

# REPORT FROM GENEVA -- FRIDAY 16 NOVEMBER 2002

1. The Press Release issued by the United Nations in Geneva on 6 November 2002 noted that the resumed session of the Fifth Review Conference of the Biological and Toxin Weapons Convention would be held in Geneva from 11 to 22 November 2002. It stated that the States Parties would be trying to reach agreement and conclude the work of the Conference, the initial session of which was held from 19 November to 7 December 2001, and suspended in controversial circumstances. In recalling the purpose of Review Conferences, it was noted that *"The Review Conferences are especially important in the context of rapid progress being made in the bio-sciences, progress which as well as delivering important benefits also makes it potentially easier to develop biological weapons."*

2. At the opening session of the Review Conference from 22 November to 7 December 2001, the Press Release noted that the difficult atmosphere following the collapse of the Protocol negotiations in August 2001 was further intensified by the (still unsolved) anthrax incidents in the United States in September 2001, and accusations that some States Parties were not complying with their obligations under the Convention. After considerable debate, delegations had focused their attention in the opening session on three main issues:

(1) The Ad Hoc Group and the completion of its work. There were serious disagreements among delegations on whether the Ad Hoc Group should attempt to continue with its work on a protocol, and whether to retain or terminate the mandate of the Group.

(2) The issue of compliance with the Convention, and cases of alleged non-compliance, and how the Conference should deal with these.

(3) What kind of follow-up work might be undertaken to strengthen the Convention after the conclusion of the Review Conference, in the absence of a protocol.

However, by 7 December 2001, States Parties had not been able to overcome their differences on these issues and no agreement on a Final Declaration was achieved. Consequently it was decided to adjourn the session and resume it one year later.

3. The Press Release went on to say that over the past year, delegations had been working on possible solutions that would allow them to reach an agreement concerning future work to strengthen the Convention. Under the continuing presidency of Ambassador Tóth, the resumed session of the Conference was likely to focus primarily on the specific question of follow-up work, although the other main issues remain to be formally resolved. It was noted that *"The question of follow-up is crucial, as without agreement on this it is likely that nothing will be done by States Parties collectively to strengthen or even maintain the Convention until at least the next Review Conference, due in 2006."*

## **Opening Plenary Session, 11 November 2002**

4. The Fifth Review Conference resumed in Geneva on Monday 11 November 2002 with **Ambassador Tibor Tóth of Hungary** continuing as President. Ambassador Toth made some opening remarks in which he welcomed the delegations back to Geneva for the continuation and conclusion of the Review Conference. He particularly welcomed the

delegations of the two new States Parties, Morocco and the Holy See, who have brought the total number of States Parties to 146.

5. Ambassador Tóth reminded delegations that this was a somewhat unusual situation, as the Review Conference had been suspended in difficult circumstances almost a year ago, and was now resuming to complete its work. He then clarified the stage that had been reached before outlining the way in which he proposed that they should proceed to complete the Review Conference. In doing this, he reminded delegations that this was still the same Review Conference, and that the agenda, which had been adopted last November, remained valid. During the three week session last year, most of this agenda had been addressed with the work being addressed by the plenary and the various subsidiary bodies as recommended by the General Committee. He went on to say that unless the Conference determined otherwise, he did not intend to return to the completed agenda items. Consequently, this left agenda items 15 (Report of the Drafting Committee) and 16 (Preparation and adoption of the final document(s)) still to be completed and he went on to outline his suggestions for a programme of work to deal with these items.

6. He said that he proposed to deal with these items in the plenary, and to focus first on agenda item 16, as this relates to the consolidation of the final product of the Conference, which is what he believed was of most concern to all of us. Insofar as the programme itself was concerned, he proposed that because of the unusual and uncertain situation, maximum flexibility should be retained. He would therefore outline suggestions for today's programme with the subsequent meeting schedule to be determined later, according to need.

7. Ambassador Tóth then presented his proposal for the final product of this Conference which was circulated as document BWC/CONF.V/CRP.3. He said that this was the result of his sustained efforts over the past year to bridge the formidable differences among delegations on the outcome of the Conference. He had consulted widely, in three sets of consultations held in Geneva in the spring, summer and autumn respectively, and again last week. He had met delegations bilaterally, and in group settings. He said that all the possible options for securing a successful outcome to this Conference have been explored.

8. The proposal in CRP.3, which is in the form of a draft decision establishing follow-up meetings over the next three years, reflected the conclusion that he had reached that this is the only outcome which could realistically hope to be achieved that would ensure a continued multilateral approach to the implementation and strengthening of the Convention in a way that involves all States Parties. The draft decision calls for a one-week annual meeting of States Parties each year until 2006, with each such meeting to be preceded by a two-week meeting of experts. Five topics are set out for consideration by these meetings, with a timetable for which topic will be considered in which year. The five topics in CRP.3 are:

*i. The adoption of necessary, national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;*

*ii. National mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;*

*iii. Enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;*

*iv. Strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animal, and plants;*

*v. The content, promulgation, and adoption of codes of conduct for scientists.*

Items i and ii will be addressed in 2003, iii and iv in 2004 and v in 2005. The structure of the framework was therefore clear, although considerable flexibility had been left to States Parties to decide how the topics will be developed. In addition, flexibility would also be maintained by the consensus rule, which would protect the interests of all, and by the fact that the whole process will be reviewed in 2006. Ambassador Tóth said that he believed that the proposal struck the right balance between certainty and flexibility. No State Party would be forced into anything it did not expect or does not want by this process; similarly the process will ensure that a forum exists for States Parties to continue to explore many and varied ways of addressing the growing challenges facing the Convention.

9. In considering this proposal, Ambassador Tóth asked delegations to remember that they should not pretend that the political differences between delegations are not serious. It was necessary to acknowledge this fact, and work with it to make what progress was possible. The alternative would be to let these differences dictate the fact that there will be no work or attention given to the Convention, in a multilateral context, collectively by States Parties, until at least 2006. Such a result, in his judgment, would be *"a betrayal of the legitimate expectations of the world community that we will fight together against the threat of biological weapons, and work collectively and multilaterally to ensure that the threat is diminished."*

10. Ambassador Tóth pointed out that his proposal was not a traditional Review Conference product. Rather, it was a qualitatively different step into the future, dealing only with what is strictly necessary for us to be able move forward with protecting, maintaining and enhancing the Convention. He was also aware that the proposal was not likely to fully satisfy many, or even any, delegation. He was sure that everyone would be able to think of things that could or should be added. However, he recognised that given the situation, there was no other way forward. It was necessary to reach an agreement, and work together to strengthen the Convention.

11. He said that he did not intend to have any debate on the proposal now. Rather, he asked delegations to take it away, consider it, discuss it with capitals, with regional groups, with other colleagues. He proposed that unless advised otherwise, the General Committee would meet on Tuesday afternoon to determine the next steps then. The plenary meeting accordingly was closed at 10.22 am.

### **Subsequent developments**

12. Ambassador Tóth in a press conference at 12 noon on Monday 11 November 2002 noted that in December 2001 there had been an extremely significant division of ideas that had forced suspension of the Fifth Review Conference. Since then, a series of efforts had been made during consultations in spring, summer and autumn to try to bridge the gaps in negotiations on various issues. There had been setbacks as well and at the opening plenary he had initiated a *"rescue operation"* -- as the Conference would not focus on reaching agreement on a Final Declaration, as had occurred at previous Review Conferences, but would instead use the limited time available to attempt to achieve consensus on the proposals

in CRP. 3 that would allow ongoing work on a series of topics -- such as biosecurity and assistance to countries responding to man-made diseases -- leading up to the Sixth Review Conference in 2006.

13. At the same Press Conference, the Under-Secretary-General for Disarmament Affairs, Jayantha Dhanapala, in a brief statement, said the proposal before the Conference represented a modest achievement and proved that the Biological Weapons Convention was a viable treaty that could be further developed. The proposal would set an agenda for future work, and he believed the paper would be adopted by consensus. Mr. Dhanapala noted that the Secretary-General had stated a year ago that implementation of the Biological Weapons Convention needed greater priority from the international community and States Parties, especially considering recent developments related to terrorism. Consequently, Mr. Dhanapala urged States parties to the Convention to adopt the proposal.

14. In subsequent discussion, Ambassador Tóth noted that it was true that the new proposal did not include some measures of importance to developing countries related to cooperation in implementation of the Convention included nor did it include measures of importance to developed countries such as those related to compliance. Consequently, the approach made in the proposals in CRP.3 was "selective," in that it only focused on the five stated items. It was a "dilemma" of the Review Conference that it could not take action at the moment on compliance measures related to the Convention, and yet it needed to face the question of whether it should attempt to make progress in this area, despite lack of an overall agreement on the matter. Some delegations held the view that some work could be done now while others maintained that nothing could be done until consensus was reached and an agreement on a compliance regime was in place.

15. He went on to note that even if there was no Final Declaration from the Conference, a programme for significant ongoing work as proposed in CRP.3 would still be valuable. If this proposal was agreed by the Conference it would be important that the United States and other countries be engaged in a "pro-active way". Ambassador Tóth stressed that the new "product" on the table would require a new approach. Thus far, there had not been any opposition from national delegations to this proposed approach. This was positive, and the U.S., for its part, had not indicated to him that it could not go along with this proposal. However, it was also clear that without proactive involvement of national capitals in the new process, the process could become an "empty shell".

16. The General Committee planned for the afternoon of Tuesday 12 November 2002 was cancelled to allow for further group discussions of the proposals. The General Committee eventually met on the afternoon of Thursday 14 November and in a later plenary session that day, the Review Conference agreed the proposals as set out in CRP.3 and the draft final report. In this plenary session, Slovakia speaking on behalf of the Eastern Group proposed Ambassador Tibor Tóth as Chairman for the meeting of the States Parties in 2003 which was agreed. The Fifth Review Conference formally concluded with a short plenary session on the morning of Friday 15 November 2002 which agreed the financial estimates for the meetings in 2003 to 2005 and also agreed some further tidying up amendments to the final report.

## **Final Outcome**

17. The Fifth Review Conference concluded with the adoption of a final report setting out a fresh approach to combat the deliberate use of disease as a weapon. Under this, the States

Parties are to meet annually in the lead-up to the next Review Conference in 2006. In preparation for each annual meeting, it was agreed to hold a two-week meeting of experts.

18. These meetings of States parties will discuss and promote common understanding and effective action on a range of issues pertinent to strengthening the Convention. Each meeting will focus on specific elements to strengthen the Convention. In 2003, there will be consultations on national measures to implement the prohibitions of the Convention, and on national measures to ensure the security of pathogenic micro-organisms and toxins. In 2004, the focus of the process will shift to enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological weapons or suspicious outbreaks of disease, and to strengthening national and international efforts against infectious diseases. The 2005 meetings will address codes of conduct for scientists.

19. The Press Release on 15 November 2002 described this new process as being part of a multi-pronged approach by the international community to deal with the threat posed by biological weapons. It went on to note that international resolve to deal with the immediate threat has been demonstrated by the recent unanimous decision of the United Nations Security Council. The process adopted by the Review Conference to strengthen the Biological Weapons Convention demonstrates the continued commitment of States parties to combating the threat of biological weapons over the longer term.

20. Following the agreement on the proposals in CRP.3 in the plenary meeting late on Thursday 14 November 2002, the Group of the Non-Aligned Movement and Other States in a statement said that they have been deeply disappointed at the inability that has been demonstrated in the endeavours of the States Parties to successfully undertake initiatives to strengthen the implementation of the Convention. While standing at the verge of success, the draft Protocol that was negotiated over so many years was snatched away from us. While standing at the verge of success, we were prevented from achieving a successful conclusion of the BWC Review Conference at our meeting in 2001. The NAM and Other States are disappointed at the limited nature of the decision that we have just taken. We are disappointed that we have again foregone the opportunity to strengthen the Convention 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. The Group noted that the language of the decision included ambiguities and that only a practical approach from States Parties would ensure that the required work was done. The Group went on to note that States Parties were sovereign and that at any time they could together decide upon any further work that may be required. It was the Group's understanding that the time set aside to reach a decision over the final report had been extremely limited and that during the next Review Conference in 2006 discussions over further action would take place. Furthermore, the Group believed that the Biological Weapons Convention represented a composite whole, and while it was possible to address related issues separately, it was necessary for all of the interlinked elements to be dealt with.

21. The Group of Non-Aligned Movement and Other States also indicated that the Review Conference had succeeded in preserving multilateralism as the only sustainable vehicle for preventing the use of disease as instruments of terror and war. The Group called upon all States Parties to work in a constructive fashion and concluded by saying that the time for division should now be past and States parties should unite around the Convention.

22. The Western Group in its statement late on Thursday welcomed the adoption of this decision and noted that it provided for a qualitatively different outcome to that found in the

final products of previous Review Conferences. In addition, the Western Group felt that the decision carefully balanced the views of all States Parties; was clear and self-explanatory; and strengthened the effective implementation of the Biological Weapons Convention by establishing a framework for an ongoing multilateral process in the lead-up to the Sixth Review Conference.

23. A short statement was then made by the Republic of Korea, who took the opportunity to announce that on 8 October 2002 they had withdrawn their reservation to the 1925 Geneva Protocol.

24. At the final plenary meeting on the morning of Friday 15 November 2003, Ambassador Tóth in his concluding remarks noted that a process had been agreed that allows the Biological Weapons Convention to continue to be strengthened. This proposal had resulted from sustained efforts over the past year to bridge the formidable differences among delegations on the outcome of the Conference. He went on to say that although this result is not everything delegations hoped for, he did not want to dwell on the past. He pointed out that the agreement on follow-up meetings over the next three years does allow for a continued multilateral approach to the implementation and strengthening of the Convention that involves all States Parties. It offers a future; it offers hope for renewed efforts to build this vital barrier against a type of weapon which the Convention itself so aptly describes as "*repugnant to the conscience of mankind*". He continued by saying that it is now time to look forward. He believed that with some innovative thinking and diplomatic skill there is a real opportunity to make this new process work. Although States Parties should not raise their expectations too high for these meetings, since ultimately it is the decision of the Sixth Review Conference in 2006 to determine how to proceed with the strengthening of the Convention, he urged all States Parties not to set their sights too low.

25. He then went on to say that States Parties simply have to seize the opportunity and make some realistic and concrete proposals for moving the Convention forward. It is now the responsibility of each and every State Party to make these meetings work and to identify ways to strengthen the Convention. Five topics have been identified for consideration by the annual meetings and a timetable has been agreed for when each topic will be considered. The framework for our future work is therefore clear. While there remains considerable flexibility to decide how the topics will be developed, there can be no excuse for not being prepared for the expert or annual meetings. We have only a modest amount of time available to us: we must make every minute count. Preparation for those meetings should begin now. I suspect that many non-governmental organizations will not only make their own proposals available for consideration, but will also be watching closely what the States Parties discuss and decide. I encourage all delegations to be open to the ideas that others may have, and to draw on all available resources in pursuing our common goal.

26. He concluded by saying that as Chairman of the 2003 meetings, he would be pushing hard to ensure that this process achieves concrete benefits, and genuinely contributes to strengthening the Convention in a practical way. He then thanked all delegations for showing the flexibility and vision that has allowed us to conclude our work with this modest measure of success.

## **NGO Activities**

27. There were three NGO activities during the resumed Review Conference. The first, on Monday 11 November 2002 was the launch at 1300 of the Bioweapons Prevention Project (BWPP). Chandre Gould chaired the launch and launched the project, which had been established by eight NGOs (BASIC, Centre for Conflict Resolution, Bradford Department of Peace Studies, FAS, Geneva Forum, Harvard Sussex Program, INES and VERTIC) to reinforce the norm against using disease as a weapon. It aims to achieve this by monitoring government's implementation of their legal and political obligations and other developments relating to biological weapons. It will track policies and activities related to the core obligations of the BTWC as well as reporting on relevant developments in the biotechnology industry and advances in science and technology. BWPP will publish its findings to increase openness and transparency in the *Bioweapons Monitor* and on its website at <http://www.bwpp.org>. BWPP will build a global network of civil society organizations concerned with the threat of biological weapons to assist BWPP in its monitoring activities and to raise the general awareness of biological weapons issues around the world. Chandre Gould added that the BWPP was not an advocacy NGO and would not make political statements.

28. The opening address at the launch was given by Jayantha Dhanapala, the United Nations Under Secretary-General for Disarmament Affairs who was followed by two talks showing from different perspectives, one from South Africa and one from the United States, why the BWPP is required to promote openness and transparency. Finally, a presentation was made by Angela Woodward of an ongoing VERTIC project on national implementing legislation for the BTWC. In his opening address (available at <http://disarmament.un.org/speech/11Nov2002.htm>), Jayantha Dhanapala said that the BWPP is a very timely and significant initiative. He went on to say that *"despite political changes and the fast-paced scientific and technological advancements in the field of biotechnology since the Convention entered into force, efforts to rectify such a shortfall have not met with the support of all States Parties to the Convention. Last year, the international community witnessed (with frustration) lost opportunities to strengthen the BWC."* He then added that *"The lack of a mechanism to monitor the implementation of the BWC provisions other than the possibility to review the Convention at five-year intervals, is a lacuna that today more than ever must be addressed. The launching of the BioWeapons Prevention Project could make a significant contribution towards that end since, achieving the objectives of the BWC -- the prohibition of the development, production and stockpiling of bacteriological (biological) weapons and their elimination -- cannot be done solely by the actions of Governments, as indispensably it requires the committed participation of civil society."*

29. He concluded by saying that it was therefore very timely that the BioWeapons Prevention Project had been launched on the first day of the resumed session of the Fifth Review Conference of the BWC. He noted that *"States Parties participating in the resumed session have a challenge before them of showing their commitment to strengthening the Convention by producing a positive outcome. NGOs, such as the BioWeapons Prevention Project, have a stake in this outcome and, even more so, in the follow-up to the Review Conference."*

30. In the final presentation of the launch, Angela Woodward outlined the ongoing VERTIC project to survey national implementation measures for the BTWC and provided copies of the questionnaire (also available at <http://www.vertic.org>) that have been sent to the States Parties seeking information on these national measures. Preliminary findings presented at the BWPP launch were that so far information had been collected on national laws prohibiting biological weapons in 65 States Parties. Thus far eleven States Parties (Belgium, Bulgaria, Canada, Germany, Ireland, Italy, Japan, Peru, Russian Federation, Switzerland and

the United Kingdom) had responded to the VERTIC questionnaire. Analysis of the information from 65 States Parties shows that some 16 States Parties have adopted comprehensive legislation to enforce the BTWC, 28 States Parties have criminal code prohibitions prohibiting some or all activities listed in Article I of the BTWC and 26 States Parties have adopted legislation on health, terrorism, or war material that prohibits activities listed in Article I. The final report of this project will be published in February 2003.

31. The second NGO activity was on Tuesday 12 November at 1400 when at a Department of Peace Studies of the University of Bradford seminar, Nicholas Sims of the London School of Economics and Graham Pearson of the University of Bradford presented Review Conference Papers No. 8 "*Return to Geneva: Uncertainties and Options*" and No. 9 "*The Resumed BTWC Fifth Review Conference: Maximizing the Benefits from the Final Declaration.*" (available at <http://www.brad.ac.uk/acad/sbtwc>). In introducing these, it was noted that at the time that they were prepared, it seemed likely that the United States would resist a consensus on any outcome other than simply fixing the date for the Sixth Review Conference. It was thought likely too, that if US policy were to change at all it would continue to become tougher as it had done during 2001 and 2002; and that States Parties well-disposed towards the Convention would therefore need to organise themselves to get round the obstacle presented by this US intransigence. Consequently, it was decided to bring into the public domain some of the questioning and thinking which was informing the unofficial debate about what to do if US intransigence prevailed right up to 11 November 2002. In addition, it was decided to make this analysis widely available by posting it on the Bradford website and sending copies directly to the Ambassadors in Geneva of the States Parties. In the light of the developments on 11 November 2002 and the tabling of CRP.3, the Bradford briefing would not as usual introduce the papers in detail but would instead address the position of today, 12 November 2002.

32. Review Conference Paper No. 8 sets out the recent commitments of many States Parties in various forums, the Madrid commitment and others, to strengthening the Convention. It is reasonable to examine how far States Parties have lived up to these commitments. CRP.3 falls far short of the strengthening to which States Parties seemed to have committed themselves during the past year. The proponents of CRP.3 would call it **realism**: some would call it **resignation** -- resigned to a very modest outcome as better than none at all. Review Conference Paper No. 8 goes on to analyse the question of **voting**. It was predictable that, with the tradition of consensus so long established and as firmly embedded, there would be great reluctance to have recourse to voting. And so it has turned out. But at least no one could claim that the option wasn't there. States Parties have chosen not to use it.

33. Review Conference Paper No. 9 was offered in the belief that for the Review Conference **not** to adopt a Final Declaration would send the wrong messages, the wrong signals, about the seriousness with which States Parties regard the threat of biological and toxin weapons, or at least about their ability to agree on how to counter the threat. The failure to pursue the completion of a Final Declaration is greatly regretted. It is disappointing that so much detailed work done by this Review Conference in November and December 2001 has been left unfinished.

34. The explicit statement by the President of the Conference in his press conference on Monday 11 November 2002 that the new approach leaves the Final Declarations of 1980, 1986, 1991 and 1996 in place and intact is an important confirmation. This should be taken as an encouragement to think ahead and plan ahead to a resumption of the review process

proper in 2006, when once again the **operation** of the Convention, in the language of Article XII, can be reviewed in the round, in relation to the **purposes** of the Convention. And at that point it is to be hoped that the cumulative process of steering the overall evolution and the detailed, extended understanding of the treaty regime flowing from the Convention will be resumed and expressed in the carefully crafted text of the Final Declaration, building systematically upon the foundations laid by the earlier Review Conferences.

35. The contribution to be made by the annual meetings of experts and of States Parties is acknowledged and welcomed in the five areas listed in CRP.3 if they do indeed "*promote common understanding and effective action*" as is intended. The potential value of the work of 2003, 2004 and 2005 is not under-estimated but at best it covers only certain, limited aspects of the treaty regime. The Sixth Review Conference will have a wider, more comprehensive purview, as governed by Article XII. **It** cannot be limited, as the meetings are to be.

36. In his press conference of 11 November 2002, Ambassador Tibor Tóth also said that States Parties "need to regain confidence that they can do things together" and he spoke of the new approach as productive of "*concrete actions with results*" if the meetings of 2003 -- 2005 are well prepared -- and even of more action than the past Final Declarations have produced. It should, however, be noted that the inadequacy of follow-up has not been a fault inherent in the cumulative process of successive Final Declarations. It has far more to do with the chronic institutional deficit from which the Convention suffers. And now, so far from **remedying** that deficit, the Fifth Review Conference looks like **adding**, to the BTWC's lack of a systematic supporting organisation, the lack of a declaration recording the politically-binding commitments adopted by the States Parties.

37. It was, therefore, disappointing that, this time, States Parties have chosen to set their sights so low. The review process needs to get back on course. Then the 2001 -- 2002 can come to be seen as a low point, from which the Convention had recovered by 2006. An **agenda for recovery** is urgently needed if that goal is to be achieved. The new approach alone may not be enough. It is claimed that the new approach is focussed where the old approach was wide-spectrum. There is a danger that instead of more sharply focussed treatment of issues there may be fragmentation, unless States Parties **also** prepare comprehensively for the Sixth Review Conference in 2006. Even more work will be required to get the Convention back on track over the coming years.

38. In considering the five topics, in CRP.3 it was noted that each of these brought benefits for both compliance and cooperation -- or for security and development. Many of the topics had received widespread support in the original statements and papers from States Parties made to the November -- December 2001 session of the Review Conference as had been noted in Review Conference Paper No. 7 "*Return to Geneva: A Comprehensive List of Measures.*" In looking to the new process, Bradford said that it would initiate a new, Second Series, of Briefing Papers to assist the States Parties in preparing for the annual expert and States Parties meetings. It was also noted that work was continuing to improve the <http://www.opbw.org> website by the addition of as much official documentation relating to the Convention in as many languages as possible.

39. The third NGO activity took place on Wednesday 13 November 2002 when the International Committee of the Red Cross (ICRC) held a seminar on their international appeal

"Biotechnology, Weapons and Humanity." This appeal had been launched on 25 September 2002, when the ICRC had stated that:

*Alarmed by the potential hostile uses of biotechnology, the International Committee of the Red Cross (ICRC) appeals to:*

- all political and military authorities to strengthen their commitment to the international humanitarian law norms which prohibit the hostile uses of biological agents, and to work together to subject potentially dangerous biotechnology to effective controls.*
- the scientific and medical communities, industry and civil society in general to ensure that potentially dangerous biological knowledge and agents be subject to effective controls.*

It goes on appeal in particular to all political and military authorities:

- To become parties to the 1925 Geneva Protocol and the 1972 Biological Weapons Convention, if they have not already done so, to encourage States which are not parties to become parties, and to lift reservations on use to the 1925 Geneva Protocol,*
- To resume with determination efforts to ensure faithful implementation of these treaties and develop appropriate mechanisms to maintain their relevance in the face of scientific developments,*
- To adopt stringent national legislation, where it does not yet exist, for implementation of the 1925 Geneva Protocol and the 1972 Biological Weapons Convention, and to enact effective controls on biological agents with potential for abuse,*
- To ensure that any person who commits acts prohibited by the above instruments is prosecuted,*
- To undertake actions to ensure that the legal norms prohibiting biological warfare are known and respected by members of armed forces,*
- To encourage the development of effective codes of conduct by scientific and medical associations and by industry to govern activities and biological agents with potential for abuse, and*
- To enhance international cooperation, including through the development of greater international capacity to monitor and respond to outbreaks of infectious disease.*

The appeal concludes by urging *"States to adopt at a high political level an international Declaration on "Biotechnology, Weapons and Humanity" containing a renewed commitment to existing norms and specific commitments to future preventive action."*

40. The ICRC seminar outlined the increased threat from biological weapons proliferation and from the potential that technological advances might be misused such as the mousepox

experiments and the synthesis of polio virus as well as the potential for novel biological agents. It then went on to address the appeal -- and who this is addressed to: all political and military authorities, and to the scientific and medical communities and to the biotechnology and pharmaceutical industries -- as well as the desirability of the adoption at a high political level of an international Declaration. Further information is available at <http://www.icrc.org>

### **Further statements**

41. Following the agreement at the resumed Fifth Review Conference of the decision in CRP.3, there were various press releases in support from the United Nations Secretary-General, from the United Kingdom Foreign Secretary and from Stephen Rademaker, the United States Assistant Secretary of State for Arms Control Stephen G. Rademaker who had led the US delegation at the resumed Review Conference.

42. The United Nations Secretary-General in a statement on 15 November 2002 welcomed the positive outcome of the resumed session of the Fifth Review Conference and said that *"These agreed steps constitute an encouraging development in the process of strengthening the Biological Weapons Convention."* The United Kingdom Foreign Secretary in a statement on 14 November 2002 said *"I warmly welcome the successful outcome of the 5th Review Conference."* and added that *"With the positive outcome to the Review Conference, and a detailed programme of work in prospect, we are at a new beginning."* The United States Assistant Secretary of State in a statement in Geneva on 14 November 2002 said that *"The United States is very pleased by the outcome here today. We believe that the decision that has just been adopted unanimously by the conference represents a constructive and realistic work program for the States Parties to the Biological Weapons Convention over the next three years."*

Graham S. Pearson  
16 November 2002