute convenes a seminar on *Biosecurity Risks and Assessment*.

**11 December** The US Department of Health and Human Services Office of the Inspector-General releases a report that a failure by food facilities to provide the Food and Drug Administration (FDA) with necessary information "may hamper the FDA's ability to contact food facilities in an emergency". The report says that almost half of the 130 facilities surveyed by it had failed to register accurate information with the FDA in accordance with the Public Health Security and Bioterrorism Preparedness Response Act 2002, aimed at making it easier to trace contaminated food entering the food chain back to its source. The report further states that over half of facility managers were unaware of the requirements regarding registration. It recommends that the FDA "improve the accuracy of the information in the registry"; consider seeking statutory authority to impose civil penalties through administrative proceedings against facilities that do not comply with the registry requirements; consider making some of the optional fields within the registry mandatory; and work with the food industry to increase facilities' awareness of the registry requirements. [See also 26 Mar]

**13 December** In the UK, in an interview broadcast by the British Broadcasting Corporation, former UK Prime Minister Tony Blair says that he "would still have thought it right to remove" Saddam Hussein as leader of Iraq even if he had known at the time that Iraq possessed no WMD capability. Blair adds, that in such a case "obviously you would have had to use and deploy different arguments, about the nature of the threat".

**14 December** OPCW Director-General Rogelio Pfiirter says he wants to avoid any politicization of the debate as to the status of incapacitants under the CWC. In an interview

with *Arms Control Today*, he says: "This issue first and foremost needs to be well informed from the scientific point of view, and that is why I am suggesting the [Scientific Advisory Board] be the first one, if the organization so considers, to look into this matter, and then at the next review conference, if sufficient information has been produced by that date, the member states will look into it."

**15 December** In the UK, The Royal Society releases *Making the UK Safer: A Five Year Review* [see 21 Apr 04]. The report reviews the UK government's progress against some of the main recommendations made five years previously regarding the improvement of the UK's capability to respond to a chemical or biological incident and to minimize its impact. It states: "The major recommendation of the 2004 Royal Society report was: 'The UK Government should establish a new centre to coordinate and direct the work required to improve the UK's capability and to minimise the impact of any civilian chemical or biological incident'. While significant progress has been made in the past five years, concerns remain over the central coordination and direction of the work required to improve the UK's capability for detection and response to chemical and biological incidents... There is close cooperation between UK and US government departments in a number of chemical and biological detection and decontamination research areas... The large amount of funding from the US does raise a potential weakness if this source of funding was to decrease in the future... More effort might be made by the government to assist UK universities in securing European funding for research on chemical and biological detection and decontamination through the European Commission's Seventh Framework Programme... Progress [relative to the recommendation in 2004 that the government 'undertake a detailed review of the various options for the decontamination of people, buildings, vehicles and the wider environment' following an incident] has been limited. Sampling protocols and standards for decontamination are a long way from being fully mature, and there is still a problem of a lack of evidence base for decontamination. Analytical procedures such as trace analysis are needed to assess whether decontamination and clean-up has been effective... Concerns have been raised over the realism of past exercises carried out to test the UK response to chemical and biological threats. There is a need for more scenario based exercises to underpin an 'all risks' generic response, which can be refined in a given situation, as recognised by [the Office for Security and Counter Terrorism]. The [Government Decontamination Service] is a particular concern having only conducted desktop exercises."

**15 December** In the USA, the joint National Research Council and Institute of Medicine Committee on Effectiveness of National Biosurveillance Systems: Biowatch and the Public Health System releases *BioWatch and Public Health Surveillance: Evaluating Systems for the Early Detection of Biological Threats*. The report assesses the effectiveness and costs of surveillance through the Department of Homeland Security's (DHS) BioWatch programme, and through the public health and health care systems. It examines the comparative merits of these approaches, looks at the costs and identifies ways in which surveillance could be enhanced. In this regard, it lists a series of recommendations that the DHS, the Department of Health and Human Services, and others should adopt. [See also 5 Oct]

**15 December** In Washington DC, Trust for America's Health releases its seventh annual [see 9 Dec 08] report *Ready or Not: Protecting the Public's Health from Diseases, Disasters, and Bioterrorism*. The report says that

20 states scored six or less out of 10 key indicators of public health emergency preparedness; nearly two-thirds of states scored seven or less; eight states tied for the highest score of nine out of 10: Arkansas, Delaware, New York, North Carolina, North Dakota, Oklahoma, Texas, and Vermont. Montana had the lowest score at three out of 10. The report also makes the following findings: 27 states cut funding for public health from FY 2007-08 to 2008-09; 13 states have purchased less than 50 percent of their share of federally subsidized antiviral drugs to stockpile for use during an influenza pandemic; 14 states do not have the capacity in place to assure the timely pick-up and delivery of laboratory samples on a 24-hour basis to the Laboratory Response Network; 11 states and Washington DC report not having enough laboratory staffing capacity to work five 12-hour days for six to eight weeks in response to an infectious disease outbreak.

**16 December** In Glasgow, a heroin addict dies in hospital after having tested positive for anthrax, whilst another addict who also tested positive is in a stable condition. According to BBC News Online, police and health officials are investigating whether contaminated heroin or a cutting utensil may be to blame.

Two weeks later, BBC News Online reports that the number of confirmed cases of anthrax infection among heroin addicts across Scotland has now risen to six, of whom three have died.

Three weeks later, *The (London) Guardian* reports a UK-wide alert as having been issued following the death of the sixth addict.

Four weeks later, *The Herald* (Scotland) reports that the number of deaths has risen to seven, with another fourteen hospitalized. Meanwhile, Agence France-Presse quotes a statement by the French health ministry as saying: "Since December 6, there have been 15 confirmed cases of anthrax among heroin users, 14 in Scotland and one in Germany... Eight people died... The likeliest source is heroin contaminated by anthrax spores."

Five weeks later, BBC News Online reports that in Scotland the number of confirmed cases of anthrax infection has risen to seventeen, eight of which have died.

**18 December** The Yemeni Interior Ministry orders the Coast Guard to prevent an Iranian boat carrying weapons and anthrax-infected livestock from entering the country. According to the Ministry, the livestock were previously tested by Qatari authorities, which determined them to be carrying the bacteria, and refused them entry.

**18 December** The US Government Accountability Office (GAO) transmits to Congress *Biosurveillance: Developing a Collaboration Strategy is Essential to Fostering Interagency Data and Resource Sharing*. The report is one in a series relating to the requirement in the 9/11 Commission Act that GAO report on the state of biosurveillance and resource use in federal, state, local, and tribal governments. Specifically, it focuses on the actions taken by the National Biosurveillance Integration Center to acquire resources to accomplish its mission and to collaborate effectively with its federal partners. The report makes two recommendations with a view to helping the Center ensure that it effectively applies practices to enhance and sustain collaboration, including the provision of data, personnel, and other resources.

**18 December** US Senator Richard Lugar announces that during October and November 2009 the Cooperative Threat Reduction programme completed the construction and equipping of a new biological agent monitoring facility in Kazakhstan.

**23 December** In Russia, three anti-submarine warships and a patrol ship from the Russian Black Sea Fleet practice “joint manoeuvring and radiation and biological defence”, so reports Interfax-AVN military news agency, quoting a report on the exercise by the Fleet.

**23 December** In The Hague, a man convicted for complicity in violating the rules of war for having supplied Iraq with chemicals that Iraq used to produce mustard agent and that it subsequently used against its Kurdish population and Iran [see 21 Nov 05] appears in court to face a claim by sixteen Iraqi Kurds for compensation. Frans van Anraat was originally sentenced to seventeen years imprisonment [see 2 Apr 07], however, this was later reduced to sixteen-and-a-half years by the Supreme Court [see also 30 Jun]. The Associated Press quotes Liesbeth Zegveld, the lawyer representing the claimants, as saying: “He [van Anraat] made quite a bit of profit selling chemicals in the 1980s, but it’s very difficult to know how much of that is left... We may have to wait and see how he supports himself once he comes free.”

**23 December** In Arkansas, USA, the Pine Bluff chemdemil facility passes the fifty per cent mark for destroying its stockpile of mustard agent-filled ton containers. A press release by the Chemical Materials Agency quotes Mark Greer, the facility’s site project manager, as saying: “More than 2.8 million pounds of mustard agent have been safely destroyed... The amount of agent already safely processed during the mustard campaign is more than the combined amount processed during our three previous campaigns.” Destruction of the ton containers commenced a year previously [see 7 Dec 08]. It is the last remaining destruction operation to be completed at the facility. Operations are scheduled to last three years. Greer, however, is quoted as saying: “Currently we are operating ahead of schedule. The early completion estimate in the Transition Planning Guide predicts the end of the ton container disposal campaign to be in December 2010.”

**24 December** The US Department of Health and Human Services Office of the Inspector General releases *CDC’s CHEMPACK Project: Nerve Agent Antidote Storage*. The report relates to the establishment by the Centers for Disease Control and Prevention (CDC) in 2004 of the CHEMPACK project to stockpile drugs and medical supplies to assist States in protecting against nerve agents. The purpose of the report is to determine the extent to which: nerve agent antidotes in the CHEMPACK project were stored at temperatures required by the Food and Drug Administration (FDA); the CDC implemented procedures to ensure the quality of nerve agent antidotes in the CHEMPACK project; and nerve agent antidotes in the CHEMPACK project appropriately received extended expiration dates under the Shelf Life Extension Program (SLEP). The report sets out the following findings: “Almost one-quarter of CHEMPACK containers did not have at least three daily temperature readings in accordance with CDC procedures... CDC’s [temperature] storage requirements for CHEMPACK drugs were not consistent with FDA’s [Food and Drug Administration’s] storage requirements... Nine percent of selected CHEMPACK containers were not stored according to FDA’s [temperature] storage requirements for at

least 1 month... CDC did not consistently implement quality system procedures in the CHEMPACK project... CDC’s procedures allowed CHEMPACK drugs to inappropriately receive extended expiration dates under SLEP.” The report concludes by setting out a series of recommendations that the CDC adopt to address the shortcomings identified.

**28 December** In London, a security alert is triggered after staff working in the office of Communities Minister Shahid Malik intercept a letter containing white powder. Emergency procedures are activated, however, the powder is subsequently found to be harmless. According to the London *Daily Telegraph*, comments on the envelope suggest that it was sent by someone on the extreme right.

**30 December** In Innsbruck, Austria, a court orders the release of a man who had been on the run from US authorities for over twenty years after being charged in the USA with supplying Iran with 115 tonnes of a chemical that Iran later used to produce mustard gas in the late 1980s, pending a decision about his extradition. Peter Walaschek, a German national, was arrested two days previously as he checked into his hotel at an Alpine skiing resort in the Tyrol region using a false Irish passport. According to Agence France-Presse, the arrest resulted from a joint operation by Austrian criminal police, local Tyrol police and US authorities. Walaschek was previously arrested in Croatia in 1994 [see 11 Nov 94], but he fled to Germany after the court ruled that under Croatian law it did not have the authority to detain him. Reuters reports that Walaschek had pleaded guilty in a US court in 1988 to shipping 115 tonnes of thiodiglycol to Iran; however, he fled the USA while awaiting sentencing. Reuters reports the court as stating that, for an extradition to be granted, the crime of which a suspect is accused must also have been a crime under Austrian law at the time it was committed. However, an Austrian law banning trade in weapons of mass destruction was not in force at the time in question. A spokesman for the court, however, emphasizes that the court’s decision relates only to the detention of Walaschek, not to the extradition itself, which will be decided on in a separate procedure.

**30 December** US President Barack Obama signs an executive order under which the US Postal Service will be responsible for delivering medication in the event of a biological weapons attack [see 4 Nov]. Under the order, the Department of Health and Human Services and the Department of Homeland Security have six months to create a plan for the Postal Service to distribute medicines, with “anthrax as the primary threat consideration”. The plan must include provisions for despatching medications to federal employees with essential responsibilities during an attack.

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*This Chronology was compiled mostly by Nicholas Dragffy from information supplied through HSP’s network of correspondents and literature scanners.*

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## Forthcoming Events

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### 24-26 March

Montreux, Switzerland  
ICRC Expert Meeting on *Incapacitating Chemical Agents: Implications for International Law*  
By invitation only

### 20-23 April

OPCW Headquarters, The Hague  
60th Session of the OPCW Executive Council

### 31 May - 11 June

Kampala, Uganda  
Review Conference of the Rome Statute [establishing the International Criminal Court]  
details: [www.icc-cpi.int](http://www.icc-cpi.int)

### 29 June - 2 July

OPCW Headquarters, The Hague  
61st Session of the OPCW Executive Council

### 23-27 August

Geneva, Switzerland  
BWC Meeting of Experts 2010

### 24-26 September

Wiston House, Sussex, UK  
Wilton Park Conference *Prospects for the 2011 BWC Review*  
details: [www.wiltonpark.org.uk](http://www.wiltonpark.org.uk)

### 5-8 October

OPCW Headquarters, The Hague  
62nd Session of the OPCW Executive Council

### 29 November - 3 December

OPCW Headquarters, The Hague  
15th Session of the Conference of the States Parties

### 6-10 December

Geneva, Switzerland  
Meeting of the States Parties to the BWC

### 6-10 December

UN Headquarters, New York  
9th Session of the Assembly of States Parties to the International Criminal Court

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## Recent Publications

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*What follows is taken from entries since the last Bulletin into our electronic CBW Publications Database, which records and classifies substantial new acquisitions by the Sussex Harvard Information Bank. All such recorded items are held in hard copy in SHIB, which is open to visitors at the University of Sussex by prior arrangement. For access please apply to HSP Sussex.*

Ackerman, Gary, and Jeremy Tamsett. Editors, *Jihadists and Weapons of Mass Destruction*, CRC Press, 2008, 494 pp.

Albarelli, HP, Jr. *A Terrible Mistake: The Murder of Frank Olson and the CIA's Secret Cold War Experiments*, TrineDay Publishers, 2009, 864 pp [see [www.aterriblemistake.com](http://www.aterriblemistake.com)].

Amourette, Christine, Ioannis Lamproglou, Laure Barbier, William Fauquette, Amélie Zoppe, Roselyne Viret and Michel Diserbo. "Gulf War illness: Effects of repeated stress and pyridostigmine treatment on blood-brain barrier permeability and cholinesterase activity in rat brain", *Behavioural Brain Research*, vol 203 no 2 (5 November 2009) pp 207-14, doi: 10.1016/j.bbr.2009.05.002.

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