

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

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First Meeting
Geneva, 10 – 14 November 2003

REPORT OF THE MEETING OF STATES PARTIES

Volume II

Annex II

STATEMENTS, PRESENTATIONS AND CONTRIBUTIONS MADE
AVAILABLE TO THE CHAIRMAN



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

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General Discussion/Debate - Monday 10 November 2003

Chairman's Opening Remarks

(Monday 10 November 2003)

At the Meeting of Experts in August, we had an impressively productive exchange of a vast amount of information relating to States Parties' efforts and views on national implementation and on security and oversight of pathogens. States Parties provided a wealth of information on their own national experiences, some in extensive technical detail, and also on developments and challenges that would in their view need to be addressed, and how these might be approached.

I know from my own discussions that many delegations found the Meeting of Experts to be a very useful exercise simply for the information shared. Experts in various aspects of national implementation and biosecurity were able to return home with fresh ideas for taking their national efforts forward, and with new contacts with colleagues to continue developing ideas and solving problems. The report of the Meeting of Experts, along with the working papers and the CD-ROM Information Repository, constitutes a handy resource for national implementation, whatever the individual circumstances of a States Party. In this sense, our new process established by the Fifth Review Conference has already been a success.

But I think it is important that we do not let it rest at that, and that we make every effort to use this Meeting of States Parties to take a further qualitative step forward. As I mentioned in my closing remarks to the Meeting of Experts, a number of common themes emerged during that meeting. National presentations from different States Parties, with different sizes, legal systems, levels of resources and political outlook, often focused on these same common themes. While it was widely recognised that there is no "one size fits all" solution to national implementation, it is nevertheless apparent, on examining the material contributed by States Parties, that there are common elements that can be derived and applied usefully in a wide range of situations, and adapted to fit as necessary.

I hope all delegations have had a chance to look at the report of the Meeting of Experts and at the working papers, and to consider and analyse the common themes. I would like to mention again the CD-ROM Information Repository in this context. As demonstrated earlier, it is possible to use the search functions on the CD-ROM to find proposals and ideas put forward by States Parties at the Meeting of Experts, grouped by theme. My hope is that in the course of this week, delegations which have made proposals will be able to talk more about them, and link and compare them to the often very similar proposals made by others.

In talking more about their proposals and ideas, I encourage delegations to move their focus from their own national experience and instead look at the themes and elements, principles and lessons that might apply more generally, both to States Parties with similar situations and needs, and to those whose circumstances are different. This could be described as an exercise in abstraction, but I do not want to give the impression that we are trying to turn specific, practical proposals into vague generalities. Rather, we should be trying to extract those parts of specific proposals that are of interest to more than one particular State Party, and then seeking to assemble them into some kind of coherent, logical order.

This is what I mean about taking a step further than the Meeting of Experts. The result of that meeting was an extensive collation of material, much of it valuable and useful, but put together in no particular order. There are many repetitions, and essentially similar proposals and observations are made in widely different ways in different places. It is not an easy task for anyone to sort through these and draw out the elements that might be most relevant for a particular State Party's national implementation requirements. So if we can, as a result of this meeting, achieve some sort of distillation of this material, a refinement of the common themes and elements, I think we will have an excellent outcome.

As I have said in my informal consultations with the regional groups and with individual delegations, I do not wish to try to dictate the actual form of the outcome of this Meeting of States Parties. We will need some kind of final document that accurately reflects our work, and I hope you will agree that we should produce something that will be of lasting practical value to individual States Parties. But the actual format of the outcome will have to be something that develops naturally in the course of our work this week. We do not have time for any drafting work, or lengthy negotiations on form and format, so we will have to take a pragmatic attitude, and put the wealth of material we have into a coherent and usable form in the best way we can.

As we begin the general debate and discussion, I would also like to remind States Parties of the important dimension of our work of considering possibilities of the exchange of legal and technical assistance for national implementation and biosecurity efforts. I hope that in their contributions to the general debate, States Parties in a position to do so will take the opportunity to offer to other States Parties legal and technical assistance for improving national implementation and security and oversight of pathogens and toxins. A number of such offers were foreshadowed during the Meeting of Experts, and I encourage delegations to outline what they may be able to offer in this regard.

From tomorrow, having concluded the general debate we will move into more specific consideration of our two topics, in accordance with the programme of work. I will have more to say at that stage about some of the common themes which we might examine, and again I strongly encourage delegations to be ready to talk about and develop the proposals and ideas they put forward at the Meeting of Experts.

Finally, may I conclude by reiterating my regular plea at the Meeting of Experts for delegations to provide their statements and contributions in writing to the Secretariat, and if possible in electronic format. I intend to continue with the practice established at the Meeting of Experts of issuing a daily collation of all contributions, so I ask you to assist the Secretariat in its task by providing your material in writing as promptly as possible.

With that, I would like to begin the general debate and discussion. I have a number of speakers who have already requested the floor this morning, but of course delegations are free to request the floor in the normal way.

EU Statement At The Meeting Of States Parties To The Biological And Toxin Weapons Convention

1. I have the honour to take the floor on behalf of the European Union. The Acceding Countries Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the Associated Countries Bulgaria, Romania and Turkey, and the EFTA country Iceland, member of the European Economic Area, align themselves with this statement.
2. Allow me at the outset, Mister Chairman, to welcome you to the chair of this meeting. I am confident that under your capable and experienced leadership our work will achieve meaningful progress.
3. The European Union continues to attach high priority to the reinforcement of the Biological and Toxin Weapons Convention which remains a fundamental tool to counter the proliferation of those weapons. The risk that terrorists will acquire biological materials adds a new dimension to this threat. Such an unwavering commitment, reaffirmed in the Declaration of the European Council Summit in Thessaloniki on 19 and 20 June 2003, is enshrined in the "Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction" and in the related "Action Plan".
4. In pursuing this overarching goal, it is no secret that the European Union would have favoured the adoption of a legally binding instrument. However, in a spirit of pragmatism and recognising the need to preserve consensus among BTWC States Parties, the EU welcomed the working programme for the years 2003-2005 adopted by the Fifth Review Conference in November 2002. The success of this cycle is crucial for our common endeavour, and a positive outcome of this first year of meetings will be particularly important.
5. The European Union believes that national implementation of the prohibitions set forth in the Convention is one of the essential elements required to effectively strengthen it. Indeed, it is impossible to ensure compliance with the provisions of a treaty - especially in the field of disarmament and non-proliferation - without the enactment of appropriate national legislation implementing its principles and obligations.
6. In this perspective, the August meeting of experts here in Geneva was extremely useful, as also demonstrated by the high level of attendance by delegations. A wide range of valuable and constructive information was exchanged which indicated that many States Parties have adopted common approaches to similar problems. The European Union actively participated in the debate, tabling a comprehensive working paper on the pertinent legislative and administrative measures for national implementation and oversight adopted by its Member States.
7. The European Union is convinced that the current meeting of States Parties should now take stock of the technical debate carried out by experts, without repeating it, and identify possible consensual elements. Building on this common ground, the final document should make political recommendations on how to promote effective implementation of the Convention at the national level.

8. In particular, States Parties should commit themselves to share, on a regular basis, details and updates on their national legislation (including penal legislation) implementing the Convention and the regulations on the handling of pathogenic micro-organisms and toxins. Furthermore, the European Union proposes that there should be discussion of the key elements of legislation that all States Parties should have in place covering both of the above settings.
9. In accordance with national constitutional processes, each State Party should include in its national legislation, inter alia, prohibitions criminalising breaches to the Convention's obligations. At the same time, effective measures should be adopted in order to prevent the unauthorised acquisition of pathogenic micro-organisms and toxins and their unwanted or accidental release from "controlled environments".
10. The possibility to provide on a bilateral basis, as appropriate and feasible, technical and juridical assistance for enacting such legislation and regulation should be considered by each States Party in a position to do so.
11. The successful outcome to this meeting will rest very much with you, Mister Chairman, and your advice and judgement. In carrying out your task, you can rely on the full and consistent support of the European Union.

Statement by Malaysia on Behalf of the Non-Aligned Movement and Other States

1. I am taking the floor to speak on behalf of the Group of Non-Aligned Movement (NAM) and Other States to the Biological Weapons Convention (BWC).
2. Allow me at the outset, on behalf of the Group of NAM and Other States to the BWC, to congratulate you on your election as Chairman of the 2003 Meeting of States Parties to the BWC. We are confident that given your vast experience, especially in your having chaired the Fifth Review Conference of the States Parties to the BWC last November 2002 and the Meeting of Experts last August 2003, you will be able to steer this meeting to a fruitful conclusion. The Group of NAM and Other States to the BWC stand ready to work with you in meeting this objective.
3. In the light of recent developments and the potential threats of biological agents and toxins as instrument of war and terror, we recognize that there is a greater necessity and urgency to strengthen the effectiveness

and improve on the implementation of the Convention. We view the convening of the Meeting of Experts of the BWC from 18 to 29 August 2003 as important steps in preparing the substantive groundwork for the Meeting of States Parties, 10 – 14 November 2003, which is mandated to discuss and promote common understanding and effective action on two issues: (i) the adoption of necessary national measures to implement the prohibitions in the Convention, including the enactment of penal legislation and (ii) national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins.

4. We believe that both the Meeting of Experts and the Meeting of States Parties will provide important fora for States Parties to exchange views and explore effective measures to implement the Convention, taking into account their national peculiarities and the best practices of others.

5. The XIII Conference of Heads of State or Government of the Non-Aligned Movement, which was held in Kuala Lumpur from 20 – 25 February 2003, had issued a Final Document addressing the crucial global issues affecting the Member States of the NAM. In this regard, Malaysia, as Chair of NAM, would like to recall paragraph 86 of the Final Document, which addresses the position of NAM in regard to the BWC.

6. The Group of NAM and Other States to the BWC would like to reaffirm our conviction that the BWC is essential for the maintenance of international and regional peace and security. We reaffirm our continued determination, for the sake of humankind, that the possibility of any use of bacteriological (biological) agents and toxins as weapons should be completely excluded, and the conviction that such use would be repugnant to the conscience of humankind.

7. The Group of NAM and Other States to the BWC recognise the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol to the Convention. We believe that the effective contribution of the Convention to international and regional peace and security would be enhanced through universal adherence to the Convention. We stress the particular importance of all States Parties to pursue the objectives that were set forth by the Fourth Review Conference as we strongly believe that the only sustainable method of strengthening the Convention is through multilateral negotiations aimed at concluding a non-discriminatory legally-binding agreement.

8. The Group of NAM and Other States to the BWC are deeply disappointed at the inability that has been demonstrated in the endeavours of the States Parties of the BWC to successfully undertake initiatives to strengthen the implementation of the Convention. We further regret the limited nature of the decision that was taken during the resumed session of the Fifth Review Conference held from 11 to 15 November 2002 in Geneva. We are disappointed that the opportunity to strengthen the Convention was foregone and that limited work, which at best only has the potential of enhancing the implementation of the Convention, is all that could be achieved despite our best endeavours.

9. In concluding, I wish to reemphasize that the Group of NAM and Other States to the BWC remain committed towards preserving multilateralism as the only vehicle for preventing the reprehensible use of disease as instruments of terror and war in a sustainable way. We would once again like to assure you of our full cooperation for the success of this meeting.

Statement by the Republic of Korea

Let me begin by saying how pleased we are to see you presiding over this meeting of the States Parties to the Biological Weapons Convention, following the Meeting of Experts last August. I would like to assure you of my delegation's full support and cooperation.

The Republic of Korea firmly stands for the comprehensive prohibition of biological and toxin weapons and strongly opposes their proliferation in whatever forms or manifestations. Under the newly emerging security circumstances of the present time, the goal of this Convention and the States Parties' implementation of this goal have become increasingly important. In this regard, my delegation welcomes once again the new process initiated by a Meeting of Experts last August and followed by this Meeting of States Parties as a valuable opportunity to strengthen the implementation of the Convention's objective.

We have two important issues to discuss before us, and these issues were dealt with in depth last August. In general, my delegation was satisfied with our lively exchange of views and discussions in the August Meeting of Experts and believes that the meeting laid a good foundation for this meeting.

After the Meeting of Experts, we came to a better understanding of the different systems and laws that States Parties use to implement the Convention. As a consequence, we now know more clearly what has been done and what remains to be done for its full implementation. The presentations and papers as well as discussions on the safety and security of pathogenic microorganisms and toxins have indeed increased our awareness on the need to respond effectively to the ever-increasing threat of biological weapons. I am confident that the national presentations and ideas discussed therein will serve as a useful reference in improving our respective systems, thereby minimizing the risk of accidental release of pathogens as well as preventing unauthorized transfer, theft and diversions thereof.

I place great importance on the need for information sharing of national implementation measures and for the subsequent discussion of best practices and lessons during this process. In this regard, my delegation is of the view that this meeting of States Parties has to strive to fulfill at least the following two essential functions:

First, while recognizing the differences in national mechanisms for the implementation of the Convention and taking into account the current international security situation, the States Parties should renew their commitment to take necessary steps to translate the obligations in the Convention into domestic action through appropriate legislative, administrative and regulatory means. In this regard, there are a few core areas to which the States Parties should give particular attention. In the August Meeting of Experts, penal legislation as a means of implementing the prohibitions of the Convention, export controls, and bio-safety and security were identified among these core areas. Taking this opportunity, my delegation would like to reiterate its position that effective domestic measures for the implementation of the Convention should include stringent national export control systems as well as appropriate measures against any domestic activities in contravention of the Convention.

Second, the States Parties should be encouraged to keep reviewing the efficiency and effectiveness of their respective domestic systems in implementing the Convention and to take additional measures as appropriate. Indeed, the same is true for domestic measures when we often say that multilateral arms control and non-proliferation agreements should become more efficient in fighting against new and emerging threats. Although it is easier said than done, my delegation believes that there are many ways to systematically provide the necessary encouragement for this to happen.

My delegation hopes that this year's Meeting of States Parties will prove to meet our expectations and establish a good precedent for next year when we discuss the issues of alleged use of biological and toxin weapons and infectious diseases.

Let me conclude by assuring you that the Republic of Korea remains fully committed to the ultimate goal of this process, namely the strengthening of the Convention, and that it will keep doing its part in good faith.

Statement by South Africa

It is a pleasure for my delegation to again welcome you as Chair of a meeting that has been convened under the auspices of the Biological and Toxin Weapons Convention (BTWC) and to again assure you of the co-operation of my delegation in achieving a successful outcome to this meeting.

It would be remiss of my delegation not to use this occasion to pay tribute to you and to the confidence and respect in which you are held -- both as an individual and as a representative of Hungary. The States Parties to the Convention have continuously turned to you over the last decade and more to guide the work that has been undertaken by the States Parties to seek ways of strengthening or enhancing the implementation of the Convention. There are a few of us in this room who have had the privilege of making this journey with you. It has been a journey that has admittedly had more than its fair share of 'highs' and 'lows'. Despite -- or maybe because of -- these "highs" and "lows", and the extended periods of our lives that we have invested in the BTWC, we have developed lasting personal relationships and understandings across delegations, and across political divides, that have helped us to overcome some of the most difficult challenges that have confronted us. Despite the differences of positions and heated emotions that clouded our relationships in those difficult times, the camaraderie, confidence and trust that developed over time always allowed us to come back to try again. In the last decade and more:

- We started out to identify the tools that could be used to strengthen the implementation of the Convention;
- We went on to an intensive period of negotiation for a Protocol to the Convention when -- at the height of the negotiations -- we spent 16 weeks of the year here in Geneva's windowless rooms seeking agreement on the Protocol text;

- We together experienced the jarring sensation of seeing those years of work coming to naught;
- We together scrambled to preserve the work that had been undertaken in the hope that at some more propitious time in the future it can again be revived and completed; and
- At the same time, we also worked to ensure that in the intervening period the essential multilateral approach of the international community to questions of peace and security -- to disarmament, non-proliferation and arms control -- was also preserved.

It is with this last goal in mind that we agreed to embark on the process of our current endeavour and it is why we are again gathered here to discuss, and promote common understanding and effective action, and if possible to arrive at any conclusions or results by consensus, on:

- The adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation; and,
- National mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins.

At the meeting of experts during August 2003, my delegation presented a comprehensive working paper on the "BTWC and Related Legislation" that is implemented in South Africa. The working paper contained summary descriptions of the primary legislative, regulatory and other measures/mechanisms that are being implemented, or are being prepared for implementation, in South Africa. While we feel confident that the measures and mechanisms are effective and that they achieve the goals that have been set for them in terms of our national legislation and our international obligations, we also believe that it is essential for us to remain vigilant and to continuously review these measures and mechanisms in an endeavour to ensure that we are well equipped to meet the threats of an ever-changing international environment.

The exchanges and information provided during the experts meeting in August, as well as the information repository that you and the Secretariat have established, provides all of the States Parties with information and opportunity to review their controls, to learn from the approaches being adopted elsewhere and to see whether there is not a 'best practice' that can be used nationally. It will be the task of this Conference to now see what can be done with this mass of information and to see if we can reach an agreement on how it can be applied to enhance the implementation of the Convention.

My delegation has made no secret of South Africa's disappointment at the fact that we have to date been prevented from achieving our goal of establishing a legally-binding mechanism through the Protocol to strengthen the implementation of the Convention - which included effective measures for the implementation of both of the topics that

we are currently considering. We have also made no secret of South Africa's belief that a legally-binding approach is cumulatively far more effective than the political process that is inherent in any outcome of our current work. Despite these reservations, South Africa recognises that it is nevertheless incumbent on all of us as the States Parties to the BTWC to make the best of the situation in which we have found ourselves.

To this end South Africa has provided the information contained in our working paper on the measures and mechanisms being applied in our country and we maintain a continuous process of review in an attempt to ensure that the measures and mechanisms that we apply remain as effective as we can make them. We are also currently in the process of initiating a project in South Africa for the further strengthening and enhancement of national measures for conventional arms control and for the non-proliferation of weapons of mass destruction (including biological weapons). It is, however, our intention to not only focus this project within South Africa, but also to invite the participation of other African countries. The intention is to hold a series of conferences that will further review national measures and mechanisms of control and to further train officials at all levels that are responsible for their implementation and enforcement. The project will also involve arms manufacturers and producers or suppliers of direct or dual use material, equipment or technologies that can be used in the development of weapons of mass destruction. As such the project is not only intended to promote the need for such controls, but will *inter alia* also be geared to achieve the further training of the personnel within the relevant government departments, controlling bodies and enforcement agencies and to promote common compliance measures within the companies that manufacture, produce or supply controlled items. We hope to complete the necessary planning and preparations for this project in the near future and further information will at that time be provided to our partners in this regard.

One of the most significant difficulties that we confront in addressing the two topics that are the substantive subjects of this Conference is the differences that exists between the regulatory, legislative, legal and constitutional systems of States Parties. We are confronted by the reality that the national measures to implement the prohibitions of the Convention and the national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins will not be a case of "one size (or in this case 'set of measures and mechanisms') fits all". The presentations that were made at the meeting of experts in August, and that may be made at this Conference, are vehicles for us to *inter alia* demonstrate how this work is done within our own countries; to provide the opportunity for us to consider the measures and mechanisms being implemented elsewhere with a view to seeing how our national systems may be enhanced or improved; and to form a basis in terms of which assistance could be provided for the establishment, enhancement or improvement of systems elsewhere.

In our continuing endeavour to enhance and/or strengthen the implementation of the Convention, taking into account the goals that we have set ourselves over the last decade and more, such an outcome to this Conference may be viewed as being a consequence of States Parties with limited vision. In the recently held Eighth Session of the Conference of States Parties to the Chemical Weapons Convention (CWC), the States Parties there agreed on a "Plan of Action regarding the implementation of Article VII obligations". Article VII of the CWC is the article that deals with national implementation measures. While recognising that there are significant differences between the BTWC and the CWC (for example, the lack of an implementing organisation) and while the States Parties to the two Conventions are not the same, this does not prevent us from drawing lessons from the experiences of the States Parties to the CWC and from attempting not to again "re-invent the wheel".

It is my delegation's view that as the States Parties to the BTWC, which is a Convention that also prohibits an entire category of weapons of mass destruction and which is a Convention to which a large number of us are also States Parties of the CWC, we should be able to look at the work that was done in The Hague and pick-up on elements that may be applicable to the BTWC. In our work here in Geneva, we should also be in a position to consider whether we could also not agree on a similar 'Programme of Action' that is adapted to our differing circumstances.

Some of the elements that could, in our view, be considered in the context of the BTWC are to:

- Stress the need to fully implement the recommendations of previous meetings of States Parties on national implementation measures.
- Recognise how important and how urgent it is that States Parties complete the implementation of their national implementation obligations under the BTWC and adopt, in accordance with their constitutional processes, the necessary measures to implement the Convention.
- Underline the conviction that the full and effective implementation of national implementation measures by all States Parties also contributes to universal adherence to the Convention.
- Underline the concern that a large number of States Parties have not fulfilled their national implementation obligations under the Convention and recognising that many of them may have difficulties in doing so.
- Request States Parties to consider intensifying their work with those States Parties that have difficulties in adopting the measures required under the Convention, by further identifying, analysing and addressing these difficulties.

- Request States Parties to offer sustained technical support to States Parties that request it for the enactment of national implementation measures and the adoption of any administrative measures required in accordance with the Convention.
- Encourage States Parties to lend advice, upon request, to other States Parties in drafting and adopting national measures to implement the Convention, *inter alia*, to:
 - provide for the adoption of the necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation; and for
 - National mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins.
- Agree that it is imperative that those States Parties that still need to do so take the necessary steps and set realistic target dates for these steps leading to the enactment of the necessary legislation, including penal legislation, and/or the adoption of administrative measures to implement the Convention.
- Encourage States Parties to take measures to raise awareness of the prohibitions and requirements of the Convention, *inter alia* in their armed forces, industry, and in their scientific and technological communities.
- And to urge States Parties that have not yet done so to review their existing regulations in the field of trade in bacteriological (biological) agents and toxins in order to render them consistent with the object and purpose of the Convention.

Declaration by Switzerland

Comme c'est la première fois que j'interviens sous votre présidence, je voudrais commencer par vous vous dire, au nom de ma délégation, tout le plaisir que j'éprouve de vous voir présider cette réunion des Etats parties à la Convention sur les armes biologiques. Votre grande expérience et votre engagement de longue date pour cette cause seront indubitablement des atouts importants pour la réussite de nos travaux, qui demeurent plus nécessaires que jamais dans la conjoncture actuelle. Ma délégation tient en tout état de cause à vous assurer de son entier soutien et de sa coopération dans l'exercice de vos fonctions.

La Conférence d'examen, qui s'est tenue l'année dernière à Genève, a lancé un processus diplomatique visant le renforcement de la mise en œuvre de la Convention sur les armes biologiques, tant sur le plan national qu'international. La première réunion d'experts dans le cadre de ce processus, qui a eu lieu en août dernier également ici dans la Ville du Rhône, a eu pour objet un échange de vue sur l'application des mesures nationales en vue de la mise en œuvre de la Convention, y compris l'adoption d'une législation pénale, et sur les mécanismes nationaux chargés d'établir et de maintenir le contrôle de l'accès à des micro-organismes pathogènes et des toxines ainsi que la sécurité lors de leur utilisation.

Du point de vue de ma délégation, cette première réunion a été un succès et a produit des résultats tangibles, et cela grâce notamment à votre engagement personnel, à la bonne préparation par le Secrétariat et à la qualité des présentations des experts. Il a ainsi été démontré que, même si le mandat de cette réunion était limité aux législations et aux mesures sur le plan national, elle a permis de produire des résultats significatifs en terme de renforcement de la mise en oeuvre de la BWC et a relevé l'importance de la coopération internationale et multilatérale en la matière.

L'objectif de notre Conférence est de traduire le succès et les résultats de la réunion d'experts en actions concrètes. Pour ce faire, il est nécessaire de synthétiser les conclusions les plus importantes de cette réunion et d'identifier les domaines d'action sur lesquels les Etats parties devraient se concerter.

D'une manière générale, mon pays a tiré quatre conclusions de la réunion d'experts:

1. Premièrement, la réunion a clairement démontré que les législations et l'application des mesures nationales dans les Etats parties n'ont pas le même degré de développement. Si l'on veut efficacement contrôler l'accès aux micro-organismes pathogènes et la sécurité lors de leur utilisation au niveau national et international, il faut non seulement vérifier que les contrôles nationaux assurent un degré de protection et de sécurité similaires dans toutes les Etats parties, mais aussi garantir que les lacunes dans les législations soient identifiées et corrigées au moyen d'un effort collectif .
2. Deuxièmement, la réunion d'experts a démontré la complexité des législations et des mesures nationales. Elle a aussi démontré que les Etats parties ont des approches et des pratiques fort différentes. De notre avis, plutôt que de chercher un accord sur une approche commune ou des standards minima, il faut essayer de rendre les législations et les mesures nationales plus efficaces et de favoriser leur mise en oeuvre.
3. Troisièmement, la réunion d'experts a démontré combien les législations nationales pour la mise en oeuvre de la Convention et les mesures visant à contrôler l'accès aux micro-organismes pathogènes sont complémentaires. Elle a également démontré que la distinction entre le contrôle de l'accès à ces micro-organismes et la sécurité lors de leur utilisation n'est pas toujours évidente dans la pratique. En effet, parmi les Etats parties, nous avons constaté une différente perception, dans le domaine de la santé, par rapport aux concepts de "bio-safety" et de « bio-security. » Pour mon pays, les recommandations de l'OMS pour assurer la sécurité lors de l'utilisation de micro-organismes pathogènes sont un élément indispensable pour l'élaboration et la mise en oeuvre des législations et des mesures au plan national.
4. Quatrièmement, la réunion d'experts a mis en évidence la nécessité d'une assistance technique internationale pour l'élaboration des législations et des mesures nationales dans le domaine de la mise en oeuvre de la Convention et du contrôle et de la sécurité des micro-organismes pathogènes. Mon pays est prêt a mettre à disposition des Etats parties, qui en font demande, des experts en la matière.

La Suisse a, depuis de nombreuses années déjà, développé des mesures légales pour pallier aux menaces du bioterrorisme. Le législateur suisse ne cible toutefois pas ces menaces per se, mais utilise tout un bouquet de dispositions législatives, notamment au niveau du Code pénal. Une étude de notre législation a en effet démontré que les lois fédérales sur les épidémies,

respectivement sur le matériel de guerre, sur les biens à double usage et sur la protection de l'environnement ainsi que les différentes ordonnances visant le contrôle et la sécurité lors de l'utilisation de micro-organismes pathogènes ou génétiquement modifiés sont des moyens parfaitement adéquats pour pallier aux menaces du bioterrorisme.

Désireux de fournir une contribution en la matière, mon pays s'est également engagé, sur le plan international, dans la lutte contre le bioterrorisme et l'utilisation des micro-organismes pathogènes à des fins non pacifiques. Depuis 2002, la Suisse a notamment financé un projet de l'OMS dans le domaine des maladies transmissibles, dont l'origine n'est pas naturelle; ce projet, dont le but est aussi de lutter contre le bioterrorisme, a été un succès et le moment nous paraît opportun d'y associer d'autres Etats intéressés.

Les armes biologiques représentent un danger réel et sérieux. La biotechnologie évolue rapidement, tant sur le plan civil que militaire avec, pour conséquence, des risques d'abus toujours plus grands. Même si nos efforts permettront de renforcer le respect de la Convention sur les armes biologiques, tant au plan national qu'international, il faut que la communauté internationale, dans son ensemble, prenne pleinement conscience du danger que représentent ces armes. C'est la raison pour laquelle, mon pays salue la proposition du CICR concernant l'adoption d'un appel international, au niveau ministériel, visant les abus de la biotechnologie; cet appel doit être fondé sur le droit humanitaire et être complémentaire à nos efforts dans le cadre du processus de renforcement de la mise en œuvre de la BWC.

(Informal Translation)

As this is the first time I address the Conference on Disarmament under your presidency, I would like to begin by saying on behalf of my delegation that it gives me great pleasure to see you chairing the meeting of States Parties to the Biological Weapons Convention. Your broad experience and longstanding commitment to this cause will without doubt prove to be decisive in the success of our undertaking - one which remains all the more necessary given the current global situation. My delegation wishes to assure you of its full support and co-operation in the exercise of your functions.

The review conference held in Geneva last year launched a diplomatic process to strengthen the implementation of the Biological Weapons Convention, both at the national and international levels. The first meeting of experts within the framework of this process, which took place last August in Geneva, was devoted to a discussion on the application of national measures for implementing the Convention, including the adoption of criminal legislation, and on national instruments for establishing and maintaining control on access to pathogenic micro-organisms and toxins, as well as safeguards applied for approved use.

From my delegation's perspective, largely thanks to your personal commitment this first meeting was a success. It produced tangible results in the thorough preparation of the secretariat and the high quality of the presentations by the experts. Although the mandate of the meeting was limited to legislation and measures at the national level, it not only significantly strengthened the implementation of the BWC, but also highlighted the importance of international and multilateral co-operation in this field.

The aim of this conference is to translate the results of the meeting of experts into concrete action. To do this, it is necessary to synthesise the most important conclusions of the experts' meeting and to identify those areas where the States Parties should work together.

My country drew the following four general conclusions from the meeting of experts:

Firstly, the meeting of experts clearly showed that the level of development of national legislations and the extent to which measures are applied vary significantly between the States Parties. If our aims are to effectively control access to pathogenic micro-organisms and to ensure security in their use at national and international levels, it is not only necessary to verify that national controls guarantee similar degrees of protection and security in all States Parties but also to ensure that gaps in legislation be identified and corrected through collective action.

Secondly, the experts' meeting showed the complexity of national legislations and measures. It also showed the different approaches and practices of the States Parties in this area. In our view, rather than seeking agreement on a common approach or on a set of minimum standards, it would be better to make all national legislations and measures more efficient and to promote their implementation.

Thirdly, the experts' meeting also showed the degree to which national laws on the implementation of the Convention and the measures adopted to control access to pathogenic micro-organisms are complementary. It also showed that the distinction between controlling access to these micro-organisms and security during approved use of them is not always easy in practice. We have noted a different perception among the States Parties in the area of health regarding the concepts of 'bio-safety' and 'bio-security'. For my country, the WHO recommendations for ensuring security in the use of pathogenic micro-organisms are indispensable for the development and implementation of laws and measures at the national level.

4. Finally, the experts' meeting highlighted the clear need for international technical assistance in the drafting of national laws and measures concerning the implementation of the Convention and the control and security of pathogenic micro-organisms. My country is willing to make experts available to States Parties that ask for assistance in this area.

For many years, Switzerland has been developing legal measures to overcome the threat of bioterrorism. The Swiss parliament, however, is not targeting these threats as such but is using a range of legal provisions, in particular from the national Penal Code. A study of our legislation has shown that the federal laws on epidemics and those governing defence equipment, dual-use goods, and environmental protection, as well as the different ordinances on control and security in the use of pathogenic or genetically modified micro-organisms are perfectly well suited to deal with the threat of bioterrorism.

My country wants to make a contribution to this area, and has also committed itself at the international level to the fight against bioterrorism and the use of pathogenic micro-organisms for non-peaceful purposes. In particular, since 2002, Switzerland has been financing a WHO project in the area of communicable diseases of non-natural causes. This project, whose aim includes combatting bioterrorism, has been a success, and we consider that now is the appropriate opportunity to invite other interested countries to join the project.

Biological weapons are a real and serious danger. Biotechnology is developing rapidly both in the civilian and military spheres, with a concomitant increase in the risk of abuse. Although our efforts will permit us to strengthen compliance with the BWC both at the national and international levels, the international community as a whole must become fully aware of the

danger posed by these weapons. This is why my country welcomes the proposal of the ICRC concerning the adoption of an international appeal, at ministerial level, addressing the risk of abuse of biotechnology. This appeal must be based on humanitarian law and complement our efforts to strengthen the Biological Weapons Convention.

Statement by Canada

Mr. Chairman,

I wish to express my congratulations to you, Ambassador Tóth, on your leadership in this first phase of the BTWC inter-sessional process that we are now embarked upon. We welcome the vast experience that you bring to our deliberations and your personal dedication to the BTWC.

This is potentially an important meeting, offering the opportunity to all States Parties to move ahead in a positive and constructive manner to better implement this vital Convention. While for many, such as my own country, this is not the ideal course we would have wanted to follow, Canada believes that we should all do our utmost to make this week's proceedings a valuable contribution to our principal aim of strengthening the Convention. Such a buttressing of the Convention is sorely needed, given the many challenges we face.

Since the tragic events of 9/11 and the subsequent BW incidents in the United States, the international security situation requires our unstinting efforts to improve the effectiveness of our mechanisms, institutions and to do so in the spirit of full cooperation. Challenges to our global non-proliferation and disarmament regimes, the risks of proliferation of WMD and technologies associated with them by states and to non-state actors, compel us to reaffirm the international norm that the BTWC represents. In these troubling times, we have been fortunate to have not witnessed biological weapons used for mass destruction, but are any of us prepared to say that this will never happen? This horrific prospect must imbue all States Parties with the determination to do everything possible, collectively and nationally, to fully implement the Convention, so as to strengthen the crucial bulwark that it offers.

Mr. Chairman, against this somewhat dark outlook, there are some positive elements.

The States Parties Experts Meeting, which you so ably chaired in August, was very positive and has provided a wealth of information and experience that each State Party can draw upon in this endeavour. Likewise, this Annual Meeting can indeed be the basis for increased confidence and cooperation during this week and for the ongoing process until the next Review Conference. Our task is to "promote common understandings and effective action". We look forward to your guiding us to such an outcome and recording it in an appropriate manner.

Canada intends to work with other States Parties to provide information and assistance where we can, and to keep the process as dynamic as possible. During the discussion on national measures, we are looking forward to sharing with you our experiences to date in enhancing our own legislation to bring us to the forefront of BTWC compliance. Our new legislation, which will lead to the creation of a dedicated national authority, takes a different tack than that in most other states. We are looking to put our already extensive legislative and administrative machinery to work in the service of the important goal of ensuring BTWC compliance and biosafety, security and control.

In addition to focussing on the themes of our annual meetings, we must not neglect our obligations. Canada has long been a strong supporter of confidence-building measures, as agreed upon at the 3rd Review Conference. At the same time, we are concerned that the record of CBM submissions to date has not been, to say the least, encouraging. Rather than merely deploring this poor record on CBM submission, we would like to offer a practical remedy. Mr. Chairman, to address this problem in a concrete and constructive way, we are hosting, this Wednesday, a lunch-hour seminar on Confidence Building Measures. I invite you all to participate, in particular representatives of States Parties that have not been able to prepare such submissions.

Canada is also pleased to contribute to cooperation through providing a list of experts, as several other States Parties have done. We feel that this too is a positive action that we can take to further collectively the BTWC process.

I hope that you and all delegations share my sense of hope for productive outcomes from this meeting. Challenges abound for all of us, both within this conference room and in the wider world, where the international community - scientists, industry and civil society advocates - is following our work closely. Canada stands ready to work with any and all States Parties to further adherence to, implementation of and compliance with the BTWC. We look forward to the contribution that this meeting can make to this goal.

Monsieur le président,

J'aimerais vous féliciter, M. l'ambassadeur Tóth, pour le leadership dont vous avez fait preuve lors de cette première phase du processus inter-sessionnel de la CABT qui nous occupe en ce moment. Nous apprécions la vaste expérience que vous apportez à nos délibérations ainsi que votre engagement personnel à l'égard de la CABT.

Notre réunion, qui revêt la plus haute importance, offre à tous les États parties la possibilité d'aller de l'avant de manière positive, afin de mieux mettre en oeuvre une Convention des plus vitales. Même si pour beaucoup, comme c'est le cas de mon pays, cela n'est pas l'option idéale que nous aurions aimé voir, le Canada est d'avis que nous devons collectivement faire tout notre possible pour que les délibérations de cette semaine deviennent une contribution valable pour la réalisation de notre principal objectif qui est celui de renforcer la Convention. La Convention a vraiment besoin de ce renfort, en raison des nombreux défis que nous devons relever.

Depuis les événements tragiques du 11 septembre et les incidents subséquents bactérienne aux États-Unis, l'état de la sécurité internationale requiert des efforts inlassables de notre part, si nous voulons améliorer l'efficacité de nos mécanismes et de nos institutions dans un esprit d'entière coopération. Les défis à nos régimes universels de non-prolifération et de désarmement, ainsi que les risques de prolifération des ADM et les technologies qui s'y rattachent, par des États et des acteurs non étatiques, nous obligent à réaffirmer la norme internationale que représente la CABT. En ces temps mouvementés, nous pouvons nous dire heureux de ne pas avoir constaté l'utilisation des armes biologiques à des fins de destruction massive, mais sommes-nous prêts à affirmer que cela ne se produira jamais? Cette horrible perspective doit convaincre les États parties de faire tout leur possible, collectivement et individuellement, afin de mettre en oeuvre la Convention, de manière intégrale, et de renforcer le rempart qu'elle nous offre.

Monsieur le président, sur cette toile de fond quelque peu sombre, ne perdons pas de vue certains éléments positifs.

La réunion des experts des États parties, que vous avez présidée de main de maître au mois d'août, s'est révélée des plus positives et a permis de dégager une grande richesse d'informations et d'expériences dont chacun des États parties saura profiter dans ce contexte. De même, notre réunion annuelle peut, elle aussi, devenir le point de départ d'une plus grande confiance et d'une coopération accrue au cours de cette semaine et de notre processus permanent jusqu'à notre prochaine Conférence d'examen. Nous avons pour tâche de « promouvoir des perceptions communes et des mesures efficaces ». Nous sommes impatients de nous laisser guider par vous jusqu'à l'atteinte de ce résultat et sa réalisation de façon appropriée.

Le Canada a l'intention de collaborer avec d'autres États parties, de fournir de l'information et de l'aide dans la mesure de ses possibilités, et de maintenir le processus aussi dynamique que possible. Au cours des discussions au sujet des mesures à prendre sur le plan national, nous aimerions vous faire part de notre expérience à ce jour en ce qui a trait à l'amélioration de notre propre législation pour nous placer à l'avant-garde de la conformité par rapport à la CABT. Notre nouvelle législation, qui donnera lieu à la création d'une autorité nationale distincte, découle d'une approche différente de celle de la plupart des États. Nous avons l'intention de mettre nos rouages législatifs et administratifs au service de cet objectif essentiel et d'assurer la conformité par rapport à la CABT, la biosûreté biosécurité, et le biocontrôle.

En plus de consacrer notre attention aux thèmes de nos réunions annuelles, nous ne devons pas perdre de vue nos obligations. Le Canada a depuis toujours accordé un soutien indéfectible aux mesures de confiance, comme convenu lors de la 3^e Conférence d'examen. En même temps, nous ne saurions cacher notre préoccupation face aux faibles résultats quant aux soumissions liées aux MDC qui, n'ont pas été - c'est le moins qu'on puisse dire - des plus encourageants à ce jour. Plutôt que de déplorer ces résultats médiocres quant aux soumissions liées aux MDC, nous aimerions proposer une solution pratique. Monsieur le président, afin de résoudre ce problème de façon concrète et constructive, nous allons offrir ce mercredi un déjeuner-séminaire consacré aux mesures de confiance. Je vous invite tous à y participer, en particulier les représentants des États parties qui n'ont pas été en mesure de préparer des soumissions.

Le Canada est également heureux de contribuer à la coopération par la diffusion d'une liste d'experts, à l'instar d'autres États parties. Nous sommes d'avis que cet outil représente l'une des mesures positives que nous pouvons prendre pour faire avancer, collectivement, le processus de la CABT.

J'espère que toutes les délégations et vous-même partagez mon sentiment d'espoir quant aux résultats positifs que nous attendons de cette réunion. Nous faisons tous face à de nombreux défis, dans cette salle de conférence et à travers le monde où la communauté internationale - les scientifiques, l'industrie et les défenseurs de la société civile - suit de près le déroulement de nos travaux. Le Canada est prêt à collaborer avec tous les États parties, dans le but de renforcer l'adhésion, la mise en oeuvre et de la conformité par rapport à la CABT. Nous attendons avec impatience la contribution de cette réunion à la réalisation de cet objectif.

United States Statement on 2003 Work Programme

As we open this inaugural Annual Meeting of BWC States Parties under the Work Program we agreed at the 2002 Review Conference, I want to express the appreciation of

As we open this inaugural Annual Meeting of BWC States Parties under the Work Program we agreed at the 2002 Review Conference, I want to express the appreciation of the United States for your many years of dedicated leadership in pursuit of our shared goal of strengthening the international norm against biological weapons set forth in the Convention and in stemming the BW threat. It is noteworthy that the nation of Sudan deposited its instrument of accession in Washington last Friday. We hope all here will welcome this news. The vast majority of the now 151 BWC States Parties have clearly recognized the necessity for and identified the first steps for engaging in practical efforts to combat the growing biological weapons problem. However, much work remains for many States Parties who lack or have yet to undertake effective efforts on a national level to implement the obligations they have assumed by becoming States Party, and thus to strengthen the BWC regime. States Parties must do more than simply sign and ratify the BWC -- they must embrace its normative value in a concrete, meaningful way. Addressing the BW threat is more important now than ever before in the Convention's 30-year history. We need to continue to make strides, as we did this year, in providing impetus for all States Parties to undertake effective national efforts to implement the Convention: The BWC will only sustain its strong moral and legal foundation against biological weapons worldwide, if States Parties implement the legally binding obligations they assumed when joining the Convention. The BWC provides a collective framework -- or umbrella -- for those national efforts and actions upon which the effectiveness of the Convention ultimately rests. All States Parties gathered at this Annual Meeting have the responsibility for ensuring that each State Party understands its responsibilities for keeping the world collectively secure against BW. We must encourage all States Parties to take appropriate steps, and to hold each other accountable. Stemming the threat, after all, includes several components: not only enactment of necessary measures, but thorough implementation, strict enforcement and constant monitoring of compliance. All States Parties should continue to press those states not parties to the BWC to become a party as soon as possible.

The timeliness of the 2003 Work Program topics of national implementation measures and security and oversight of pathogens (what we have called "biosecurity") is apparent. The August Meeting of Experts reflected extensive presentation by some individual States to document their existing domestic measures. This had the important effect of revealing not only how states have gone about implementing and enforcing their obligations, but -- perhaps more importantly -- highlighted gaps which need urgent attention. The discussions were not confined to the experiences of States Parties but also provided a focal point for the crucial efforts underway by States Parties and intergovernmental organizations, such as the World Health Organization (WHO), to address some fundamental aspects of the BW problem. The United States believes that this initial session served as a good model for the 2004 and 2005 experts' activities. If they conform to the practices of the 2003 meetings, they have the potential to prevent the misuse of biology against mankind and our sources of food and livelihood. The number, variety, and high caliber of presentations by many of the eighty-three States Parties that participated during the 2003 Experts Meeting were evidence that others also found this to be more than just an educational exercise. The meetings were well attended, serious and

substantive. It is our impression that other participants found the meetings useful, productive, and capable of encouraging efforts to strengthen the principles set forth in the BWC. These results reinforce the United States' long-held view that a focus such as concrete, practical steps that States Parties can take now at national levels contributes to the goal and purpose of the BWC and to a higher level of global security overall.

While generally pleased with the participation in, and substantive content of, the August Expert Meeting, the United States would like to encourage an even greater level of expert participation from still more States Parties in next year's Work Program. Now that the Experts Meeting approach has demonstrated worth, it is our hope that States Parties that have been participating in the process will encourage others to engage as well. Though we keenly desire broader expert participation, the key determinant of success is not attendance, but the willingness of States Parties to actually undertake the national measures that are not only obligations under the Convention but essential for preserving its relevance.

On national implementation measures, it is encouraging that a significant number of States Parties, despite widespread differences in governing principles and organization, have developed similar practices. A number of States have already undertaken important steps in implementing and enforcing appropriate measures. Other States at least recognize what they still need to do to implement the BWC. Regrettably, however, there are a number of States Parties that have yet to recognize, or at least to enforce, their obligations under the Convention. However, this initial survey has made it clear that many States Parties still need to implement national measures, while others need to review and update their national measures to fully comply with their legal obligations under the Convention. And let me emphasize another element -- enforcement. In the eyes of someone seeking to misuse biology, those who pass laws without providing the means of enforcing them are in no consequential way different from those states outside the Convention.

We all agree, of course, that becoming a party to a treaty is only the first step in a continuing process -- it takes an active, ongoing effort to meet the national obligations contained within any such Convention. Those States Parties that have failed to undertake their national obligation to implement the treaty may not create as immediate and critical a problem as those who deliberately plot to undermine its core prohibitions. Nonetheless, the lack of action and effort weakens its norms. The United States stands ready to help countries initiate, review, and update their national laws and regulations to enforce BWC prohibitions within areas under their jurisdiction.

We will speak in more detail to the "lessons learned" when we turn to the specific issues that are the focus of 2003 efforts: national implementation and biosecurity measures. But, at this juncture, I would like to point to what the United States believes could be an important outcome or "deliverable" of the year 2003 effort -- an undertaking by all States Parties to review, update, and/or implement their national measures relative to both issues under discussion. A second "deliverable" could be a commitment from

countries with the means to assist others on a national basis to do so in meeting their BWC obligations. For example, the United States, among others, has offered to provide expert assistance to other States Parties. Based on our experience at the 2003 Experts Meetings, we believe States Parties now understand well enough what has to be done with regard to national implementation and biosecurity measures and will implement such measures in accordance with existing practices or develop new, but equally effective, measures commensurate with their national obligations. Therefore, we do not believe we should try to negotiate an agreement by the Parties at this Annual Meeting on sets of "common elements" or "best practices" relating to national implementation measures and/or biosecurity. The important focus needs to be on what States can do now, on a national basis, to implement their obligations. Any attempt to negotiate common elements will only serve to distract States from acting sovereignly now, when it is necessary. Additionally, negotiations may reduce the quality of measures States would enact by establishing only a least common denominator model, and actually making it more difficult for a willing state to put in place effective barriers. The United States believes negotiations are most likely to dangerously delay institution of strict measures and to reduce their quality. Therefore, intend to focus instead on helping others implement appropriate measures nationally.

There is, however, one matter which should be clarified before measures are implemented. Some States Parties continue to inappropriately link or confuse biosecurity and biosafety, which is not helpful. Biosecurity practices and principles are designed to reduce the risk of unauthorized access to or diversion of dangerous pathogens and toxins -- practices designed to keep pathogens and toxins safe and out of the hands of unauthorized or unsafe people. Biosafety, on the other hand, involves practices designed to keep people safe from pathogens. It is essential that States Parties understand the differences between biosafety and biosecurity and the critical relevance of biosecurity to our efforts to counter the biological weapons threat.

The United States strongly believes that measures that raise biosecurity awareness at specific facilities enhance both local and global security. All States Parties should strive to implement and enforce national measures necessary to prevent unauthorized diversion of dangerous pathogens and toxins from facilities approved for their use. Effective biosecurity efforts require that agents of concern be identified and that plans be developed to regulate and monitor the safekeeping of those agents. Since common universal guidelines and practices are not practicable, the most effective means for ensuring global biosecurity are thorough, enforced national implementation plans that require site-specific biosecurity assessments and programs.

Critically important activities are ongoing at the World Health Organization, the Office Internationale des Epizooties and the Food and Agriculture Organization, as well as other related intergovernmental bodies that will enable States Parties to undertake meaningful biosecurity measures. These activities intersect with our work and should not only be lauded, but should be supported in concrete ways through additional financial and in-kind contributions such as the temporary loan of national experts. These bodies are

the appropriate repositories of global information related to our Work Program topics and, as such, should be actively engaged and strengthened. The WHO is in the process of drafting biosecurity guidelines that foster the goals we have outlined in this forum and has mechanisms in place to engage the widest possible audience with concrete programs for increasing biosecurity awareness and implementation.

The United States and a number of other States Parties that have made progress in adopting effective biosecurity measures have offered to assist other countries in developing implementation measures and biosecurity practices that are appropriate for their needs. Our efforts parallel those of intergovernmental bodies and, taken together with the work done by the WHO and others, will help us assist those who want to implement effective biosecurity measures. We encourage all States Parties to take advantage of these offers of assistance so that as many BWC States Parties as possible will be able to report implementation of effective national biosecurity practices by the 2006 Review Conference.

As I mentioned earlier in the context of national implementing measures, we do not believe it appropriate or useful to try to negotiate on biosecurity -- the Experts Meetings provided States with many good examples to draw from, as well as ample offers of assistance. This is an important aspect in keeping Experts' Meetings focused, productive, and successful. The United States believes that if future Work Program topics are to be successful, as were those of 2003, the focus of the limited time for those programs should remain on the pre-approved topics and should not attempt to reprise, report on, or revisit the 2003 work program, however important we find that work to be. A realistic time to measure the success of not only the 2003 Work Program but of subsequent years will be the 2006 Review Conference when State Parties will have had time to act meaningfully upon the knowledge they gained in the 2003 and subsequent meetings.

As one of the depositaries to this key security treaty, the United States has every interest in maintaining the ongoing relevance of the BWC. However, we alone cannot preserve its relevance if other States Parties do not share this commitment and demonstrate so in concrete, meaningful ways by undertaking their national obligations to implement the convention. We believe States Parties have gotten off to a good start this summer in addressing national implementation and biosecurity measures. But we harbor no illusions. Much work needs to be done. Given universal concerns about the rapid global reach of disease outbreaks, we anticipate and strongly encourage the full and active participation and cooperation of all States Parties in next year's focus on disease surveillance and response to alleged or suspicious outbreaks. Since every country in the world can be subject to sudden outbreaks of disease, the 2004 topics should inspire all States Parties in a way not even biosecurity may have. We look forward to the 2004 topics of discussion as another opportunity to exchange valuable information, as well as to encourage States Parties to undertake their national obligation to implement the

Convention. We look forward to the culmination this week of our efforts regarding national implementation and biosecurity measures. We welcome the Non-Aligned Movement to the leadership of this vital forum over the next year and pledge our support to South Africa as it takes up the Chairmanship and certainly have every hope it will be as successful and hard-working as yours has been.

Statement by the Czech Republic

The Czech Republic has fully associated itself with the statement of the European Union, expressing precisely the non-proliferation policies as well as vital interests of our country. Notwithstanding, I do wish to seize the opportunity to add a few further observations.

I would like to reiterate that the Czech Republic (as well as the former Czechoslovakia) has never produced nor developed biological weapons. From the very beginning it has been actively engaged in the negotiations on the prohibition of biological weapons. The Czech Republic as a signatory state of the BTWC provides annual report (declaration) on activities related to the prohibition of bacteriological (biological) and toxin weapons.

The national authority for the implementation of the BTWC is the State Office for Nuclear Safety, an independent central administration authority. Within its competencies the State Office performs the state administration and is responsible for supervision of the observance of dissemination of nuclear weapons prohibition, general prohibition of nuclear weapon tests, chemical weapons prohibition and recently also biological and toxin weapons prohibition. All conditions necessary for the performance of the Office's duties have been established. All organisational, technical and legal prerequisites and conditions necessary for successful inspection activities have been created.

In accordance with the decision of the Fifth Review Conference of the Convention Czech experts took part in the expert meeting in August 2003 and informed the participants about the national implementation of the Convention in the Czech Republic.

Decisions of the Fifth Review Conference contained also the recommendations to the States Parties to adopt necessary national measures to implement the Convention, including the enactment of penal legislation. The Czech Republic presented a system of legal regulations, which had been already introduced. Let me just tackle them briefly.

As to the provisions of the Convention the Czech legal system consists of three main acts closely interconnected - they are the Biological Act, the Criminal Code and the Act on State Control (*the Act No. 281/2002 Coll. on Some Measures Related to Prohibition of Bacteriological /Biological/ and Toxin Weapons and on Amendments to Trades Licensing Act /Biological Act/, the Act No. 412/2002 Coll. /Criminal Act/ and the Act No. 552/1991 Coll. on State Control; the Biological Act has been amended by the Decree No. 474/2002 Coll. implementing its provisions*).

The Czech National Authority has started inspection activities in the biological and pharmaceutical facilities on handling with biological agents and toxins. In October 2003 five inspections were completed - two of them in private pharmaceutical facilities and one in veterinary, agriculture and medical facilities respectively.

In order to keep the relevant legislation up-to-date, we are preparing the amendment to the Act No. 281/2002 Coll. because of the Czech Republic's full accession into the EU in May 2004. The aim is to reinforce supervisory system on handling highly hazardous biological agents and

toxins, improve accounting of these agents and toxins, and increase security during export, import and transport.

I would like to assure you that the Czech Republic is ready to make further contribution to the tasks arising from the Convention and intends to continue its active role in the work dealing with the Convention, its implementation and improvement. We do hope that this annual meeting of the States Parties will become a successful step towards full achievement of the objectives of the Convention in accordance with the Decision of the Fifth Review Conference of the States Parties to the Convention held in November last year.

Statement by Japan

At the outset, I would like to extend to you, Ambassador Toth, my warmest congratulations on your assumption of the Chairmanship of this Meeting of the States Parties to the BWC. I am confident that your diplomatic skill and rich experience, particularly in the field of the BWC, will guide us to a fruitful conclusion, and I assure you of my delegation's full support and co-operation. The Government of Japan greatly values the aims of this Meeting, and will make every possible effort to contribute to the strengthening of the BWC.

(Threat awareness and measures necessary for strengthening the BWC)

Not only has the proliferation of Weapons of Mass Destruction (WMD) become an imminent threat to international society, but more specifically, in today's environment overshadowed by the 2001 anthrax incidents, bio-terrorism poses a real threat to our daily lives. There is a pressing need for more co-operation and collaboration within the international community to combat such threats for the peace and security of all nations.

(BWC strengthening process and Japan's position)

Under these circumstances, the Government of Japan wholeheartedly welcomes the adoption by consensus of a three-year programme of work at the resumed meeting of the BWC Review Conference in November last year, representing a great leap forward in the continued efforts by States Parties toward the strengthening of the BWC.

To encourage States Parties to realize prohibition and non-proliferation responsibilities, enhancement of a follow-up process is necessary. This process can be best implemented if all States Parties can share a strong sense of ownership and self-reliance towards such efforts.

Such motivation for States Parties to carry out this responsibility can be created, for example, through international conferences which provide a venue for information exchange and reporting. To post a detailed report containing practices of States Parties on a web site and to make it accessible to all States Parties is another effective method. It is also important to support capacity building of States in pursuing non-proliferation responsibilities.

(Objectives for this Meeting)

The Meeting of Experts held in August this year was the first meeting to take place under the framework of the agreed programme of work. Japan, for its part, submitted national papers to

the Meeting and also shared expertise on measures to enhance bio-security, so as to provide material to stimulate discussion. Thanks to the valuable contribution of the Chairman, Ambassador Toth, and numerous participants, the two week Meeting resulted in much lively discussion, leading to a useful conclusion.

The outcome of the August Meeting shows that the said new approach on arms control and non-proliferation is in the making. Each country needs to cooperate closely in order to establish this new approach.

(Conclusion)

Japan will make a positive contribution to this Meeting of the States Parties to the BWC in order to achieve concrete results. By working together towards a common goal, I am confident that we can succeed in furthering the international aim of a world free from the threat of biological weapons.

Statement by Germany

Allow me to begin by welcoming you in the chair of this 2003 meeting of States Parties to the Biological Weapons Convention. Germany, being in full accordance with the EU Statement presented this morning, would like to emphasize its utmost interest in continuing the multilateral process of disarmament and arms control, in particular in the area of biological weapons and toxins.

Following the failure in 2001 to achieve a legally binding instrument to verify compliance with the BTWC, the States Parties at the 5th Review Conference pragmatically adopted a new process to strengthen the Convention. The elements of this process discussed at the Meeting of Experts 2003, national implementation of the Convention and security and oversight of dangerous microorganisms and toxins, are necessary prerequisites for strengthening compliance. By the way, a similar process was adopted at the CWC Review Conference and recently at the Conference of States Parties to the CWC by adopting an Action Plan with the aim of improving implementation, particularly in the areas of penal legislation as well as physical security of relevant materials and institutions.

In the context of this meeting, let me briefly outline the background of the two topics discussed at the Meeting of Experts in August 2003:

Article I of the Convention, which establishes a broad definition of biological weapons on the basis of the general purpose criterion, thus seeking to prevent mankind from becoming victims of biological weapons;

Article III, which prohibits States Parties from playing any active role in BW proliferation to any recipient whatsoever, covering international and domestic transfers, including non-State recipients; and finally,

Article IV, which represents the core provision relating to national implementation measures stipulating that each State Party should take any necessary measure to prohibit and to prevent incriminated activities.

The obligation in Article IV covers all activities prohibited under Articles I to III and refers to the BW definition of the Convention. It does not specify the actor, the recipient nor the beneficiary of any of incriminated activities. According to this Article, it is not enough to merely introduce prohibitions into national law. States Parties have also the obligation to take preventive measures. For this reason, national implementing legislation must effectively cover prohibited BW activities as well as all potential actors involved in prohibited BW activities. This is particularly important with respect to bioterrorist threats. One of the necessary measures is already included in the Article: the concept of jurisdiction and control, which stretches beyond national territory.

The August Meeting of Experts with its numerous and valuable contributions demonstrated that States Parties from all Groups - Non-aligned Movement, Eastern Group and Western Group - have already implemented prohibitions into national legislation and taken steps to prevent unauthorized access to pathogenic microorganisms and toxins. From the working papers and statements a great number of common elements in national legislations can be identified.

In our view, the primary task of this Meeting of States Parties should be the adoption of an agreed final document, identifying those common elements and recommending them for national implementation. Germany has prepared working papers addressing the topics of this meeting. These papers will present Germany's view of necessary core elements for national legal implementation and for establishing or improving security and oversight of dangerous microorganisms and toxins. Germany hopes that similar presentations by other States Parties will create a broad basis of common understanding.

This meeting will show whether the new process of strengthening the BTWC will be able to carry through to the 6th Review Conference. A successful outcome is a prerequisite for the meetings of States Parties next year and in 2005. Moreover, national implementation of the BTWC prohibitions, including enactment of penal legislation, as well as establishing security and oversight of pathogenic microorganisms and toxins, is the way ahead for each State Party to demonstrate common understanding and full commitment with the provisions of the BTWC.

Informal Transcript of the English Interpretation of the Intervention of Tunisia on Behalf of the League of Arab States

At the outset it is a pleasure for me on behalf of the members of the League of Arab States, Parties and Signatories to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological, Biological and Toxin Weapons and on their Destruction, to congratulate H.E. Ambassador Tibor Tóth for chairing this meeting and to thank him for all his efforts during the meeting of experts of 2003, especially since this is the first time that the Arab group makes a group statement before the annual meeting.

The Arab States are convinced that this Convention is one of the most important conventions concluded in the framework of the international efforts for the elimination of weapons of mass destruction and that it constitutes a cornerstone for international peace and security. Suffice it to see the increase in the membership in this Convention, which has reached 150 States, which is an important step towards achieving the universal membership.

During the last three decades the Arab States have adopted clear policies in the field of disarmament and have acceded to all the international instruments in this field. In the field of the League of Arab States an intergovernmental expert committee was set up in order to draw up a draft treaty to make the Middle East a zone free of weapons of mass destruction including biological weapons. The last meeting of this committee was convened in June 2003.

Today the international community must assume its responsibilities towards making the Middle East an area free of weapons of mass destruction including nuclear and biological weapons. In this field the Arab States have contributed to the work of the First Committee of the United Nations General Assembly at its seventh session, which resulted in the adoption of resolution A/C/158/L.37 by consensus.

Arab States also contribute to the Non-Aligned Movement and the Organisation of Islamic States towards the promotion of this Convention, while emphasising the central role of the United Nations multilateral system as the only sustainable means to achieve the objectives of this Convention.

I would like here to refer to the contribution of the Arab States, Parties to the Convention, regarding measures and legislation for the promotion and the implementation of the Convention in the August meeting. Mr. Chairman, the Arab group believes that this Convention must be dealt with within the overall framework of the United Nations for the elimination of weapons of mass destruction. It may not be dealt with in isolation of all the present efforts, which are made on the international level to eliminate these weapons.

The Arab group feels that it is difficult to achieve international and regional peace and security while there is an imbalance of power and while there are great and serious differences in the rights and obligations of States, which belongs to the same region as regards their obligations towards international instruments regarding disarmament and non-proliferation.

The Arab group would like to emphasise the need for reciprocal obligations and that one single standard should be applied to all the States in the Middle East without discrimination. However, the fact that Israel remains outside this Convention and in view of the stocks it has of weapons of mass destruction, including biological weapons, is a great stress to the peace and security of States of the Middle East and the international community should take immediate measures to ensure that Israel accedes to this Convention and that it complies with it practically and effectively.

Our meetings are giving importance to confidence-building measures and this is why it is extremely important to firmly establish the principle of international transparency and to ensure that double standards are not applied in the field of disarmament.

Statement by China

The Chinese delegation congratulates you on chairing this meeting. I believe that your rich experience in diplomatic and disarmament affairs will help this meeting to achieve constructive outcomes. The Chinese delegation will fully cooperate with you and other delegations to make contributions to the meeting.

At present, the international security situation is undergoing complex and profound changes. The security challenges faced by the world have been pluralized whereas uncertain and unpredictable factors are obviously on the rise. Non-traditional security threats characterized by terrorism, WMD proliferation and transnational crimes loom large. The outbreak and prevalence of infectious diseases which have never occurred before can also be detrimental to people's health, lives and even to the national security. The interdependence in security among states is continually deepening. To cope with all kind of threats and challenges, the international community should advocate democratization of international relations, multilateralism and the rule of international law, maintain and promote the whole set of disarmament, arms control and nonproliferation regime.

The Biological Weapons Convention is the first international treaty that bans comprehensively a whole category of WMD and has practical and far-reaching significance in the complete prohibition, thorough destruction and non-proliferation of biological weapons. It's also a major component to the international disarmament regime as well as the collective security framework centered with the United Nations.

China has all along stood for the complete prohibition, thorough destruction of biological weapons and the strengthening of the effectiveness of the Convention in a comprehensive manner. The Chinese Government has promulgated and implemented a series of laws and regulations, strictly implementing the prohibition provisions of the Convention. It has set up a relatively complete biosecurity system. China will, in accordance with the principle of rule by law, further its relevant legislation, implementation and supervision of laws so as to ensure the comprehensive, strict and effective implementation of the Convention.

In the world today, with the fast development of biotechnology and increasing threat of bio-terrorism, it's becoming all the more urgent and imperative to discuss and formulate concrete measures to strengthen the Convention through multilateral framework. The Meeting of States Parties, along with the Meeting of Experts, is a substantial effort of the international community in strengthening the Convention after the setback of the Protocol negotiation. The Chinese Government attaches importance to the topics being discussed and considers that to establish national implementation measures covering all prohibition provisions of the Convention is the basic requirement and guarantee for States Parties to implement their obligations set forth in the Convention and illustrate their willingness to fulfill their commitments. Biosecurity measures have important and positive effect on strengthening the protection against and supervision over pathogenic microorganisms and toxins as well as preventing bio-terrorism.

At the Meeting of Experts, all States Parties conducted extensive and conducive discussions on the topics of national implementation legislation and biosecurity. Some common understandings have been reached, such as,

-it's essential for States Parties to establish and promote the national penal legislation covering the prohibition provisions of the Convention,

-it's necessary for States Parties to formulate biosecurity standards, procedures and relevant supervision mechanisms, etc.

These common understandings are conducive for States Parties to take all necessary measures to prohibit the development, production, stockpiling, acquisition and retention of biological weapons, prevent pathogenic organisms and toxins from being used for biological weapon or bio-terrorism purposes and protect public health and security.

China is of the view that the Meeting of States Parties should, on the basis of the achievements of the Meeting of Experts, strive to decrease differences and promote common understandings which should be reflected in the report of the meeting. By doing so, States Parties can, according to their own national conditions, establish or improve their national implementation mechanism on a voluntary basis and jointly promote the effective implementation of the Convention. China is willing to make unremitting efforts together with all other parties and to strengthen, within the multilateral framework, the Convention's effectiveness in a comprehensive manner.

Statement by the Russian Federation

One of the key elements of the system of multilateral disarmament regimes is the Convention on the Prohibition of Bacteriological (Biological) and Toxin Weapons (BTWC) pursuant to which a whole class of most lethal weapons of mass destruction has been banned. It would be appropriate to once again underline our unconditional commitment to observing all the provisions of the Convention.

I should like to point out that the threat of the proliferation of biological weapons becomes an increasingly serious problem of international security both in the context of possible armed conflicts and as a potential dimension of terrorism. In such conditions the reaching of universality of the BTWC becomes one of priority tasks. In view of this it would be timely to point out as a positive fact the rise in the number of States Parties to the Convention during the year that passed since the Fifth Review Conference of the States Parties. Today 151 nations are States Parties to the BTWC. We welcome, in particular, that the Sudan joined the Convention last September. However, quite a number of countries, including those located in the regions of increased tension, remain outside of the Convention, and there is a great deal of work in store for us in order to ensure its universal nature.

Would it not be appropriate for us to think about the adoption of an action plan aimed at ensuring the universality of the BTWC in a way similar to what is done with respect to the Convention on the Prohibition of Chemical Weapons? We believe that it would be in the interest of all the States Parties to the Treaty if we act consistently and energetically to this end.

We welcome the resumption of the discussion of the issues related to the strengthening of the BTWC and its perfection. At the same time, we should like to especially point out that, in our view, the discussions at the meetings of experts and at the annual meeting of the States Parties to the BTWC are not an alternative to the negotiations aimed at the development of a legally binding mechanism of the verification of the Convention. We are concerned over the situation in the area of international cooperation in the sphere of the non-proliferation of biological weapons.

We believe it is insufficient to concentrate on the activity in national quarters with the view of strengthening the BTWC.

We are convinced that by way of international cooperation, by the confidence building and transparency measures, with the assistance of a substantive mechanism of the verification of the implementation of the BTWC, we can gain serious progress in the solution of the problem of the non-proliferation of biological weapons and of the execution of the tasks of the Convention as a whole. This is why we advocate the resumption of the activities of the Ad Hoc group which was already close to agreement on a mechanism of verification. We are hopeful that we shall succeed in doing that in future.

Availing myself of this opportunity I should like to once again underline the importance that we attach to the timely submission of declarations relative to confidence building measures. Russia—as it did before—submitted to the UN the appropriate information by April 15, 2003. Having said that, I should like to express the hope that the number of countries submitting such declarations will be growing.

We are satisfied with the outcome of the meeting of experts of the States Parties to the BTWC last August. We believe that the exchange of information on the national legislative systems and bio-security that took place there was substantive and very useful. It is worth noting that the meeting proved to be more representative than the Fifth Review Conference of the BTWC itself. That, to our mind, is a convincing evidence of the fact that, despite the dramatic events at the Fifth Review Conference of the BTWC the overwhelming majority of the States Parties to the Convention have not lost interest in the BTWC which is one of the key disarmament and non-proliferation documents. Moreover, most countries consider the BTWC as an effective means of solving international and national problems in the biological area.

At the August meeting the Russian delegation submitted information on our legislation and export control in the BTWC area. We also prepared and distributed a draft optional "questionnaire" on the issues on the agenda of the meeting. We ourselves provided replies to the questions of the "questionnaire" and submitted it for distribution. We urge the other States Parties to the Convention to do the same. We believe that the replies to the questions included in the "questionnaire" would make it possible to streamline the exchange of information and to make the ever growing volume of submitted information more manageable for evaluation and analysis.

The discussions on bio-security have produced a mixed impression. Several delegations examined the problem from the angle of meeting the requirements for the protection of biological agents in order to prevent their unauthorized transfer, as well as of the security rules applied to work involving microorganisms. Concern over the possibility of terrorists getting hold of biological agents is understandable. Other delegations insisted on a wider approach to the solution of the problem of bio-security in connection with the implementation of the BTWC. For instance, the subject to be considered could be the development of joint measures in the area of bio-security in the course of the liquidation of the consequences of a possible use of biological weapons. Thus, the conclusion is obvious: it would be good to make an attempt to reach

agreement on clear-cut definitions of bio-security pursuant to which that problem could indeed be resolved.

In the course of the meeting of experts several proposals were made to provide assistance to the countries that would wish to improve their legislation in the BTWC-related area. One of such proposals consists in making the national lists of experts who could be in a position to provide such assistance. On our part, we would be prepared to submit a list of ministries and agencies, as well as their senior officials the terms of reference cover the issues of the implementation of the Convention.

In making preparations for this meeting we thought at length about the results it should produce. We proceed from the understanding that, in fact, the next regular BTWC review process has been initiated. We must think about the results that we would be able to produce by the Sixth Review Conference. The outcome of our work during this year will be, to a certain degree, a reference-point for the subsequent regular meetings of the States Parties to the BTWC. In view of this, it would be a mistake if the results of such a fruitful discussion would not be called for and lost. Therefore I should like to once again draw your attention to the fact that it would be quite useful to develop on the basis of the discussions held here recommendations relative to the problems of national legislation and bio-security. Subsequently such a document could be submitted to the Sixth BTWC Review Conference. Such an algorithm of activities would make it possible to retain those issues for further discussion, and that, we are confident, meets our common interests. The Russian delegation is ready for that.

Statement by Saudi Arabia

First of all, my delegation has pleasure in once again congratulating you on your assumption of the chairmanship of this meeting. We are confident that your wisdom, knowledge and experience will help to achieve our common goal of ensuring that this Convention is implemented in an appropriate and fitting manner that will guarantee the peace and security of mankind.

Since its accession to this Convention in 1972, the Kingdom of Saudi Arabia, in keeping with its policy of promoting peace and the achievement of stability and a peaceful life based on mutual respect among all members of the international community, has diligently honoured its obligations under the Convention and has spared no effort to ensure that the Convention is implemented in such a way as to guarantee not only its own security and stability but also a peaceful life, free from threats, for the region as a whole.

In fact, the Kingdom's diligent endeavours to secure the elimination of all weapons that pose a threat to the environment and human life, far from being confined solely to this

Convention, have extended to ratification of other conventions calling for the prohibition of all biological, chemical and nuclear weapons of mass destruction and the Kingdom is playing an active role in the efforts that are being made to turn the Middle East into a region free from all forms and types of weapons of mass destruction.

Hence, given the difficult political circumstances, especially in the Middle East, we should urge all States that have not yet acceded to the Convention, and particularly Middle Eastern States, to rapidly do so. At the same time, we should also emphasize the need for this Convention to be just as universal as others and for all weapons of mass destruction to be viewed in the light of the same standard in order to achieve the balance needed to restore confidence and ensure the effectiveness of the Convention.

The Kingdom is hoping for further progress in international efforts to eliminate all weapons of mass destruction, in spite of the concern that it feels not only at the lack of confidence but also due to the fact that some members of the international community remain outside the scope of the Convention, thereby creating a state of imbalance and instability and consolidating impressions and possibilities that might have a negative impact on the long-term effectiveness of this Convention:

The fact that the First Committee of the General Assembly at its current session adopted resolution L. 37, in which it expressed satisfaction that the number of States parties to the Convention had reached 150, including the permanent members of the Security Council, is a clear indication of the widespread interest in this Convention and reflects the international community's desire to ensure that, in regard to universality, it enjoys equal ranking with other related conventions.

Implementation of the Convention in such a way as to guarantee security and peace will undoubtedly require diligent endeavours, at the international and national levels, on the part of all of us. In this connection, it should also be emphasized that reciprocal transparency among the States parties in an atmosphere far removed from the policy of double standards will be conducive to the confidence-building process and that moral commitment needs to go hand-in-hand with practical commitment. At the national level, the Kingdom's Government

will take into consideration the outcome of our meetings, and particularly the regulatory framework of the Convention which we hope will cover the legal, regulatory and administrative procedures, including the procedures for prohibition and control and promulgation of the criminal legislation needed to that end.

In the absence of true justice and a proper balance, the international and regional situations appear more disturbed than ever before. The events that have occurred in recent years have unquestionably had a highly adverse impact insofar as standards are disregarded, arbitrariness prevails, confidence is eclipsed and the international community's concepts on many issues differ in a manner that affects some countries and groups to the exclusion of others. These disturbances are being exploited by some in an attempt to cast doubt on the intentions of certain States parties to the Convention, the ultimate purpose of such attempts being either to divert attention from the practices and activities of other States or to disrupt security and stability in the region. We find it regrettable, Mr. Chairman, to read allegations in some information media to the effect that certain countries are seeking to acquire weapons of mass destruction at a time when we are all trying, more than ever before, to secure implementation of the international conventions on the elimination of all forms and types of such weapons.

The commitment of the States parties to the Convention should leave no scope for doubt concerning its credibility. Accordingly, practical commitment in this regard would refute any rumours concerning failure by the States parties to honour their moral and practical commitments under the Convention. At the same time, we should bear in mind the fact that there are still some States which are not parties to the Convention and which pose a threat to peace and security in our Arab region.

Before concluding my statement, I would like to emphasize that, since its establishment, the Kingdom of Saudi Arabia has never, produced, acquired or used any biological or other weapons of mass destruction and, as a State party to the Convention, will never seek to do so because it believes in the lofty humanitarian aims embodied in this Convention which, together with all the other States parties, it will endeavour to achieve. I wish you, Mr. Chairman, and our meeting every success.

Statement by India

Please accept my warmest congratulations on your assumption of the Chairmanship of the Meeting of the States Parties to the Biological and Toxin Weapons Convention (BWC). Your widely acknowledged expertise on this issue, long years of experience and deep commitment give us confidence that this Meeting is in good hands. On behalf of my delegation, I would like to assure you of our full cooperation in contributing to bringing this Meeting to a successful conclusion.

2. This Meeting marks a new beginning for BWC States Parties. During the last 30 years that the BWC has been in existence, we have held five Review Conferences. The outcome of four of these Conferences reflected a continuity in terms of the direction in which we were moving. Last year, however, we decided on an outcome that is qualitatively different. As we begin the first Meeting of the States Parties pursuant to the decision of the Fifth Review Conference, it is worth reflecting on its implications, both for the BWC and beyond.

3. Multilateral processes move slowly, somewhat like ocean liners changing course. By the time we realize that the direction is altered, a long distance has already been covered. So, as we begin our journey with new coordinates, it is worth looking beyond to see if this course is leading us to the destination that we seek.

4. We only have to recall the speeches made by our Heads of State and Government and Ministers at the 58th Session of the UN General Assembly two months ago to discern the universal concern over growing security challenges, both traditional and non-traditional, in today's world. The situation is made more complex by rising levels of uncertainty. Political, socio-economic and technological drivers are generating new threats in a

globalised world with the emergence of non-State actors. Leaders from every continent and region highlighted the urgent need to tackle the potential nexus between global terrorism and proliferation of weapons of mass destruction. Reflecting this concern are calls for designing appropriate collective responses as well as institutional reform. Some initiatives have been taken in the First Committee last month, and in the UN Security Council last week by some countries. The UN Secretary General has just set up a High Level Panel on global security threats and reform of the international system. Since BW is often seen as a likely weapon for terror (only two years ago, we saw the impact of the anthrax containing envelopes in the United States), the change of direction in our deliberations as BWC States Parties could well have wider implications because the first Meeting of States Parties will set a precedent for subsequent Annual Meetings till the next Review Conference in 2006.

5. It is universally accepted that though brief, the 1972 Biological and Toxin Weapons Convention is of vital importance in dealing with the BW proliferation threat. If it did not exist, we know what our priority would have been - to negotiate one. Fortunately, our predecessors have already done so and in more than three decades of its existence, the BWC has acquired a normative status, notwithstanding subsequent developments in the field of bio-technology. Review Conferences, CBMs, transparency measures and the subsequent 6-year long negotiations for a protocol, though inconclusive, were all aimed at strengthening the norm against biological weapons, by strengthening the BWC as a whole.

6. And then we changed course. The negotiations were rejected and the outcome discarded. The qualitatively different approach that was adopted last year focuses on parts of the BWC and not its entirety. Five subjects have been selected for deliberations over a 3-year period. Secondly, the objective of the exercise is to 'promote common understanding and effective action' in these areas but negotiations are not part of the mandate.

Questions have been asked whether 'promoting common understanding' also implies 'achieving common understanding'. Some feel that 'achieving common understanding' requires negotiations. And 'effective action', if it has to be collective, has to emerge from 'achieving a common understanding', otherwise, 'effective action' will remain limited to unilateral measures on national level. Terminological parsing of this nature reflects the fragility of the consensus, a fragility exposed in the interpretative statements made after the adoption of the Report last year.

7. The Meeting of Experts held in August has produced a factual report on the two subjects discussed - (a) the adoption of necessary national measures to implement the provisions set forth in the Convention, including the enactment of penal legislation; and (b) national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins. 86 countries participated in the meetings; 66 Working Papers were submitted on these two issues but since the report is factual, it contains neither any conclusion nor a recommendation. We will only return to these subjects at the next Review Conference in 2006. So what shall we conclude from our deliberations this week because, as I mentioned earlier, the approach we take will have a bearing on how we will deal with the issues of investigating cases of alleged BW use, surveillance and combating of infectious disease outbreaks and codes of conduct for scientists in following years.

8. The Annotated Agenda for our Meeting has sub-divided the two substantive subjects into seven sub-items, which is at least a more manageable number than 100 plus sub-items that we identified to structure our discussions in August. India provided details about its legislation and rules and regulations regarding both national implementation and security and oversight practice, as did many others. Web links to the relevant

documentation and agencies are indicated in the compilation prepared by the Secretariat.

9. However, neither the Annotated Agenda (BWC/MSP/2003/3) nor the Compilation on the CD-ROM answers the question that even if domestic legal constraints exist on a country's statute book how can the body of States Parties conclude that these are being fully implemented. Unsatisfactory compliance was identified as a principal concern, and inability to verify was the main reason by many States Parties for rejecting the idea of negotiations on a legally binding instrument. But if a multilateral instrument does not exist how then can the collective body of States Parties obtain re-assurance that there is compliance? And if verification is not possible then how should compliance be ensured? It may be true that we are all honourable men and women but our obligations to pay taxes are not left merely to our goodwill and good sense; it is codified as a legal obligation. For the same reason that we have domestic laws, we also need international treaties and conventions, to codify rights and obligations of members of the community of sovereign states. If unilateral actions could provide adequate assurances to the international community, good faith would constitute the norm. But long ago, we learnt that good faith is often subjective and therefore lacking in legitimacy; and realized that a norm only gets built around the legal structure of an equitable treaty.

10. We are moving into a new territory with our present exercise. How far it will take us from familiar terrain will only become apparent after some years. Meanwhile, we need to be conscious of the implications of this exercise, because as States Parties to BWC, it is vital that we remain committed to strengthening its objectives and the norm it establishes.

Declaration by Morocco

Permettez-moi tout d'abord de vous féliciter pour le travail de qualité que vous avez accompli durant votre présidence de la 5^{ème} Conférence des Etats Parties à la Convention sur les armes biologiques ainsi que durant votre présidence de la Réunion des Experts gouvernementaux du mois d'août dernier et des autres réunions informelles qui s'en sont suivies . Vos efforts laborieux comprennent la proposition d'une formule de compromis qui quoique limitée, nous permet néanmoins de continuer notre débat sur la mise en œuvre de la convention et de s'inspirer des expériences des uns et des autres dans ce domaine. Vos qualités d'Ambassadeur chevronné, votre doigté diplomatique ainsi que la finesse de votre jugement alliées à votre vaste expérience constituent autant de gages qui augurent d'une présidence réussie.

Soyez-assuré de l'appui sans réserve de la délégation du Royaume du Maroc pour l'accomplissement de votre mission.

Les événements tragiques du 11 septembre qui ont secoué le monde et porté gravement atteinte à la sécurité internationale ont mis en exergue l'urgence de faire face à la menace d'emploi d'armes de destruction massive. De même, qu' ils ont fait ressentir le besoin impératif de renforcer aussi bien le régime international de non prolifération que l'approche multilatérale préconisée dans l'examen des questions de sécurité internationale et de désarmement.

Le mandat qui nous a été confié appelle une réponse prompte, franche et sans équivoque aux inquiétudes légitimes de la communauté internationale. L'application effective et intégrale de toutes les dispositions des traités internationaux interdisant ces armes, représente un des éléments fondamentaux pour édifier un monde meilleur, avec la paix et la sécurité pour tous.

A cet effet, nous sommes appelés à faire preuve de volonté politique collective et à maintenir une solidarité exemplaire en vue de faire face aux divers dangers menaçant la paix et la sécurité internationale.

Le Royaume du Maroc qui demeure attaché à sa tradition de modération, d'échange et de dialogue, tient à exprimer ici sa disposition à œuvrer pour la proscription de toutes les catégories d'armes de destruction massive et à la consolidation du régime de non prolifération.

En ratifiant le 21 mars 2002, la Convention sur l'interdiction du développement, de la production et du stockage des armes bactériologiques (biologiques) et toxines et sur leur destruction, mon pays adhère sans réserves au principe de l'élimination totale des armes de destruction massive.

Je voudrait réitérer à l'occasion de la présente Conférence que le Maroc ne possède, ni ne développe ni ne stocke de pareilles armes ni ne dispose d'experts ni de laboratoires dans ce domaine. Parallèlement et depuis son accession à la Convention, il a procédé à la compilation de sa législation et sa réglementation nationales existantes en la matière afin de les mettre en conformité avec les dispositions de la Convention. A cet effet, mon pays ne manquera pas de s'inspirer des expériences et législations nationales des autres Etats parties .Un document sur cette mise à niveau réglementaire et normative sera adressée au secrétariat dès sa finalisation.

Cette Conférence annuelle constitue le prologue du processus agréé par les Etats membres à l'issue de la reprise des travaux de la 5^{ème} Conférence d'examen de la convention en novembre 2002. Elle a le mérite de nous faciliter le débat afin d'asseoir une vision commune et conjuguée à

une démarche certaine pour le renforcement de la mise en œuvre de la Convention sur les armes biologiques et ce jusqu'à la prochaine conférence d'examen prévue en 2006.

Les premières éditions des réunions d'experts ont permis l'examen de plusieurs questions d'importance majeure à savoir : L'adoption de mesures nationales nécessaires à la mise en œuvre des interdictions contenues dans la Convention, ainsi que l'état d'avancement des mécanismes nationaux chargés d'établir et de maintenir la sécurité et la surveillance des micro-organismes pathogènes et des toxines.

Afin d'honorer ses engagements, mon pays a entamé une série de mesures nationales nécessaires pour interdire et empêcher la mise au point, la fabrication, le stockage, l'acquisition ou la conservation des agents, toxines, armes et vecteurs qui se trouvent sur son territoire et ce conformément aux dispositions de la Convention. Ces mesures englobent également l'interdiction et la prévention de tout acte pouvant porter une atteinte aux dispositions de la Convention, y compris celles relatives à l'interdiction du transfert des armes bactériologiques et l'obligation de leur destruction.

En prenant cette décision, le Royaume du Maroc entend réitérer son engagement déterminé en faveur d'un désarmement général et complet. De même, il confirme son attachement ferme à l'ensemble des dispositions de la Convention, dont cette conférence vient précisément rappeler l'importance, et conforte son choix stratégique d'œuvrer pour la proscription de toutes les catégories d'armes de destruction massive et la consolidation du régime de non prolifération.

En ce moment de menaces multiples du terrorisme global en général et bio-terrorisme en particulier, la communauté internationale se doit d'examiner tous les moyens et recours pour faire régner l'élément contraignant de cette Convention qui vise l'éradication de l'un des types les plus dangereux des armes de destruction massive. Le Maroc réaffirme, à cet égard qu'il souscrit résolument, à l'interdiction de toute possibilité ou tentative d'utilisation d'agents bactériologiques ou toxines en tant qu'armes de terreur contre l'humanité.

Cette Conférence nous offre l'opportunité d'insuffler un nouvel élan à nos travaux en définissant une série d'engagements et de mesures additionnelles que les Etats parties sont appelés à prendre afin de renforcer l'application de la Convention dans l'ensemble des ses dispositions.

Le respect de la Convention demeure conditionné par l'application effective des mesures de confiance qui contribuent incontestablement à renforcer la transparence entre les Etats parties. Dans la pratique, ces mesures de confiance ne sont toujours pas universellement appliquées. C'est pourquoi elles ne pourront s'avérer efficaces que si elles sont destinées à renforcer la portée de la Convention dans un cadre multilatéral.

A cet égard, le Maroc est fermement convaincu que c'est dans le cadre de négociation multilatérale et non à travers des régimes unilatéraux ou partiel que la Convention sur les armes biologiques sera renforcée. Dans ce contexte, nous formulons l'espoir que cette Conférence contribuera à conforter l'impératif du multilatéralisme pour le bannissement de ces armes abominables, et le renforcement de sa dimension universelle, seuls à même de libérer notre monde des périls menaçants des armes biologiques .

(Informal Transcript of the English Interpretation of the Intervention of Morocco)

First of all may I congratulate you on the quality of what you have done during the presidency of this Conference of States Parties to the Convention on Biological Weapons as well as during the chairmanship of the governmental experts meeting last August and other informal meetings that followed. Your painstaking efforts include the proposal of a compromise formula which however limited would nonetheless enable us to continue our discussion on the implementation of the Convention and draw on the experiences of our colleagues in this area. Your qualities as an experienced ambassador, your diplomatic tact and your finely honed judgement together with your broad experience are all guaranties of a successful chairmanship. May I assure you of the unlimited support of the delegation of the Kingdom of Morocco as you carry out your task.

The tragic events of 11 September, which shook the world and seriously undermined international security, have underscored the urgency of addressing the threat of the use of weapons of mass destruction. They have also pointed out the urgent need to strengthen the international non-proliferation regime as well as the multilateral approach advocated in the consideration of issues of international security and disarmament. The mandate entrusted to us calls for prompt, frank and clear-cut response so as to meet the legitimate concerns of the international community. The effective comprehensive implementation of all the provisions of international treaties prohibiting weapons are basic elements for the building of a better world, a world of peace and security for all. To this end we must collectively show political will and maintain exemplary solidarity so as to face up to the various dangers threatening international peace and security.

The Kingdom of Morocco is committed to its tradition of moderation, interchange and dialogue and wishes to state its readiness to work towards prohibiting all categories of weapons of mass destruction and the building on the non-proliferation regime through ratification of the Convention on the prohibition of the development, production and stockpiling of bacteriological, biological weapons and toxins and their destruction of 21 March 2002. My country has unreservedly committed itself to the principle of eliminating all weapons of mass destruction. We do not manufacture or stockpile any such weapons. Since acceding to this Convention, Morocco has proceeded to compiling all its legislation and national legislation on the subject so as to review this and bring it in conformity with the provisions of the Convention. A document on the updating of our legislation regulations will be submitted to the Secretariat as soon as this is completed. We will certainly be drawing on the experience and legislation of other States Parties.

This annual conference is a lead-up to the process agreed on by Member States following the resumption of the work of the Fifth Review Conference in November 2002. It has the merit of facilitating debated so as to draw up a common approach to a firm step towards strengthening the implementation of the BWC between now and the 2006 Review Conference. The experts meetings have made it possible to consider several major issues such as the adoption of national measures necessary for the implementation of the prohibition measures contained in the Convention as well as the state of progress and developing national mechanisms for the establishment and maintenance of security and monitoring of pathogenic micro-organisms and toxins.

In order to meet its commitments, my country has embarked on a series of national measures necessary for prohibiting and avoiding the development, manufacture, stockpiling, acquisition

and conservation of agents, toxins, arms and delivery systems on its territory or in any place under its jurisdiction and control, in keeping with the provisions of the Convention. These measures include the prohibition and prevention of any act aimed at undermining the provisions of the Convention including those relating to prohibition on the transfer of biological weapons and obligations to destroy them.

In taking this decision, Morocco seeks to reiterate its frank commitment to general and complete disarmament. It also reaffirms its determination to meet all the provisions of the Convention, which were recalled at this Conference, underscoring their importance and therefore underscores its own commitment to prohibiting all categories of weapons of mass destruction and building on a non-proliferation regime. There are many threats of global terrorism. The threats both against peace and world security are such that the international community must consider every means of addressing the binding element of this Convention seeking to eliminate the most dangerous weapons of mass destruction.

Morocco reaffirms that it is strongly committed to the prohibition of any possibility or attempt to use bacteriological agents or toxins as a weapon of terror against mankind. This Conference, Mr. Chairman, is an opportunity to give new life to our work by setting out a series of additional commitments and measures to be adopted by the States Parties to strengthen the implementation of the Convention in all its provisions. Compliance with the Convention remains subject to effective implementation of confidence-building measures that would undoubtedly contribute to enhancing transparency amongst States Parties. In practice, these confidence-building measures are still not being universally implemented. They can therefore only be effective if they seek to strengthen the scope of the Convention in a multilateral framework.

Morocco in this context is strongly convinced that it is in the context of multilateral negotiations and not through partial or unilateral regimes that the Convention on Biological Weapons can be strengthened. In this context we would also hope that this Conference will contribute to strengthening multilateralism so as to ban these heinous weapons and strengthen the universal dimension, which is the only way of freeing our world from the threat of biological weapons.

Statement by the United Kingdom

Speaking on behalf of the United Kingdom, and as one of the Depositary Governments of the Biological Weapons Convention, I should like to begin by fully endorsing the Statement made earlier by the European Union.

I believe that this meeting of States Parties presents us with an opportunity to reflect on the developments relating to the Convention that have taken place over the last two years, as well as looking forward to the meetings that will take place in 2004 and 2005, culminating in the 6th Review Conference.

It is no exaggeration to say that international efforts to strengthen the BWC were in serious crisis following the demise of the Protocol and suspension of the Review Conference in 2001. The way ahead at that point appeared bleak and extremely uncertain.

That we have emerged from the general mood of pessimism that accompanied much of the discussion around that time is due in no small measure to your own efforts, Mr Chairman, in finding the compromise proposal that proved to be the basis for agreement in 2002.

The programme of work, to which all States Parties gave their support on that occasion, ensured that there would continue to be an international forum for dealing with the threat posed by biological weapons.

It also set a new and innovative course for strengthening the Biological Weapons Convention. The focus would henceforth be on practical measures, freely agreed by States Parties. One short phrase from the Review Conference decision of 2002 encapsulates both the nature of the task we have set ourselves and serves as an eloquent mandate for these meetings. We are all enjoined to "promote common understanding and effective action".

The United Kingdom believes that the current work programme had a most auspicious beginning with the Experts' meeting in August this year. It was impressive to see the high level of participation from over 80 States Parties, sending some 400 individual delegates.

As a result, one important objective has already been achieved. The impressive thematic presentations on both agenda items by countries from all the regional groupings has ensured a sharing of national experience and expertise which will form the basis for our discussion in the course of this week.

I should, at this point, like to reiterate the offer of assistance we made at the August meeting to provide the necessary advice and guidance in the areas of relevant national legislation and regulation.

The United Kingdom believes that the Experts' meeting was particularly successful because it was attended by none of the rancour and division that had accompanied and undermined our previous negotiating efforts.

I can assure you Mr Chairman that the United Kingdom will be looking to work closely with you and all other States Parties in the course of this week, to ensure that the co-operative spirit and positive momentum of the August meeting are maintained.

It will be important that we reach agreement on the key issues that can be identified from the material and ideas presented by our Experts in the areas of legislation and regulation. This will build a firm foundation for the meetings that will follow over the next two years and for the 2006 Review Conference.

The United Kingdom believes that a successful outcome this week will send a powerful and important message that the international community is united in recognising the threat from biological weapons and united in its agreement on the measures needed to combat that threat.

We may also in the process establish a new and effective paradigm for multilateral arms control. In light of the pessimism expressed by some about the prospects for strengthening this Convention just two years ago, our work this week will, in the view of the United Kingdom, represent a significant achievement and commitment by all the States Parties to the BWC.

Statement at the General Debate by France

Je m'associe pleinement au discours prononcé par la Présidence italienne de l'Union Européenne qui traduit parfaitement l'approche de la France de cette réunion des Etats Parties. J'ai le plaisir de joindre ma voix à celles des orateurs précédents pour vous adresser les plus vives félicitations de la Délégation française que j'ai l'honneur de diriger ici, pour votre nomination à la présidence des réunions de 2003. Nous sommes aujourd'hui entre de bonnes mains. J'ai, personnellement, entière confiance en votre capacité à nous conduire à un succès à la fin de cette réunion. Votre longue expérience et votre habileté diplomatique ont conduit depuis de longues années la communauté internationale à vous confier la barre de ce « navire biologique ». Elles vont contribuer à la réussite de nos travaux. Je souhaite, à présent, vous faire part de notre vision des choses.

Monsieur le Président, quel constat pouvons-nous dresser aujourd'hui ?

Ces dernières années, l'environnement international a considérablement évolué. Nous vivons dans un monde incertain. La prolifération des armes de destructions massive constitue un des défis majeurs à la sécurité internationale de notre temps, comme le soulignait déjà en 1992 le Conseil de Sécurité des Nations unies. Plus récemment, la Déclaration du Conseil européen de Thessalonique de juin dernier a mis l'accent sur cette dimension importante de la sécurité. Nous avons le devoir de la prendre pleinement en compte.

Dans le domaine des armes biologiques, nous disposons d'une norme internationale: une Convention conclue, il y a bien longtemps déjà, en 1972. Certains nous annoncent un « crépuscule des Traités », ou s'interrogent sur leur pertinence. D'autres, sourds à l'évolution du monde refusent toute évolution. Quant à la France, elle veut les faire vivre. En un mot, comment la Convention peut-elle contribuer, en ce début de XXI^{ème} siècle, à lutter efficacement contre la prolifération des armes biologiques et, ce faisant, contribuer à renforcer la paix et la sécurité internationales ? Tel est, succinctement résumé, l'enjeu fondamental de cette Réunion des Etats Parties, première d'un cycle qui devra se conclure lors de la Conférence d'examen de 2006.

Monsieur le Président, quelles réponses pouvons-nous apporter à ces défis ?

Dans le contexte général que je viens d'évoquer, les Etats Parties ont adopté, en novembre 2002, un processus original de suivi multilatéral. Son objectif vise au renforcement de la Convention sur l'interdiction des armes biologiques. Ceci passe par une action dans les trois directions suivantes que sont son universalisation, sa mise en œuvre dans les législations nationales et, en dernier lieu, son respect. Tout le monde sait bien que tout accord ne vaut que par ce que valent ses conséquences.

C'est dans ce contexte que nous devons impérativement nous accorder sur les deux sujets suivants : adoption des mesures nationales nécessaires pour mettre en œuvre les interdictions énoncées dans la Convention, y compris la promulgation de lois pénales et mécanismes nationaux pour établir tout d'abord et maintenir la sécurité et la surveillance des micro-organismes pathogènes et des toxines ensuite. La délégation française reviendra plus longuement sur chacun de ces deux thèmes lors des discussions qui leurs seront spécialement consacrées les jours à venir. A cet égard, les travaux de la réunion des experts d'août dernier nous fournissent

une base indispensable pour orienter les discussions et pour nous permettre de parvenir à un accord que nous appelons tous de nos vœux.

Il nous appartient de travailler, tout au long de cette semaine, animés d'un nécessaire esprit de compromis, pour créer un socle commun afin de faire de cette réunion des Etats Parties un succès. La France entend, pour sa part, apporter sa pierre à l'édifice. Ce n'est qu'à ce prix que nous contribuerons efficacement à lutter contre la prolifération des armes biologiques et ainsi à renforcer la sécurité de tous, et donc, par voie de conséquence, de chacun de nos Etats, de chacun de nos peuples.

(Informal Transcript of the English Interpretation of the Intervention of France)

The present discussion on national legislations is of the utmost importance. It is a return to the sources, to the fundamental principles. Any thinking about strengthening the 1972 Convention, which avoided that topic would be incomplete, indeed counterproductive.

We have for a year created an enabling environment for our work together and we must all henceforth capitalise on the efforts of our experts last August. The various hundred papers submitted over those ten days in our view contain a number of recurrent topics, which are particularly relevant politically for us.

Chairman, establishing penal legislation at a national level in our view is an absolute necessity and first of a penal legislation at a national level, which takes up the prohibitions set out in the 1972 Convention in Article 1 because if you cannot punish and repress the violation of those provisions at the national level the Convention will remain a dead letter. France believes that establishing and apply national legislation I insist is of the utmost importance. We noted in this respect with satisfaction the proposals to provide administrative and legal assistance made by certain States Parties. We are prepared to contribute also through our diplomatic representatives.

A follow-up process of the 1972 Convention begins this year precisely, the first year of its three-year cycle, with the issue of national legislations because it stresses the importance of this as a foundation for any subsequent thinking about the strengthening of our Convention.

France for its part has translated this into its national legislation and did so since 1972. It prohibited the development, production, possession, stockpiling, acquisition and provision of biological agents and toxins, whatever their source, mode of production, kind or quantity not destined for purposes of prophylaxis, protection or other peaceful purposes.

We believe that a national system of control to monitor trade and transfer has to be established. The developments of national systems to monitor exchange and transfer of pathogenic substances is important for our collective security. It is a complex area as can be seen from the very dense debates in August. We believe that the experience that each of us has in implementing a biological weapons convention can establish a dialogue, an exchange of experiences on best practices, which we will be able to highlight through our exchanges.

Now I will conclude, Chairman, by saying that there must be effective implementation of legislation regulations. As certain delegations have already said the effective implementation of the legislation in all its aspects is the necessary end result of a national process. Without national measures effectively implemented we cannot reasonably talk of strengthening and implementing

the Convention. France hopes that the multilateral follow-up process to the 1972 Biological Convention will contribute to encourage each State Party to develop as quickly as possible an effective system of regulations and an effective administrative structure to enable the BWC to be implemented at a national level. This will represent an important step in the right direction.

Statement by Pakistan

Allow me at the very outset to extend to you my warmest congratulations for your assumption of the Chairmanship of the Meeting of the State Parties to the Biological Weapons Convention. We are appreciative of the efforts you have put forward in conducting the Meeting of the experts, which was held in August 2003. I am confident that this Conference will benefit from your diplomatic skills and experience and you will be able to steer this Conference to a fruitful outcome.

Mr. Chairman, let me recall that after the adoption of the follow-up mechanism of the resumed session of BWC's Fifth Review Conference, we have embarked upon a new journey- a journey where it is expected that common understanding and effective action would emerge on some selected topics. Although we do not find this selective approach to be ideal, but to go along with the consensus we have agreed to it. It is our hope that negotiations under the 1994 mandate would finally be held in a multilateral setup.

Mr. Chairman, the Biological Weapons Convention plays an important role in the international security structure. It reflects the desire of the international community for the non-proliferation and complete disarmament of the biological weapons. Pakistan is committed to this cherished goal and shares the concerns of the world community against bio-terrorism.

Mr. Chairman, it is our desire and hope that by the end of this week we would have arrived at some common understandings on the basis of the best practices, to be pursued on a voluntary basis.

Statement at the General Debate by Cuba

Para Cuba fue motivo de satisfacción la excelente manera en que usted condujo los trabajos de la Reunión del Grupo de Expertos celebrada el pasado mes de agosto. Confiamos plenamente en que su conocido profesionalismo y amplísima experiencia en estos temas, le permitirán conducir exitosamente también esta reunión.

Ante todo, mi delegación se asocia plenamente a la intervención hecha en este debate por Malasia a nombre de los miembros del Movimiento de Países No Alineados.

Cuba participó activamente en la Reunión del Grupo de Expertos y acude a esta nueva cita con la firme intención de contribuir al máximo posible al éxito de nuestros trabajos. Es bien conocida la importancia que nuestro país le concede a la Convención sobre Armas Biológicas, como un instrumento esencial en el mantenimiento de la paz y la seguridad internacional.

Al mismo tiempo, mi delegación quisiera dejar claramente registrado, una vez más, que nuestra disposición a participar en este nuevo mecanismo de seguimiento y contribuir en todo lo posible a su éxito, no puede ser de ninguna manera interpretado como un abandono de la meta que estuvimos a punto de alcanzar tras largos años de trabajo.

La adopción de un Protocolo jurídicamente vinculante para fortalecer la Convención en todos sus aspectos es y seguirá siendo, nuestro objetivo final. La única manera sostenible de fortalecer la Convención de Armas Biológicas es mediante negociaciones multilaterales dirigidas a adoptar un instrumento no discriminatorio, jurídicamente vinculante.

No es para nadie un secreto que el mecanismo de seguimiento acordado por la V Conferencia de Examen está muy lejos de las expectativas que teníamos y tenemos la gran mayoría de los Estados Partes respecto al futuro de la Convención y la urgente necesidad de fortalecerla.

A pesar de las importantes limitaciones de este nuevo enfoque, desde el primer momento Cuba anunció su decisión de participar en el mismo y contribuir en todo lo posible a su implementación. Ello es una clara muestra del firme compromiso de nuestro país con el multilateralismo, sobre todo en una coyuntura internacional caracterizada por un crecientes y peligrosas acciones unilaterales.

Consideramos que el informe final de esta Reunión debe ser un reflejo objetivo de los intercambios sostenidos, tanto en la Reunión de Expertos de agosto, como de los que tendrán lugar esta semana.

El resultado de este ejercicio no podría ser en ningún caso la imposición a un grupo de Estados de las experiencias o modelos que puedan tener otros. Nuestro objetivo debe ser adoptar en esta reunión un grupo de sugerencias, recomendaciones y otros insumos de utilidad sobre los dos temas bajo examen, para que la Conferencia de Examen del 2006 pueda adoptar las decisiones definitivas que corresponda

Cuba considera que la clave está en promover un mayor intercambio, asistencia y cooperación mutua entre todos los Estados Partes. Como demostró claramente la Reunión de Expertos de

agosto, con el intercambio de experiencias aprendemos todos, incluso aquellos Estados que puedan tener un mayor avance en la implementación de la Convención.

El amplio volumen de información que aportaron muchos Estados en la Reunión de Expertos, mediante presentaciones, intervenciones y documentos de trabajo, ha sido de gran utilidad para Cuba. De hecho, dicha información fue ampliamente distribuida en nuestro país entre los diferentes centros, instituciones y expertos que de una u otra manera están vinculados a la implementación de la Convención sobre Armas Biológicas.

Las prohibiciones establecidas por la Convención no pueden verse de manera aislada, sin tomar en cuenta los elementos de asistencia y cooperación internacional dispuestos en el artículo X de ese instrumento jurídico. Por tanto, para que este nuevo mecanismo de seguimiento pueda cumplir sus objetivos, es imprescindible que se mantenga en todo momento un adecuado balance entre los componentes de cooperación y cumplimiento que tienen cada uno de los temas y subtemas bajo examen.

En ocasión de la Reunión de Expertos, la delegación cubana enfatizó que uno de los resultados que debería tener este nuevo mecanismo de seguimiento es el de identificar formas concretas de asistencia y cooperación por parte de los Estados con condiciones para hacerlo, para continuar avanzando hacia la aplicación cada vez más efectiva de las disposiciones de la Convención a nivel global.

En esta Reunión de Estados Partes, Cuba desea poner a disposición de los Estados Partes interesados las siguientes propuestas concretas de asistencia y cooperación:

- Los Estados Partes interesados pueden dirigirse a la Misión Permanente de Cuba en Ginebra, con vistas a posibilitar la participación de personal de sus países en los cursos, seminarios y otros talleres de entrenamiento que organiza Cuba cada año sobre bioseguridad y otras cuestiones relacionadas con la implementación de la Convención.
- Cuba considerará las solicitudes que se le hagan por Estados interesados, para el envío a los mismos de especialistas cubanos con el objetivo de impartir cursos de entrenamiento o brindar otro tipo de asesoría en materia de bioseguridad y para el control de agentes biológicos. Varios países ya se han podido beneficiar de la asistencia de expertos cubanos en esta esfera y hasta el momento los resultados han sido muy favorables.
- Cuba también podría colaborar en la preparación de personal de los Estados interesados para impartir cursos de entrenamiento en sus propios países.

Exhortamos a otros Estados Partes con condiciones para hacerlo, a que presenten propuestas de asistencia y cooperación que puedan ser consideradas por los Estados Partes interesados que la requieran. No bastan las muestras de buena voluntad. Se necesitan acciones concretas.

En ocasión de la pasada Reunión de Expertos, la delegación cubana entregó a la Secretaría dos CD – ROMs que contienen una amplia y detallada información sobre la legislación cubana en cuanto a la aplicación de la Convención sobre Armas Biológicas y en materia de bioseguridad. Esta información se encuentra a disposición de todos los Estados interesados en consultarla.

Igualmente, en la mencionada Reunión de Expertos la delegación cubana presentó dos documentos de trabajo (BWC/MSP.2003/MX/WP.46 y BWC/MSP. 2003/MX/WP.47), referidos respectivamente a cada uno de los dos temas principales que se encuentran bajo la atención de los Estados Partes en la presente reunión. Dichos documentos resumen en buena medida las experiencias concretas de Cuba respecto a cada uno de estos temas.

Para concluir, señor presidente, le reitero que usted podrá contar con el pleno apoyo de la delegación cubana y les deseamos muchos éxitos en su tarea.

(Informal Transcript of the English Interpretation of the Intervention by Cuba)

Chairman, Cuba was very pleased at the way you conducted the meeting of Group of Experts last August. We fully trust that your professionalism and wide experience in this issues will enable to successfully direct this meeting as well. First of all, we fully endorse the statement made by Malaysia on behalf of the Non-Aligned Movement. Cuba was an active participant in the meeting of the Group of Experts and has come here, with the firm intention of contributing as much as possible to the success of our work. My delegation would also like to clearly state once more, that our preparedness to take part in this new follow up mechanism and to contribute as far as possible to its success should in no way be interpreted as abandoning the objective that we almost achieved after long years of work, adopting a legally binding protocol to strengthen the Convention in all areas is, and will continue to be, our ultimate goal. The only sustainable way of strengthening the biological weapons convention is thru multilateral negotiations directed at adopting a non discriminatory legally binding instrument.

Its no secret that the follow up mechanism agreed to by the 5th Review Conference is far from meeting the expectations of the great majority of States Parties as regards the future of the convention and the urgent need to strengthen it. Despite the clear

limitations of this new approach, right from the start Cuba announced that it was prepared to participate and contribute as far as possible to its implementation and this is a clear signal of a firm committee of our country to multilateralism and particularly at a time when the international scene sees infrequent and dangerous unilateral actions.

Chairman, we believe that the final report of this meeting should be an objective reflection of the exchanges of both the Meetings of Experts in August and those which will take place during the course of this week. The result of that exercise cannot be one group of States imposing on another group of states their experience and their models. Our goal should be to adopt at this meeting a set of suggestions and recommendations and other useful forms of inputs on the two issues under consideration so that the 2006 Review Conference may adopt the appropriate final decisions.

Cuba believes that the key in the context of the current follow up mechanism lies with promoting greater exchange assistance and mutual cooperation among all States Parties. as the meeting of experts in August clearly demonstrated, we all learn from an exchange of experiences including those States who might be more advanced in the implementation of the convention. An enormous amount of information contributed by many States to the Experts Meeting was very useful to Cuba. In fact the presentation of statements, the working documents distributed at that meeting were widely disseminated in our country to the various centres, institutions and experts who are in one way or other linked to the implementation of the Convention. The

prohibition set out in the Convention cannot be taken in isolation without taking into account the international cooperation and assistance measures provided for in Article 10 of that legal instrument. In order for this new mechanism to achieve its objectives, it is essential that at all times we maintain a proper balance between the cooperation and the compliance components in each of the themes and sub themes. In the Meeting of Experts, Cuba stressed that one of the results of this new follow up mechanism should produce would be to identify specific ways of providing cooperation and assistance by States who are in a position to do so. In order to continue progressing towards the increasingly effective implementation of the provisions of the Convention in this meeting of States Parties, Cuba wishes to make available to interested States Parties the following specific proposals related to assistance and cooperation.

1. State Parties who are interested can contact the Cuban Authorities in order to enable people from their countries to take part in the many courses, seminars and other training workshops which Cuba organises each year on Bio Security and other matters connected with the implementation of the Convention.
2. Cuba will consider requests from interested States to have sent to them Cuban experts in order to provide training or other sort of advisory services in matters related to Bio Security in the Control of Biological Agents.
3. Cuba could cooperate in training staff of interested States to provide training courses in their own countries. The Cuban Authorities are currently

considering the possibility of organising in our country a seminar or workshop which could be a regional one on the implementation of the Biological Weapons Convention. If it is decided to hold this event the States Parties will be informed.

4. Cuba is preparing a long list of contacts points, of centres, institutions and experts in Cuba who work in areas related to the implementation of the Convention, such as bio security, science, customs, legal matters and so forth. Once that list is ready it will be made available to all States Parties. Cuba urges other States who are in a position to do so to put forward their own proposals for assistance and cooperation in order for interested States Parties to study them.

Good will is not enough, action is required. To conclude Mr. Chairman I repeat that you can rely on the Cuban delegations full support and we wish you success in your work. Thank you.

Intervention by Argentina

Permítame Al Comenzar Esta Breve Intervención Manifiestar La Satisfacción De La Delegación Argentina Por Verlo A Usted Una Vez Mas Presidir Nuestros Trabajos. Su Ya Aquilatada Experiencia En Este Proceso Nos Garantiza Una Conducción Eficiente Y Fructífera De Nuestras Labores.

La Argentina apoya la Convención y en este sentido desearíamos informar que con fecha 5 de noviembre hemos entregado a la Secretaría de esta Conferencia un CD con información que complementa la presentada durante la pasada reunión del Grupo de Expertos Gubernamentales, sobre la normativa argentina relacionada con esta Convención. En esta documentación adicional se consignan cuadros referidos a la normativa vigente y una síntesis del tema tratado por cada una de estas normas sobre los siguientes rubros: Alimentos, Biotecnología, Mercosur, Residuos

Peligrosos, Salud Pública, Sangre, Sanidad animal y vegetal, Seguridad e Higiene en el trabajo y Transporte .

Asimismo, nos resulta grato comunicar que un proyecto de ley de reforma del Artículo 189 bis del Código Penal Argentino que incorpora el tratamiento de las sustancias biológicas y toxinas con la finalidad de incluir los postulados de esta Convención se encuentra a estudio de la Comisión de Reforma del Sistema Penal argentino.

En atención a la propuesta que formulara con el objeto de alcanzar un acuerdo entre los Estados Partes sobre una formulación que permita abarcar los trabajos realizados sobre cuestiones de implementación nacional y bioseguridad producidos en la reunión del Grupo de Expertos Gubernamentales, nuestra Delegación estima que resultaría constructivo la implementación de una página web, donde se puedan volcar los avances de cada reunión en materia de implementación de los postulados de la Convención, así como la incorporación de datos nacionales relativos a funcionarios y técnicos responsables de su realización.

De esta manera, se podrán compartir entre los Estados bilateralmente o por grupo regional, acciones conjuntas de asistencia y cooperación, ya se dirijan a la implementación, bioseguridad, controles aduaneros u otra actividad relacionada con la bioseguridad. Con este propósito, se podría analizar la creación de una red de expertos a ser designados por cada Estado Partes de similares características al que existe en el marco de la Convención sobre la Prohibición de las Armas Químicas.

(Informal Transcript of the English Interpretation of the Intervention by Argentina)

Chairman. I begin this brief intervention by expressing the satisfaction of the Argentine delegation of seeing you once again in the Chair. Your wealth of experience in this process will ensure fruitful and efficient work. Argentina supports this Convention and we would like to report that on the 5th Nov. we handed to the Secretariat a CD Rom with information which supplements that provided during the Group of Experts. This relates to Argentine legislation connected to the Convention. In this additional documentation you will find references to existing legislation and a summary of the issues that the legislation covers under the following headings. Food, Biotechnology,Dangerous waste. Public Health. Blood, Vegetable and Plants and Animal Health, Safety and Hygiene in the Work Place and Transport.

We are also pleased to communicate a bill to reform Article 189, basis of the Argentine Criminal Code incorporating the treatment of biological substances and Toxins for the purposes of including the provisions of the Convention is presently being studied by the Argentine Commission for Reform of the Penal System.

Chairman, attending to the proposal made with the purpose of reaching agreement amongst States Parties on a formula which would enable us to tackle work done on national implementation of bio security in The Meeting of Government Experts. Our delegation believes that it would be constructive to develop a web page where progress from each meeting with regard to implementing the provisions of the Convention could be set out, as well as incorporating national information relative to civil service and experts in charge of its implementation. In this way States will be able to exchange bilaterally or regionally cooperation and assistance and joint actions relating to implementations, bio security, customs controls or other activity related to bio security. To this end we could consider starting up a network of experts to be appointed by each of the States Parties similar to that which exists in the framework of the Chemical Weapons Convention. Thank you very much.

Statement by New Zealand

New Zealand remains a steadfast supporter of the Biological Weapons Convention. We believe that along with national, bilateral and regional efforts, multilateral measures are a vital element of the response to the dreadful threat posed by biological weapons. The more effective States parties can make such measures, the greater the confidence the international community can have in its peace and security. We need, therefore, to extract the maximum benefit possible from the experts process currently underway if we are to strengthen the implementation of the Convention and secure greater compliance with it.

The mandate as set out in the final report of the Fifth Review Conference is, as you know, "to...promote common understanding and effective action" on the topics set down for discussion by the Meetings of Experts. To our mind, this means that, with the vast quantity of information that was provided on national measures in statements and papers submitted by participants at the August meeting, including the helpful CD-ROM prepared by the Secretariat, States parties should identify common understandings on those areas where there is the greatest need for urgent attention to facilitate prioritisation of national implementation tasks. The exchanges that took place on national legislation can be used as a stock-taking exercise in assessing the progress made by States parties in the effective implementation of the BWC. The discussion on national mechanisms for the security and oversight of pathogenic microorganisms and toxins was a useful exercise in awareness raising. The challenge from both those discussions is to identify now common elements and best practices so that we can take the "further qualitative step forward" to which you referred, Mr Chairman, in your opening address.

We believe that the value of the experts' group process will only be capable of measurement as "effective action", at each annual Meeting of States Parties, when we see its product encapsulated in substantive form. The useful work that has been carried out so far by States parties and yourself deserves concretisation in a final document that goes beyond a description of activities that have taken place and truly reflects the common elements of our collective efforts to combat the threat posed by biological weapons.

The seriousness of that threat and the risk of abuse of biotechnology lie behind New Zealand's strong support for the ICRC's initiative to promote a Ministerial Declaration on Biotechnology, Weapons and Humanity which, we believe, complements our current efforts to strengthen the Biological Weapons Convention.

Mr Chairman, the work that you assiduously carried out during the August meeting has paved the way for the identification of elements of a common understanding that can be synthesised from the information and views presented by States parties. A number of contributions already made today to our general debate will, we believe, further help you draw out the main themes from that meeting. In carrying out that important task you have the full support of my delegation.

Informal Transcript of the English Interpretation of the Intervention by Colombia

May I congratulate you on your election to direct our labours. You may be assured of the support of my delegation in whatever way in order to ensure the success of this meeting. We fully endorse the statement made by Malaysia on behalf of the Non Aligned countries and we wish to share with you the way in which Colombia has continued to implement national measures to effectively implement the prohibitions in the Convention, arranging from legal and regulation measures and constitutional measures which go beyond our national legislation and link with international law.

Through Law 10 of 1980, Colombia adopted the Convention of Biological Weapons and thru the Law 559 of 24 July 2000 on the new criminal code we created penal provisions to reflect those in Article 1, 2, 3 and 4 of the Convention, as national measures to ensure its effective implementation.

Beyond our borders Colombia has always maintained a firm position for the need for a complete prohibition of biological weapons and we have said so on several occasions. Among others, we endorse our commitments on the 5th Sept.

1991 and the Declaration of Cartagena of Indias, Colombia of 4th. December 1991 on renouncing Weapons of Mass Destruction. We also did so in February of this year at the 13th Meeting of Heads of State and Governments of the Non Aligned Countries where we reasserted our conviction that the Biological Weapons Convention is an essential instrument for the maintenance of international and regional peace and security.

Chairman, speaking on behalf of Latin America we would like to day to recall the fact that the States of America represented in the special conference on security in Ciudad de Mexico, which finished about 2 weeks ago on 28th Oct. 2003, signed a declaration on security in America by which the whole of Latin America and the Caribbean committed themselves to promote and strengthen peace and security in the hemisphere adopting among many others the provisions which I will now quote in the context of this meeting, both because of their importance and because of the fact that they are now incorporated in Colombian legislation.

Statement by Norway

We are pleased to see that you are chairing this conference, and I am confident that we will all greatly benefit from your skilful leadership.

International terrorism and the proliferation of weapons of mass destruction have become major threats to international peace and security. It is vital that the international community and the multilateral system continue to respond to the new challenges posed by trafficking in weapons of mass destruction, their delivery systems and related materials.

In this context Norway supports the "Proliferation Security Initiative" Statement of Interdiction Principles adopted in Paris on 4 September, and the Declaration of the European Council Summit adopted in Thessaloniki in June.

An important element of our response to those who want to acquire and use weapons of mass destruction, should be a new resolve to strengthen the international non-proliferation and disarmament regimes. Universalisation and the effective implementation and continued strengthening of the Biological Weapons Convention must form an integral part of any future strategy.

The resumed session of the Fifth Review Conference adopted last year a realistic Programme of Work, and we agreed to focus on how to implement the BTWC at the national level. States parties must consider whether their national legislation is adequate and assess their national mechanisms for maintaining security and oversight in connection with pathogenic micro-organisms and toxins.

The preparatory expert meeting held in August proved to be highly relevant. We were impressed by the number and quality of interventions and discussion papers. We hope that these substantial inputs can be translated into concrete recommendations.

National legislation is a vital part of Norway's effort to effectively fulfil its obligations under the BTWC. In this connection national legislation include the Penal Code and our export control legislation. Our export control regime is subject to review on a regular basis so that it can be improved and revised, as necessary. In this process we co-operate actively with business and industry and with the scientific community. Like most countries, Norway has a long record of promoting biosafety, but 11 September has made us much more aware of the need to implement concrete measures on *biosecurity* as well.

In our view, it is important to strengthen the dialogue with civil society, and to involve them more closely.

Norway highly appreciates the Biological Weapons Prevention Project and is happy to contribute financially to it. The project provides useful input of high quality to our debate, both in terms of information and briefing papers, and by offering training to increase the knowledge about the dangers associated with biological weapons. In addition, it helps build and maintain networks of civil society actors and centers of competence in developing countries.

Questions relating to the use and misuse of biotechnology are also being raised in other fora like the 28th International Conference of the Red Cross and Red Crescent which will take place in Geneva in December. In connection with the conference we are co-hosting a workshop on "Biotechnology, Weapons and Humanity", together with Canada and our respective national societies. We believe that the conference will serve to put additional focus on the need to strengthen implementation of the convention, which will of course continue to be the main track for addressing these issues.

Our hope is that this meeting will result in concrete recommendations which will serve as input to the Sixth Review Conference in 2006. Although national implementation is not sufficient on its own, it will be extremely important if we want to achieve a strengthened BTWC. As a minimum we need to make concrete progress towards identifying key elements of national legislation that need to be in place in all states parties.

We firmly believe that increased transparency and exchange of information between States Parties is essential to enhance confidence-building. International co-operation on monitoring the situation in this field must be strengthened if we are to combat the threat posed by the production, transfer and use of biological weapons. In this context we are ready to enter into a dialogue with other countries, with a view to sharing our experience and providing assistance towards strengthened national implementation of the convention.

I can assure you of my delegation's full support and cooperation in your efforts to make this a successful meeting.

Statement by Indonesia

Allow me on behalf of the Indonesian delegation, at the outset, to say how pleased we are to see you again chairing this meeting and express our sincere appreciation on your able leadership in meetings of BWC during the year of 2003.

Indonesia endorses and associates itself with the statement delivered on behalf of the Non-Aligned Movement and Other States Parties to the BWC by my distinguished colleague, Ambassador Rajmah Hussain of Malaysia.

My government continues to attach great importance to the Biological Weapons Convention regime and considers it as one of the most essential multilateral disarmament treaties which, if fully adhered to and implemented, directly contributes toward global peace and security. Indonesia is of the view that parties are not only obligated to implement all aspects of the Convention, including its legal aspects, but also have the right to enjoy the benefits derived from the provisions contained in the Convention. One of these benefits is the possibility of procuring biological materials, equipment and technology for peaceful purposes from other states parties. Therefore, Indonesia also wishes to stress the significance of international cooperation as one of the important pillars of the Convention.

As agreed on the resumed session held on 11 November 2002 and concluded on 15 November 2002 with the adoption of a single decision, the 2003 meeting will be devoted to discuss and promote common understanding and effective action on two issues, namely the adoption of necessary national measures to implement the prohibitions in the Convention, including the enactment of penal legislations; and a national mechanism to establish and maintain the security and oversight of pathogenic microorganism and toxins.

In this context, Indonesia has taken necessary measures by adopting specific legal and administrative measures on the national level for implementation of its obligation as a state party to the Convention. With regard to the controlling aspect of biological agents and toxins in Indonesia, the procedure of export and import for certain dangerous materials is regulated by a Decree of the Minister of Trade and Industry issued in the year 2000. Based on the said decree, export and import, including of chemical and biological agents, must follow a very strict procedure under the government supervision. Realizing full well that the Government of Indonesia still has to issue a comprehensive law to implement the Convention, it is evident that the said Decree is a clear manifestation of its intention to regulate issues related to biological agents and toxins.

In the agriculture sector, the Government has set up a technical unit - the Veterinaries Research Agency under the Department of Agriculture - to conduct research on animal diseases and their impacts on the agriculture sector. For this purpose, the Agency has several pathogenic and microbiology laboratories and a number of veterinaries microbes' collection. The collection consists of viruses, bacteria, fungi, and parasites from all over Indonesia and some of the microbes have the potential of being utilized for producing biological weapons, such as: anthrax (*bacillus anthracis*), clostridium botulinum, salmonella, etc. Therefore, these microbes cannot

but be managed professionally according to adequate safety standards in order to ensure that they do not fall into the hands of irresponsible elements. This unit collects, purifies, stores and preserves veterinaries' microbes to be used for research purposes and is already registered with the World Data Center.

On anticipating the issue of the deliverance of Anthrax-infected letters/packages, Department of Health and the Veterinaries Research Agency has held several inter-departmental meetings involving related departments/institutions. Those meetings produced a number of important decisions, among others:

1. Indonesian Police, in coordination with the Department of Health, will be acting as the agency responsible to receive and respond to a report on the delivery of suspected Anthrax-infected letters/packages. A special unit will then collect the evidence and put it in a sealed plastic bag and store it in a safe place.
2. A Special Police Team shall arrive on the reported location to collect the suspected evidence and send it to the laboratory chosen by the Veterinaries Research Agency. The laboratory will then examine and send the finding (whether positive or negative) to the Police as well as the Department of Health.

This mechanism and procedure of handling such infected letters/packages has been communicated by the Department of Health to all concerned public institutions and to the foreign embassies and consulates in Indonesia.

Through the year of 2002, with respect to the process of dissemination of the said procedures to the public, the Government has prepared some guidelines in anticipating threat of Anthrax spores. The "guidelines" were printed and distributed to public in forms of brochures, advertisements, etc.

The guidelines contain practical steps to be taken, such as how to treat the suspected envelops/packages containing the Anthrax Bacteria, what tools to use, what parts of the body that must be covered, and where to put the suspected envelops/packages.

To conclude, Mr. Chairman, the Government of the Republic of Indonesia will continue to commit itself to raising public awareness and strengthening inter-agency mechanism in handling dangerous materials, including biological agents and toxins. We are confident that by implementing our strict national legislations and with close international cooperation, we will finally be able to establish a regime that can prevent the danger posed by biological weapons.

National Statement by Australia

The threats posed by the proliferation of biological weapons are real and growing. In the interests of our collective security, therefore, Australia fully supports all efforts to address these threats, especially those that can deliver tangible results in real and practical ways. The biological Weapons Convention (BWC) plays a central role in this respect.

Australia is strongly committed to the objectives of the BWC and considers that adherence to the provisions enshrined in the Convention are as imperative today as when the BWC came into force in 1975.

We therefore fully support the multilateral program of work agreed at the reconvened 5th Review Conference of States Parties in November 2002. By working together we can strengthen implementation and enforcement of the BWC thereby reducing the potential for misuse of biological agents, including by terrorist groups.

Australia was pleased to participate in the first meeting of experts held in Geneva in August this year. We found the information and assistance exchanged at and arising from the meeting invaluable, and we were particularly encouraged by the active participation of experts from all regions of the world, and by the strong sense of good will and shared purpose displayed by the States Parties.

Clearly satisfying obligations under the BWC requires Governments to enact and enforce effective national implementing legislation. Yet it became apparent during the August meeting of Experts that few States Parties appear to have legislation in place that comprehensively covers BWC Articles III and IV obligations. There is still much scope for improving States Parties compliance.

We therefore urge States Parties:

- . To take full advantage of the opportunities provided by the Experts Group meetings to gather and exchange information;
- . To enact, implement and enforce BWC implementing legislation;
- . To review the scope and effectiveness of their national measures, and to report the progress internationally. (A possible mechanism for such reporting is under Annex E of the annual CBM, and all states are strongly encouraged to make these reports as comprehensive and accurate as possible.);
- . To ensure that national measures are put in place which effectively secure pathogens and toxins of concern;
- . To develop a national plan to address and meet priority areas;
- . To support efforts by the WHO, FAO and OIE to develop guidelines on biosecurity; and
- . To provide assistance, on request, to other States Parties so as to help build their capacity to effectively implement the BWC.

If we all take national action along these lines, the regime will be strengthened, thereby enhancing regional and international security by providing greater assurance that treaty commitments are being implemented and fully met.

The August meeting of experts also provided an excellent opportunity to strengthen international cooperation in the fight against biological weapons. It enabled States Parties to identify bilateral

contacts between relevant counterpart agencies and to coordinate bilateral offers of assistance and requests for assistance in implementing the BWC.

Australia looks forward to continuing to share its experiences with other States Parties, and to this end, is currently developing plans to conduct a regional workshop on BWC implementation issues, including national legislation and biosecurity.

In conclusion, we consider that the positive atmosphere and active participation at the August meeting of experts augurs well for further constructive activities between now and the next Review conference in 2006. And it is in this spirit of cooperation that we look forward to continuing our important work at this, the first annual meeting of States Parties.

Statement by Sweden

Let me first of all welcome you to the chair. Under your capable leadership I am confident that we will achieve meaningful results and I assure you of my delegation's full support and cooperation.

Also, let me at the outset say that Sweden fully aligns herself with the statement made by the Italian Presidency of the European Union.

Sweden attaches high priority to the reinforcement of the Biological and Toxic Weapons Convention. The need to strengthen the Convention is increasingly important, given the scientific development in this field and the risk that terrorists may acquire biological weapons.

National implementation of the Convention, including penal legislation, is of vital importance, as is the need to establish mechanisms and structures with regards to the handling of microorganisms.

The credibility of a Convention rests with States Parties' compliance with it. The compliance efforts start at the national level with the implementation of the Convention within the legal and administrative framework, including a functioning penal legislation. With this in mind Sweden is ready to assist States Parties seeking assistance with the implementation of their obligations under the Convention.

A strengthened Convention also requires other mechanisms *inter alia* concerning monitoring and verification. In a longer perspective it might be worthwhile to consider if we can draw some useful conclusions from the experience gained in this field.

Sweden is fully committed to the BTWC working programme for the years 2003 - 2005 adopted by the Fifth Review Conference in November 2002. Concrete results emanating from this working programme is of crucial importance for us to reach our common objective, a strengthened Convention. In this connection Sweden will later on in the week present our thoughts regarding the security and oversight of pathogenic microorganisms and toxins. We will argue for the need to increase international cooperation in the field of biosafety and biosecurity.

Sweden also believes that Intergovernmental organisations have an important role to play in the work against biological and toxin weapons. We hope that it will be possible for them to participate in the 2004 and 2005 meetings.

In conclusion, Sweden would like this meeting of States Parties to take stock of the outcome of the expert meeting in August and to identify common elements, which could be used in a final document on how to promote effective implementation of the Convention at the national level.

Statement by Brazil

Allow me to congratulate you as Chairman of the 2003 Meeting of the States Parties to the BWC. Please be assured of our continued support. The Brazilian delegation stands ready to work with you and other delegations, with a view to proceed in our exchange of views, in a spirit of transparency, in order to keep the BWC at the center of international efforts to combat and eliminate the possibility of development and use of biological weapons.

Brazil fully associates itself with the statement made by Ambassador Rajmah Hussein on behalf the NAM and other States.

It is imperative that the international community continues to find improved solutions to combat the threat of biological weapons.

Effective global biological disarmament, the main objective of the BWC, must remain at the center of the agenda of States Party to the Convention. To be trustworthy, this process must be verifiable.

It is also necessary to implement a reliable international system to avoid proliferation of biological weapons. This must be done without the violation of the States Parties' right to have access to agents and technologies for peaceful uses, and through the promotion of a positive environment and rules for international cooperation on this area.

Beside many others, those are central questions that need to be tackled in an integrated manner, so that the gaps in the BWC can be covered.

There is no substitute for the BWC in order to effectively and legitimately deal with disarmament and non-proliferation problems concerning biological weapons.

Between 1995 and 2001, Brazil actively participated in the negotiations to strengthen the Biological and Toxin Weapons Convention (BWC) with a verification protocol.

We understand that biological weapons can only be effectively combated by multilateral initiatives. Since sensitive goods and technologies are disseminated worldwide, particularly in the biological field, the entire international community must discuss and put into force effective and consensus-based rules.

The regime to prevent biological weapons is based on a set of reciprocal obligations negotiated by the States Parties to the BWC.

We should fully take into account that countries signed the BWC as an integrated group of fifteen articles covering the concerns and objectives of State Parties.

These include, *inter alia*, the issues of disarmament, non-proliferation, and biodefense, as well as the need to ensure access to the peaceful uses of biology, including biotechnology, scientific and technological cooperation, and humanitarian assistance.

In 2002, the resumed session of the Fifth Review Conference of the States Parties to the BTWC approved a working program for meetings to be held between 2003 and 2005 in which only a couple of subjects were included, based on Article IV of the Convention. Nevertheless, Article IV results from Articles I, II and III and cannot be examined separately. Furthermore, other important issues such as cooperation in the field of peaceful biological activities (Article X) should not be set aside.

Unfortunately, there has been selectiveness in the setting of the agenda for this follow-up mechanism, Brazil has nonetheless decided to participate actively in the meetings to be held in the context of the follow-up mechanism established in 2002, in spite of its limited scope, with the understanding that no selective implementation of the BWC is viable, nor should it be allowed.

Two topics were placed under our consideration during the 2003 Meetings of Experts and States parties: adoption of necessary national measures to implement the prohibitions set forth in the Convention, and national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins.

As regards the first topic, it is the view of my delegation that national legislation should include control of transfers, having in mind the interest of all States Parties to combat the proliferation of pathogenic microorganisms and toxins. In this regard, national controls on transfers should not be an obstacle to international cooperation for peaceful purposes, but, on the contrary, preserve and enhance peaceful cooperation, as a means to attain the objectives of the Convention, in the light of article X.

At the international level, discussions should include the need to establish a common mechanism to oversee the implementation of National measures on the transfer of relevant materials and technology, and to assist in resolving ambiguities and to promote international collaboration in cases of suspicious unlawful transfers, according to the provisions contained in the BWC.

As regards the security and oversight of pathogenic microorganisms and toxins, States Parties should be careful to avoid the setting up of any obstacles to the access to biotechnologies for peaceful purposes, particularly taking into account the needs of development of developing countries.

On the other hand, the discussion on security and oversight of pathogenic microorganisms and toxins should keep in mind the need for centralized controls in the States Parties to oversee activities that involve sensitive knowledge and materials, including bio-defense programs and activities undertaken in cooperation with third countries.

We are convinced that under your able and experienced guidance we will be able to examine these important issues in order to contribute to the long term and permanent goal of strengthening the BWC regime.

Statement by the Philippines

AS THIS IS THE FIRST DISARMAMENT MEETING THAT I HAVE ATTENDED SINCE MY ASSUMPTION AS THE PERMANENT REPRESENTATIVE OF MY COUNTRY IN GENEVA, ALLOW ME AT THE OUTSET TO EXTEND TO YOU MY WARM FELICITATIONS. WE ARE CONFIDENT, MR. CHAIRMAN, THAT UNDER YOUR LEADERSHIP YOU WILL STEER THIS MEETING TO A CONSTRUCTIVE AND FRUITFUL DISCUSSION OF THE ISSUES THAT WE HAVE BEFORE US. AND I ASSURE YOU OF MY DELEGATION'S COOPERATION AND SUPPORT.

AS A STATE PARTY TO THE BWC, THE PHILIPPINES ADHERES COMPLETELY TO THE PRINCIPLES AND GOALS OF THE CONVENTION. IT WAS ON THIS PREMISE THAT WE LOOKED FORWARD TO SOME PROGRESS AT THE FIFTH REVIEW CONFERENCE OF THE STATES PARTIES DESPITE OUR INITIAL FAILURE TO CONCLUDE THE NEGOTIATION OF A VERIFICATION PROTOCOL AFTER SO MANY YEARS OF PAINSTAKING EFFORT. NEEDLESS TO SAY, MY DELEGATION, LIKE MANY OTHERS IN THIS FORUM, CANNOT HIDE ITS DISAPPOINTMENT AS A RESULT OF THIS SETBACK.

HOWEVER, IF I MAY BORROW AN OFT-CITED QUOTE OF OPTIMISM: "HOPE SPRINGS ETERNAL". AND RIGHTLY SO, BECAUSE THE ENORMOUS PROBLEMS AND CHALLENGES THAT WE FACE IN OUR CONSTANT QUEST FOR A PEACEFUL AND SECURE WORLD ARE DAUNTING. OBVIOUSLY, THE SECURITY INTEREST OF EVERY SINGLE STATE CANNOT BE OVERSIMPLIFIED AND CONVENIENTLY TRANSLATED INTO ONE FORMULA THAT WE CAN CALL "COLLECTIVE SECURITY." FOR THIS REASON, IN THE FIELD OF DISARMAMENT, WE OFTEN GET BOGGED DOWN WITH MORAL

PRINCIPLES AND LOFTY IDEALS THAT ARE WITHOUT REAL VALUE UNLESS AND UNTIL WE PUT THEM INTO PRACTICE BY WAY OF INTERNATIONALLY-BINDING AGREEMENTS AS WELL AS DOMESTIC POLICIES AND MEASURES THAT GIVE SUBSTANCE TO THOSE PRINCIPLES AND IDEALS.

THE ISSUES THAT CONFRONT US IN OUR COLLECTIVE EFFORT TO STRENGTHEN THE BIOLOGICAL WEAPONS CONVENTION ARE NO EXCEPTION. BUT MY DELEGATION HAS REASON TO BE HOPEFUL WITH THE ADOPTION OF THE FINAL DOCUMENT OF THE FIFTH REVIEW CONFERENCE, IN WHICH IT WAS DECIDED TO HOLD THREE ANNUAL MEETINGS OF THE STATES PARTIES COMMENCING THIS YEAR UNTIL THE SIXTH REVIEW CONFERENCE IN 2006 TO DISCUSS, AND PROMOTE COMMON UNDERSTANDING AND EFFECTIVE ACTION ON, AMONG OTHERS, THE ADOPTION OF NECESSARY NATIONAL MEASURES TO IMPLEMENT THE PROHIBITIONS SET FORTH IN THE CONVENTION, AND NATIONAL MECHANISMS TO ESTABLISH AND MAINTAIN THE SECURITY AND OVERSIGHT OF PATHOGENIC MICROORGANISMS AND TOXINS.

THIS DECISION WAS CERTAINLY NOT THE OUTCOME THAT MANY OF US DESIRED, BUT, IT IS NONETHELESS SIGNIFICANT BECAUSE IT DEMONSTRATED OUR CAPACITY FOR COMPROMISE AND, MORE IMPORTANTLY, OUR COMMON DETERMINATION TO SAVE THE MULTILATERAL PROCESS IN THE BWC. IN THIS REGARD, THE ELEMENTS OR TOPICS TO BE EXAMINED CONTAIN WHAT MAY BE REGARDED AS INDISPENSABLE "MARKERS" OF A ROADMAP THAT COULD LEAD US TO OUR GOAL OF STRENGTHENING THE CONVENTION.

THE MEETING OF EXPERTS THAT WAS HELD IN GENEVA LAST AUGUST 2003 IS A CLEAR EXAMPLE OF THE CAPACITY AND WILLINGNESS OF THE STATES PARTIES TO THE CONVENTION TO COOPERATE AND SHARE INFORMATION ON A WIDE RANGE OF NATIONAL MEASURES TO IMPLEMENT THE PROHIBITIONS SET FORTH IN THE CONVENTION AND ON

EFFECTIVE MECHANISMS TO ESTABLISH AND MAINTAIN THE SECURITY AND OVERSIGHT OF POTENTIALLY DANGEROUS MICROBIAL AGENTS AND TOXINS. THESE SECURITY MEASURES HAVE BECOME ALL THE MORE NECESSARY AT THIS TIME BECAUSE OF THE THREAT OF BIO-TERRORISM. THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001 AND THE MALICIOUS SPREAD OF ANTHRAX BY MAIL IN THE UNITED STATES HAVE SHOWN US HOW EASILY INDIVIDUALS AND ORGANIZATIONS WITH CRIMINAL OR EVIL DESIGNS CAN SOW DESTRUCTION AND FEAR. CONSIDERING THE RELATIVE EASE OF DEVELOPING OR ACQUIRING HARMFUL AGENTS AND TOXINS, THE DISCIPLES OF TERROR MAY INCREASINGLY BE TEMPTED TO EMPLOY THEM TO SPREAD INFECTIOUS DISEASES OR RAVAGE AGRICULTURE OR LIVESTOCK. BIO-TERRORISM CERTAINLY POSES A GREAT THREAT FOR US ALL IN THE YEARS TO COME.

IN CONCLUSION, I WOULD LIKE TO TAKE THIS OPPORTUNITY ON BEHALF OF MY DELEGATION, TO EXPRESS OUR GRATITUDE AND APPRECIATION TO THE DELEGATIONS THAT HAVE CONTRIBUTED WORKING PAPERS AND OTHER SUBMISSIONS DURING THE MEETING OF EXPERTS OF THE STATES PARTIES HELD LAST AUGUST. OUR SPECIAL THANKS ALSO GOES TO YOU, MR. CHAIRMAN, AND TO THE SECRETARIAT, FOR PROVIDING US THE ELECTRONIC INFORMATION REPOSITORY IN CD FORMAT WHICH CONTAINS THE REPORT OF THE MEETING OF EXPERTS, WITH ITS ANNEXES, ALONG WITH THE UPDATED INFORMATION ON THE NATIONAL MEASURES UNDERTAKEN BY MANY STATES PARTIES.

THIS WEALTH OF INFORMATION WILL PROVE USEFUL AS WE RE-EXAMINE OUR OWN DOMESTIC LAWS AND REGULATIONS TO IMPLEMENT THE PROHIBITIONS SET FORTH BY THE CONVENTION.

Statement by Malaysia

The Malaysian delegation would like at the outset to congratulate you on your assumption as the Chairman of the Meeting of the States Parties to the BWC and to assure you of our full support and cooperation in working with you towards a successful conclusion of our meeting.

2. The proliferation of all weapons of mass destruction constitutes a threat to international peace and security. It is clear that biological weapons can cause terrible effects on their victims and it is therefore imperative that international attention is focused on countering these weapons. There is no doubt that biological weapons present a great danger as they are the easiest to acquire, regulated by a weak regime and yet have horrendous effects.

3. As a member of NAM, Malaysia fully endorses the position taken by the Group of NAM and Other States to the BWC on the issue of biological weapons. Malaysia believes that only through multilateral negotiations undertaken within the framework of the BWC Convention can the prohibition of biological weapons be preserved and strengthened. It has always been Malaysia's position to support the establishment of multilateral regimes in the field of disarmament and the strengthening of these regimes. Malaysia is therefore fully committed to the goal of strengthening the Biological Weapons Convention. In this regard, Malaysia welcomes the convening of the Meeting of Experts to the BWC, held from 18 to 29 August 2003, and the Meeting of States Parties to the BWC, 10 – 14 November 2003, which have been mandated to discuss and promote common understanding and effective action on the implementation of the BWC in regard to the adoption of necessary national measures and the security and oversight of pathogenic micro-organisms and toxins.

4. The Meeting of Experts and Meeting of States Parties constitute important fora for States Parties to explore and exchange views on effective measures to implement the Convention. We believe that through the exchange of views and discussions at these multilateral fora, States Parties will be able to better formulate and improve their national measures and mechanism in regard to meeting the obligations of the Convention.

5. During the Meeting of Experts of the BWC, Malaysia had submitted a paper entitled "Legislative Action to Implement the Obligations under the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction" (document BWC/MSP.2003/MX/WP.52 dated 26 August 2003). It is nevertheless pertinent for my delegation to reiterate that Malaysia remains committed to meeting the obligations of the Convention. The existing legislative provisions in Malaysia are adequate for the purpose of implementing the Convention. Among the principal legislative provisions for the purposes of implementing Malaysia's obligations under the Convention are the Penal Code, the Corrosive and Explosives Substances and Offensive Weapons Act 1958, the Arms Act 1960, the Customs Act 1967, the Prevention and Control of Infectious Diseases Act 1988 and the Plant Quarantine Act 1976. Malaysia has also enacted the Mutual Legal Assistance Act in 2002 to make provision for mutual assistance in criminal matters between Malaysia and other countries and for matter connected therewith.

6. Malaysia is prepared to enact new legislation or to amend the existing legislative provisions if it is necessary to deal with developments in this area of the law. Malaysia is currently proposing amendments to the Penal Code to specifically criminalize terrorist acts. In the new amendments, a "terrorist act"

is defined by the Penal Code to include an act that involves the use of any microbial or biological agent or toxin.

7. Malaysia also undertakes 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 as provided under Article X of the Convention. We are also willing to cooperate in the further development and application of scientific discoveries in the field of bacteriological (biological) agents for prevention of disease or for other peaceful purposes.

8. In concluding, the Malaysian delegation would like to reaffirm our commitment towards meeting the obligations of the BWC. We would also like to reassure you of the delegation's cooperation in meeting the objectives of this meeting.

Intervention at the General Debate by Mexico

Antes que nada, permítame expresarle la satisfacción de mi delegación, tanto por la manera como condujo nuestros trabajos durante la reunión de expertos celebrada en agosto pasado, así como por verle presidir nuevamente esta reunión de Estados Partes. Le reitero el apoyo de mi delegación en sus esfuerzos por lograr el éxito de esta reunión.

Asimismo, quisiera manifestar que mi delegación se suma a los comentarios y preocupaciones expresados por la Embajadora de Malasia, a nombre del Movimiento de Países no Alineados y otros Estados.

México está consciente de las amenazas que representan para la paz y la seguridad internacional la existencia y las posibilidades de uso de las armas de destrucción en masa. Es por ello, que está convencido de la creciente importancia de la Convención sobre Armas Biológicas y de la necesidad de garantizar el pleno cumplimiento de sus disposiciones. Es cada vez más evidente la necesidad de que los acuerdos jurídicos internacionales en materia de desarme, se preserven, fortalezcan y, de ser necesario, se adopten mecanismos que hagan más eficaz su observancia.

Mi país considera que la Convención constituye una medida efectiva para alcanzar el objetivo de un desarme general y completo bajo estricto y eficaz control internacional, con énfasis en las armas de destrucción en masa.

Mi delegación, estima que tanto las reuniones de expertos como las reuniones de Estados Partes representan una buena oportunidad, no sólo para lograr entendimientos respecto de los temas específicos designados a cada Reunión, sino también sobre otras tareas y asuntos pendientes

como la cuestión de la necesidad inminente de dotar a la brevedad, de un mecanismo de verificación a la Convención.

México reconoce la contribución tanto de las reuniones de expertos como las de Estados Partes, continúa convencido de que el mecanismo de examen resulta limitado.

México considera que es posible avanzar en el ámbito multilateral de manera eficiente y paralela al desarrollo de la cooperación internacional para promover la adopción de medidas nacionales.

Finalmente, permítame señalar que México espera que la resolución titulada "Convención sobre la prohibición del desarrollo, la producción y el almacenamiento de armas bacteriológicas (biológicas) y tóxicas" aprobada recientemente por consenso por la Primera Comisión, pueda también ser adoptada sin votación por el plenario de la Asamblea General; así como llamar a la atención de la sala, que en el documento circulado con las siglas BWC/MSP.2003/MX/WP.60, México ha informado sobre las medidas que observa y ha adoptado para la aplicación de la Convención sobre la Prohibición de las Armas Biológicas, como una contribución constructiva con este proceso establecido en la V Conferencia de Examen de la Convención.

(Informal Intervention of the English Interpretation of the Intervention by Mexico)

Chairman, first of all may I say how pleased my delegation is both of the way in which you conducted our work during the August meeting of experts and to see you once again in the Chair at this meeting and I reiterate my delegation's support for your efforts to ensure a successful meeting. I would also like to say that my delegation endorses the comments and concerns expressed by the Ambassador of Malaysia on behalf of the Non-Aligned and other States Movement.

Mexico is aware of the threat to international peace and security represented by the existence and possible use of weapons of mass destruction. We are therefore convinced of the growing importance of the BWC and the need to ensure full compliance with its provisions. It is daily clearer that there is a need to strengthen international legal agreements in the field of disarmament and to preserve, strengthen and if necessary adopt mechanisms to increase the effectiveness of their implementation. My country believes that the Convention represents an effective measure to achieve the objective of general and complete disarmament under strict international control with an emphasis on weapons of mass destruction.

My delegation believes that meetings of experts and meetings of States Parties are a good opportunity not just to reach understandings on the specific issues assigned to each meeting but also another outstanding task and matters such as the urgent need to provide our Convention with a verification mechanism as soon as possible. Mexico acknowledges the contributions both of the expert meetings and meetings of the States Parties but we continue to believe that the review mechanism is limited.

Mexico believes that it is possible to make progress in the multilateral sphere in an effective manner in parallel to the development of international cooperation to promote the adoption of national measures.

Finally, when I say that Mexico hopes that the resolution entitled Convention on the Prohibition, Development, Production and Stockpiling of Bacteriological, Biological and Toxin Weapons, adopted recently by consensus in the First Committee, will also be adopted without a vote by the Plenary of the General Assembly. We would also like to draw the attention of this meeting to the fact that in the document distributed under the code MX.WP 60, Mexico reports on measures observed and adopted for the implementation of the BWC and believes it is a constructive contribution to this process established in the Fifth Review Conference.

Statement by Jordan

بسم الله الرحمن الرحيم

السيد الرئيس

السادة رؤساء الوفود

يسعدني أن أتقدم باسمي وباسم وفد حكومة المملكة الأردنية الهاشمية إلى رئاسة هذا 01 المؤتمر بالشكر الجزيل على إتاحتها الفرصة لنا للالتقاء في هذا المؤتمر للتشاور والحوار حول إحدى الاتفاقيات الدولية الرئيسية والتي تهدف إلى الحد من انتشار أحد أنواع أسلحة الدمار الشامل والذي هدد ويهدد أمن واستقرار شعوب العالم بأسره ألا وهو السلاح البيولوجي.

2. تؤيد وتساند الاردن بما جاء بكلمة الوفد العربي في هذا الاجتماع.

وان الاتفاقية بهذا الشكل والمضمون جاءت نتيجة جهد شاق ومتواصل طوال اكثر من 3. ثلاثة عقود من الزمن بذله الذين شاركوا في تحضيرها واعدادها وصياغتها وأنا في الأردن نقدر الجهد المثمر بالغ التقدير.

واسمحوالي في هذه المناسبة أن أبين رؤية الموقف الأردني من اتفاقية حظر وإنتاج 04 وتطوير وتخزين الأسلحة البيولوجية والتكسينية التي تمثلت بمواقفه المبدئية والملتزمة في ترسيخ مفهوم شمولية الأمن والسلام على كافة الصعد الإنسانية. ويأمل الأردن أن يكون هذا العقد عقداً حاسماً للحد وإنهاء سباق التسلح في مختلف مناطق العالم وخاصة في مجال أسلحة الدمار الشامل التي تهدد أمن البشرية جمعاء حيث قام الأردن بالتوقيع والانضمام إلى معظم

الاتفاقيات والمعاهدات الدولية ذات العلاقة. وأريد هنا أن أؤكد بان الأردن يسعى باستمرار وبكل جهد ممكن لإيجاد منطقة خالية من أسلحة الدمار الشامل في الشرق الأوسط.

05 أما بالنسبة للأسلحة البيولوجية والتكسينية فان سياسة الأردن تتمثل في عدم إنتاجها وعدم شراؤها وعدم التعامل بنقلها بصورة مباشرة أو غير مباشرة ولا توجد لدى أية طموحات أو نوايا لامتلاك أو تطوير أية برامج تتعلق بهذه الأسلحة أو إقامة أية منشآت بيولوجية أو تكسينية في المستقبل، كما وأن من سياسة الأردن في هذا المجال عدم تقديم المساعدة العلمية أو التقنية أو المادية بصورة تؤدي إلى استخدامات غير مشروعة دولياً، كما أن الأردن لا يسمح بأية نشاطات بيولوجية أو تكسينية على أراضيها من خارج الأردن.

6. ومن منطلق حرص الأردن على تنمية الجانب التطبيقي المتعلق بالمواد الخطرة وتأثيراتها شارك الأردن بالعديد من المؤتمرات والندوات الدولية والإقليمية ذات العلاقة، فقد استضاف الأردن خلال الفترة من 14 - 16 تشرين أول 2003 "المؤتمر الدولي الثالث للمواد الخطرة، ... الأبعاد البيئية والتشريعية" حيث استعرض خلاله مواضيع تتعلق ب: إدارة المخاطر الصناعية الرئيسية، إدارة النفايات الطبية، الرقابة على المواد الكيميائية، متطلبات السلامة البيئية وأخيراً مراقبة الأمراض المعدية.

السيد الرئيس

7. إن مصادقة الأردن على الاتفاقيات والمعاهدات الخاصة بأسلحة الدمار الشامل ودوره النشط والإيجابي داخل المنظمات التي أنشئت لهذا الغرض ما هو إلا دليل واضح على اهتمام الأردن والتزامه للمواثيق الدولية من أجل تعزيز الأمن والسلام والاستقرار في العالم أجمع، وفي هذا الإطار فإن الأردن يولي جل اهتمامه في المحافظة على أمنه وسلامته وخاصة فيما يتعلق بالمواد الخطرة ومنها المواد البيولوجية والتكسينية من خلال تشريعات وقوانين وطنية تتسجم وتلتزم بما يصدر عن المنظمات الدولية المتخصصة كمنظمة الصحة العالمية وغيرها. ويعمل الأردن بشكل دؤوب على تطوير هذه التشريعات لتصبح أكثر فاعلية وعصرية من خلال لجنة فنية وقانونية، وتالياً بعض هذه التشريعات الوطنية:

أصدرت وزارة الصحة العامة قانون رقم 54 لعام 2002 والذي يضبط المواد والأمكنة الموبوءة الناقلة للمرض بالإضافة للأشخاص الموبوءين، ومن بنوده المواد التالية:

- المادة " 20 " /الفقرة " ج "**. يحظر تحت طائلة العقوبات المنصوص (1) عليها في هذا القانون استعمال المواد أو الأشياء أو الأماكن والتي يحتمل أن تنقل المرض، كما يحظر وضع أي منها في متناول الغير أو تحت تصرفهم.
- المادة " 24 " /الفقرة " ب "**. كل من أخفى عن قصد مصاب أو (2) عرض شخص للعدوى لمرض وبائي أو تسبب عن قصد بنقل العدوى وامتنع عن تنفيذ أي إجراء طلب منه لمنع تفشي العدوى يعتبر انه ارتكب جرماً يعاقب عليه بمقتضى أحكام هذا القانون.

المادة " 27 " على المسؤول عن أي مختبر أو مكان يحتمل توالد (3) نواقل الأمراض فيه أن يتعاون مع الوزارة لاتخاذ التدابير اللازمة والاحتياطات الضرورية للحيلولة دون ذلك.

المادة " 28 " يجوز للموظف المفوض أن يدخل في أي وقت لأي (4) مكان أو منشأة لإزالة أسباب وجود نواقل المرض.

المادة " 29 " يعاقب بالحبس مدة لا تقل عن ستة (5) شهور أو بغرامة مالية على كل من خالف الشروط المتعلقة بإدارة النفايات الطبية والمواد الناتجة منها.

كما أصدرت وزارة الصناعة والتجارة قانون الاستيراد والتصدير لعام 2001 ب. بحيث تتطابق المواد المصدرة والمستوردة مع متطلبات السلامة العامة ومراعاة الاتفاقيات الدولية.

نظام ترخيص وإدارة المختبرات الطبية رقم " 23 " لعام 1982، اشتمل على ما ج. يلي:

المادة " 14 " (1)

الفقرة ج. وضع قائمة بأنواع التحاليل المنوي إجرائها في المختبر/المختبرات. **الفقرة و.** الاحتفاظ بسجل خاص تسجل فيه نتائج التحليل/التحاليل.

المادة " 15 " (2) يخضع المختبر الطبي للتفتيش من قبل القسم المختص في وزارة الصحة ويقدم تقريراً للوزير بنتائج التفتيش.

د. نظام إدارة الموارد الضارة والخطرة وتداولها رقم " 43 " لعام 1999 والذي يتضمن مجموعة من الإجراءات الخاصة بتداول ونقل والتخلص من هذه المواد الضارة والخطرة.

هـ. إن العالم يمر الآن بتطورات عديدة يستلزم بموجبها السعي الحثيث والمشارك من قبل أعضاء الأسرة الدولية إلى توحيد الجهود لمحاربة الإرهاب لتحقيق الأمن والاستقرار الدوليين، وإن هذا يتحقق عن طريق التعاون الدولي المثمر والهادف إلى جعل العالم منطقة آمنة يسودها التعاون والتفاهم، وأن الأردن في هذا السياق وكدولة كانت ضحية لأعمال الإرهاب قد سنّ تشريعات وطنية رادعة وعقوبات قانونية تصل للسجن والإعدام لكل من يرتكب جرم الإرهاب باستخدامه لمواد بيولوجية أو تكسينية أو كيميائية.

وحتى نصل بجهودنا إلى الهدف المنشود، أوكلت الحكومة الأردنية وضع خطة وطنية 8. للرد السريع على الحوادث البيولوجية والتكسينية إلى اللجنة الوطنية والمشكلة بشكل دائم من مختلف الوزارات المختصة، حيث تعتمد هذه اللجنة إلى إجراء التجارب وذلك لإذكاء عنصر الجاهزية عند حدوث الخطر.

السيد الرئيس

أتمنى لكم ولهذا المؤتمر التوفيق والنجاح

وشكراً سيدي الرئيس

(Informal Transcript of the English Interpretation of the Intervention by Jordan)

Chairman, on behalf of my delegation and on behalf of the Kingdom of Jordan I am pleased to thank the Chair for having provided us with this opportunity of discussing the major issues involved in this Convention, which try to put an end to threats to peace and security of all peoples through the use of biological weapons. I am also speaking on behalf of the Arab States.

This Convention was the product of a difficult effort of more than three decades by all those who worked to prepare a draft and improve this. Jordan welcomes that noble effort and I would like to take this opportunity to shed light on Jordan's position on this Convention, which enshrines the concept of the universality of peace and security in all areas. We hope that this decade will make an important contribution to the process of prohibiting weapons of mass destruction, which are a threat to humankind. Jordan has adopted most legal instruments in the field and is energetically working to establish a zone free of weapons of mass destruction in the Middle East.

As far as biological and toxin weapons, Jordan's policy is neither to produce nor acquire nor transport, directly or indirectly, these weapons. We have no ambitions, we have no intentions to get hold of or develop any programme related to these weapons nor to set up or develop biological or toxin facilities. Our policy is not to provide scientific, technical, material or other assistance, which could result in international illegal use.

Jordan has developed operational aspects of management of dangerous substances, which is why we have attended many conferences and workshops. From the 14-16 October 2003 we hosted the third international conference on dangerous substances with regard to environmental legislative aspects. We discussed the main industrial threats, the management of major risks, the management of medical waste, security measures, surveillance of infectious diseases.

Jordan has ratified the conventions and agreement on weapons of mass destruction, faithful to its position of principle, which is for peace and security in the whole world. Jordan attaches great importance to its security and safety with regard to dangerous substances, including biological and toxic substances and we have developed legislation inspired by WHO and others. Jordan is working toward modernising and simplifying its legislation, having set up a legislative and technical committee to do this.

Developments require that we cooperate at an international level in order to close ranks against terrorism, in order to achieve international peace and security. This can be achieved through effective and calm cooperation in order to ensure harmony in the world. Jordan has been the victim of many terrorist operations and has established measures, which include measures relating to terrorism using weapons of mass destruction, including bacteriological and biological weapons.

In order to achieve our objectives we have set up a national committee with representation from all the ministries and customs. This committee is working to improve our preparedness for any emergency situations.

Statement by Sudan

Allow me at the outset to extend our sincere congratulations on your assumption of the Chairmanship of the Meeting of the States Parties to the Biological and Toxin Weapons Convention (BWC). We are quite confident that your rich experience and your widely acknowledged expertise as well as your longstanding commitment to the issue of arms control will help bring this meeting to a successful conclusion.

We are appreciative of and grateful to those who took the floor before us and in particular the delegation of the United States of America, the Russian Federation and the Kingdom of Saudi Arabia, who brought the attention of this august gathering to the accession of Sudan to this important treaty, a move that brought the number of the States Parties to the BWC to 151.

On behalf of my delegation, I would like to assure you of our full support to your relentless efforts in pursuing the multilateral process of disarmament and arms control, in particular in the fields of biological weapons and toxins.

The Republic of the Sudan has deposited during the 58th Session of the General Assembly of the United Nations, its instruments of accession to the Comprehensive Nuclear Test Ban Treaty, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Anti-Personnel Mines and the Convention on the Prevention and Punishment of the Crime of Genocide.

So doing, the Republic of the Sudan has become a party of two important international instruments within the regime of Conventions on restriction and prevention of weapons of mass destruction and disarmament. They also aim at observing humanitarian standards in the conduct of conflicts whether internal or international.

The Convention on the Prevention and Punishment of the Crime of Genocide, which the Sudan has acceded to, has hardened, through time, into a pre-emptory norm and a deeply rooted custom of international Human Rights Law. It has, thus, influenced the development of the entire body of Human Rights Conventions, from which the latter derived their rules. The Significance of the Genocide Convention is also evident in the application and implementation of the International Criminal Law.

The Republic of the Sudan has acceded to this important Convention in a view to compliment its efforts aimed at positively contributing to and to legitimate the aspiration of mankind to live in a world free of weapons of mass destructions.

In this context, the delegation of the Sudan wily fully concurring with the statement made by Tunisia on behalf of the Arab League, fully supports the call to declare the Middle East, a zone free of such weapons.

We would like to particularly emphasize hereby that ratification of the Convention on Prohibition of Anti-Personnel Mines comes in consonant with the genuine effort diligently exerted to achieve peace and find a lasting settlement of the internal fight in the Sudan. The international community, in its different establishments of individual states, groups or organizations, is bound in this regard to readily provide technical and material assistance for the process of de-mining in the Sudan in fulfillment of its declared undertakings.

As you are aware, Sudan hosted last August the first conference of National African authorities concerned with the implementation of the Convention on the Ban of Chemical Weapons. That Conference was a great success. It constituted a landmark and it gave more impetus to the contribution of Africa towards the universality of this Convention. More than 30 African countries participated in that Conference, and other States Parties such as USA, France and Romania.

We look forward to see to it that similar national authorities for the BWC be established so as to secure more coordination at the regional level for more effective implementation of the prohibitions set forth in the Convention.

In conclusion, Mr. Chairman, I would like to assure you that we will spare no efforts in view of securing the adequate and effective implementation of this convention and putting into place the necessary national measures and mechanisms to this effect.

Informal Transcript of the English Interpretation of the Intervention by Iraq

I would like to congratulate Your Excellency on your appointment to lead our meeting. I am sure that your wisdom and experience will ensure that we achieve our goal, which is to make this Convention effectively applicable to ensure peace and security for humankind as a whole.

We would like to endorse the statement made by the Ambassador of Malaysia on behalf of the Non-Aligned Movement. We also endorse the statement made by the Ambassador of Tunisia on behalf of the Arab States, Members of the Convention.

Chairman, Iraq signed this Convention in 1972. We ratified it in 1991 but circumstances have not allowed us to implement the Convention sufficiently effectively nor to work to ensure the success of principles to rid ourselves of this most severe of weapons of mass destruction, biological weapons. Iraq during the last war was faced with serious dangers connected with the use of pathogenic agents, to the chaos ensuing on the collapse of the preceding regime. The laboratories, the research centres were targeted by pillagers who were not even aware of the

substances contained in those centres to wit very dangerous biological substances, which were destined to medical research purposes.

Iraq is sure that this Convention represents an important legal instrument, which can contribute to ridding us to weapons of mass destruction thereby representing a fundamental guarantee for peace and security in the world. The international community should strengthen their efforts to encourage countries, which have not yet done so to accede to the Convention because this will strengthen confidence in efforts to rid the world of these weapons. Last year Iraq drafted a first set of legislative norms at international level prohibiting the development of weapons of mass destruction. However, circumstances have not allowed Iraq to complete all measures related to this endeavour. The Governing Council is engaged in ensuring respect for all international treaties and conventions signed by Iraq and as soon as circumstances allow the Council will seriously consider further development of national legislation to prohibit all forms of production of weapons of mass destruction.

However, the Council believes it is important not to disturb the current balance of forces in the region and in the world. There must be equality of rights and obligations in terms of international agreements, particularly those relating to disarmament. So we must create a foundation, which can provide equal treatment, otherwise international peace and security will not be attained. We reassert the importance of guaranteeing security for all.

Summary of Meeting 10 November 2003

The first session of the Meeting of States Parties convened to hold a general debate on the topics of *the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation and national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins*. National statements were heard from Italy (on behalf of the EU), Malaysia (on behalf of the Non-Aligned Movement), Republic of Korea, South Africa, Switzerland, Canada, United States, Czech Republic, Japan, Germany, Tunisia (on behalf of the Arab States Parties and signatories to the BWC), China, Russian Federation, Saudi Arabia, India, Morocco, United Kingdom, France, Pakistan, Cuba, Argentina, New Zealand, Colombia, Norway, Indonesia, Australia, Sweden, Brazil, Philippines, Malaysia, Mexico, Jordan, Sudan, and Iraq.

States heard reflections on the Meeting of Experts held in August 2003 and indicated desired outcomes for the Meeting of States Parties and possible ways to promote common understanding and effective action on the topics under consideration.

States Parties underlined the importance of universality of the Biological and Toxin Weapons Convention and supported efforts to strengthen its implementation and enforcement.

Furthermore, the States Parties welcomed Sudan's accession to the Convention.

A number of States Parties acknowledged the efforts made by the Meeting of Experts in August 2003 and remarked upon common themes that emerged; these common themes were considered by many States to provide a framework based upon national legislation, including penal legislation and to develop, establish and maintain effective biosecurity programmes.

A number of States made offers of assistance in the area of national implementation and biosecurity, or reiterated offers made at the Meeting of Experts. Offers of assistance to date now

include: Switzerland, Canada, United States, Germany, Russian Federation, Cuba, Norway, Australia, Japan, Sweden, and South Africa.

Incorporation of the Prohibitions Contained in Article I of the Convention, Including the Enactment of Penal Legislation – Tuesday 11 November 2003

Chairman's Opening Remarks

Good morning, ladies and gentlemen. May I declare the meeting open. In accordance with our programme of work the suggestion for today is to move to a more thematic discussion. For this morning and this afternoon we have identified two issues. For the morning the incorporation of the prohibitions contained in Article 1 of the Convention, including penal provisions and for the afternoon licensing.

You have heard yesterday from my statement the way I would suggest to proceed. You might have seen the annotated agenda, which is threshing out a bit the framework we tried to create by the issues identified for the discussion. Throughout my bilateral consultations and group consultations I tried to encourage delegations to take an active part in these thematic discussions. In my judgment we will have to move away from just a very narrow descriptive national viewpoint to something, which is trying to bring up and synthesize a bit those common sense elements, which are emerging from the August discussions. So I would hope that delegations will be able to join in. I will make some brief points recalling some of the elements, which we heard in the August meeting. Then I would provide an opportunity to those delegations, which have already inscribed and I have eight requests for the floor. It would be good if after all those statements we hear there is some interactive discussion going on, so if you will have any comments related to any of these statements or presentations I will create an opportunity for those comments or questions or reactions.

As it was the case in August, the intention on our side would be to make available through a collation all those statements and presentations we receive in writing. I would like to very clearly articulate the request to you to please hand over to us - either in hard copy or electronic format or in both - if you have points already prepared. That would improve the quality of the collation. I will try to provide a very short summary for the discussion after the meeting is over, with the assistance of the Secretariat. So that would be the suggestion in accordance with the programme of work and the annotated agenda and in accordance with what we have been discussing through bilateral and group discussions.

As for the first issue, the issue for this morning I would like to recall that the August meeting provided a considerable quantity of information relating to the experiences of States Parties in implementing nationally the prohibitions of the Convention. The discussions produced a number of co-elements of national implementation of the prohibitions of the Conventions including the enactment of penal legislation, elements which are including but not limited to the need for legislation, which encompasses the full scope of the prohibitions, effective penal provisions to punish and deter violators, effective regulations or legislation to control and monitor transfers.

The discussions produced a number of proposals for elements, approaches, enhancements or mechanisms to facilitate the national implementation. Those elements approaching enhancements or mechanisms include again, but not limited to, elements like prohibitions criminalizing the development, production, stockpiling, acquisition, retention or transfer of agents, toxins, weapons and equipment and means of delivery, specified in Article I of the Convention. Prohibitions criminalizing the use of agents, toxins, weapons, equipment and means of delivery, again specified in Article I of the Convention. Prohibition of assisting others to breach any of the prohibitions of the Convention. Extraterritorial application of these prohibitions of the Convention. Authorization for the government of the State Party to halt suspect activity, including powers of search for obtaining evidence in cases of suspected breaches of the legislation. Adoption of biosecurity measures by individuals and entities handling certain agents. Registration of activity involving certain agents in the government of that State Party. Provisions for offences by corporate bodies as well as individuals. Specified penalties on conviction of these prohibitions.

So these were some of the elements, approaches, enhancements and mechanisms, which were mentioned and again I do not want to put a limitation, so there might be other components in the discussion which will take place might be brought up.

The discussions in August produced a number of key elements to enhance the national implementation, national reviews on a continuing basis of the efficacy and efficiency of the respective domestic systems, including legislation, related regulations and complementary measures for implementing the prohibitions of the Convention for use by national governments to instigate additional measures as appropriate.

In the course of our discussion I might refer back to some of the ideas, which were put forward in the August meeting in case we will need some additional material for discussion, but at this stage I would like to limit my introductory points to these elements of recalling the main thrust of the discussion related to the issue we are considering this morning.

With your permission now I would like open the floor for statements and presentations from delegations and the first speaker is the delegation of the Netherlands.

Presentation by the Netherlands with regard to agenda item 5: national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation.

Since this is the first time that I take the floor, allow me express my delegations respect for your tireless efforts and initiatives to increase the prospect of a good result that will strengthen the Biological and Toxins Weapons Convention, and to assure you of my delegation's utmost cooperation to assist you in making this Meeting of States Parties a success.

You requested delegations to hold presentations at a more abstract or generalized level. This presentation is therefore more of an intervention outlining some observations of this delegation during the August meeting, as well as sharing some ideas for the follow up process towards 2006 and beyond.

National implementation of the prohibitions of the Biological Weapons Convention has been on the agenda of the Meeting of States Parties for a long time. Previous Review Conferences stressed the importance of the issue, and efforts have been undertaken to encourage States Parties to inform others through the UN of newly enacted legislation.

The Netherlands is of the opinion that, although national implementation is equally important today as it was ten or twenty years ago, in the light of recent developments it is more urgent than before that States Parties actually have national legislation in place, and not delay the adopting thereof until the future. As has been stated by the Presidency of the European Union, the risk that terrorists will acquire materials for weapons of mass destruction adds a new dimension to the longstanding threat of the proliferation of these weapons.

All States Parties have to carry out their obligations under the disarmament and non-proliferation treaties they have ratified or acceded to. All States Parties have to take up their share of the work that is needed to reach the goal we have ourselves committed to: to counter the threat that weapons of mass destruction pose.

In preparation for the August meeting of experts, much of what we had not succeeded in doing so far – namely to get most States Parties to share their legislation with the UN – was already accomplished. Even before August 18, you provided us with a CD-rom containing detailed information on about 1000 legislative or administrative measures taken by almost 80 States Parties. That seems to be more than we knew two, even one year ago.

Apparently focusing BW discussions on one or two agenda items only, in an expert format, encourages States Parties to provide information. We could therefore say that the meeting of experts in itself has already proven to be a useful instrument to further the goals of the Convention.

During the August meeting of this year, experts of a great number of States Parties to the BTWC shared information on their national measures implementing the prohibitions set forth in the Convention. The Netherlands noted, both from the presentations and the discussions, as well as from the Working papers provided, that most States Parties present had enacted legislation implementing the prohibitions in articles 1 and 3 of the Convention, including penalizing violation of such legislation.

Furthermore, we noted that States Parties on the whole seem to have made, or are in the process of making the implementation of the Convention reflect the current global threats, as well as making the implementation of the Convention 'future proof'. Amongst others, a lot of States have introduced legislation that makes the development, production, stockpiling, acquisition or retention of biological weapons or means of delivery for use in a terrorist attack an aggravating factor. This facilitates the judicial apparatus to give higher sentences, reflecting the psychological gravity of such attacks on society.

Next to that many States Parties have enacted export control legislation, tightening or closing the judicial net for companies and individuals who transfer materials that can be used for biological weapons. Licenses for certain agents, equipment and even sensitive information are required in a lot of countries, as well as end-user certificates. Lists of agents of concern are regularly updated, reflecting new insights as well as technological and scientific developments, and attention is focused on transfers by intangible means like fax or e-mail.

Furthermore the concept of 'catch-all' clauses was thoroughly discussed, stressing the way in which this concept contributes to implementing the prohibition of article III of the Convention. The Netherlands is of the opinion that a 'catch-all' clause is the best way to be able to prevent proliferation where it occurs.

We are working towards a concrete result at the end of this week. My delegation thinks that with regard to topic 5 of the agenda, we should work to identify the core elements of implementing legislation that can be recommended to States Parties that either have not yet implemented the Convention, or not sufficiently enough.

We think the following elements should inter alia be included in implementing legislation, including penal legislation:

- Prohibitions criminalizing the development, production, stockpiling, acquisition, retention and transfer of microbial or other biological agents, or toxins in types and quantities that have no justification for prophylactic, protective or other peaceful purposes, as well as weapons, equipment or means of delivery designed to use such agents and toxins for hostile purposes or in armed conflict.
- Specified penalties on conviction and/or deterring fines for violations of these prohibitions. The intention of terrorist use could well be considered an aggravating circumstance in criminal trials.
- The scope should include both individuals and corporate bodies, and should not derogate from the States' obligations under the Convention.
- There should be a national body monitoring compliance with this implementing legislation, with sufficient powers of search in case of suspected breaches.
- With regard to transfer monitoring and export control States Parties should define lists of agents and toxins, related genetic material, and equipment subject to licensing prior to export. These lists should be flexible and regularly updated.
- There should be clear procedures for obtaining such licenses.
- Transfer regulations should contain a 'catch-all' clause that would require someone to obtain a license in specific cases, notwithstanding the abovementioned recommendations.
- There should be prohibitions on technical assistance to others in breaching the prohibitions of the Convention.
- There should be penalties provided for the violations of these transfer regulations.

We very much welcome the transparency shown by States Parties so far and we would like to encourage States Parties to continue doing so by sharing newly enacted legislation in the field of BW with other States. Furthermore, my delegation would like to recommend all States Parties to regularly review their implementing legislation to see whether it still is able to stand the test of new times.

As we pointed out in August, my country is in the process of such a review. So far, we have seen that ever since we adopted national implementing legislation in 1981 - in which we specified the prohibitions and penalties for violations thereof, in which we appointed inspectorates to monitor compliance with the legislation, i.e. making a very clear-cut and simple system -, our society has changed a lot, and so has our view towards BW. Implementing legislation does not always stand the test of time. Priorities shift, new inspectorates are created, old ones disappear, and other aspects like export control come into play. Furthermore, enforcement becomes more complicated

as potential loopholes widen and their number increases due to advances in technology or other factors. The purpose of the review process is to see whether in spite of all these changes the main goal of the Convention is still being served: prohibit and prevent the spread of biological weapons both in the Netherlands and the rest of the world. So far, we have not yet reached the point of drawing conclusions or making any recommendations on how best to address the new situation.

My country thinks that it is very important that all States Parties regularly review the state of their national implementation and report on such a review to others. We would very much welcome such a recommendation in any final document of this Meeting of States Parties. We will certainly inform States Parties if the Netherlands changes existing legislation or adopts any new measures if the need for that is felt.

As this year's work is part of a three-year program of work towards the 6th Review Conference in 2006, please allow me to share some thoughts on future action to be taken with regard to national implementation.

In the immediate future, working towards 2006, we hope that States Parties will take up their efforts to fully implement the Convention if they have not done so yet and inform States Parties, for example through the chairman of the next two meetings of States Parties on measures taken. Maybe it is possible to distribute further revised versions of the CD-rom next year and in 2005, highlighting new legislation and measures.

At the same time I would like reiterate what I said before: at this time we feel that it is all the more urgent than ever that States Parties have national implementing legislation in place. This urgency is also reflected by other non-proliferation regimes. For instance, just three weeks ago States Parties to the Chemical Weapons Convention agreed on an action plan for national implementation. It was agreed that States Parties will have to implement the prohibitions and obligations of the Convention before the Conference of States Parties at the end of 2005.

There are similarities between the CWC and the BTWC in general and with regard to the status of national implementation. In both the CWC and BTWC around 50% of States Parties have enacted national legislation implementing the prohibitions of these Conventions. Furthermore, technical assistance in implementing the Convention is being discussed in BWC context, as well as in CWC context. And finally, many States Parties to the CWC are also party to the BTWC.

The Netherlands would therefore argue that in principle it is acceptable to most States Parties to have a target date for complying with the obligation to implement the BTWC. In principle, it should also be acceptable to set such a target date in the near future. We think that it will be primarily a task for the Review Conference in 2006 to discuss this, especially since there would have to be a debate on how to help States Parties that need technical assistance, as well as on what to do if such a target date has not been met. We would recommend the Chairman of the 6th Review Conference to closely follow this issue being dealt with in CWC-context.

Nevertheless, the Netherlands would also support any final document for this week that sets such a target date, for instance for 2006 itself. If that were to be the case, we would then be able to dedicate the 6th Review Conference to what we think is even more important than having legislation in place: the effective implementation and actual monitoring of national implementing

measures itself. Paperwork alone is not enough. If it does not stop individuals or States from acquiring and using biological weapons it might all have been a worthless effort.

Intervention by Australia

The BWC Experts' meeting in August proved to be an excellent forum for the exchange of information and ideas on ways to strengthen the BWC through effective national arrangements. We welcomed presentations on the wide range of national legislative measures being undertaken, and especially the frankness of discussion and the ready availability of experts for further debate.

A key message reinforced at that meeting was that strengthening domestic implementation measures serve to enhance national, regional and international security. In this, it was recognised that effective implementation of BWC obligations is the responsibility of each State Party to the Convention.

But it was also recognised that many states need to do more to achieve fully effective controls and satisfy in full measure their BWC obligations. Regrettably, while many BWC States Parties have some legislation which goes at least part way towards satisfying such obligations, it appears that often this is neither comprehensive nor focussed.

With this in mind, we appreciate the wealth of practical information that was shared, and especially the offer by many States of assistance in implementing and enforcing effective arrangements.

In looking at the various national efforts to implement the BWC it is possible to identify a number of essential elements required under a comprehensive legal framework with penal codes and enforcement mechanisms. Such 'best practice' elements include:

- . Control list(s) covering relevant pathogens and toxins that have the potential to pose a serious threat
- . A clear differentiation between biosafety and biosecurity
 - it is important that biosecurity is recognised as a distinct discipline and so drive positive cultural changes in relevant facilities and organisations
- . Controls on transfers, internal and external to the state which would ensure a robust and secure chain of custody between approved or authorised people – not organisations
- . Consequence management that is preparedness response
- . Training and education that would include development of a biosecurity culture
 - this would also improve awareness of potential implications and consequence of research and other activities

- . National outreach programs and investigation activities to ensure that an effective and comprehensive regime is underpinned by proactive compliance measures
- . A national mechanism to ensure whole-of-state uniformity and integration of implementation and enforcement
 - is vital to prevent gaps between various statewide implementation and enforcement jurisdictions
 - this is particularly important for federated states : likely to require a national authority
 - would limit duplication of activities by both governments and facilities alike

If our objective is enhanced biosecurity and control of biological materials and knowledge then:

- . We need to consider tailored solutions for states with small or less developed infrastructures
 - recognise that the big fix will not fit all sizes : certainly not quickly or affordably
- . We must establish exactly what needs to be protected and controlled in each situation, then develop specific solutions

For Australia, we found the information and assistance provided at and arising from the experts meeting invaluable

- . Australia is conducting a review of legislation across federal and state jurisdictions, drawing upon some of these 'best practice' elements to guide our analysis and subsequent action

Let me conclude by saying that we would like to see this meeting of States Parties agree to:

- . Recognise that strengthening domestic implementation measures serve to enhance national, regional and international security
- . Encourage all BWC States Parties to commit to enacting, implementing and enforcing effective national implementing legislation incorporating the prohibitions as obligated by the BWC;
- . Encourage cooperation and assistance between States Parties in building capacities to implement effectively such legislation; and
- . Acknowledge the good work of the experts group in August 2003 as we move forward to the program of work in 2004 and 2005, and beyond to the 2006 Review Conference of States Parties.

Canada and the BTWC: Legislative Evolution and Undertakings

Canada and the BTWC: Ratification

- Canada ratified the BTWC on September 18, 1972
- At the time of ratification, Canadian legislation was deemed sufficient to meet requirements of the Convention

Canada and the BTWC: Current Legislation

There are a large number of Acts in Canada that are concerned with issues relevant to the BTWC, although most of these do not specifically address the BTWC itself. A full list of Canada's relevant legislation is available upon request. Following are some highlights.

Examples of Legislation:

Canadian Environmental Protection Act (1999) (C-15.31): This Act contributes to sustainable development through pollution prevention and protects the environment, human life and health from the risks associated with toxic substances. Part 5 of the Act requires all substances on the Domestic Substances List to be categorised and screened for potential risks to human health, life and the environment. Part 6 outlines the requirements for the assessment and introduction of living organisms that are the products of biotechnology.

Criminal Code (R.S. 1985, c. C-46): Part II of the criminal code covering "Terrorism", and Part III dealing with "Firearms and Other Weapons" both have provisions which support Canadian implementation of its BTWC obligations. In addition, the criminal code, in dealing with issues pertaining to "use" of biological and toxin weapons, covers issues that fall under sections of the 1925 Geneva Protocol.

Emergency Preparedness Act c. 6, 1997: Sets the federal responsibilities in the area of emergency preparedness, including biosecurity. Section 7 establishes that every Minister accountable to the Parliament of Canada for the administration or affairs of a government institution is responsible for, *inter alia*, identifying the civil emergency contingencies that are within or related to the Minister's area of accountability and developing a civil emergency plan therefore.

Export and Imports Permit Act c. E-19, 1985: Gives the government the power to establish Export & Import Control Lists in order to control certain goods and technologies and for the security of Canada and to meet its international commitments to prevent, among other things, the proliferation of weapons of mass destruction or diversion of sensitive dual use goods or technologies

Hazardous Products Act c. H-3, 1985: Controls the sale, advertising and importation of hazardous products used by consumers that are not covered by other acts and listed as prohibited or restricted products.

Plant Protection Act c. 22,1990: Prevents the importation, exportation and spread of pests injurious to plants and to provide for their control and eradication and for the certification of plants.

The Transportation of Dangerous Goods Act c. 34, 1992: Outlines safety standards, procedures and standards for the transport of dangerous goods. Contains reporting requirements for accidental release of dangerous goods and emergency response provisions.

Canada and the BTWC: Departmental Responsibilities

Canada has a number of Ministries and Agencies that are responsible for implementing the legislation that supports our BTWC commitments. Some examples of the primary federal ministries dealing with BTWC compliance issues are as follows:

Canadian Food Inspection Agency (CFIA)

The Biohazard Containment and Safety Division works to establish the biocontainment levels, procedures and protocols that are needed to work safely with animal and zoonotic pathogens

Health Canada (HC)

HC is setting up a new Canadian Bio-terrorism Lab Response Network, with the National Microbiology Level 4 Laboratory at the hub. The Centre for Emergency Preparedness and Response (CEPR) is the coordinating point for responding to health emergencies.

The Office of Biosafety (OBS) assures effective biosafety interventions on a national basis through regulatory control, surveillance and applied research

Transport Canada (TC)

TC is the focal point for the national program to promote public safety during the transportation of dangerous goods such as high containment biological agents.

Prior to transporting certain types of dangerous goods that present a substantial hazard and/or require specialized knowledge and equipment to handle if involved in an accident, an Emergency Response Assistance Plan must be filed for TC's approval

Department of Foreign Affairs and International Trade (DFAIT)

The Non-Proliferation, Arms Control and Disarmament Division has the primary policy role for international BW agreements and obligations (and other WMD) and leads Canada's representation at various international NACD fora

The Export and Import Controls Bureau administers the Export and Import Permits Act (EIPA) which regulates trade in military and strategic dual-use goods

Environment Canada (EC)

The Canadian Environmental Protection Act (CEPA) addresses two BTWC related topics, Chemical/Biopolymer agents and Biotechnology. Under the umbrella of CEPA, there are a number of related acts, including the Health of Animals Act, the Feeds Act and the Fertilizer Act. EC would act if required to deal with an agent not directly covered under these acts

The Domestic Substances List (DSL) is the sole basis for determining whether a biological or toxic substance is "existing" or "new" to Canada.

Solicitor General of Canada (SG)

The SG Portfolio includes security agencies such as the Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Service (CSIS)

The SG is also responsible for ensuring the operational readiness of the National Counter-Terrorism Plan

Department of National Defence (DND)

Research on biological and chemical defence undertaken by DND is conducted primarily at Defence Research & Development Canada (DRDC) Suffield.

The Counter Terrorism Technology Centre (CTTC), to be built over a two-year period, will focus on training first responders for a biological or chemical incidents

The Office of Critical Infrastructure Protection and Emergency Preparedness will develop and implement a comprehensive approach to protecting critical infrastructure
The Chemical, Biological, Radiological and Nuclear Research & Technology Initiative (CRTI) involves the creation of laboratory networks across the federal government that collaborate with industry, academia and first responder communities

Industry Canada: the primary link to Canadian industry

Canada Customs and Revenue Agency: responsible for controls along Canada's borders

Natural Sciences and Engineering Research Council of Canada: the primary link to Canada's academic community

In addition to federal responsibility, Canada's Provinces, Territories and Municipalities also play a role in fulfilling BTWC related commitments, largely through local control of aspects of health, transportation, law enforcement and industrial policy

Canada and the BTWC: Issues Regarding Responsibilities

Many of the departments discussed have their own in-house enforcement branches established under their own particular mandates.

Issues such as Bio-Weapons or Bio-Terrorism cut across many different areas, which can create confusion either through legislative and/or enforcement gaps, or, in some cases, overlapping mandates.

Additionally, most of Canada's departments and agencies focus on issues of biosafety or physical security, as opposed to the issue of intent (with the exception of the Solicitor General's Office)

Canada and the BTWC:

Due to the multitude of responsible authorities and agencies and in light of the changing international security environment, consideration was given to establish a comprehensive framework legislation

With the collapse of the BTWC Protocol negotiations in 2001, and the subsequent terrorist and BW incidents in the US, the Government of Canada decided to go beyond the strict requirements of the Convention and enact new legislation to more holistically address Canada's domestic response to our BTWC commitments.

The result of this consultative process was the The Biological and Toxin Weapons Convention Implementation Act (BTWCIA)

Various Government Departments were involved in drafting the BTWCIA:

- Canada Customs and Revenue Agency
- Canadian Food Inspection Agency
- Department of Foreign Affairs and International Trade
- Environment Canada

- Health Canada
- Industry Canada
- National Defence

The BTWCIA is designed to meet several goals:

- prohibit bio-weapons, and biological agents which do not have a peaceful purpose
- provide a more complete legal basis for the regulation of dual-use items
- help prevent the acquisition of biological weapons either by states which flout the international norm of the BTWC, or by criminals and terrorists.
- allow the establishment of a responsible authority to implement the Act
- allow the appointment of inspectors to enforce the Act
- establish severe penalties for violations (proposed up to \$1,000,000 and/or ten years incarceration PER DAY of an offence. Penalties will also exist for interfering with the work of the inspectors)
- be compatible with future international obligations

The BTWCIA is not meant to do the following:

- prohibit or restrict legitimate activities
- be excessively burdensome to the legitimate users of biological agents
- compromise national security or commercial proprietary information
- allow the responsible authority to usurp the roles or responsibilities of other government departments

What mechanisms should a Responsible Authority put in place to address new agents or pathogens that are not yet covered by other agencies in Canada?

How does a Responsible Authority regulate without stifling legitimate academic and industrial freedoms?

Can, or should, an overarching Responsible Authority delineate potentially overlapping spheres of responsibility?

How should training for the possible expanded role of inspectors (including training) be coordinated?

What are the positive benefits that can be offered to industry or academia for adhering to this legislation (other than ensuring avoidance of potential criminal acts)?

What sorts of R&D resources should a Responsible Authority possess (if any) and where would these be best directed?

Intervention by France

La discussion présente, celle se rapportant aux législations nationales, est de la plus haute importance. Il s'agit véritablement d'un retour aux grands principes fondamentaux. Toute réflexion sur le renforcement de la Convention de 1972 qui ferait l'économie de ce thème, serait incomplète voire contre-productive.

Un environnement propice au travail en commun a été rétabli depuis un an. C'est à nous tous, désormais, de capitaliser sur les efforts consentis par nos

experts au mois d'août dernier. Les quelques centaines de feuillets communiqués au cours de ces dix jours comprennent, à nos yeux, un certain nombre de thèmes récurrents, politiquement pertinents à nos yeux.

Monsieur le Président, la mise en place, au niveau national, d'une législation pénale est une nécessité.

Tout d'abord, la mise en place, au niveau national, d'une législation pénale reprenant les interdictions édictées dans la Convention de 1972 à son article 1^{er}. La France est d'avis que la mise en place d'une législation nationale appliquée (et j'insiste sur ce point) est de la plus haute importance. A cet égard, nous avons noté avec satisfaction les propositions d'assistance administrative et juridique de certains Etats Parties, et sommes prêts à y contribuer par l'intermédiaire de nos représentations diplomatiques.

Le programme du processus de suivi de la Convention de 1972 débute, précisément, dès la première année de son cycle triennal, par le thème des législations nationales. Cette approche souligne l'importance de ce point, nécessaire à toute réflexion ultérieure plus ambitieuse sur le renforcement de notre Convention.

La France transpose cet accord au niveau national depuis 1972. Elle interdit la mise au point, la fabrication, la détention, le stockage, l'acquisition et la cession d'agents et toxines biologiques quels qu'en soient l'origine et le mode de production, de types et de quantités non destinés à des fins prophylactiques, de protection ou à d'autres fins pacifiques.

Monsieur le Président, l'existence de systèmes nationaux de contrôle des échanges et transferts doit être favorisée.

En effet, la mise en place de systèmes nationaux de contrôle des échanges et transferts des pathogènes participe directement de notre sécurité collective. Il s'agit d'un domaine complexe, ainsi qu'illustré par la densité des débats sur ces questions en août dernier. Nous sommes d'avis que l'expérience de chacun dans la mise en œuvre de la Convention d'interdiction des armes biologiques peut instaurer un dialogue autour des échanges d'expérience sur les bonnes pratiques mises en exergue par ces échanges.

Monsieur le Président, l'application efficace des réglementations doit être effective.

Finalement, l'application effective de l'ensemble de cette législation dans ses différents aspects me paraît être l'aboutissement nécessaire de ce processus national. Sans mesures nationales appliquées de façon efficace, on ne peut raisonnablement parler ni de renforcement ni de respect de la Convention. La France formule le vœu que le processus multilatéral de suivi de la Convention biologique de 1972 contribue à encourager chaque État Partie à mettre en place un système réglementaire ainsi que des structures administratives efficaces permettant d'appliquer à l'échelon national la Convention d'interdiction des armes biologiques.

(Informal Transcript of the English Interpretation of the Intervention by France)

The present discussion on national legislations is of the utmost importance. It is a return to the sources, to the fundamental principles. Any thinking about strengthening the 1972 Convention, which avoided that topic would be incomplete, indeed counterproductive.

We have for a year created an enabling environment for our work together and we must all henceforth capitalise on the efforts of our experts last August. The various hundred papers submitted over those ten days in our view contain a number of recurrent topics, which are particularly relevant politically for us.

Chairman, establishing penal legislation at a national level in our view is an absolute necessity and first of a penal legislation at a national level, which takes up the prohibitions set out in the 1972 Convention in Article I because if you cannot punish and repress the violation of those provisions at the national level the Convention will remain a dead letter. France believes that establishing and apply national legislation I insist is of the utmost importance. We noted in this respect with satisfaction the proposals to provide administrative and legal assistance made by certain States Parties. We are prepared to contribute also through our diplomatic representatives.

A follow-up process of the 1972 Convention begins this year precisely, the first year of its three-year cycle, with the issue of national legislations because it stresses the importance of this as a foundation for any subsequent thinking about the strengthening of our Convention.

France for its part has translated this into its national legislation and did so since 1972. It prohibited the development, production, possession, stockpiling, acquisition and

provision of biological agents and toxins, whatever their source, mode of production, kind or quantity not destined for purposes of prophylaxis, protection or other peaceful purposes.

We believe that a national system of control to monitor trade and transfer has to be established. The developments of national systems to monitor exchange and transfer of pathogenic substances is important for our collective security. It is a complex area as can be seen from the very dense debates in August. We believe that the experience that each of us has in implementing a biological weapons convention can establish a dialogue, an exchange of experiences on best practices, which we will be able to highlight through our exchanges.

Now I will conclude, Chairman, by saying that there must be effective implementation of legislation regulations. As certain delegations have already said the effective implementation of the legislation in all its aspects is the necessary end result of a national process. Without national measures effectively implemented we cannot reasonably talk of strengthening and implementing the Convention. France hopes that the multilateral follow-up process to the 1972 Biological Convention will contribute to encourage each State Party to develop as quickly as possible an effective system of regulations and an effective administrative structure to enable the BWC to be implemented at a national level. This will represent an important step in the right direction.

**Statement on Incorporation of the Prohibitions Contained in Article I of the Convention,
Including the Enactment of Penal Legislation by the Republic of Korea**

At the Meeting of Experts in August, we found that there are several ways for the States Parties to incorporate the prohibitions contained in Article I of the Convention into their domestic legal systems. Some countries stated that they have separate laws focusing mainly on the punishment of the acts prohibited by Article I of the Convention. Depending on the system and practice of each country, such a law could reflect the Convention either exactly with identical language or in a form modified to some extent in order to be consistent and harmonious with other laws in the domestic system. Other countries told us that they have a comprehensive law containing the provisions related to not only biological weapons but also to other weapons and materials. Again, depending on the historical practice and overall system of each state, a comprehensive law could take the form of a war weapons control act, a war materials act, a weapons of mass destruction act, or something similar. A few countries mentioned that they have both a separate law implementing the Convention as well as a comprehensive law covering all weapons of mass destruction. There might also be countries that try to implement the Convention by resorting to their existing penal codes of general nature. In such a case, it will not be easy to judge whether a State Party's determination of the sufficiency of its domestic laws is correct and whether further legislation is really not necessary.

These observations at the Meeting of Experts remind me of the comments made by my delegation's working paper 16. In that paper, my delegation mentioned that the way in which each State Party implements its obligation to prohibit the activities stipulated in the Convention may take the following forms:

- (i) it may determine that its existing laws are sufficient to incorporate or cover the prohibitions in the Convention
- (ii) it may amend the existing laws and incorporate into them the requirements provided for in the Convention
- (iii) it may enact a single act mainly focused on the implementation of the prohibitions
- (iv) it may enact a more broadly framed legislation.

We have also learned at the Expert Meeting that there exist diverse approaches to such substantial issues as (i) how to define biological weapons, (ii) how to address the issue of the use of biological weapons, (iii) how to codify and implement the general purpose criterion, (iv) whether a specific list is necessary or not, and (v) how to deal with the issue of extraterritoriality and acts by public officials.

If we accept that there are many different ways of incorporating the prohibitions of the Convention domestically, both in terms of formality and in terms of substance, and that there is no one-size-fits-all solution, then we may need to revisit the basics of the Convention to make a judgment about whether States Parties are implementing the Convention fully and effectively and to find out what remains to be done.

Here once again my delegation believes that we should remind ourselves of the meaning of the text of the Convention and the understandings we have reached in relation to its interpretation. As we all know very well, Article IV of the Convention requires the States Parties to take (quote) "any necessary" (unquote) measures to prohibit and prevent their natural or legal persons from undertaking any activity prohibited by the Convention. We should all continually review our own national systems in this respect to check whether we have ensured the effective fulfillment of our obligations under the Convention through the legislative, administrative and other measures that we have at our disposal.

When we review or check our respective systems specifically in relation to the incorporation of the prohibitions contained in Article I of the Convention, we could use two basic standards for judgment: (i) whether those acts can be punished and (ii) whether those acts can be punished effectively and thus prevented. The first standard will be the minimum requirement for the implementation of the Convention and thus easy to judge whether it is met or not. It should be noted, however, that even if a State Party can punish the acts in one way or another, with the name of certain crimes in its existing penal legislation, this might not automatically mean that all necessary measures have been taken.

Finally, Mr. Chairman, I would like to emphasize the need for every State Party to continue to review the efficiency and effectiveness of their respective systems and to take additional measures as appropriate, including incorporating the prohibitions of the Convention into domestic law.

Incorporation of the Prohibitions Contained in Article I of the Convention, Including the Enactment of Penal Legislation by Japan

Although the main user of biological weapons was considered the State actor when the BWC was established in 1975, with the changing international environment and the development of biotechnology, bioterrorism from non-state actors has emerged as the dominant threat today.

In Japan, there are many who testify that the Aum Shinrikyo, a cult group well known as the instigators of the Tokyo Sarin incident which occurred in 1995, had developed Anthrax and Botulinum toxins. Subsequently, the 2001 Anthrax attacks in the United States marked the first incident of deaths caused by the misuse of biological agents. These incidents demonstrate how serious this threat has become.

In such circumstances, it is essential that each States Party strengthen their national regulations on biological weapons, with the responsibility of BWC States Parties meriting particular attention. In this vein, we welcome that the August Meeting of Experts recognize that the urgent need to implement BWC legislation, fully and effectively by all States Parties, including the enactment of penal legislation, that comprehensively covers the prohibition set forth in the BWC and to constantly review the scope, efficiency and effectiveness of their domestic measures.

At the same time, Japan is deeply concerned that a large number of States Parties have yet fulfilled their national implementation obligation, and urge them to intensify the work to complete effectively implement BWC in their jurisdiction.

As Japan presented in the August Meeting of Experts, at the time of ratification of the BWC in 1982, the Japanese Diet enacted the BWC Implementing law, prohibiting the production, retention, transfer, acquisition and use of biological weapons and toxins, as well as the discharge of biological agents and toxins under penalty. We have available a provisional translation of the Japanese BWC implementing Law and documents on the history of its establishment for concerned States to aid in their establishment of their own national system.

Japan requests other State Parties that have already completed national implementation measures to provide assistance on request to those that are in the process of establishing them□so as to help build their capacity to implement the BWC.

Statement on National Implementation Measures by the United States

The United States believes that the discussions dealing with national implementation measures during the first week of the August Experts Meeting were informative, instructive, and useful. Presentations by States Parties illustrated a variety of approaches to national implementation of the BWC, from which Parties can draw in pursuit of their own national efforts and in their review of how others are implementing the Convention. The results of the Experts Meeting alone indicate that this format provided a new and innovative approach to addressing the biological weapons threat. It will assist in achieving not only the overall objectives of the Biological Weapons Convention, but also our pursuit of measures to stem the BW threat. The Experts' work

provides an excellent foundation for this Annual Meeting, providing the occasion for Parties to recall the wealth of examples provided during the Experts Meetings and both commit, and call upon others to, undertake necessary measures to enact, implement, and enforce their BWC obligations.

In the area of national implementation measures, presentations revealed that there were a number of similarities in the practices of States Parties, which is not surprising given the requirements embedded in the Convention. Pursuant to Article IV of the BWC, "Each States Party to this Convention shall, in accordance with constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of the agents, toxins, weapons, equipment, and means of delivery specified in Article I of the Convention within the territory of such State, under its jurisdiction, or under its control anywhere." This article requires not only the establishment of national penal legislation but measures to enforce implementation as well. Therefore, criminal and civil penalties should be established for persons or entities that violate the Convention, and States Parties should commit to rigorous enforcement of these provisions.

Articles I and III also received frequent attention in experts' presentations. Among the principles for national implementing legislation as defined by Article I of the Convention, is a commitment "not to develop, produce, stockpile, or otherwise acquire or retain: microbial or other biological agents or toxins...of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; and weapons, equipment or means of their delivery designed to use such agents or toxins for hostile purposes or in armed conflict." Article III further commits each State Party not to "transfer to any recipient whatsoever, directly or indirectly, and not...to assist, encourage, or induce [others] to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I." By the conclusion of the national implementing measures topic, it was clear that the experts believed that Articles I and III combine with Article IV to form the treaty basis for adopting effective national implementing measures.

The presentations made clear that there is no single necessary approach to national implementation. The number of countries that have addressed national implementation and the different approaches undertaken, indicate that implementation of the BWC is not beyond the capability of any of the Parties. However, it is also equally clear that much of the actual work of implementing the BWC remains to be done some twenty-eight years after the Convention entered into force. It is regrettable that so many States Parties have yet to fully implement their national obligations under the BWC. Still others may need to update initial implementation measures whose effectiveness is no longer sufficient to address the threat by BW as it exists today. All Parties must ensure that measures implemented are supported by appropriate means of enforcement, and assure themselves that the other Parties too are meeting their obligations. While these gaps, or shortcomings, may occur for a variety of reasons, including competing national priorities and difficulty ascertaining where to begin the process, excuses will not stem the

danger posed by so many States Parties failing to live up to the responsibilities and obligations inherent in this Convention. The emerging threat of bioterrorism poses an increased threat to all countries. Our collective security from dangerous pathogens and toxins greatly depends on effective implementation of the BWC and the States Parties as a whole must ensure they see the Convention effectively implemented before the Sixth Review Conference.

Finally, one of the most important aspects of the Experts Meeting was the supportive atmosphere among States Parties that lasted throughout the meeting. As a tangible measure of this support, a number of States Parties, including the United States, offered to assist other States Parties in developing national implementing measures. While this was a welcome development, it cannot substitute for the obligation of Parties to this Convention to undertake the necessary measures to preserve and strengthen its integrity. The United States today reiterates its offer to provide guidance and assistance to other States Parties in completing fully their national implementation measures and

expects nothing less than universal compliance by all States Parties with the provisions of Articles I and IV. The cooperative atmosphere established between States Parties during the Experts Group Meeting should continue to strengthen the BWC and will contribute to our collective effort to reduce the threat of biological weapons. However, as I noted in our national statement, the U.S. harbors no illusions that much work remains and that such work is first and foremost the national responsibility of States Parties to the BWC.

Intervention On National Measures To Implement The Prohibitions Set Forth In The BTW Convention, Including The Enactment Of Penal Legislation by Italy

- The full implementation, at the national level, of article I of the Convention is the first, essential step in order to promote a credible compliance with BTWC provisions.
- National legislation must therefore enact adequate measures in order to ensure that obligations set forth in article I are duly respected and possible violations appropriately sanctioned.
- As article I prohibitions are unequivocal, it should be possible to identify common legal elements to be adopted with aim of implementing the former.
- Italy therefore believes that each State Party to the BTWC should have in place a penal legislation prohibiting under any circumstances public or private persons (be they individuals or corporate) to develop, produce, stockpile, acquire, retain or transfer:
 - a) microbial or other biological agents or toxins of types and in quantities not justified for prophylactic, protective or other peaceful purposes;
 - b) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes.

To this end, a list of relevant microbial or biological agents and toxins should be adopted and regularly updated.

Adequate penal sanctions should be adopted in order to punish possible violations of the above rules

Working Session 2 – Intervention by Brazil

Regarding the issues we are considering – incorporation of the prohibitions contained in Article I of the Convention, including the enactment of penal legislation -, the Brazilian delegations has the following remarks to make:

- It is important to keep in mind that the adoption of national implementation measures comes in different frameworks. One legislation may be adequate for one framework, but not for another. Also the adoption of penal legislation must take into account the necessary differences between States.
- National implementation legislation should focus on mechanisms of control. By itself, penal legislation is not able to prevent the Convention from being violated. To prevent illegal activities, a robust national mechanism is necessary – to verify compliance nationally and including to make in-site inspections, if needed.
- Article I is intrinsically linked to Article III. There is a deep concern today that individuals or non-State actors may have access to sensitive biological materials for criminal ends. In this context, the question of transfers gains relevance. The adoption of national lists of biological agents and/or activities to control is important. But to render more difficult the access by individuals or non-State actors to sensitive biological materials for criminal ends, some kind of agreed list and of multilateral oversight of transfers should be envisaged.
- When adopting national legislation to implement the prohibitions set forth in the Convention, States must not lose sight of Article X of the BTWC, which states that States Parties to the Convention have the right to participate in the fullest possible exchange of equipment, materials, and scientific and technological information for the use of bacteriological agents and toxins for peaceful purposes.

Some of the ideas introduced in the current debate may serve as reference when we come to consider a verification system for the BTWC.

Declaration on Incorporation of the Prohibitions Contained in Article I of the Convention, Including the Enactment of Penal Legislation

En opinión de la delegación de Cuba, el principal mérito de los activos debates que han tenido lugar ayer y hoy, es el de haber pasado de las presentaciones básicamente descriptivas de las experiencias nacionales, que caracterizaron a la Reunión de Expertos de agosto, a presentaciones de carácter más general, dirigidas a identificar áreas de entendimiento en común entre todos los Estados Partes.

Consideramos que se han creado las condiciones necesarias para que esta Reunión de Estados Partes pueda adoptar por consenso un grupo de

recomendaciones genéricas e incluso algunas recomendaciones de carácter más específico.

La decisión definitiva sobre la aplicación o no de tales recomendaciones y la forma en que ello se haga, en última instancia solo puede ser tomada por cada Estado Parte, sobre la base de sus condiciones específicas.

El principio básico debe continuar siendo la no imposición de modelos o recetas por parte de un grupo de Estados a otros. Cada Estado Parte tiene el derecho legítimo a decidir por sí mismo la forma que considere más conveniente y efectiva de garantizar la implementación nacional de las disposiciones de la Convención.

Respecto a las propuestas de recomendaciones que han presentado hasta el momento algunas delegaciones, muchas de las cuales Cuba comparte, nuestra principal preocupación es que hay una tendencia a enfatizar únicamente en cuestiones relacionadas con la legislación penal, mientras que se le dedica una atención insuficiente a las medidas de prevención.

La delegación cubana desearía presentar algunas propuestas de recomendaciones para su inclusión en el Informe Final de esta Reunión. Por el momento, mencionaremos las siguientes:

- Recomendar a todos los Estados Partes que revisen las medidas nacionales vigentes en su territorio, incluyendo la legislación penal, pero no limitándose a esta, a fin de que puedan evaluar si las mismas deben ser fortalecidas o incluso si se requerirían medidas nacionales complementarias, para garantizar una efectiva aplicación de la Convención.
- Recomendar a los Estados Partes que no lo han hecho, que consideren la conveniencia y factibilidad de establecer un órgano o estructura a nivel nacional encargado de monitorear la implementación nacional de todas las disposiciones de la Convención.
- Recomendar a los Estados Partes que no lo han hecho, el establecimiento de un lista o listas de patógenos y toxinas, que por su riesgo, deben estar sujetos a control. En ese contexto, se podría exhortar a los Estados Partes a facilitar el mayor intercambio posible de información sobre el contenido de sus respectivas listas, para compartir las experiencias nacionales en este sentido.

- Recomendar el establecimiento de un mecanismo dirigido a garantizar un nivel efectivo de asistencia y cooperación entre los Estados Partes, con el objetivo de contribuir a la implementación de todas las disposiciones de la Convención. Se podría comenzar por el establecimiento de una base de datos en la que se incluiría información sobre las necesidades concretas de asistencia y cooperación que planteen los Estados Partes interesados, así como de los ofrecimientos de asistencia y cooperación hechos por los Estados Partes con condiciones para ello.

Las Conferencias de Examen de la Convención podrían ser el foro apropiado para evaluar periódicamente la implementación de este mecanismo. Las Conferencias podrían examinar, entre otras cuestiones, si la asistencia y cooperación recibida por los Estados que la han solicitado ha sido suficiente y efectiva y si los ofrecimientos hechos por los Estados Partes se han podido concretar.

Estas son algunas de las ideas que en opinión de Cuba pudieran ser consideradas al preparar las recomendaciones que se incluirían en el Informe Final. Obviamente, nuestra delegación está en la mejor disposición de considerar propuestas de otras delegaciones.

(Informal Transcript of the English Interpretation of the Intervention by Cuba)

We believe that the discussion that we had yesterday and the discussion that we have had this morning here has been very interesting and I think the main merit of the discussions yesterday and today has been, first and foremost, we have been moving away from purely descriptive presentations of national measures, which took place in the August meeting, to much more general presentations here which seek to identify issues of commonality and understanding that could form a group of recommendations from this meeting.

In Cuba's opinion, unlike what happened in August, at the first meeting, we believe that this meeting is already in a position to start adopting a set of specific recommendations for the Review Conference in 2006.

My delegation shares many of the specific proposals and recommendations that have been made by some delegations. For example, we thought it was very interesting to hear the analysis given yesterday by the delegation of South Africa – drawing an analogy between this convention and the Chemical Weapons Convention and in particular the question they asked – why we could not also contemplate adopting a programme of action under this Convention. Of course, while maintaining the differences between the two Conventions. In any event, Sir, our main concern is that we feel there has been a trend to lay excessive emphasis on the question of penal legislation perhaps with less emphasis on the area of preventative measures.

In any event, I would like to take this opportunity to mention perhaps two or three possible recommendations, that could be adopted at this Meeting of States Parties – of course on the understanding that these are recommendations, as my delegation states yesterday, we do not

want in any event this exercise to lead to one group of States Parties imposing particular models on other States Parties because ultimately each State Party will have to adopt the national measures that it considers relevant to its own country on the basis of its own national characteristics and the basis of its own specific constitutional processes.

On the recommendation, that in Cuba's view could be put into the report, for example we could include a suggestion to States that they consider the establishment of a national body or structure responsible for monitoring implementation at the national level of all of the provisions of the Convention.

Perhaps we could also suggest that the purpose of such a mechanism or national structure would be to prevent any action that would violate the Convention in the territory of that State.

We believe that such a national mechanism should not be confined to penal legislation, nor should it focus exclusively on only microbiological agents and toxins but such a national mechanism should monitor compliance with all provisions of the Convention – and when I say all provisions of the Convention I mean not just prohibitions but the Articles of the Convention too, including Article X of the Convention.

Another possible recommendation to States could be that States should contemplate the drawing up of a list of pathogens and toxins which pose the most serious risks, and therefore must be subject to controls. I think it could be important for this meeting to propose to States that they exchange their national lists and invite them to share national experiences in this area with each other.

This meeting could also suggest to all States Parties that they review existing national measures, including national penal legislation with a view to assessing whether national legislation needs to be strengthened or enhanced, or whether there is a need to adopt new measures or legislation in order ensure effective implementation of the Convention.

A final suggestion that we have, Sir, and of course my delegation is prepared to also consider proposals made by other delegations, might be the establishing under the Convention of a mechanism to guarantee an effective level of cooperation and assistance among all States Parties in order to contribute to better implementation of the Convention. We believe the question of assistance and cooperation should not be seen only in a bilateral context and therefore we believe we need a mechanism which encompasses all States Parties. For example, we could think of the possibility of creating a database – we would have to look into the details of specifically how that database would be operational – but a database which would list the specific requirements that particular States Parties may have in terms of assistance and cooperation which would also list offers of assistance and cooperation that might be offered by States Parties with a capacity to extend such assistance and cooperation and perhaps at the Review Conference we could review this issue too. In other word, to assess to what extent offers of assistance and cooperation have been effective and sufficient and to see whether those offers assistance and cooperation have actually led to tangible action.

These are just a few ideas Mr. Chairman that we have. I repeat that we believe that this Meeting of States Parties may already be in a position to adopt a set of specific recommendations in the interests of all States Parties.

Summary of Meeting 11 November 2003 (A.M.)

Working Session 2 of the Meeting of States Parties convened to consider the incorporation of the prohibitions contained in Article I of the Convention, including the enactment of penal legislation as a necessary national measure to implement the prohibitions set forth in the Convention. The Meeting heard statements and presentations from the Netherlands, Australia, Canada, France, the Republic of Korea, Japan, the United States, Italy, the United Kingdom, Brazil, Germany, and Cuba.

Many States reiterated common elements that appeared in their national implementation approaches that they considered desirable or necessary components for States implementing the Convention, recognising that there is not a 'one-size-fits-all solution'. However, three common elements were addressed in the contributions generated during the Meeting of Experts: the development, implementation and review of national implementation legislation; the establishment of a national licensing system for the export of dual-use materials; and the enforcement of such a system through penal legislation. Specific offers of assistance including the identification of national focal points and existing bodies, and more general offers on national implementation were made to enhance national implementation of the Convention.

Furthermore, several States discussed their experiences with conducting reviews of their domestic legislation whilst also urging other States to perform regular reviews. These States noted that regular reviews were necessary to ensure the relevance and scope of existing legislation and to determine the need for developing new legislation to adequately address the prohibitions set forth in the Convention as well as other emerging security threats.

Several States noted the urgent need for all States to ensure that they have implemented sufficient national export measures to ensure the collective security of a universally implemented Convention. Many States expressed preferences for a well-focused and realistic outcome of this Meeting of States Parties.

Licensing – Tuesday 11 November 2003

Chairman's Opening Remarks

Good afternoon, ladies and gentlemen. May I open the meeting? We will take up this afternoon the issue of licensing. You will recall that in the statements made in our morning session there were a number of references behind the national implementation legislation to the licensing aspects. This is one of the core elements of national implementation to put in place effective regulations or legislation to control and monitor transfers of relevant technologies.

The discussion during the Meeting of Experts produced a number of proposals. I hope that delegations will be able to bring up those elements, approaches, enhancements or mechanisms, which are to facilitate national implementation of the provisions of the Convention through effective regulation or legislation controlling and monitoring transfers of relevant technologies.

As a reminder I would just like to bring up certain elements. Again these are not necessarily exhaustive elements but I would like to mention a few of them and I am sure that the statements and contributions to be made this afternoon will expand on many of them.

So these elements might include a sound legislative basis, credible control lists of dual use items, catch all control provisions, a workable licensing system, effective implementation and enforcement measures, including appropriate penalties and information sharing and a practical outreach programme to facility operators and trading institutions.

The discussion during the August meeting produced a number of key elements as well, which might enhance the national implementation on the licensing issue. These might include determining criteria based on risk assessment to create and update flexible national lists, for dissemination nationally and internationally of pathogenic microorganisms and toxins and/or critical equipment subject to control; and catch-all clauses in transfer monitoring and export control measures, subject to information sharing and awareness raising activities to increase their effectiveness. Catch-all clauses, as it came up in the August discussions should require persons transferring items to another to seek a license where they suspect or have been informed by government that the item concerned may be for use in contravention to the Convention.

With your permission, in the course of the discussion I might bring up some additional elements which surfaced in the August meetings through working papers, presentations or statements but at this stage I would like to limit myself to these introductory reminder points about licensing and I would suggest that we follow the same arrangements as in our morning session, where I would like to give the floor to all those delegations wishing to address the issue.

As it stands now we have already a number of delegations inscribed in the list and I would welcome additional requests. If we finish earlier than the scheduled time the rest of the afternoon will be available for bilateral and other consultations, so you might make good use of the time left if we finish earlier.

Licensing by Japan

- Biotechnology development and the expansion of industries related to biological agents have resulted in the increased capacity of many countries to produce biological weapons. Whatsoever, today, we must consider the risk of biological weapons proliferation not only to States, but also to non-governmental actors such as terrorist groups. Consequently, the prevention of proliferation of biological weapons related materials and technologies has become even more important. From this perspective, we appreciate that the August Meeting of Experts recognize the growing importance to implement licensing systems governing the export of biological dual use materials and technology to effectively prevent the BW proliferation. The core elements identified in this comprehensive discussion, in our view, includes the need for the end-use certificate, the establishment of national licensing system, the penalization of the breach, the regulation of the catch-all clause, the regulation of the intangible technology transfer and the constant review of the scope and effectivation of the regulation.
- Based on this outcome, we encourage to those States Parties which have not yet implemented sufficient national export measures to ensure their implementation at the

earliest possible date.

- According to Foreign Exchange and Foreign Trade Law regulations in Japan, a license from the Minister of Economy, Trade and Industry is required for the export to all countries and regions of about 80 types of human, animal and botanical viruses and toxins as well as 7 types of manufacturing equipment and related technologies. In order to improve the efficacy of export control, Japan introduced and put into effect the “catch all” legislation in April last year.

In order to strengthen export control cooperation in the Asia region, in October this year the Director Generals of eight States and regions gathered for the first Asian export control policy dialogue meeting. Since 1994, Japan has held the Seminar on export control in Asia and the Seminar on export control in NIS countries during which Japan shared methods and experiences in order to contribute to the strengthening of export control capabilities in these regions. Japan will continue to cooperate in such ways to assist these States Parties who are in the process of establish licensing / export control system.

Statement on Licensing by the Republic of Korea

At the Meeting of Experts in August, it was generally understood that effective domestic measures for the implementation of the Convention should include effective national export control systems as well as appropriate measures against any domestic activities in contravention of the Convention. This understanding is clearly confirmed by Article III of the Convention, which requires that each state party not make transfers to any recipient whatsoever, directly or indirectly, and not in any way assist, encourage, or induce the manufacture or acquisition of the agents or equipment.

States Parties should ensure that, through licensing measures on the export of biological agents or equipment, the exports of these items do not contribute to the spread of biological weapons. It is not a full implementation of the Convention for States Parties to merely punish prohibited activities within their respective territories. We also have the obligation to prevent as effectively as possible those activities from being committed in the first place both inside and outside our jurisdiction.

Export licensing measures also demonstrate the determination of the implementing States to avoid not only intentional but also inadvertent involvement in the spread of biological weapons, and to express their opposition to the use of these weapons. In this regard, the export control or licensing system instituted by individual States Parties is a central element in the implementation of key obligations under the Convention. It is therefore in the interest of commercial firms and research institutes to ensure that such firms and institutes are not inadvertently supplying biological agents and equipment for use in the manufacture of biological weapons. Non-discriminatory application of export licensing measures will allow legitimate trade to expand unhampered by proliferation fears.

While recognizing that export controls should not impede legitimate biological trade or international cooperation that has no bearing on biological weapons activities, I believe that the States Parties, before authorizing a specific transfer of biological items, should be convinced beyond doubt that the goods are not or could not be intended for use in a biological weapons

program. In this respect, a catch-all system may contribute to the full and effective implementation of the licensing procedures, and thus of the Convention itself.

As my delegation mentioned in the Experts Meeting in August, there are two somewhat conflicting aims to pursue in the implementation of the export licensing system. These are effectiveness and comprehensiveness. On the one hand, the system must effectively control the export of sensitive goods and technology within the limited resources and personnel available; while on the other hand, the control must be sufficient to comprehensively and without loopholes to prevent such sensitive goods and technology from being transferred. To balance between these conflicting aims, without sacrificing one for the other, and to respond effectively to newly emerging trends, including intangible transfer, we need to continue to review our systems and introduce new hardware and software in the export control area. In this respect, I agree that the catch-all clause could be a useful instrument for the States Parties that lack sufficient resources to constantly update their export control lists in responding to advancements in technology and changes in the security environment.

At the Experts Meeting in August, various States shared their experience with different export control systems, including the catch-all clause. We have learned that some countries have more developed systems than others and that the operational framework differs from country to country. However, my delegation believes that there was a clear understanding that the States Parties should have an effective export control system in place as part of their implementation of their obligations under the Convention.

I would like to conclude by encouraging all the States Parties to take the necessary steps to ensure that they and their industries are not contributing to the spread of biological weapons.

Intervention on National Measures to Implement the Prohibitions Set Forth in the BTW Convention, Including the Enactment of Penal Legislation – Licensing by Italy

The issue of licensing is closely connected with the implementation of provisions of articles III and IV of the BTWC.

In that respect, priority should be given to the enactment of effective national legislation ensuring control over the transfer of biological items which could be used for both civilian and military purposes.

In this field too, Italy is convinced that a core of common standards and procedures should be enshrined in national legislation of each State Party to the BTWC.

In particular, a mechanism should be established so that exports of dual use items is conditioned to the previous issuance, by competent national authorities, of ad hoc authorisations for each transfer.

Furthermore, exporters – if authorised – should be required to provide appropriate end-use certification for each transfer. Appropriate provisions should be foreseen in order to allow competent national authorities to monitor and control the different phases of each transfer. National lists of dual-use items (biological agents, toxins, equipment, software, technology) should be adopted and updated.

Finally, adequate penal sanctions should be enacted to punish possible violations to those measures.

Informal Transcript of the English Interpretation of the Intervention by Brazil

On this issue of licensing I think we have some good input came in from the meeting we had in August. The information we could get those experiences in several countries regarding licensing, it is possible to have a different kind of licensing procedures. One of them is based on a list of agents, the other of licensing for activities, and then I would recall still was has been said by Japan, biotechnology could be one of the activities that might require licensing. Another area might be aerobiology; this is also an area which is relevant for the Convention. The other is to define some mixture of these two elements and agents and activities that require a licence but in any case there should be a body who gives the licensing procedure, so a sort of focal point for licensing or a national authority that could have the power to give licence. Also the licensing process could be focus to professionals that are licensed for certain activities or for certain agents or to institutions or both. In the area of biotechnology we have such a system where we license by project, by institution and by according to the professional background that are involved in the particular process or in that institution. Also we now have a new regulation that is under revision, but it is valid, that is licensing for access to genetic material. In this area we exclude the genetic material from human beings but we include for animals and for plants. This in Brazil is particularly relevant because of our biodiversity and is linked to the Convention on Biodiversity and this regulation is being revised

because it too restricted now and we have some input from the scientific community and also from the private sector to be more flexible but it is a very restrictive one. Regarding the catch all clause in the biological area, we find some difficulties because in the biological area the catch all clause is too broad, its too big and we don't see how to operate the catch all clause, unless that clause means that you have a list of countries that you don't sell and this we find very politically very difficult to have it, so I think the countries who have this clause in the biological field will appreciate it to know how they operate the clause in order for us to have a better judgement of this.

Summary of Meeting 11 November 2003 (P.M.)

Working Session 3 of the Meeting of States Parties convened to consider the issue of licensing as a necessary national measure to implement the prohibitions set forth in the Convention. The Meeting heard statements and presentations from Japan, the Republic of Korea, Italy, the United Kingdom, and Brazil, as well as an offer of national assistance made by Japan.

States reiterated common elements that appeared in their national implementation approaches that they considered necessary prerequisites for States implementing the Convention, recognising that there is not a 'one-size-fits-all solution'. In respect to licensing, three approaches were identified: licensing equipment; licensing activities; and/or a combined approach.

In addition to suggesting regular reviews of domestic legislation, States indicated that core elements of licensing could include, but are not limited to: updated and flexible lists of pathogenic micro-organisms and toxins and critical equipment on a regular basis, keeping in mind the scope of legitimate activities under the Convention; a national review body to oversee national licensing schemes; the use of 'catch-all' clauses; accreditation; information sharing and a practical outreach programme; and effective implementation and enforcement measures including appropriate penalties. Several States commented that whilst recognising the importance of penal legislation as an enforcement mechanism, they questioned whether penal legislation alone could adequately address the aspect of prevention of transfers prohibited by the Convention.

Common themes on how to prevent proliferation and strengthen export controls were considered by States. These common themes were presented as preferences for a well-focused and realistic outcome of the Meeting of States Parties.

Enforcement – Wednesday 12 November 2003

Chair's Opening Remarks

The discussions during the Meeting of Experts produced a number of elements, approaches, enhancements, or mechanisms to facilitate national implementation of the prohibitions of the Convention, including the enactment of penal legislation, through effective implementation, including enforcement. These include – but are not limited to:

- Develop a common understanding among States Parties on a mechanism to harmonize the implementation of the Convention through increased international cooperation and exchanges between national authorities or their functional equivalents for more effective national implementation of the prohibitions of the Convention, through sharing successful experiences of States Parties, offsetting national weaknesses and promoting mutual trust.
- Enhance coordination and cooperation between domestic agencies and/or bodies, possibly through a central authority to improve implementation of national legislation, regulations and other measures.
- Improve dialogue and communication between national authorities, or their functional equivalents, and science and industry to enhance national implementation of the prohibitions of the Convention.

The Meeting of Experts has provided a considerable quantity of information relating to national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins.

The discussions during the Meeting of Experts produced a number of core elements of national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins. These include – but are not limited to:

- Risk Assessment;
- Legislative Oversight and Enforcement;
- Training and education (including agent-specific education, security concepts, biosafety and containment principles, waste handling and disposal and emergency response);
- Administrative, engineering, and physical security controls (including personnel reliability, facility design controls, information and cyber security); and
- Good Science Practice (including biosafety best practice and research ethics).

The discussions during the Meeting of Experts highlighted the need for further progress in defining the concept of biosecurity and establishing how it could be implemented before it would be able to address, in detail, how it can be enforced.

The discussions during the Meeting of Experts indicated the desirability of promoting and establishing measures to raise awareness, educate and train personnel in security procedures as well as maintain a registered database of all screened personnel handling and/or using pathogenic microorganisms and toxins.

Enforcement by Japan

- The August Meeting of Experts pointed out the importance of (1) the strengthening of liaison systems and information sharing between relevant ministries in each State, and (2) information sharing between law enforcement agencies and the scientific community, given that biological agents are so widely used in all fields of science and industry. These two are, in our view, should constitute the common themes identified in the August Meeting of Experts.
- Based on these important considerations, all participating States should consider necessary measures to enhance law enforcement. Japan, under the Cabinet Secretariat in 1995, established the Liaison Conference of the ministries concerned with the BWC Implementing Law. The seven ministries in charge of the BWC Implementing Law inform the National Police Agency of any information they receive regarding biological weapons-related activity.
- The third element of the common theme is (3) the implementation of national capacity building measures. The BW related national capacity building is essential to ensure the smooth implementation of law enforcement and investigation in the case of crimes involving the use of biological weapons. Measures Japan has been taking include the establishment of special units in eight prefectures of Japan, NBC equipment and machinery (for example, containment equipment, protective suits), and training in all prefectures.
- The another item which will be one of the common themes is (4) the need for international cooperation, such as information exchange between international investigation agencies. Due to the cross-border nature of terrorist activities using biological weapons, the need for such cooperation is of great importance. Japanese Police Agency cooperate in a variety of ways, such as convening the "Asia Counter-Terrorism Conference" and the "Seminar on International Terrorism Investigation" with the aim of enhancing regional information exchange and sharing its 'know-how' with Asia-pacific regional countries
- Japan is also hosting a "Seminar on NBC terrorism" focusing on crisis and consequence management to Asia Pacific countries in order to enhance capacity building for counter-terrorism, including bioterrorism. The first of these seminars held last September. The outcome of the August Meeting of Experts was also presented to

the seminar, and biosecurity and the enforcement of national mechanisms to implement the BWC were discussed. This project will continue for five years.

Agenda item 5: Necessary national measures to implement prohibitions set forth in the Convention by Poland

At the outset, Mr. Chairman, please allow me to express my delegation's highest appreciation for your leadership in the BTWC process. Your dedication and deep knowledge helped us to reach the point we are in today and – which is my firm belief – will allow us to further advance the work on strengthening and broader implementation of this Convention.

My delegation took floor for a few times during the August experts meeting. We also presented working papers. Today I am taking the floor to follow our previous interventions.

The implementation of the BTWC at the national level is a key tool at our disposal. The experts meeting in August gave us rich material for analysis in this regard. It seems obvious that each State has an opportunity to compare its respective national legislation with the legislation and regulatory instruments of other States Parties. The overall result should be an constant work by all States Parties to identify gaps, areas for further strengthening, and work on amendment of respective legislation if necessary.

Let me reaffirm the commitment of the Republic of Poland to take all necessary national measures under Article IV of the Biological and Toxin Weapons Convention that ensure the prohibition and prevention of the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention. The Government of Poland promotes also common understanding and effective action to adopt necessary national measures to implement the prohibitions set forth in other articles of the Convention, including enactment of penal legislation as well as national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins.

With this goal in mind the Government of Poland is going to establish in 2004 an oversight committee involving all the different implementing and enforcement agencies together including those which are subjects of that legislation within government, industry and academia. The task of the committee will be to review the consistency and continued adequacy of the current legislation and regulations as well as to create new legislative acts, if required. The agenda for this committee encompasses:

1. Review of national legislation implementing the obligations of the Convention to be complemented by amendments in other areas of national legislation addressing topics such as anti-terrorism, public, animal and plant health, as well as hazardous materials. The language used in the national legislation should be identical or closely similar to that of the Convention, so as to avoid any loopholes or discrepancies;
2. Enactment of further regulations concerning transfer of essential technologies and goods in accordance with Article III of the Convention, including administrative regulations pertaining to internal transportation of micro-organisms and toxins between

- facilities and to standard rules of packing of biological material for transportation and marking;
3. Adoption of further regulations concerning protection and relevant equipment of facilities handling micro-organisms and toxins, good laboratory practice (GLP), good manufacturing practice (GMP), and good research standards including the security and oversight of pathogenic micro-organisms and toxins;
 4. Mounting of an effective and continuing campaign to ensure that all those working with biological agents and toxins, both now and in the future are aware of the prohibitions of the Convention and of the national legislative, administrative and other measures to implement these prohibitions;
 5. Adoption of rules for the accreditation of facilities as well as licensing of staff handling essential pathogens and toxins.

Now let me highlight the value of many proposals made by States Parties. Proposals for further co-operation and assistance should bring results in the nearest future. In this regard I wish to stress my country's support for the ideas of the model national legislation. That should enable States Parties – wishing to do so – to use it as a point of reference in their work towards enhancement of their national legislations. A broad inclusion of the issue of security and oversight of pathogenic micro-organisms and toxins to the model national legislation should also be one of the most effective tools to enhance the implementation of the Convention.

I would also like to point out that the more effective the implementation of the Convention is going to be the more reliable this instrument will become. That should provide for a firmer ground for further steps towards the universalization the Convention. Effectiveness of the implementation of the Convention at national level by the States Parties can and should be an important factor in convincing States non-Parties to join the Convention.

I should once again like to stress the importance of the process we are in. Both, experts meeting in August and this States Parties meeting will certainly bring better understanding of the full panorama of varied aspects and nuances related to the implementation of the Biological Weapons Convention. I wish once again to reiterate my delegation's support to you Mr. Chairman and our readiness to contribute to a successful outcome of our endeavours here.

Statement on Enforcement by the Republic of Korea

At the August Meeting of Experts, many delegations expressed the view that having national legislation in place was a necessary but not sufficient condition for the implementation of the Convention and that in most cases it would be more important to enforce this legislation effectively. Such issues as national infrastructure, awareness-raising, education and training, coordination among relevant administrative and judicial agencies and international judicial cooperation were discussed in August in relation to practical implementation or enforcement of the Convention. My

delegation is of the view once again that those discussions were very useful in giving some insights and lessons for the people concerned with the implementation of the relevant domestic laws and regulations in the field.

As you and many delegations have mentioned on several occasions in this Meeting as well as at the August Meeting of Experts, there seems to be certain stages or logical steps in the full implementation of the Convention. I remember you referred sometime ago to the concept of "implementation stages". These stages would be (i) the step of enacting relevant legislation in the field of punishment of prohibited activities, export control or licensing, bio-security and safety etc. (ii) building or establishing national infrastructure including coordinating mechanism among the relevant agencies and (iii) the step of increasing the capacity of these relevant agencies including law enforcement agencies through accumulated practices.

As we discussed the first stage in detail yesterday, I would like to comment briefly on the other two stages. In relation to the national infrastructure, I agree with the idea again that there could be no "one size (or in this case one structure) fits all" solution. The national administrative or judicial structure for the implementation of the Convention will be very diverse depending on the overall constitutional system, institutional culture, the form of government, tradition of judicial system etc. However, whatever form of national infrastructure a country may have (be it centralized or decentralized, federal or not), my delegation believes that there are two factors to be taken into account as top priorities: (i) a constant review of the national infrastructure or mechanisms to keep up with new threats or challenges and technical developments for the implementation of relevant domestic laws and regulations. (ii) regular coordination among the domestic agencies to prevent duplication or loopholes and thus to create harmonization and reinforcement of each other. These two factors or criteria can be called touchstones to check and judge whether a national system for the implementation of the Convention is really relevant and viable as well as effective against a possible breach of the Convention and the subsequent proliferation of biological weapons.

This point leads me to my last comment in relation to the capacity of relevant agencies. As we cannot say that the Convention is being fully implemented only by the enactment of relevant legislation, so too we can hardly argue that full and effective implementation of the Convention is ensured merely by the establishment of national infrastructure including coordinating mechanism among the relevant agencies. National infrastructure, unless effectively operated, can also easily degenerate into mere paperwork causing burden without producing tangible security benefits.

Law enforcement alone involves many kinds of capacity-building, including collecting evidence, identifying suspect personnel and facilities, making early-warning systems and again coordinating the relevant agencies (police, prosecution and security personnel). We also know well that effective export control system requires a lot of expertise and experience. From some points of view, it is relatively easier to enact legislation and to build administrative and judicial infrastructure than it is to make the system really work through capacity-building and accumulated practices. The latter work needs both the strong will of the respective governments and a significant investment in scarce time. I believe that this area, above all others, requires international cooperation.

Of course, the will of the States Parties is the most important element in every stage of the full implementation of the Convention, because the will controls the investment in time. The will of the States Parties might be easily demonstrated by the simple standard whether a State Party is constantly reviewing its system to make the system for the implementation of the Convention really work and cope effectively with the challenges posed by new situations which constantly arise in the new security environment.

Chairman's Additional Comments

On the topic of National Infrastructure, a number of States Parties outlined the way in which responsibilities for implementing the Convention and for export controls are divided in their country, as well as providing information on coordinating bodies which have been established to ensure that controls are effective, cost efficient, and that there are no loopholes or duplications of efforts. It was noted that responsibilities are divided between several ministries, *inter alia* foreign affairs, defence, trade or commerce, agriculture, health and justice, customs.

A number of State Parties also explained the way in which their national implementing legislation is put into action by these various agencies. It was also noted that in some cases, States Parties may also augment the implementation of the Convention with regulations in keeping with requirements of their involvement in organizations such as the WHO, OIE, and FAO.

The discussions of national infrastructure also revisited the fact that several States Parties are currently reviewing their national infrastructure to ensure that there are no gaps and also no duplication of efforts or undue burden on government, industry or regulatory organizations.

It was suggested that establishment of an inter-agency group might also be a first step for those States Parties wanting to improve their national implementation as it would allow them to develop legislation, regulations and guidelines in conjunction, and in a way that reflects the various aspects of the proliferation issue.

Outreach or cooperative activities were discussed in the context of cooperation which could be offered on a regional or bilateral basis which would assist States Parties in implementing effective national measures. It was noted that various seminars, meetings, and training programs have been held in several regions and that these have proven to be a valuable source of information for the attendees.

Several states also mentioned that they have benefited from cooperation with relevant international organizations and the suggestion was made that this meeting could be an opportunity to explore possible activities that individual States Parties could take at the national level in cooperation with international and regional organizations in the area of implementation.

It was noted that there seemed to be general agreement in the meeting about the items that need to be controlled and the importance of improving national implementation to do so and that there were many different ways that States Parties could accomplish this.

A number of States Parties provided information about awareness raising and norm-promoting activities, which included a range of seminars, training courses and outreach activities which incorporated to a varying degree, elements of national implementation. Two State Parties mentioned similar processes for the training of agency staff and one of which indicated that seminars and courses were held for the purpose of military training, especially in relation to advisors for import and export procedures

Several states noted the value of sharing information which could prevent proliferation activities, including intelligence sharing to enhance national non-proliferation efforts. Various states also

outlined possible early-warning indicators or red-flag activities that can assist in identifying and preventing illicit activities.

Points raised by various States Parties during the discussion of the presentation included:

- The complications of proving intent for the purposes of prosecution;
- whether legal agencies carried out routine inspections of relevant facilities;
- the difficulties in differentiating between bona fide and proscribed activities;
- regulation of culture collections; and
- confidentiality issues.

Questions included those on the role of inter-agency coordination in terms of emergency response and the approach to evidence collection taken in this instance.

The importance of increasing awareness in the public health and law enforcement communities of their respective concerns, issues and expertise was noted. A question was put forth about the obligations of public health officials to inform law enforcement and in relation to that the development of early warning indicators was put forward.

Finally, we heard about the role of law enforcement in the fight against biological warfare and terrorism and in this regard the need for sharing information and for greater cooperation between those in the law enforcement and scientific communities. Several States Parties outlined the role of their law enforcement in addressing violations in their country. The exceptional difficulties of detecting, interdicting and prosecuting activities related to biological weapons were noted.

As I mentioned the concept of biosecurity appears to be still under development, for some the Meeting of Experts might have been the first time that this concept had been presented to them. At present, few countries have penal legislation relating solely to biosecurity. Although many of the principles discussed under Topic I may hold true when the implementation and enforcement of biosecurity is considered, there were limited discussions in August, perhaps States Parties may wish to consider this issue, once more, in light of discussions this morning. A number of States Parties have had experience in the enforcement of biosecurity, including the US and the UK, both of which have offered access to these experiences on a bilateral basis.

Summary of Meeting 12 November 2003 (A.M.)

Working Session 4 of the Meeting of States Parties convened to discuss enforcement of the prohibitions found in the Convention through national implementation legislation, including the enactment of penal legislation/provisions. The Meeting heard statements from: Japan, the United States, the United Kingdom, Poland, the Republic of Korea, and South Africa.

States Parties referred to common themes identified in the August Meeting of Experts including a mechanism to harmonize the implementation of the Convention through increased international cooperation and exchanges between national authorities or their functional equivalents for more effective national implementation of the prohibitions of the Convention, through sharing successful experiences of States Parties, offsetting national weaknesses and promoting mutual trust; enhanced coordination and cooperation among domestic agencies and/or bodies, possibly

through a central authority to improve implementation of national legislation, regulations and other measures; and improved dialogue and communication among national authorities (or their functional equivalents) and science and industry to enhance national implementation of the prohibitions of the Convention.

States again reiterated the need to review the consistency and continued adequacy of current national implementation and enforcement legislation and regulations as well as create new pieces of legislation if required. Furthermore, the point was made that effective and sustainable enforcement can require substantial financial and coordinating infrastructure to educate and train persons.

Moreover, the issue of exchange of information among international investigation agencies was raised by States as a mechanism for further enhancement of the prohibitions set forth in the Convention as well as a method for increasing and maintaining transparency amongst States Parties.

In so far as enforcement bridges both the topics of national implementation legislation and security and oversight of pathogenic microorganisms and toxins, States addressed the scope and content of the concept of biosecurity. States Parties reiterated that legislation alone is not enough; therefore, efforts to examine ways of getting governmental and non-governmental ethical oversight bodies to raise awareness and to encourage biosecurity best practices and/or other relevant training should be considered as complementary action.

These common themes were presented as preferences for a well-focused and realistic outcome of the Meeting of States Parties.

Biosecurity Evaluation and Implementation of Biosecurity Procedures – Thursday 13 November 2003

Chairman's Opening Remarks

As with the other sessions, before handing the floor to delegations, I would like to summarize issues pertaining to biosecurity evaluation and implementation of biosecurity procedures.

The Meeting of Experts generated a sizeable contribution of working papers, statements and presentations which facilitated discussion on the concept of biosecurity. From this emerged common themes and proposals including, but not limited to work on: security risk assessment; good science practices; training and education; administrative, engineering and physical security controls; and legislation and oversight.

- Plan and carry out biosecurity risk assessment including agents, facilities, transport, and personnel;
- Identify and coordinate relevant government agencies or create a new centralized oversight authority to evaluate, monitor and/or enforce biosecurity measures or legislation;

- Establish national reviews, on a continuing basis, of the efficacy and efficiency of their respective systems, including legislation, related regulations and complementary measures for implementing the prohibitions of the Convention, for use by national governments to instigate additional measures as appropriate;
- Identify and coordinate relevant government agencies or create a new centralised oversight authority to evaluate, monitor and/or enforce biosecurity legislation and/or measures;
- Promote and establish measures to raise awareness, educate and train personnel in security procedures as well as maintain a registered database of all screened personnel handling and/or using pathogenic microorganisms and toxins;
- Establish clear guidelines and requirements for physically securing identified biomedical and biotechnological facilities working with, and/or packaging and labelling security requirements for the storage and transport of, pathogenic microorganisms and toxins;
- Determine criteria based on risk assessment to create and update flexible national lists of pathogenic microorganisms and toxins and/or critical equipment subject to controls;
- Require national, and international where appropriate, registration of facilities involved in the transfer of pathogenic microorganisms and toxins as well as tangible and intangible critical items, to institute security requirements and/or institute a notification system to ensure receipt;
- Promote international cooperation for biosecurity at the bilateral level, through inter-governmental organizations, and/or amongst national oversight bodies, to include *inter alia* exchanges of national experts/expertise, intelligence sharing, the development and implementation of minimum standards, infectious disease surveillance and response, training, and ethical best practices;
- Examine ways of getting governmental and non-governmental ethical oversight bodies to raise awareness and to encourage biosecurity best practices and/or other relevant training;
- Implement Good Science Practices in light of growing security demands pertaining to the handling and use of pathogenic microorganisms and toxins;
- Improve national and international infectious disease surveillance and response through the development of public, animal and plant health diagnostic capacity, epidemiological training, and research on emerging infectious diseases;
- Use governmental and inter-governmental organizational expertise to prepare and train first responders in emergency operating procedures to prevent or mitigate negative consequences.

Statement by the United Kingdom

Existing health, safety, agricultural and environmental legislation may well contain provisions that provide directly or indirectly for the maintenance of security and oversight of pathogenic micro-organisms and toxins. However, since security may not in all cases be the principal focus of such existing legislation, new primary legislation may also be needed to complete a State Party's regulatory and oversight system. An effective regulatory and oversight regime will need provisions in two main categories: determinants of what premises are covered, and of what measure must be instituted at them; and mechanisms to allow central or local government to be confident that these steps have been taken and to maintain oversight of activities at such premises.

It seems to the UK that the central provisions of a national regulatory system would be:

A central or local government regulatory function or dedicated regulatory authority responsible for administering and enforcing the regime. Some of the regulatory tasks could be contracted out, for example to inspectors of existing regulatory bodies, for example, those which monitor health and safety in facilities;

A list of pathogens, including those of animals and plants, and toxins to which the regulations apply; laboratories keeping or using any of these pathogens or toxins would be subject to the control system;

A requirement for measures to ensure the physical security of any building or site where such pathogens or toxins are held or worked on of which the laboratory forms part;

A requirement for measures to be taken by the laboratory to ensure that access to the pathogens and toxins is given only to people with legitimate reasons for access and only in circumstances that ensure the security of the pathogens and toxins.

Regulation of certain biological activities including specific controls in relation to GM modification.

Presentation with regard to agenda item 6: national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins by the Netherlands

In this presentation I would like to follow up on the presentation this delegation made on the 29 of August, which has been distributed as a working paper for this Meeting of States Parties. I think that presentation already tried to identify in general some of the possible approaches to the issue at hand and can serve as an input for discussions this week. Furthermore, I would like to share some more specific thoughts on what could be in a final document of this year's meeting. Finally I would like to express some thoughts for the process towards the 6th Review Conference in 2006 and beyond.

In August we presented a working paper containing questions that the Netherlands will have to address in the coming period. At the end of the meeting of experts my delegation looked back at what we had already observed during the second week of that meeting with regard to some of the questions posed.

Currently we are working to formally appoint one Ministry as being responsible for the implementation of the Biological weapons convention, including security aspects. This will only be the beginning of the process. Like we described in our Working Paper to the Meeting of Experts number 14, there are a lot of ministries and agencies involved in one or more aspects of bio-technology in the Netherlands. These will all have to find or be given a spot in the new structure.

With regard to the content of possible measures that we will be taking, one of the most important aspects to be addressed is creating awareness on security related aspects of working with dangerous pathogens. Raising awareness within the scientific and technological community could in itself be a source of ideas for new measures, because the real security issues can be primarily assessed at the work floor and not in The Hague. One State Party already presented the results of this 'bottom up' approach in August.

What could or should be the outcome of this week with regard to topic (ii)? We think that the most important thing would be for the Meeting of States Parties to acknowledge that a lack of adequate measures for security and oversight of dangerous pathogens could endanger the primary goal of the Convention to ban and prevent the existence of biological weapons and stem the threat these weapons pose. Such an acknowledgement in itself could already trigger national and international initiatives to enhance or implement such measures.

One of the concrete measures the Meeting of States Parties could call for is for countries to raise awareness for the issue of biological weapons outside the disarmament and non-proliferation world. The meeting could amongst others encourage efforts of international organizations that are already being undertaken.

Further to that we would like to suggest the Meeting of States Parties to encourage States Parties to review, or examine their national system and requirements for working with or handling pathogens. The basis for our working paper 14 was laid by focusing on the simple example of a patient infected by a pathogenic microorganism being examined by a small town doctor. By looking, from a proliferation or security point of view, at all the different aspects of the handling of both the patient and the sample, - i.e. work performed by the doctor, the small laboratory looking at the first sample, the regional, national or international laboratories that would have to look at the sample if this were to be an uncommon, or unknown pathogen - one can already identify aspects of handling that need to be regulated in one form or another. It also helps identifying existing players, existing regulations, and potential shortcomings.

There are many other examples that could be used for such an analysis of the national system and requirements for handling pathogens. We think however that identifying weak points is very important for every State Party, and a recommendation and commitment to do so would be beneficial.

During the expert meeting in August we already heard presentations from different delegations on specific areas of concern for which measures should be taken (which were also addressed in our working paper and subsequent presentation). Furthermore, offers were made for technical advice by national experts in these areas. We think both of these could be reflected in any final document of this week.

More concretely we think that the Meeting of States Parties should list the areas of concern that were suggested by States Parties during the expert meeting, as well as some of the measures that could be taken to address these concerns.

We would like to suggest some measures or actions that the Meeting of States Parties could recommend to identify possible shortcomings. These suggestions are intended to be of a general nature. Obviously, States Parties can consider these having their specific national situation in mind:

- 1) States Parties should identify a national 'problem owner', be it a national authority, national focal point, national structure or other.
- 2) States Parties should make an inventory of all legislation and regulations applicable to biological agents (such as bio-safety regulations, GMO-regulations, transport, and environment legislation), as well as an inventory of the bodies responsible for monitoring and enforcing compliance of these regulations.
- 3) States Parties could make an overview of premises (such as laboratories, industrial premises, and transport facilities) where activities related to dangerous pathogens are being carried out; as well as an overview of persons that are allowed to work with such pathogens.
- 4) It is also recommended to make an overview of Standard Operating Procedures, or working guidelines that are being applied in these premises.
- 5) States Parties should make a risk and/ or threat analysis of pathogens, as well as earlier mentioned premises involving a high risk for theft or proliferation. Areas of concern to be taken into account in such a risk and/or threat analysis could amongst others include physical security, (limited) access to dangerous pathogens, intra or inter facility transport, waste disposal, and storage.

Having identified shortcomings States Parties can look at and discuss possible answers to address these shortcomings that fit their national situation. Following are some general suggestions for measures the Meeting of States Parties could recommend:

- 1) States Parties could adopt a flexible list of pathogens (both human, animal and plant) that should be secured.
- 2) States Parties could set up a registration or licensing scheme for facilities handling these pathogens.
- 3) If deemed necessary it could be recommended to insert a legal obligation for these facilities or premises to have security measures in place. A body monitoring this legislation could also be appointed.

Of course, a good analysis is a precise and time-consuming activity that requires technical expertise, for instance from security personnel, bio-safety experts and the police. The Meeting of States Parties could encourage States Parties in a position to do so to offer any assistance in this regard, without prejudicing that the responsibility for enacting measures ultimately lies with each State Party itself.

The Netherlands is of the opinion that we have only just started the discussion on this particular topic. The coming years towards the 6th Review Conference in 2006 should be used by many States to review their national situation in light of certain areas of concern and consider what measures are best taken to deal with that situation. In 2006 States Parties should be able to discuss in a more detailed way some of the national experiences, in order to learn what to do, or what not to do.

As I said before, addressing these security and oversight concerns is primarily a national responsibility. This, however, might encourage States Parties only to commit themselves to taking such measures on a voluntary basis. The Netherlands would like to stress that there is a big international interest at stake as well. Effective implementation of national security and oversight measures will have a direct positive effect for the security situation of (many) other

countries. Therefore we think that taking measures is not entirely voluntary. For that reason, the 6th Review Conference will have to address the status of national review processes of security and oversight mechanism, take decisions on common understanding thereof and decide how best to take effective action in order to ensure that all States Parties address the issue of security and oversight in the best possible way.

National System for Security Control / Biosecurity Evaluation and Implementation of Biosecurity Procedures by Japan

- The security and oversight of pathogenic microorganisms and toxins to prevent the unauthorized access and acquisition, biosecurity, is a new concept. However, confronted with the real threat of the use of biological weapons by terrorist groups, this issue has become extremely important. Japan welcomes that the August Meeting of Experts resulted in much lively discussion, and clearly recognized the importance of each State Party undertaking steps to ensure biosecurity.
- From the common themes which surfaced in the discussion, Japan regards the following three points as particularly useful in formulating its measures to effectively secure pathogens and toxins: (a) the need to identify agents concerned, (b) the development of plans to regulate and monitor the safekeeping and transfer of such agents, based on risk assessments of pathogens and toxins (c) the importance of oversight on personnel possessing and handling of pathogens and toxins, as well as on facilities. Based on these findings, Japan intends to consider possible measures it can take to implement biosecurity.
- In the August Experts Meeting, however, it was also clarified that many States Parties were still exploring how best to address the issue of biosecurity. Each State Party must consider their own national circumstances and systems with regard to the concrete contents and methods of measures to be taken. The establishment of legal systems, including many related ministries and research institutes, will take time, and smooth implementation will require more time. In such circumstances, the immediate enactment of legislation, including penal regulations, which is suggested in the annotated agenda, may not be considered the most feasible measures for some States Parties, including Japan.

- As for biosecurity evaluation and implementation of biosecurity procedures, there may be also States Parties who require more time to create a unified national procedures. In Japan, the National Institute of Infectious Diseases, Japan's leading research organizations handling biological agents, has prepared and put in place various biosecurity related internal regulations on the use and transportation of agents etc, which are also applied to the guidelines of related universities. But biological agents and toxins are handled in many other institutions and under several different ministries; and individual facilities' approaches are not consistent. We need more time to establish a unified national procedures.
- For the time being, in order to address the urgent need, it would first be useful to promote awareness and understanding among facilities handling biological agents, and incorporate biosecurity measures into their practice under non-legally binding guidelines.
- With this aim, the WHO biosecurity guidelines, in the process of being made, are much awaited. The WHO biosafety guidelines (Laboratory safety method) are applied on a wide scale to related facilities and bodies in Japan. If WHO biosecurity guidelines are to be created in the future, it is invaluable to urgently address measures and serve as a common reference for related facilities and organizations.
- Due to the danger of the misuse of pathogens, suitable not only for a human host, but also for animal and botanical hosts, the completion of guidelines for the facilities handling these pathogens is also important. We expect that FAO and OIE will provide valuable expertise and support on this matter.

Intervention by Australia

As has been previously highlighted, the August meeting of experts provided an excellent opportunity for an exchange of information in the practicalities of implementing national measures under the BWC, including in the area of mechanisms to establish and maintain the security and oversight of pathogens and toxins.

A particularly element that was highlighted in August was the need for national regulatory mechanisms to be established that include preventing unauthorised access to biological pathogens and toxins to prevent their deliberate misuse. This has been termed 'biosecurity'.

We consider it important to distinguish between 'biosafety' and 'biosecurity'. In particular, it is necessary to recognise that biosecurity is a discipline in its own right.

'Biosafety' refers to measures taken to protect people and the environment from biological pathogens and toxins. It includes workplace health and safety issues and the prevention of the accidental release of biological agents. Although standard biosafety precautions provide some security measures, such as restricting access to facilities to authorised people, further measures are required to ensure biosecurity.

Indeed, many of the biosecurity measures currently in place or being developed have been built upon pre-existing 'biosafety' measures.

That said, the additional features of biosecurity over biosafety are:

- restricting access to material to those people needing it for legitimate use, rather than to those competent in handling the risks;
- controlling access of pathogens and toxins to authorised workers on the basis of identity and security assessments, and
- educating legitimate users of the potential for misuse of pathogens and toxins: instilling an organisational culture of securing materials.

In addition, we need to recognise that 'biosecurity' has other meanings in other contexts:

- the FAO use it in terms of securing food supplies
- within Australian agriculture it also means protecting the country from exotic pests and diseases through quarantine, surveillance and early detection measures

The experts meeting recognised that implementation of good biosecurity policy was a significant challenge and would require a major change to organisational and workplace culture. There was clear acknowledgement that biosecurity was multi-faceted and could not be achieved simply with locks and keys.

Indeed biosecurity is a 'whole-of-life process', covering the acquisition, use, transfer and disposal of materials, and in many ways this is the harder part of achieving good national controls over biological materials because it is not an 'implement and forget' system. It requires constant attention, coordination and maintenance.

As we and others have noted previously, if our objective is enhanced biosecurity and control of biological materials and knowledge then:

- we need to recognise that the big fix will not fit all sizes: certainly not quickly or affordably
- we need to consider tailored solutions for states with small or less developed infrastructures
 - in doing so, we must establish exactly what needs to be protected and controlled in each situation, then develop specific solutions

That said, based on the information exchanged at the August meeting of experts, it would appear to us that national biosecurity measures will need to include the following minimum elements:

- appropriate regulations to identify and register relevant facilities, transport systems and staff;
- comprehensive and integrated monitoring of facilities, transport and other pathogen-handling activities; and
- adequate criminal legislation for prosecution of unauthorised activities.

We would hope that these elements can be endorsed by this meeting of States parties.

Let me conclude, by observing that Australia believes biosecurity issues will be an important ingredient in the examination of a code of conduct for scientists, which the expert's meeting will consider in 2005.

Measures to Create and International Norm for Increasing Biosafety and Oversight of Work With Microorganisms by Sweden

Sweden attaches high priority to the reinforcement of the Biological and Toxic Weapons Convention. The need to strengthen the Convention is in our view increasingly important given the scientific development in this field and the risk that terrorists may acquire biological weapons. Hence, there is a need to establish mechanisms and structures with regards to the handling of microorganisms.

The recommendations and guidelines for safe handling of biological agents including genetically modified micro-organisms (GMM's), issued by the World Health Organization (WHO), have been the fundamental pillar for much of the national legislation that is in place today all over the world. WHO has laid the foundation for international biosafety issues which, among other things, includes the Biosafety Laboratory Manual containing recommendations for biosafety measures and criteria for classification of biological agents. Sweden believes that this Manual should be the basis for further work within the field of biosafety and biosecurity.

In Sweden the Work Environment Authority is the Competent Authority charged with supervising contained work with microorganisms including GMM's. Under existing legislation all contained work with microorganisms must be subjected to a risk assessment and must be notified to or permitted by the Swedish Work Environment Authority from containment level 2 and above.

Drawing on its own experience Sweden believes that guidelines containing;
a) a minimum requirement for how to handle microorganisms and b) notification procedures for national authorities could be valuable tools to improve the biosafety and the oversight of microorganisms in all States Parties. The implementation of such guidelines among States Parties would hopefully result in an international norm regarding biosafety and the oversight of microorganisms.

Cooperation within the EU on GMM's has taken place since 1998 through an informal network of national inspectors. The inspectors have met on a regular basis to compare experiences. Joint inspections have also been carried out every year. The cooperation between different national inspectors and enforcement authorities has been constructive *inter alia* through the comparison of experiences concerning enforcement measures and the discussion of methods for risk assessment.

Each State Party has its own legal structure and organization of national enforcement authorities. Hence, increased cooperation between States Parties would be beneficial with regards to controlling work with microorganisms. If supervision of work with microorganisms, including GMM's would be performed according to comparative procedures, the experiences could be shared. The cooperation between States Parties could thus be improved and simplified. In achieving this, observers from other States Parties could be invited, on a voluntary basis, to participate in a State Party's national supervision of work with microorganisms, including GMM's. The outcome of such exchanges of information and experiences could create a common understanding about the level and criteria for the supervision of work and the handling of microorganisms aimed at increasing the biosafety and oversight of microorganisms, including GMM's.

It is important that the national authority that gives the approval for work with microorganisms also has the mandate to control this work. The control system for increasing the biosafety and oversight of work with microorganisms including GMM's should be based on the national legislation of a States Party, but international cooperation should be encouraged. The control system should include a minimum level of training for national inspectors, guidelines for national inspections, and checkpoints during inspection. If guidelines for control could be implemented, national inspectors could be educated to meet these standards. Sweden hopes that a common understanding about the level of education for national inspectors could be reached which could result in the creation of international training courses for inspectors. These inspectors could be a valuable source to help all States Parties to implement rules on biosafety and oversight of work with microorganisms.

Proposals on Classification of Pathogenic Microorganisms by China

It is the due obligation of States Parties to the BWC to strengthen the management of pathogenic microorganisms and toxins and to prevent them from being used for bio-terrorism or other purposes prohibited by the BWC. The classification of pathogenic microorganisms, depending on their hazard, serves as the basis and precondition of the management of pathogenic microorganisms.

The classification should be based on the following factors:

1. Pathogenicity of the microorganism and its mode of transmission.
2. Immunity level and susceptibility of the host population.
3. Availability of effective preventive measures and treatment.

The WHO suggests that microorganisms should be classified into four risk groups according to the above-mentioned factors.

- Risk Group 1: no or very low individual and community risk.
- Risk Group 2: moderate individual risk, low community risk.
- Risk Group 3: high individual risk, low community risk.
- Risk Group 4: high individual and community risk.

The WHO's standard and methods of classification are widely applicable to many States Parties.

Due to different geographical distribution of pathogenic microorganisms, the immunity level and susceptibility of host population in different countries and areas differ a lot. The same kind of pathogenic microorganism may cause different degrees of harm to population living in different countries and areas. Therefore, States Parties should draw up risk group list of pathogenic microorganisms with reference to WHO's standard and taking into account their specific national situations.

Related legislation should be formulated and promoted, whereas working mechanism should be established so that States Parties can impose strict management of the separation, stockpiling, use, transport, import and export of microorganisms and toxins. Institutions engaged in the research and development activities of pathogenic microorganisms of risk groups 3 and 4 should put in place access control system and supervision system.

The international community should intensify the cooperation, exchanges and technical training with regard to classification and management of pathogenic microorganisms.

Statement on Biosecurity by the Republic of Korea

At the Meeting of Experts in August, the concept of bio-security was discussed in depth and many delegations mentioned that it is a new concept that requires further legislative, physical and administrative capacity building. While the need to generate a common understanding on the core principles or elements of bio-security for national implementation was supported by many delegations, some delegations suggested that bio-safety has some overlapping aspects with bio-security, in particular with respect to how increased safety is the foundation for increased security.

It seems that most of the States Parties' systems have focused more on bio-safety than they have on bio-security. At the Experts Meeting, however, we affirmed that in order to fight effectively against new and emerging threats, any implementation mechanism should not remain static but should rather transform and adjust itself to the new realities. With this in mind, my delegation believes that more has to be done in terms of bio-security.

The concept of bio-security must be more challenging than bio-safety in many areas including personnel, facility security, risk assessment, handling and transport. The risks associated with advertent activities or diversion could potentially be greater in impact and more diverse in form and thus

more difficult to control and manage than they are for inadvertent activities or leakage. In addition, more variables and uncertainties need to be taken into consideration in the case of intentional action than accidental error.

Like many other areas of our concern, balancing is one of the elements to keep in mind in reviewing the existing legislation or adopting new legislation in this area. My delegation fully agrees with the importance of establishing national programs to evaluate and implement bio-security procedures and practices under the ever-changing security circumstances. On the other hand, the measures for strengthened bio-security might be sometimes quite burdensome for some laboratories with limited resources that are already implementing the regulations and guidelines on bio-safety. For many laboratories, the benefits of bio-security measures may be more invisible than those for bio-safety. Thus in instituting and implementing bio-security measures we may have to take into consideration not only the specific circumstances surrounding the concerned facilities but also the resources and burdens related to them as well as the already existing systems for bio-safety.

Statement by Serbia and Montenegro

At the outset let me express our congratulation on your conducting the meetings of the BWC Member States in the year of 2003. My country shares the view that the August meeting was useful and could contribute to our further common efforts towards further strengthening of the implementation of the BWC.

My country, Serbia and Montenegro, is of a stand that terrorism and proliferation of the WMD present one of the most dangerous threats to the world peace and security of our time, particularly after the tragic events of 9/11. We are convinced that only comprehensive and coordinated action and firm will of the international community, alongside with the strict implementation of the

existing international instruments could bring us to the successful suppression to these global evils of our time. To that end, my country, as a responsible participant of these common efforts, supports all the initiatives and measures in the field of arms control and disarmament, including all those that contribute to further strengthening of the BWC.

Pointing out the importance that my country attaches to the BWC, I would like to flag some of the issues relevant to the BWC:

- Serbia and Montenegro does not produce biological and toxic weapons.
- Former SFR of Yugoslavia ratified the Convention in 1973. By a Successor Statement of 2001 my country renewed the full-fledged membership to the BWC.
- We are of a firm stand that full and strict implementation and further strengthening of the BWC in particular, present a cornerstone of all efforts to prevent the proliferation of this kind of the WMD.
- The competent authorities in my country are currently in the process of considering the modalities of how to introduce the relevant obligations stemming from the Convention into the pertinent national legislation. To that context, we firstly have in mind the possible undesired consequences of the technological development of the biological agents and the toxins that we could not identify nor suppress. Faced with these problems, we are in favor of all the initiatives with the aim of providing the assistance to the Member States in developing their national legislature, establishment of national programs of assessment and implementation of the measures of bio-security, legal protection from the pathogens and toxins abuse (bio-terrorism) as well as technical and technological means that ensure full bio-safety. In that connection, we have already undertaken the following:
 - Further develop the law on protection from population-threatening infectious diseases; withdrawal of laboratory work with biological material and agents for which BSL-3 and BSL-4 conditions are required; the licensing, accreditation and authorization of laboratories handling with pathogen are in progress.

We expect that we will be able to bring our national legislation to the corresponding international standards by the 6th RC of the BWC Member States.

- To bring all these activities to the successful conclusion, we need assistance in:
 1. Developing national legal, regulatory and penal measures that ensure full implementation of the Convention;
 2. Developing national mechanisms to establish and maintain the security and oversight of biological agents;
 3. Education and training of laboratory staff in enhancing bio-safety and bio-security;

4. Upgrading security system of designated laboratories to meet BSL-3 requirements and installing a BSL-4 laboratory.

Let me express our hope that our needs will meet the interest and capabilities of those Member States that could provide such assistance.

In closing, Mr Chairman, I would like to convey our wish that this meeting makes yet another important step forward in the ongoing international as well as individual efforts of the Member States towards further strengthening of the BWC. BWC remains a very important instrument of nonproliferation of this kind of the WMD, to the benefit of all the mankind.

Intervention by France

La France souhaite ardemment que les travaux de cette réunion des Etats Parties, capitalisant sur les efforts de nos experts en août dernier, débouchent sur des actions concrètes en termes de biosécurité et de surveillance des agents pathogènes. Nos experts nationaux ont présenté, à travers l'exposé dense et exhaustif du Professeur Dormont, une approche transversale et novatrice du risque biologique naturel dans ses conséquences pour nos sociétés.

Monsieur le Président, ces questions, qui relèvent de la santé publique, attestent de la réalité du risque biologique.

Nous sommes persuadés que l'existence d'un système national de santé publique, même rudimentaire, mais organisé de façon rationnelle et relié au monde extérieur est fondamental. Le risque biologique sous tous ses aspects fait partie de notre quotidien. En effet, un agent pathogène a, pour premier et principal effet, un problème de santé publique.

Il me semble que nous devons mettre en œuvre tous les outils à notre disposition afin de faire en sorte que l'ensemble des Etats Parties dotés de laboratoires et centres de recherche manipulant ou disposant de micro-organismes pathogènes et de toxines, se dotent et appliquent une réglementation efficace en matière de sécurité et de surveillance. Les pathogènes non-sécurisés peuvent représenter une source d'approvisionnement pour des groupes non-

étatiques et contribuer ainsi à une diminution de notre sécurité. Le contrôle des flux et de l'utilisation sur le territoire national des micro-organismes pathogènes et des toxines est nécessaire. Il peut passer par l'instauration d'un système de traçabilité et d'assurance qualité.

Nous ne pouvons faire l'économie de cet effort. Nos autorités compétentes réfléchissent constamment sur ce sujet et mettent au point des « mises à jour » de notre corpus réglementaire. La présentation structurée du Docteur Masset lors de la réunion des experts l'atteste. Nous autorisons et contrôlons l'utilisation légale des micro-organismes pathogènes et toxines afin de mieux surveiller et sanctionner ce qui est illégal. La France propose une coopération administrative et juridique par l'intermédiaire de nos Services de Coopération et d'Action Culturelle de nos représentations diplomatiques. Nos coopérants effectuent l'interface avec nos experts nationaux.

Monsieur le Président, la sécurisation des pathogènes est, pour les pouvoirs publics, un devoir vis-à-vis de tous.

Le risque de détournements de souches dangereuses dans un but malveillant est une réalité que les services compétents prennent très au sérieux. Ainsi que nous l'avions expliqué, l'utilisation de notre législation sur les stupéfiants comme point de départ pour la confection d'une réglementation spécifique nationale sur la sécurité et la surveillance des micro-organismes pathogènes et des toxines illustre l'ingéniosité juridique et administrative dont il nous faut faire preuve dans ce domaine. L'arsenal législatif et réglementaire pénal doit être employé pour lutter contre l'utilisation non-autorisée ou le trafic illicite de ces pathogènes

Je suis persuadé que le travail effectué en commun sur la réglementation concernant les aspects concrets de la sécurité et la surveillance des micro-organismes pathogènes et des toxines accroît la sensibilisation de tous à ces questions. Les échanges de vues sur les mises en œuvre nationales de ces règles participent de fait au renforcement de la Convention biologique de 1972.

(Informal Transcript of the English Interpretation of the Intervention by France)

France wholeheartedly wishes that the work of this meeting of States Parties based on the work of our experts in August will lead to specific steps in the area of biosecurity and monitoring of pathogenic agents. Our national experts have presented through an exhaustive and detailed statement of Professor Dormont a comprehensive and innovative approach to the issue of the biological hazard and its consequences for our societies.

These issues are directly related to public health and demonstrate the reality of the biological hazard. We are convinced that the existence of national public health systems, even of a basic nature, yet organised in a rational manner and linked with the outside world, is essential. The biological hazard in all its aspects is part of our daily lives and the pathogenic agents are first and foremost a problem of public health.

I believe that we should apply all the tools that we have in order to ensure that all States Parties where laboratories and research centres exist, those that use pathogenic microorganisms and toxins, that all States Parties draw up and apply the relevant legislation and regulations. Non-secure pathogens can be used by non-State groups leading to greater insecurity and the monitoring of the flow and use on the national territory of pathogenic microorganisms and toxins is necessary and this can be achieved through the establishment of a system of traceability and quality assurance.

We cannot spare any efforts in achieving this objective. Our authorities are constantly thinking about this issue and are updating our body of regulations. The structured presentation of Dr. Masset during the meeting of experts is proof of this. We authorise and control the legal use of pathogenic microorganisms and toxins in order to better monitor and punish illegal acts. France proposes and offers administrative and legal cooperation through our services of cooperation and cultural action within our diplomatic missions and these represent a link with our national experts.

Maintaining the security of pathogens is for public authorities a duty that they owe to everyone. The risk of misuse of dangerous strains for criminal purposes has a reality that our competent authorities are taking very seriously. Thus the use of our legislation on narcotics as a basis for drawing up regulations on security and monitoring of pathogenic microorganisms and toxins shows what I would call the creativity, the way that we should show in this area from a legal and administrative point of view and there are different solutions that can be found. But what is sure is that the full range of legal, regulatory and penal measures should be employed to fight against the non-authorized use and illegal trafficking of these pathogens.

Of course we have to see what is the best way to adopt these measures to the experience of each country. I am convinced that the joint work on the issues of monitoring of pathogenic microorganisms and toxins will raise awareness of all of these issues and exchanges of views on national application of these rules will only strengthen the Biological Convention of 1972.

Statement on Enhanced Pathogen Security Measures by the United States

Under the 2003 Work Program, the focus of the second week of Experts Meetings was oversight and security of dangerous pathogens -- what we call biosecurity. Although a number of attempts were made to illustrate the differences between the principles and practices of biosecurity and biosafety, presentations during the meeting indicated that a number of States Parties continue to link these two concepts inappropriately. While linked, they are not the same, and they are not interchangeable concepts. Biosecurity practices and principles are designed to reduce the risk of unauthorized release of or access to dangerous pathogens and toxins. In simple terms, they are practices designed to

keep pathogens and toxins safe and out of the hands of unauthorized people. As such, it is clearly a non-proliferation and anti-terrorism tool directly relevant to the BWC. Biosafety, on the other hand, involves practices and procedures that protect individuals or the environment from the dangers posed by the organisms themselves. In effect, biosafety practices are designed to keep people and the environment safe from pathogens. While important, biosafety is not as directly related to the aim of the security mission and objectives of the BWC. It is essential that States Parties understand the differences between biosafety and biosecurity and the particular relevance of the latter to the BWC.

The United States strongly believes that measures that raise biosecurity awareness and practice at specific sites enhance both local and global security by preventing the unauthorized diversion of dangerous pathogens and toxins from approved use. Thus, implementation of enhanced biosecurity practices at all facilities and other locations possessing dangerous pathogens and toxins and enforcement of such practices reduces the global threat from biological weapons and bioterrorism. Enhanced biosecurity initiatives, therefore, support the overall objectives of the BWC and all States Parties should strive to implement and enforce national measures necessary to prevent unauthorized diversion of dangerous pathogens and toxins from approved use.

One theme that was repeated in several national presentations was that biosecurity is site-specific, and as such, no single plan or set of standards is universally applicable in the oversight of dangerous pathogens. Effective biosecurity begins with thorough risk and vulnerability assessments of those places possessing dangerous pathogens and toxins, followed by implementation of specific measures to eliminate or reduce those vulnerabilities and risks. Effective biosecurity efforts require that agents of concern be identified and that site-specific plans be developed to regulate and monitor those agents.

Another recurring theme of the Experts Meeting was that biosecurity also requires national oversight. Many States Parties have established one or more agencies to define national biosecurity principles and practices, to define the agents to be regulated, and to ensure that biosecurity plans are developed. These national oversight plans should be regularly reviewed to ensure they meet the needs of the rapidly advancing fields of microbiology and biotechnology.

Two related themes from week two of the Experts Meeting were transport and record keeping. Effective biosecurity also requires that the responsible authorities establish procedures for the secure receipt, handling, transfer, inventory, and destruction of restricted agents. Most States Parties that have addressed transport and record keeping issues have implemented methods for tracking the receipt and transfer of strains of dangerous pathogens and toxins. All who spoke in substance on the issue noted the importance of maintaining detailed, accurate records of possession, transport, storage, use, and personnel approved to work with the dangerous agents.

An observation repeated by a number of experts was the need for specific training in biosecurity practices and procedures. While biosafety practices are regular

components of formal training for microbiologists and others likely to work with dangerous agents, the same cannot be said for biosecurity practices. Consequently, to assure effective biosecurity, a broad spectrum of personnel must be trained in the procedures and practices established to safeguard pathogens at a given site.

Finally, many experts recognized that biosecurity plans address the use of materials that have some similarities to issues dealt with in the handling of controlled substances. Consequently, in order to reduce the risk of unauthorized diversion of samples, practices should be established to properly screen the background of persons who will be given access to these agents.

It is important to note that effective biosecurity need not be an expensive endeavor and is therefore within reach of all States Parties. Increased awareness and practical procedures are among the most valuable elements of a comprehensive biosecurity program. While investing in physical infrastructure is also very worthwhile, effective biosecurity measures need not be elaborate and expensive in order to keep dangerous pathogens and toxins out of the hands of those who would use them for malicious purposes.

As was the case for national implementing legislation, the United States and a number of other States Parties that have made progress in the area of biosecurity of pathogens and toxins have extended offers to assist other countries in developing biosecurity practices appropriate for the needs of the assisted State Party. We encourage all States Parties to take advantage of these offers for assistance so that as many BWC States Parties as possible will be able to report implementation of effective national biosecurity practices by the 2006 Review Conference. The Work Program approach delivered an important means of cooperation between States Parties in the form of expert assistance to all interested nations in developing effective national biosecurity strategies. Given the amount of work to be done and the pace at which it could be accomplished, a realistic window to measure success in achieving meaningful improvements in biosecurity will be during the 2006 Review Conference.

Declaration on National Mechanisms to Establish and Maintain the Security and Oversight of Pathogenic Microorganisms and Toxins by Cuba

Desde la Reunión de Expertos de agosto se hicieron evidentes la diferencias de posición entre las delegaciones sobre los términos « Biosecurity » y « Biosafety ». Y me veo obligado a utilizar estos dos términos en inglés, porque en mi lengua materna no hay una diferencia clara entre los mismos.

Tanto en la Reunión de agosto, como en esta Reunión de Estados Partes, los intérpretes en la cabina de español, a a quienes aprovecho para felicitar por

su excelente trabajo, se han visto en serias dificultades para traducir estos dos términos y han estado utilizando distintas variantes. Con mucha frecuencia, han preferido incluso no traducirlos, ante la falta de un significado ampliamente aceptado.

En la legislación cubana sobre estos temas, se emplea el término de « Seguridad Biológica » o « Bioseguridad ». En todo caso, la delegación cubana considera que no le corresponde a este foro adentrarse en una discusión a fondo sobre estas cuestiones y mucho menos adoptar recomendaciones al respecto en nuestro Informe Final, como han propuesto algunas delegaciones.

La discusión sobre el alcance de la terminología « Biosecurity » versus « Biosafety », es una cuestión que va mucho más allá de nuestro mandato y corresponde ser dilucidada en los organismo especializados, como la OMS, la OIE y la FAO. No todos los Estados de la comunidad internacional son Estados Partes de la Convención de Armas Biológicas y por sus implicaciones, este es un tema que sobrepasa ampliamente los ámbitos de la Convención.

Por otro lado, Cuba considera que los debates de agosto y los que han tenido lugar estos días, han demostrado una amplia coincidencia por parte de las delegaciones en cuanto a ciertos elementos que podrían ayudar a conformar sistemas nacionales efectivos de bioseguridad. Estos elementos podrían ser tomados en cuenta al determinar los « entendimientos comunes » a los que debe llegar esta Reunión de Estados Partes, en correspondencia con el mandato que nos fue dado por la Quinta Conferencia de Examen.

Al respecto, quisiéramos mencionar los siguientes ejemplos y ponerlos a consideración del resto de las delegaciones :

- Crear en cada Estado una autoridad nacional centralizada encargada de aplicar y evaluar el sistema de bioseguridad. En el caso de Cuba, fue designado como Autoridad Nacional el Ministerio de Ciencia, Tecnología y Medio Ambiente, en el que a su vez se creó, desde 1996, en Centro Nacional de Seguridad Biológica. Por supuesto, otros Estados pueden establecer su Autoridad Nacional de la manera que lo consideren más conveniente.

- Determinar criterios, basados en una evaluación de riesgo, para crear listas nacionales de patógenos, incluyendo agentes que afectan a las plantas y los animales, toxinas y equipos. Estas listas deberían ser periódicamente revisadas y actualizadas de ser necesario.

- Capacitar personal en procedimientos de seguridad.

- Establecimiento y aplicación de buenas prácticas científicas sobre el manejo y uso de microorganismos patógenos y toxinas, tomando en cuenta las

recomendaciones de los organismos internacionales pertinentes y las experiencias de otros Estados.

- Promover la cooperación internacional necesaria para contribuir a que los Estados con menos capacidad para ello, puedan establecer sistemas nacionales efectivos de seguridad biológica.

(Informal Transcript of the English Interpretation of the Intervention by Cuba)

As you would recall at the august Meeting of Experts, Cuba put forward a detailed and extensive Working Paper on this matter, Working Paper 46, and I will, therefore, at this stage avoid going into the Cuban experience and focus on more general issues.

First of all, as has been already stated here, at the august meeting it was clear that there was no common position among delegations regarding the concepts of biosafety and biosecurity and I am compelled to use these terms in English because at least in the Spanish language, my own language, there is no clear distinction between these two terms. In fact at the August meeting and at this meeting the interpreters working into Spanish and I should mention incidentally that I am very grateful for their efforts and their excellent work, but as I was saying the Spanish interpreters working with us have a real difficulty in translating these terms and have tried to come up with various alternatives - most times they end up using the English terms.

In Cuba's legislation and administrative measures, there is no distinction between the two terms, in Spanish we use the term Bioseguridad, which we translate as biosafety and in practice that includes the elements that various delegations have proposed we distinguish at this meeting.

In Cuba's opinion, it is not particularly useful for this meeting to get into this terminological discussion. We do not think that this is the appropriate forum for such a discussion even though this is a Convention that has a great many States Parties, I think we are now 151 States Parties, there are a considerable number of States that are not Parties to the Convention and we think that the terminological discussion of biosafety versus biosecurity is a discussion that goes beyond the scope of the Biological Weapons Convention - it is a discussion in which all States of the international community, not just States Parties to the Convention, have every right to participate. For those reasons, Mr. Chairman, this is not the appropriate forum for it and we think that other international organizations, such as the World Health Organization, the OIE and the FAO, would be appropriate for a for joint-up guidelines on biosecurity.

As some delegations have said, we think it would be important at this stage to focus on what we view as common understandings that we could identify on the basis of the discussion that took place in August and the discussion that has been taking place at this meeting.

In Cuba's view, there are already a series of points that we could already identify as being common elements and for which there is a broad convergence of views amongst delegations. Among these common understandings, my delegation could mention, for example, the following: the importance of establishing criteria based upon a risk assessment so as to set up national lists of pathogens and toxins and equipment - those pathogens should also include pathogens that affect plants and animals. In Cuba's opinion, those lists should be periodically reviewed and updated by States as necessary. I think that this is the first areas of common understanding, where there is a broad convergence of views.

The Second recommendation, that could possibly be made, would be to set up centralized authorities to establish and monitor national biosafety or biosecurity systems. For example, in the case of Cuba, in our experience, we have drawn up a Ministry of Technology and the Environment, and that ministry has been designated that national biosecurity centre. Other countries might have different experiences, but we think that there is a common understanding that it would be useful for all States Parties to consider the possibility of establishing a centralized authority.

A third common point is the importance of training national personnel in safety procedures.

Another point would be the need to establish and apply good scientific practices on the management and use of pathogenic microorganisms and toxins taking into account the recommendations and experiences of various international organizations, drawing on the best national experiences of other states.

A further common element, in our opinion, is the need for regulated access to facilities and laboratories working with the pathogens listed by various states.

Lastly, a further common element, in our view, is the recognition of the importance of international cooperation in ensuring that States with lesser resources are also in a position to set up effective national biosafety mechanisms.

We think that these points of a general nature, are points around which there is broad agreement among delegations and we think that this could be taken into account in drawing up the common understanding that should be prepared by this meeting.

Summary of Meeting 13 November 2003 (A.M.)

Working Session 5 of the Meeting of States Parties convened to discuss Biosecurity Evaluation and Implementation of Biosecurity Procedures. The Meeting heard statements from: the United Kingdom, the Netherlands, Japan, Australia, Sweden, Switzerland, China, the Republic of Korea, Serbia and Montenegro, France, Italy, the United States, Brazil, the Russian Federation, Germany, Cuba.

Reference was made to common themes and proposals arising from the August Meeting of Experts, including but not limited to work on: security risk assessment; good science practices; awareness raising, education and training; administrative, engineering and physical security controls for facilities and during transport; and legislation and oversight.

States discussed the concept of biosecurity and its relationship with biosafety. It was reiterated that biosafety is an established discipline, with best practices and standards, whereas biosecurity is an evolving concept. The importance of identifying additional biosecurity measures, mechanisms and modalities for their effective implementation through ongoing reviews and assessments was also noted. Notwithstanding different national approaches to the safety and oversight of pathogenic microorganisms and toxins, States considered common elements for instilling an organisational culture of security for potentially dangerous pathogens and toxins, possibly through expanding the scope of biosafety. It was also noted that the application of

security measures could pertain to specific sites that store, handle or use pathogenic microorganisms and toxins. Furthermore, a range of national, context specific challenges face States Parties. States reiterated concerns from the Meeting of Experts over transportation chain security, including internal transfers.

The role of relevant Inter-Governmental Organizations was briefly discussed. It was indicated that implementing biosafety best practices was considered a more pressing issue for many States, even those not party to the Convention, than protecting against the possible threat of diversion or misuse of pathogenic microorganisms. It was highlighted that certain regions of the world are affected by endemic, epidemic-prone infectious diseases which either no longer affect industrialised nations or for which they possess preventative or therapeutic measures. It was suggested that this situation had resulted in the causative organisms of such diseases being considered, primarily, to be associated with activities prohibited by the Convention and not as diseases that continue to affect people, animals or plants.

Identification and Licensing/Registration and Consideration of Efforts by Relevant International Bodies – Thursday 13 November 2003

Chairman's Opening Remarks

Elements that we identified, at least we together with the assistance of the Secretariat identified through the statements and presentations on licensing and registration of facilities storing or conducting research with potentially dangerous pathogenic microorganisms and toxins and persons who handle them include:

- Flexible lists of dangerous pathogens and toxins (human, animal and plant);
- Location of facilities working with Dangerous pathogens and toxins;
- Location within the facility where work on Dangerous pathogens and toxins is being conducted or where Dangerous pathogens and toxins are being stored;
- Validity of License (renewal regulations);
- Registered facility officer/responsible facility person;
- Maintenance of records and databases on Dangerous pathogens and toxins stored, used, transferred and disposed of as well as of personnel handling and/or using Dangerous pathogens and toxins including registered transport couriers; and
- Oversight inspections (pre-registration, random audits, and regular visits)

Regulations and legislation vary accordingly, however: some States Parties have chosen to include human, animal and plant pathogens and toxins under one piece of legislation or under one regulation whereas other States Parties have decided to draft separate pieces of legislation for each category of pathogens. Moreover, some legislation encompasses genetically modified organisms (GMOs) whereas other State legislation is principally directed at genetically modified organisms (GMOs) and includes other potentially dangerous pathogens as well.

Actual licensing and registration practices do differ, and of those shared with the Meeting of Experts many require that a submission of the type of work to be conducted prior to receiving

permission to perform such research with Dangerous pathogens and toxins is standard operating procedure (SOP). Both ethical and oversight reasons are given for this practice, as well. As we heard from a number of statements and presentations, failure to comply with these practices can result in punitive damages and imprisonment.

Chairman's Additional Comments

In August we discussed issues of licensing, accreditation and authorization with respect to: procedures, processes, personnel certification, facilities, equipment, personnel, and transport.

Common elements that emerged from States Parties working papers, statements and presentations on licensing and registration of facilities storing or conducting research with potentially dangerous pathogenic microorganisms and toxins and persons who handle them include:

- Flexible lists of dangerous pathogens and toxins (human, animal and plant);
- Location of facilities working with Dangerous pathogens and toxins;
- Location within the facility where work on Dangerous pathogens and toxins is being conducted or where Dangerous pathogens and toxins are being stored;
- Validity of License (renewal regulations);
- Registered facility officer/responsible facility person;
- Maintenance of records and databases on Dangerous pathogens and toxins stored, used, transferred and disposed of as well as of personnel handling and/or using Dangerous pathogens and toxins including registered transport couriers;
- Oversight inspections (pre-registration, random audits, and regular visits)

Regulations and legislation vary accordingly, however: some States Parties have chosen to include human, animal and plant pathogens and toxins under one piece of legislation or under one regulation whereas other States have decided to draft separate pieces of legislation for each category of pathogens. Moreover, some legislation encompasses genetically modified organisms (GMOs) whereas other State legislation is principally directed at genetically modified organisms (GMOs) and includes other potentially dangerous pathogens as well.

Actual licensing and registration practices do differ, and of those shared with the Meeting of Experts many require that a submission of the type of work to be conducted prior to receiving permission to perform such research with Dangerous pathogens and toxins is standard operating procedure. Both ethical and oversight reasons are given for this practice, as well. Failure to comply with these practices can result in punitive damages and imprisonment as we heard in August and during our discussions this week.

Several States (Brazil, UK, Japan, Republic of Korea, US, Germany) suggest that as part of a comprehensive biosecurity programme that States Require national, and where appropriate, international, registration of facilities involved in the transfer of pathogenic microorganisms and toxins as well as tangible and intangible critical items, to institute security requirements and/or institute a notification system to ensure receipt.

Without getting into a discussion of export controls, we can also address the point raised by one State (UK) where the consideration of provisions could be made for a mandatory licensing

system to help ensure that central authorities can track the movement of specified materials, such as lists of agents and toxins, and items of equipment – certain types of fermenters and downstream processing equipment for instance. This should certainly cover exports and may need to cover imports and internal domestic transfers as well, if it can be shown that the resulting burden is justified by the potential benefits sought.

In addition to the above consideration, another suggestion was made whereby States can prescribe licensing procedures in respect of any of the controls imposed. (Consideration would need to be given as to whether a permissive system would be required or whether prior or retrospective notifications to government would suffice as well as enable changes to be made to the list of licensable items: additions and deletions in light of changing circumstances.)

Moreover, these licensing tasks could be made less daunting by creating an expedited licensing option for example, for laboratories with particular internationally recognised expertise that regularly exchange cultures with specified laboratories in other States Parties.

Another State (US) has suggested that the term facility (biomedical/biotechnological) includes academic institutions, corporations, companies, partnerships, societies, associations, firms, sole proprietors, or other legal entities as well as anyone who possesses, uses, receives, or transfers potentially dangerous pathogens.

One State (Brazil) suggests that challenge for States Parties is to find a common understanding on mechanisms for selecting and disseminating information concerning dissemination of pathogenic microorganisms and toxins, and of critical equipment, including means of delivery. Other common challenges to States Parties include:

- Defining a list of pathogenic microorganisms and toxins and critical equipment subject to control and a flexible mechanism to update it domestically and disseminate it internationally (much in the way computer virus vaccines are updated);
- Monitoring the enforcement of legislation by the appropriate national law-enforcement bodies on bio-security of facilities (production, possession, acquisition, stockpiling), and of transport of listed pathogenic microorganisms and toxins and critical equipment;
- Monitoring potentially dangerous activities involving listed pathogenic microorganisms or toxins and critical equipment (including research, development, production, stockpiling, and transfers);
- Conducting assessments, on a continuing basis, on the effectiveness of the relevant domestic legislation for use in recommendations to its respective national government.

Furthermore, several States Parties suggested that Registration of listed or selected potentially dangerous agents stored or handled in licensed facilities ought to be based on criteria generated from a risk assessment. Additionally, flexible lists ought to also apply to critical equipment. (Japan, Brazil, US, Netherlands, Cuba, Italy)

One State (China) holds that biosecurity licensing and personnel accreditation systems should be established where organizations and individuals engaged in biosecurity related R&D activities should be accredited according to the evaluation of qualifications and capabilities. To reduce the number of facilities requiring registration and licensing, another State (Ukraine) believes that some States Parties may have limited numbers and types of facilities handling pathogens and toxins of key concern. In such cases, such facilities may be largely under direct or indirect control by the government, which may therefore not find it necessary. However, the broad range

of owners and operators of such facilities and the wider extent of the legitimate work undertaken (and, therefore, the greater number of targets for unauthorised acquisition) is such that legislation is likely to be necessary to ensure that effective biosecurity measures are fully adopted and implemented nationally. In this situation, relying on facilities to selfregulate biosecurity may be an inadequate approach, and government-based formal oversight arrangements based on legislation would be necessary (UK).

Another State (Netherlands) also addressed the risks and benefits of allowing self-regulation versus governmental, and it was suggested that further assessment is still required to determine if a thorough licensing system for facilities working with listed pathogenic agents and toxins, individual personnel, or transporters is needed. It was further noted that there are different approaches with regard to regulating the permission to perform work with pathogenic agents and toxins by individuals: at least one country opts for giving a special authorization to individuals as referred to above, while leaving a background check to industry itself. Other countries however seem to prefer registration of individuals and a mandatory background check. With regard to measures aimed at transport of certain dangerous pathogens we noted that no country seems to have adopted a strict, governmental, licensing scheme for carriers before they are allowed to carry out this type of transport. There are however international and national certification procedures for carriers of hazardous material. One country indicated that under recent legislation security measures have been enacted with regard to transportation such as security training and security of the transport facility. Furthermore, background checks are required of anyone that has access to dangerous pathogens during transport.

One State's internal review of (Republic of Korea) suggests that awareness-raising and consensus-building on the part of the personnel working in laboratories and industries is sometimes more important than regulations by the government themselves, and that such awareness-raising provides the basis that regulations must be built upon. Furthermore, in a survey of 563 institutions in total including 52 university laboratories, 244 medical institutions, 201 public health laboratories and 66 industry research institutions there was widespread favourable opinion on introducing/implementing stricter bio-safety and bio-security guidelines. However, there was little positive response to the need for the stricter procedures for approval of experiments on special or select agents or pathogens.

According to a basic survey performed by one State of practices in other BWC State Parties (Japan) it was found that some countries require the facilities and individuals who possesses and/or work with controlled pathogens and toxins to register with the relevant empowered ministry or agency or to acquire its permission. The relevant ministry or agency type differs according to the purpose of the control, including the Ministry of Economy, Ministry of Health, Ministry of Agriculture or national institute in charge of countermeasures against infectious diseases. Several countries have systematized background checking of registered scientists by the police.

The range of controlled facilities also differs among countries. Some countries do not require registration of clinical or diagnostic laboratories that may come into possession of controlled agents when conducting specimen diagnosis, verification or proficiency testing, but only reporting afterwards. One country requires only facilities that undertake genetic manipulation work and university-controlled laboratories to be registered. Most countries reviewed have introduced inspection systems of facilities handling dangerous pathogens and toxins by relevant

ministries, and in some countries the police may obtain warrants to have access to facilities in order to carry out security checks to ensure that security requirements are observed.

Friday 14 November

Statement on Agenda Item 7 By Malaysia on Behalf of the Group of Non-Aligned and Other States

I am taking the floor to speak on behalf of the Group of Non-Aligned (NAM) and Other States to the Biological Weapons Convention (BWC) in regard to Agenda Item 7 on the "Arrangements for the Meeting of Experts and Meeting of the States Parties in 2004".

The Group of NAM and Other States to the BWC wish to recall that the Fifth Review Conference of the States Parties to the BWC, held from 19 November – 7 December 2001 and 11 – 22 November 2002, had agreed that the 2004 Meeting of Experts and Meeting of the States Parties to the BWC will be chaired by a representative of the Group of NAM and Other States to the BWC.

The 2004 Meeting of Experts and Meeting of the States Parties to the BWC have been mandated to discuss and promote common understanding and effective action on two issues: (i) enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease, and (ii) strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants.

In accordance with the decision adopted, Malaysia, in its capacity as Coordinator, would like to inform the Meeting that following consultations, the Group of NAM and Other States to the BWC proposes to nominate Mr. Peter Goosen, Chief Director for Peace and Security in the Department of Foreign Affairs of South Africa and Head of Delegation of South Africa, for the post of Chairman of the BWC Meetings in 2004.

In making this nomination, the Group of NAM and Other States to the BWC is confident that given his expertise and vast experience in the BWC process, especially after having been involved in the BWC negotiations for the last eleven years including in the last two Review Conferences and the 2003 Meeting of Experts and Meeting of States Parties to the BWC, Mr. Peter Goosen is indeed a suitable candidate to chair the Meeting of Experts and Meeting of States Parties to the BWC in 2004. In this regard, we hope that the 2003 Meeting of States Parties to the BWC will approve our nomination, following which Mr. Peter Goosen may wish to take the opportunity to outline any preliminary plans he may have at the moment for the preparations of the 2004 BWC Meetings.

Statement by the United Kingdom

1. Mr Chairman, the UK would like to put on record a few general remarks on the results of the Experts' Meeting in August and of this meeting.

2. We were impressed first of all by the breadth and depth of the presentations that were made by a wide range of States Parties. That so many took an active part is, in the UK's view, an indication that States Parties recognise the intrinsic importance of the two topics under consideration in this year's work programme. It is clear that we must all be prepared to take necessary and appropriate action on national implementation of the Convention and the oversight and security of pathogenic microorganisms and toxins. However, it was also evident to the UK at the time and subsequently as we examined in greater detail the materials presented in August, that there is considerable common ground. Many States Parties have adopted similar legislation and regulatory approaches and share common principles notwithstanding their differing legal and constitutional arrangements.

3. All of this suggests that there is a sound basis for a more focussed approach for future action by States Parties. Such action includes the identification of specific areas where States Parties in a position to do so could provide legal and practical assistance to others who want to help in framing and/or expanding their own legislation. Of course, for many of these

areas the actions needed are required at the national level in the first instance and in line with the undertakings we all gave when we signed this Convention some 31 years ago.

4. In August the UK found it relatively easy to identify many common themes from the wealth of detail on legislation that was presented. Taking the topics from week one, it seems to me that there are common features in implementing legislation amongst States Parties with legislation in place and certainly ought to feature in new legislation where none now exists or where existing legislation is less than fully comprehensive.

5. As for the topics that we addressed during the second week of the Experts' Meeting, here too the UK detected many common or indeed identical features across legislative and regulatory approaches.

6. States Parties, as well as the UK, with measures in place or in the process of amendment covering necessary ground include, for example, the US, China, Canada, South Africa, Germany, Ukraine, Poland, Iran, India, Russia, the Republic of Korea, Brazil and Cuba. This is of course not an exclusive list.

7. The UK is very grateful to you, Mr Chairman, for the efforts you have made this week, and over the last few hours, to achieve consensus on a Final

Document that goes at least some way to reflecting the commonality of views and approaches that were demonstrated during the successful August meeting. However, I will not hide the fact that the UK preferred the first version of the text that you circulated. It seemed to us to contain all the elements discussed in the three weeks of meetings this year.

8. Nevertheless, in the wider interests of consensus and of building from the undoubtedly productive exchanges in August, it is important that we look ahead to 2004 and indeed to our own chairmanship in 2005. This has been a good solid start to the work programme that lies ahead of us. We hope that we can make further progress next year under the Chairmanship of South Africa.

Western Group Statement at the Closing Session

The Western Group of the BWC regards this, the first of the set of 3 annual meetings of State Parties agreed at the Resumed Fifth Review Conference of the Convention in November last year, as having been an innovative and successful venture. Some of us would have liked to see a stronger document emerge as the outcome of this meeting however we recognize that given the novelty of the process, and set against the bleak outlook the BWC faced when the Fifth Review Conference was suspended 2 years ago, we have actually achieved a great deal this year. In particular, in conducting the successful Experts meeting in August, we have started a practice that, through its encouragement of a free exchange of experience on implementing the Convention in different types of legal frameworks, will evolve into a valuable new mechanism of the BWC.

Ambassador Rakesh Sood, earlier this week, compared our process to an ocean liner with a long and slow turning circle. He pointed out that once we started to change direction not only did we cover more ground than we realized but it took a while to see where we were going. Can I extend the analogy and say that one important reason that we have collectively survived this tricky maneuver unscathed and ready and willing to continue our journey, is that we have had an extraordinarily experienced and capable pilot on the bridge throughout.

You Mr Chairman, navigated this unwieldy craft through the unpredictable and dangerous shoals of the Fifth Review Conference. You then took us across the uncharted sea of the experts meeting on national legislative and biosecurity measures. Now that we have reached relatively calm waters you can afford to hand the wheel over to someone else and take a well earned break. Happily for all of us, the person you are handing over to, Mr Peter Goosen, is someone of comparable experience and knowledge so should an unexpected storm blow up in the next 12 months, we can be confident that he will also lead us through safely.

Tibor, you have made a real and lasting contribution to this Convention and to the fight to prevent biological weapons from ever entering the legitimate arsenal of any state or from falling into terrorist hands. We all salute you and on behalf of everyone in the Western Group, can I say thank you and congratulations.

Statement by Italy on Behalf of the European Union

Since we have reached the final stage of this years sessions, I would like to pay tribute to the key role that you have played in the BTWC process. I am aware that few words will not do justice to the impressive endeavour that you have provided over more than a decade in the different multilateral exercises within the BTWC framework. However, let me express our highest appreciation and sincere gratitude for your dedicated and competent leadership, which enabled us to sail through the most difficult negotiations, consistently pursuing our common aim of reinforcing the Convention.

At the same time I wish to express to South Africa our congratulation for the appointment to chair next year's meetings. Our best wishes go to Mr. Peter Goosen who is already well known in these circles for his long experience and diplomatic skills. I wish to assure the incoming Chairman he will be able to rely on the full co-operation and support of the European Union.

Our gratitude also goes to your collaborators, the Secretariat and the interpreters who have supported our work throughout these days.

**Concluding Statement on Behalf of the Group of Non-Aligned and Other States by
Malaysia**

I am taking the floor to speak on behalf of the Group of Non-Aligned (NAM) and Other States to the Biological Weapons Convention (BWC).

Since we have not had the opportunity to officially welcome Sudan's accession to the BWC Convention earlier, Malaysia, as Coordinator, would like to do so now, on behalf of the Group of NAM and Other States to the BWC. The BWC family is now 151 strong.

At the 2003 Meeting of Experts, from 18 – 29 August 2003, we began the process of promoting common understanding and effective action on the implementation of the BWC by sharing our national experiences and best practices in regard to the adoption of necessary national measures and the security and oversight of pathogenic micro-organisms and toxins. For the past five days, we have continued these deliberations by discussing among others, issues such as licensing, enforcement, and biosecurity evaluation and implementation of biosecurity procedures.

The Group of NAM and Other States to the BWC is encouraged by the spirit demonstrated at this Meeting of States Parties and the preceding Meeting of Experts. We believe both meetings had provided important fora for the exchange of views and sharing of information in facilitating the effective implementation of provisions of the Convention. The Group of NAM and Other States to the BWC would like to reiterate in this regard our conviction that strengthening the BWC requires the implementation of all provisions of the Convention.

We also welcome the increase in the number of offers made during the Meeting of States Parties in regard to the sharing of expertise and technical assistance in the areas of BWC implementation. We believe that this is a step in the right direction towards strengthening the implementation of the BWC Convention. It would be the countries of my Group, Mr. Chairman, that stand to benefit most from this sharing of information and offers of technical assistance. We therefore would like to encourage other States Parties in the position to do so to extend this technical assistance to States Parties who need it.

The Group of NAM and Other States to the BWC hope this trend will continue at the 2004 Meeting of Experts and Meeting of States Parties to the BWC, which have been mandated to discuss and promote common understanding and effective action on (i) enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease, and (ii) strengthening national and international institutional efforts against infectious diseases. We hope that as the incoming Chairman of the 2004 BWC Meetings is a representative of the Group of NAM and Other States to the BWC, in the person of Mr. Peter Goosen of South Africa, other States Parties to the BWC will be able to extend similar support and cooperation to him as had been extended to you, Mr. Chairman.

As our meeting draws to a close, the Group of NAM and Other States to the BWC would like to place on record our gratitude to the Secretariat of the 2003 BWC Meetings and members of the Conference Services and the interpreters for their untiring efforts in facilitating our deliberations.

Let me conclude my statement, Mr. Chairman, with a final salute to you for your untiring efforts as Chair of this meeting to seek consensus among delegations and between groups and to facilitate our deliberations in a gentle yet firm manner. What we admire most is your complete and total dedication to the noble cause at hand, i.e. a world free from the threat of biological weapons. For this you deserve Mr. Chairman and dear friend our sincere thanks and deep admiration.

Chairman's Closing Remarks

I would like to take this opportunity to review the work which has been undertaken by States Parties to the Biological and Toxin Weapons Convention during the 2003 meetings. I am pleased to add my support to the positive comments voiced by many States that the Meeting of Experts and the Meeting of States Parties engaged in a valuable and transparent exchange of national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation and national mechanisms to establish and maintain security and oversight of pathogenic microorganisms and toxins.

States Parties have demonstrated a strong commitment to manifesting the potential benefits of the follow-up process as one step towards this goal. The number and range of offers of assistance in the area of national implementation and biosecurity, or the reiteration of offers made at the Meeting of Experts, illustrate this. Specific offers of assistance including the identification of national focal points and existing bodies, and more general offers on national implementation were made and/or reiterated to enhance national implementation of the Convention.

During our work this year many States have indicated that common elements appear in their national implementation approaches. Some States considered these elements to be desirable or necessary components for States implementing the Convention, whilst recognising that there is not a 'one-size-fits-all solution'. However, three elements recurred in discussions throughout both the Meeting of Experts and the Meeting of States Parties: the need for legislation, including penal legislation, which encompasses the full scope of the prohibitions of the Convention; effective regulations or legislation to control and monitor transfers of relevant dual-use technologies, and effective implementation and enforcement to prohibit and prevent violations.

Furthermore, several States discussed their experiences with conducting reviews of their domestic legislation whilst also urging other States to perform regular reviews. These States noted that regular reviews were necessary to ensure the relevance and scope of existing legislation and to determine the need for developing new legislation, including penal legislation, to adequately address the full scope of the prohibitions set forth in the Convention, from subsequent Review Conferences or to address other emerging security threats. It was also noted that Article IV necessitated the enforcement of these measures within the territory of such State, under its jurisdiction or under its control anywhere.

A number of States commented upon practical approaches that they had found useful in ensuring the efficiency of their implementation of the prohibitions contained within the Convention. This

included establishing a central government body, or extending existing bodies, to be responsible for the administering and enforcing of national implementation; the development of powers of search for obtaining evidence in cases of suspected breaches of the legislation, in order for the governments of State Parties to halt suspect activity; provisions for offences by corporate bodies as well as individuals; pre-specified penalties for the infringement of these prohibitions; the adoption of biosecurity measures by individuals and entities handling certain agents; the licensing and/or registration of activity involving certain agents; catch-all clauses in transfer monitoring and export control measures; and end-use certification.

In respect to licensing or registration, three approaches were identified: licensing equipment; licensing activities; or a combined approach. Discussions of the national experiences of States in applying these approaches also highlighted some tools that individual States have found useful. These included: flexible lists of pathogenic micro-organisms and toxins and critical equipment updated on a regular basis, keeping in mind the scope of legitimate activities under the Convention; a national review body to oversee national licensing and/or registration schemes; information sharing and a practical outreach programme; and effective implementation and enforcement measures including appropriate penalties. Several States commented that whilst recognising the importance of penal legislation as an enforcement mechanism, they questioned whether penal legislation alone could adequately address the aspect of prevention of transfers prohibited by the Convention.

Several States noted the need for all States to ensure that they have implemented sufficient national export measures to ensure the collective security of a universally implemented Convention. In this respect, the point was made that effective and sustainable implementation and enforcement can require substantial financial and coordinating infrastructure to educate and train persons. As I have already mentioned, a number of States Parties have made offers of assistance to facilitate such processes.

During the Meeting of States Parties we also heard it suggested that it might be useful to discuss the creation of a timeframe in which to carry out the implementation or enhancements decided upon at a national level. This might be a discussion that States may wish to return to during the consideration of the relevant articles during the Sixth Review Conference in 2006.

States Parties referred to common themes identified in the August Meeting of Experts including a mechanism to harmonize the implementation of the Convention through increased international cooperation and exchanges between national authorities or their functional equivalents for more effective national implementation of the prohibitions of the Convention, through sharing successful experiences of States Parties, offsetting national weaknesses and promoting mutual trust; enhanced coordination and cooperation among domestic agencies or bodies to improve implementation of national legislation, regulations and other measures; and improved dialogue and communication among national authorities (or their functional equivalents) and science and industry to enhance national implementation of the prohibitions of the Convention.

Moreover, the issue of exchange of information among international investigation agencies was raised by States as a mechanism for further enhancement of the prohibitions set forth in the Convention as well as a method for increasing and maintaining transparency amongst States Parties.

In so far as enforcement bridges both the topics of national implementation legislation and security and oversight of pathogenic microorganisms and toxins, States addressed the scope and content of the concept of biosecurity. States Parties reiterated that legislation alone is not enough; therefore, efforts to examine ways of getting governmental and non-governmental ethical oversight bodies to raise awareness and to encourage biosecurity best practices and/or other relevant training should be considered as complementary action.

On the topic of security and oversight of pathogenic microorganisms and toxins, reference was made to common themes and proposals arising from the August Meeting of Experts, including work on: security risk assessment; good science practices; awareness raising, education and training; administrative, engineering and physical security controls for facilities and during transport; and legislation and oversight.

States discussed the concept of biosecurity and its relationship with biosafety. For some States Parties the Meeting of Experts in August may have been their first exposure to such a concept, distinct from biosafety. The Meeting of States Parties reiterated that biosafety is an established discipline, with best practices and standards, whereas biosecurity is an evolving concept. The importance of identifying additional biosecurity measures, mechanisms and modalities for their effective implementation through ongoing reviews and assessments was also noted.

Notwithstanding different national approaches to the safety and oversight of pathogenic microorganisms and toxins, States considered common elements for instilling an organisational culture of security for potentially dangerous pathogens and toxins, possibly through expanding the scope of biosafety. It was also noted that the application of security measures could pertain to specific sites that store, handle or use pathogenic microorganisms and toxins. Furthermore, a range of national, context specific challenges face States Parties. States reiterated concerns from the Meeting of Experts over transportation chain security, including internal transfers.

The role of relevant inter-governmental organizations was briefly discussed. It was indicated that implementing biosafety best practices was considered a more pressing issue for many States, even those not party to the Convention, than protecting against the possible threat of diversion or misuse of pathogenic microorganisms. It was highlighted that certain regions of the world are affected by endemic, epidemic-prone infectious diseases which either no longer affect industrialised nations or for which they possess preventative or therapeutic measures. It was suggested that this situation had resulted in the causative organisms of such diseases being considered, primarily, to be associated with activities prohibited by the Convention and not as diseases that continue to affect people, animals or plants.

Several States cautioned against over-regulation and implementation of severely prohibitive restrictions or controls, opting for more sustainable security programmes. The potential for negative implications of overlaying security measures on top of existing safety measures is not hypothetical, but was experienced by many States Parties during the SARS epidemic this past year, highlighting the multi-sectoral considerations associated with attempting to find the right balance between security assurances and overly restrictive measures.

The consideration by many States Parties of the unique vulnerabilities and threats to biotechnological and biomedical facilities storing and/or working with pathogenic microorganisms and toxins has been addressed through risk assessment and management which figured prominently in presentations and discussion during August.

It was noted by delegations, however, that biosafety was relevant only insofar as it related to the security and oversight of pathogenic microorganisms and toxins. This being said, different approaches to categorising risk were discussed, including debate about the role of genetically modified organisms (GMOs) and recombinant technology and their relationship to potentially pathogenic micro-organisms and toxins.

The creation of risk groups (for laboratories) correlate with known and unknown variables about a biological agent's pathogenicity, route of transmission, agent stability, infectious dose, concentration, agent aetiology, and availability of prophylaxis determine the level of biosafety or biocontainment necessary to minimize and reduce risk from accidental exposure or release of pathogenic micro-organisms and toxins. We heard from many States Parties that they have used the WHO Laboratory Biosafety Manual's recommended guidelines to implement good microbiological technique, good laboratory and manufacturing practices.

Taxonomic classification of pathogens and toxins based upon risk groups was suggested by some States to be a link between biosafety and biosecurity, and could potentially contribute to tracking pathogen use and movement as part of an overall collection management scheme with security benefits. The benefits of such an inventory is that it can create the basis for a holistic collection management system aimed at monitoring the transfer/transportation chain. It was noted however, that one risk of distinctly labeling packages of high consequence for the purposes of tracking could potentially create a vulnerability risk making diversion or theft easier.

Many States noted the unique challenge that securing biological agents presents; and the appropriation of security models from non-biological sectors has been demonstrated to be inadequate for the needs of protecting pathogens and toxins. Additionally, the implementation of risk assessment as a standard operating procedure within laboratory facilities and throughout the transportation chain was mentioned by various States as crucial to maintaining a security programme and to assisting in generating emergency operating plans.

We were also informed that work is currently being undertaken by the United Nations Committee of Experts on the Transport of Dangerous Goods to harmonise modal regulations for all transport of infectious substances.

It has been mentioned that it is not feasible to prepare and design for, or legislate against, all possible contingencies; therefore, many States Parties have suggested that conducting vulnerability assessments and threat assessments to design risk specific, priority-based strategies for the limited number of laboratory facilities engaged in work with agents of high concern is likely the most viable means of sustaining a less invasive and sustainable biosecurity programme.

As we heard in August, and can see from searching the Information Repository, many States Parties have legislation that pertains to genetically modified micro-organisms (GMMs) and biosafety generally, but very few have direct legislation pertaining to biosecurity. Some legislation pertains to the BTWC itself and some to terrorism; however, as various States noted, their legislative focus has been on biosafety, not biosecurity.

Legislation alone, however, was not viewed by States to contribute to a sustainable and comprehensive biosecurity programme, but it does provide a basis for interdiction.

To maintain a sustainable culture of security within biology, awareness raising, training and education were considered by various States to be of utmost importance. Agent-specific education, general and specific security concepts, standard biosafety best practices and containment procedures including the use and maintenance of personal protective equipment and proper disinfection and decontamination techniques for use in laboratories and during waste handling and disposal, and emergency preparedness training were raised as common elements. Additionally, it was suggested that training laboratory personnel for functional duties creating a comfortable degree of interoperability could potentially have positive implications for both biosafety and biosecurity.

In addition to personnel reliability various States emphasized the need for improved information controls. The rapid pace of progress in sequencing the human genome has spurred the information technology sector to generate new answers for collecting, storing, and disseminating this information. Subsequently, database security and information dissemination are increasingly becoming areas of interest with great implications for scientific research, defence, industry and information technology sectors. Securing information technology is based upon the premise that information is part of a nation's critical infrastructure prompting several States to highlight its relevance to a comprehensive biosecurity programme. Moreover, the issue of disseminating sensitive research was reiterated by many States Parties. The examples of the Mousepox experiment and synthetic polio virus were also mentioned and discussed.

The introduction of research ethics education and training was suggested by several States to complement other threat reduction strategies by targeting the motivation of personnel. In so far as the mandate for the 2005 Meeting of Experts is to raise awareness and common understanding on the content, promulgation, and adoption of codes of conduct for scientists, this subject was not discussed in any detail.

The importance of consulting with industry, the research community and other stakeholders was noted as a key element of effective implementation, and several States Parties described the outreach and communications activities they have undertaken in this regard. Awareness raising was considered both during the Meeting of Experts and during the Meeting of States Parties to remain an integral action to be taken by States to encourage States to fulfill their obligations under the Convention and to encourage states who have not joined the Convention, to do so.

As we draw to a close of the first of three annual meetings of the States Parties of the follow-up process I would like to share with you my thoughts on what I believe was a very positive exchange of information. I am aware of the different attitudes, positions and technical and financial capacities of the States Parties to this Convention, and I know from speaking with a number of delegations that national offers of assistance made during the Meeting of Experts have already been sought out and that co-operation is already under way. I hope that this kind of cooperation continues beyond the scope of this year's mandate and that States in need of assistance contact those States making such offers to date, including: Australia, Canada, Cuba, France, Germany, Japan, South Africa, Sweden, Switzerland, the United Kingdom and the United States.

I am encouraged by States working together toward a common goal, that being, full implementation of the Convention. I believe that in addition to offers of assistance made by States that the Information Repository provides substantial information and can act as a tool to facilitate national implementation of the Convention. I urge States to continue in this vein, and

to seize these offers of assistance and to use the information provided by States and the Secretariat to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons.
