

First Meeting
Geneva, 10 – 14 November 2003

REPORT OF THE MEETING OF STATES PARTIES

Volume I

Part I

Introduction

1. The Final Document of the Fifth Review Conference of the States Parties of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC/CONF.V/17), in the section dealing with Decisions and Recommendations, contained the following decision:

“The Conference decided, by consensus, as follows:

- (a) To hold three annual meetings of the States Parties of one week duration each year commencing in 2003 until the Sixth Review Conference, to be held not later than the end of 2006, to discuss, and promote common understanding and effective action on:
- i. the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
 - ii. national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
 - iii. enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;
 - iv. strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants;
 - v. the content, promulgation, and adoption of codes of conduct for scientists.

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

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

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

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

2. The Fifth Review Conference also approved the nomination by the Eastern Group of Ambassador Tibor Tóth of Hungary as Chairman of the 2003 meetings.

3. By decision 57/516, adopted without a vote on 22 November 2002, the General Assembly, *inter alia*, requested the United Nations Secretary-General to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences.

4. The first Meeting of Experts convened in Geneva from 18 to 29 August 2003. At its closing meeting on 29 August 2003, the Meeting of Experts adopted by consensus its Report (BWC/MSP.2003/MX/4 Part I and Part II).

Organization of the Meeting of States Parties

5. In accordance with the decision of the Fifth Review Conference, the Meeting of States Parties convened from 10 to 14 November 2003, under the Chairmanship of Ambassador Tibor Tóth of Hungary, at the Palais des Nations in Geneva.

6. At its first meeting, the Meeting of States Parties adopted its agenda (BWC/MSP/2003/1) and programme of work (BWC/MSP/2003/2) as proposed by the Chairman. The Chairman also drew the attention of delegations to the annotated agenda (BWC/MSP/2003/3).

7. At the same meeting, the Chairman recalled that, as decided at the Meeting of Experts, the rules of procedure of the Fifth Review Conference, as contained in Annex II of the Final Document of the Review Conference (BWC/CONF.V/17) would apply, *mutatis mutandis*, to the Meeting of States Parties. The Chairman also noted that formal credentials were not required for participation in the Meeting of States Parties.

8. Ms. Jenifer Mackby, Senior Political Affairs Officer, United Nations Department for Disarmament Affairs, served as Secretary of the Meeting of States Parties. Mr. Richard Lennane, Political Affairs Officer, Ms. Melissa Hersh and Dr. Piers Millett, Professional Assistants, United Nations Department for Disarmament Affairs, served in the Secretariat.

Participation at the Meeting of States Parties

9. Ninety-two States Parties to the Convention participated in the Meeting of States Parties as follows: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malaysia, Malta, Mexico, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Viet Nam, Yemen.

10. In addition, four States that had signed the Convention but had not yet ratified it participated in the Meeting of States Parties without taking part in the making of decisions, as provided for in rule 44, paragraph 1 of the rules of procedure: Egypt, Haiti, Madagascar, Myanmar.

11. Two States neither Parties nor Signatories to the Convention, participated in the Meeting of States Parties as observers, in accordance with rule 44, paragraph 2 (a): Israel, Kazakhstan.

12. The United Nations, including the United Nations Institute for Disarmament Research (UNIDIR) and the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), attended the Meeting of States Parties in accordance with rule 44, paragraph 3.

13. The International Committee of the Red Cross (ICRC) and the World Health Organization (WHO), upon their request, were granted observer status to participate in the Meeting of States Parties in accordance with rule 44, paragraph 4.

14. Nine non-governmental organizations and research institutes attended the Meeting of States Parties under rule 44, paragraph 5.

15. A list of all participants in the Meeting of States Parties is contained in document BWC/MSP/2003/INF.1.

Work of the Meeting of States Parties

16. The Meeting of States Parties held two public meetings, on 10 and 14 November respectively, and seven working sessions between 10 and 14 November 2003. In accordance with the programme of work (BWC/MSP/2003/2), the first working session on 10 November 2003 was allocated to a general debate, in which 32 States Parties participated.

17. Subsequent working sessions were devoted to detailed consideration of agenda item 5 (necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation) and agenda item 6 (national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins).

The second working session was devoted to consideration of incorporation of the prohibitions contained in Article I of the Convention, including the enactment of penal legislation. The third working session was devoted to consideration of licensing. The fourth working session was devoted to consideration of enforcement, relating to both agenda item 5 and agenda item 6. The fifth working session was devoted to consideration of biosecurity evaluation and implementation of biosecurity procedures. The sixth working session was devoted to consideration of identification and licensing/registration, and efforts by relevant international bodies.

18. In the course of this work, the Meeting of States Parties was able to draw on a number of working papers submitted by States Parties. These working papers are listed in Annex I to this Report. In addition, statements, presentations and contributions to the discussions were also provided by delegations in writing and were circulated daily to the Meeting as unofficial documents. The Meeting decided that all the statements, presentations and contributions made available to the Chairman by States Parties would be attached to this Report, in the languages of submission, as Annex II¹.

19. The Meeting of States Parties was also able to draw on a CD-ROM-based repository of information, prepared by the Secretariat, containing a listing of relevant national implementation measures in a large number of States Parties and other relevant information and documents, which was updated in the course of the Meeting.

Documentation

20. A complete list of documents of the Meeting of States Parties, including the working papers submitted by States Parties, is contained in Annex I to this Report.

21. The Meeting decided that all official documents of the Meeting of Experts and Meeting of States Parties would be placed on the Official Document System (ODS) of the United Nations, accessible to Member States of the United Nations via the internet at www.ods.unog.ch.

Conclusion of the Meeting of States Parties

22. At its closing meeting on 14 November 2003, the Meeting of States Parties approved the nomination by the Group of Non-aligned and Other States of Mr. Peter Goosen of South Africa as Chairman of the Meeting of Experts and Meeting of States Parties in 2004. The Meeting decided that the Meeting of Experts would be held in Geneva from 19 to 30 July 2004, and that the Meeting of States Parties would be held in Geneva from 6 to 10 December 2004, in accordance with the decision of the Fifth Review Conference.

23. At the same meeting, the Meeting of States Parties adopted its report, consisting of two parts and two annexes.

¹ Issued as a separate volume: BWC/MSP/2003/4 (Vol. II)

Part II

The Meeting of States Parties to the Biological Weapons Convention convened from 10 to 14 November 2003 to discuss, and promote common understanding and effective action 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 microorganisms and toxins.

This meeting was prepared by a Meeting of Experts held from 18 to 29 August 2003, where measures relevant to the agenda items were discussed in detail. Eighty three States Parties participated in the Meeting of Experts, the result of which were presented in an agreed Report of the Meeting of Experts, which included two Annexes containing submitted working papers, and presentations, statements, and contributions made available to the Chairman.

At the Meeting of States Parties, States Parties noted that notwithstanding the differing legal and constitutional arrangements among the 151 States Parties to the Convention, States have adopted similar basic approaches and share common principles. The States Parties stressed the need for undertaking activities at the national level in keeping with their obligations and responsibilities to strengthen and implement the Convention. The States Parties agreed, to that end, on the value of the following:

To review, and where necessary, enact or update national legal, including regulatory and penal, measures which ensure effective implementation of the prohibitions of the Convention, and which enhance effective security of pathogens and toxins.

The positive effect of cooperation between States Parties with differing legal and constitutional arrangements. States Parties in a position to do so may wish to provide legal and technical assistance to others who request it in framing and/or expanding their own legislation and controls in the areas of national implementation and biosecurity.

The need for comprehensive and concrete national measures to secure pathogen collections and the control of their use for peaceful purposes. There was a general recognition of the value of biosecurity measures and procedures, which will ensure that such dangerous materials are not accessible to persons who might or could misuse them for purposes contrary to the Convention.

States Parties considered that agreement on the value of these measures discussed at the Meeting constitutes an essential effort to facilitate more effective implementation and enforcement of the Convention, as well as providing a basis for review of progress at the 2006 Review Conference.

Annex I

LIST OF DOCUMENTS OF THE MEETING OF STATES PARTIES

<u>Symbol</u>	<u>Title</u>
BWC/MSP/2003/1	Provisional Agenda
BWC/MSP/2003/2	Provisional Programme of Work for the Meeting of States Parties
BWC/MSP/2003/3	Annotated Provisional Agenda for the Meeting of States Parties
BWC/MSP/2003/4 (Vol. I and Vol. II)	Report of the Meeting of States Parties
BWC/MSP/2003/INF.1 [English/French/Spanish Only]	List of Participants
BWC/MSP/2003/INF.2 [English Only]	List of States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) Weapons and on Their Destruction
BWC/MSP/2003/Misc.1 [English/French/Spanish Only]	Provisional List of Participants

The following working papers are in English only unless otherwise indicated:

BWC/MSP/2003/WP.1	Working Paper Submitted by the Netherlands
BWC/MSP/2003/WP.2	Working Paper Submitted by the Federal Republic of Germany: Core Elements of National Measures to Implement the Prohibitions Contained in the BTWC
BWC/MSP/2003/WP.3	Working Paper Submitted by the Federal Republic of Germany: Core Elements of National Mechanisms to Establish and Maintain the Security and Oversight of Dangerous Microorganisms and Toxins
BWC/MSP/2003/WP.4	Working Paper Submitted by the Federal Republic of Germany: Sources of Expert Advice on National BTWC Implementing Legislation and Legislation on Security and Oversight of Dangerous Pathogens in the Federal Republic of Germany

BWC/MSP/2003/WP.5 and Add.1	Working Paper Submitted by Japan: Japan's BWC Implementing Law
BWC/MSP/2003/WP.6	Working Paper Submitted by the Russian Federation: Answers to the Questionnaire on National Legislation Ensuring Compliance with the Convention on the Prohibition of Biological and Toxin Weapons
BWC/MSP/2003/WP.7	Working Paper Submitted by the Russian Federation: On the Procedure for the Management of Microorganisms of the Pathogenicity Groups I – IV in the Territory of the Russian Federation
BWC/MSP/2003/WP.8	Working Paper Submitted by Italy: the Italian National Committee for Biosafety and Biotechnology
BWC/MSP/2003/WP.9	Working Paper Submitted by Switzerland: National Surveillance of Activities with Pathogenic and Genetically Modified Organisms
BWC/MSP/2003/WP.10	Working Paper Submitted by the Netherlands
