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A PROPOSAL FOR PUTTING THE 26 MARCH 2005 ANNIVERSARY TO BEST USE FOR THE BWC

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ABSTRACT: *Regaining the diplomatic mainstream at the Sixth Review Conference requires convergence of effort on a BWC agenda for recovery, to repair some of the damage the BWC suffered in 2001-02. A first test for any emergent grouping of like-minded States Parties, together with ICRC and NGOs, could be to champion the completion by 26 March 2005 (thirtieth anniversary of entry into force) of effective action on particular BWC commitments, agreed by consensus and long outstanding. This paper identifies commitments from 1980, 1986, 1991 and 1996 and calls for a weekend conference to mark their completion: consolidation before the next advance.*

26 March 2005 will be the thirtieth anniversary of the entry into force of the Biological Weapons Convention (BWC). How can this occasion be best used to help the BWC recover from the reverses which it suffered in 2001-02 and to prepare the ground for a successful return to the mainstream diplomacy of biological disarmament at the Sixth Review Conference in 2006 - now only three years away?

This paper brings together a specific proposal made to the first BWC Meeting of Experts under the new process (19 August 2003)¹ with the more wide-ranging analysis published in *Disarmament Diplomacy* 70 (April/May 2003)² and takes both of them forward. The aim is to identify 26 March 2005 as a recognised target date as well as an anniversary, thereby giving it a central place in a coherent approach to the recovery of the Convention.

The proposal made on 19 August 2003, in the context of the first topic which the Meeting of Experts was addressing ("the adoption of necessary, national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation"), was that BWC States Parties should complete their national implementing legislation by 26 March 2005. This would be the thirtieth anniversary of entry into force; but it would also be almost exactly 25 years from the call for *immediate* action issued by the First Review Conference (21 March 1980) which, in the Article IV section of its Final Declaration,

*"calls upon all States Parties which have not yet taken any necessary measures in accordance with their constitutional processes to do so immediately."*³

The proposal now is to combine that proposal with the *Disarmament Diplomacy* 70 analysis and to extend the call for completion beyond national implementing legislation alone.

26 March 2005 should be recognised as a target date by which States Parties should have completed those actions on which they have agreed by *consensus*, which they have long since collectively accepted as *commitments*, and for which the concept of *completion* makes sense. (Evidently, there are other very important actions, such as compliance with BWC obligations under Articles I and III, and arguably also Article X.2, which require continual vigilance rather than completion; and there are yet others, such as those under Article X.1, which require States Parties to remain continually alert to new opportunities for peaceful-uses cooperation.)

The concept of completion, as will be shown below, makes sense in the following cases of consensually agreed actions which are the subject of long-standing BWC commitments:

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- a) national implementing legislation (Article IV)
- b) sharing of legislative and other relevant texts through the UN for purposes of consultation (Article IV)
- c) for non-parties to the Geneva Protocol, ratification or accession to the Protocol (Article VIII)
- d) for parties to the Geneva Protocol, withdrawal of reservations on retaliation (Articles I and VIII)
- e) for non-parties to the Chemical Weapons Convention, ratification or accession to the Convention (Article IX)
- f) CBMs (Articles V and X).

How the proposal fits into the overall analysis

This approach has the advantage of constituting follow-up to the Final Declarations of the first four Review Conferences (1980, 1986, 1991, 1996), which in itself reaffirms the value of those declarations.⁴ It rejects the idea that the new process has superseded an older and inferior review process which can now be consigned to history. On the contrary, it upholds the centrality of the cumulative review process as the mainstream of BWC diplomacy, to which it is necessary to return in 2006.

But it does so in a way which cannot be misunderstood or misrepresented, even by those most suspicious of multilateral processes, as embarking on new negotiations or fashioning new agreements. It was suspicions of that kind, however far removed from reality, that constrained the Fifth Review Conference at its resumed session in November 2002 and shaped the restrictive mandate of the new process for 2003-2005.

Although not part of the new process, this approach converges with it on the need for “effective action”.⁵ It does not cut across the five topics allocated to that process by the Fifth Review Conference or interfere with the corresponding Meetings of Experts and of States Parties. These meetings can remain completely self-contained, if that is how the States Parties continue to interpret them, and subject to all the other restrictions of their November 2002 mandate.⁶

Yet implicit in this approach is the preference for a return in 2006 to the review process proper, with its accumulation of extended understandings, procedures and commitments. That review process should be revived as the main vehicle (in the continued absence of a legally-binding instrument to strengthen the Convention such as the Ad Hoc Group was working towards from 1995 to 2001) for steering the constructive evolution of the BWC as a working multilateral treaty and one equipped for the great task of countering the threat of weaponised disease in all its forms.

Why completion matters

Completion of the actions specified below by 26 March 2005 would have a positive psychological effect. It would provide a common platform from which States Parties could move forward over the following 18 or 20 months to make a success of the Sixth Review Conference, with greater confidence that most of them are taking the BWC seriously. Admittedly it would not tackle the gravest concerns over non-compliance with Article I. But only a few States Parties (and we should be thankful that it is only a few) give rise to such concerns. A much larger number fall short in terms of their attentiveness to those actions which remain the subject of legally-binding or, more commonly, politically-binding commitments.

At a time when BWC States Parties are prevented by external pressures from collectively addressing the gravest concerns of non-compliance with Article I, let alone reinforcing the BWC with stronger compliance measures as a functional substitute for verification, some other index of serious commitment to the BWC is required. Completion could be the index of commitment, particularly valuable in this era of regrettably limited expectations. It would help stop the BWC going backwards and would get States Parties collectively into better shape for the next move forwards when external conditions allow that to happen.

Identifying agreed actions in need of completion

The 19 August 2003 proposal was to make 26 March 2005 the target date for completion of one particular agreed action: national implementing legislation. This is something to which States Parties have long been collectively committed, and moreover to a certain standard of scope and effectiveness, as defined in Article IV and through the cumulative text of successive Final Declarations up to 1996. These latter constitute an extended, and authoritatively stated, understanding of the implications of Article IV.⁷ Much has been done (albeit not with the immediacy prescribed, by consensus, in 1980); but it needs completion.

The same can be said of the sharing of legislative and other relevant texts through the United Nations for purposes of consultation (Article IV), and of the call to non-parties to the Geneva Protocol to ratify or accede to that treaty (Article VIII). They may have been expressed marginally less strongly in the language of Final Declarations than the insistence on immediate action just noted, but they were nevertheless agreed by consensus as actions which states deemed appropriate to exhort themselves to take as parties to the BWC. These commitments, too, date from 1980 and still await completion.⁸

To these can be added the collective commitment to withdrawal of the remaining Geneva Protocol reservations on retaliation (Article VIII). This is an extended understanding, authoritatively stated in 1991 and even more plainly and insistently in 1996, of the implications of Article VIII when combined with the irresistible logic of Article I. Again, much has been done, but it needs completion, in this case by some of the major military powers as well as some less powerful states which have still not taken the necessary legal action to withdraw their reservations or even modify them for consistency with their BWC obligations.⁹

A pause for thought

It is worth pausing here to consider what inferences may legitimately be drawn from the failure of any State Party to take these actions, corresponding as they do to commitments long since agreed by consensus.

After all this time, it is hardly an excuse to plead that more time is needed. By 26 March 2005, there will be even less excuse.

A State Party which does not take the necessary national measures of prohibition and prevention under Article IV is clearly in breach of its legal obligations. The method of taking the necessary measures “in accordance with its constitutional processes” is not explicitly specified as *legislative* in the BWC itself. But a failure to adopt national implementing

legislation marks defiance of a politically-binding commitment, and sends the message that the common understanding of the implications of Article IV on which States Parties have collectively agreed is being ignored. This in turn implies a refusal to accept that the BWC depends critically for its success upon (among other requirements) a network of national implementation measures without loopholes.

A State Party which does not share information on the national measures it has taken under Article IV is displaying an apparent excess of secrecy, and one which may similarly be read as a lack of will to cooperate in building a worldwide network of prohibition and prevention. It may be inferred that such a state has failed to give the BWC prohibitions domestic legal effect, or to embed them in its national legal system, comprehensively and effectively; or that it lacks confidence that such prohibitions as it has put in place are sufficiently stringent to amount to prevention. To meet the BWC's Article IV criterion of *prevention* rightly demands measures of high stringency.

A State Party which stays outside the Geneva Protocol sends a message of equivocation. It may be inferred that it is half-hearted in its renunciation of biological weapons through the BWC if it is not also ready formally and solemnly to renounce forever the possibility of resorting to "bacteriological methods of warfare" - a renunciation which it can make through ratifying or acceding to the Protocol. It was, after all, only because of the desire not to detract from the authority of the Protocol that a prohibition on BW use was not included in the Convention: the implication was clear that States Parties to the BWC were expected to ratify or accede also to the Protocol if they were not already Parties to that instrument. The preamble and Article VIII implied as much: the First Review Conference made that expectation explicit.

A State Party which retains reservations, attached to its instrument of ratification, succession or accession to the Protocol, in which it purports to reserve a right of retaliation with "bacteriological methods of warfare" is sending a very dangerous message indeed. After all, such methods of warfare would only be available to it (in the non-legal sense) if the corresponding weapons were to exist on the territory or under the jurisdiction or control of the BWC State Party concerned: and for the weapons to exist there must logically have been a prior breach of one or more of the BWC prohibitions. The worrying inference is that any State Party which has made and not withdrawn such a reservation cannot be assumed to take seriously the words "never in any circumstances" which give Article I of the BWC its absolute and unconditional character. For any such reservations, according to the words of forthright condemnation agreed at the Fourth Review Conference in 1996, "even [if] conditional, are totally incompatible with the absolute and universal prohibition of the development, production, stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use."

These inferences are not unfair. States Parties should expect them to be drawn if they continue to allow doubt to remain over the seriousness of their commitment to the BWC by failing to take straightforward actions, essential to the health of the BWC because bound up in the logic of its treaty

BWC States Parties which are not parties to the Geneva Protocol

One which has signed the Protocol (on 17 June 1925):

El Salvador

Thirty which have neither signed nor ratified/acceded to the Protocol (in alphabetical order):

Armenia
Bahamas
Belize
Bosnia and Herzegovina
Botswana
Brunei Darussalam
Colombia
Congo
Costa Rica
Croatia
Democratic Republic of Congo
Dominica
Georgia
Honduras
Macedonia, The Former Yugoslav Republic of
Mali
Oman
Palau
San Marino
Sao Tome and Principe
Seychelles
Singapore
Slovenia
Suriname
Timor-Leste
Turkmenistan
Ukraine
Uzbekistan
Vanuatu
Zimbabwe

There are 14 States Parties to the Geneva Protocol which are not parties to the BWC. Nine of these are signatory-only (Central African Republic, Cote d'Ivoire, Egypt, Liberia, Madagascar, Malawi, Nepal, Syria, Tanzania) and the remaining five have neither signed nor ratified/acceded to the BWC (Angola, Cameroon, Israel, Sudan, Trinidad and Tobago).

structure: actions, moreover, to which they have for so long been collectively committed.

Confidence-building measures (CBMs)

CBMs have been awaiting completion since 1986 and, as enhanced and expanded, since 1991. The great day was to have dawned on 15 April 1992. That was the date by which every State Party should have communicated to the United

Nations its initial declaration under each CBM of the 1991 set. (Only eleven States Parties – fewer than 10% - did so.¹⁰) Thereafter they were to be updated or reaffirmed (‘no change’) annually.

Here the 2005 target would be a 100% response rate on each CBM. Admittedly, the CBMs vary in continuing importance and a 100% response rate is in itself no guarantee of quality: the information supplied may be so wide of the mark or full of gaps or lacking in precision (or even credibility) that it engenders little confidence. But a 100% response rate is still something worth aiming for, as a common commitment to be fulfilled. There is also a case for multilateral scrutiny of CBM returns to be properly organised among those States Parties which fulfil their CBM commitments, through a dedicated mechanism for such scrutiny, on an annual basis, as proposed at the Toronto Workshop on CBW (and other disarmament) Treaty Compliance Mechanisms in 1995.¹¹

CBMs have been a politically-binding commitment agreed by the States Parties ever since 1986, and remain much the most-publicised of all their politically-binding BWC commitments. So response rates are symbolically important, as the most readily available quantitative indicator of the seriousness with which States Parties take the BWC.

Moreover, given that nil returns and ‘no change’ answers are acceptable, there is little room for most States Parties to complain that CBM declarations are too onerous to make in the first place or too difficult to keep up to date having made their initial declaration under each CBM.

A further pause for thought

Just think how much better shape the BWC would be in if, by 26 March 2005, every State Party had completed its national implementing legislation and shared the relevant texts through the UN, had made returns up to date under each CBM, and had joined the Geneva Protocol; and if no State Party had any Geneva Protocol reservations on retaliation, intentionally or simply by default, still left in place.

This is indeed a worthy target for the thirtieth anniversary of the BWC’s entry into force. It consolidates the treaty regime, ready for the next advance. There would then be a common platform from which to embark on the long-term strengthening of the BWC to face continuing challenges.

How much else should be added?

So far five commitments of long standing (counting the CBMs as one commitment) have been identified. How much else should be added?

How much priority, if any, should be given to the unfinished business of 21 March 1980 (25 years from which takes us almost exactly to 26 March 2005) over the unfinished business of 26 September 1986, 27 September 1991 and 6 December 1996?

For example, one commitment already identified from 1980 is contained in the second part of the following sentence from the Article VIII section of the Final Declaration, concerning the Geneva Protocol:

“The Conference calls on those States Parties to the Convention which are Parties to the Protocol to comply

strictly with its provisions and those States not yet Parties to the said Protocol to ratify or accede to it at the earliest possible date.”

In 1980, when this commitment was agreed, there were 15 States Parties to the BWC (out of 87) which were not concurrently parties to the Protocol.¹² In 2003 there are 31 (out of 151).¹³ (See Annex.) It would be reasonable to expect them all to have acceded to the Protocol - or, in the case of El Salvador, to have ratified its 1925 signature - by 26 March 2005.

So it has been included among the commitments of long standing which await completion, as specified earlier in this paper.

However, a similarly politically-binding commitment to joining the Chemical Weapons Convention (CWC) is contained in the 1996 Final Declaration (paragraph 4 of the Article IX section), where “The Conference calls upon all States that have not yet done so to sign and/or ratify the Convention without delay.”¹⁴

This suggests a further item for the list of commitments which ought to be specified for completion by 26 March 2005, unless it is thought preferable to restrict it to those which have been outstanding the longest despite exhortations of immediacy (or “at the earliest possible date”) as in the 1980 declaration.

On the one hand a long list of desired actions for completion is less likely to be fulfilled. On the other, a list of actions for completion which is itself incomplete may be open to criticism. The lack of universality of the CWC is an aspect of incompleteness which has received particular attention in recent times, not least at the CWC First Review Conference which “noted with concernthat there remains a total of 43 States not Party to the Convention, including 25 signatory States and 18 non-signatory States” and set in train the development of an action plan to remedy this deficiency, a plan noted in October 2003 by the Conference of the States Parties to the CWC which also recommended that its Tenth Session should review the implementation of the plan in November 2005 and take any necessary decisions.

It would, to continue with this example, be difficult to justify including the BWC commitment to joining the Geneva Protocol but excluding the BWC commitment to joining the CWC, just because (by 2005) the first of these commitments would be 25 years’ old and the second only 8 years old.

Moreover, the BWC commitment to joining the CWC is also related to the withdrawal of all Geneva Protocol reservations pertaining to retaliation, where (as in almost every case) such reservations make no distinction between BW and CW. There is a relationship of mutual reinforcement between the commitments to joining the Protocol and joining the CWC, and likewise between the commitments to joining the CWC and withdrawing reservations to the Protocol.

Consequently, it is reasonable to conclude that the list of actions for BWC States Parties to complete by 26 March 2005 should indeed include ratification or accession to the CWC. That is why it appears in the list of six commitments above.

Convergence on a new agenda for recovery

The next section of this paper considers how this proposal might be taken forward. In terms of the analysis offered in *Disarmament Diplomacy* 70, the effort to make a reality of the 26 March 2005 target date would be a first test of any emergent grouping of like-minded states working together with the International Committee of the Red Cross (ICRC) and with non-governmental organisations (NGOs) as 'friends of the Convention' to promote its recovery.

Such a convergence of governmental, ICRC and NGO elements working on a new agenda for recovery was seen in *Disarmament Diplomacy* 70 as the best hope for extricating the BWC from the precarious state to which it was reduced by the successive blows it sustained in 2001 and 2002:

"The way out of the doldrums in which BWC diplomacy has got stuck will almost certainly involve a convergence of two new developments.

"One, which is already discernible but has not yet fully taken shape, is a civil society movement built around the BioWeapons Prevention Project (BWPP), which was launched in 2002. Some key civil society players are already active in the BWPP...Most importantly, potential partners include the medical and scientific communities and their professional associations, which could complement the Biotechnology, Weapons and Humanity initiative of the ICRC, with its distinctive emphasis on the humanitarian tradition in its repudiation of biological warfare.

"The other necessary development has not even started yet. A group of key, like-minded, states parties is needed, to take the lead in defining and promoting among governments a new agenda for the recovery of the BWC treaty regime. At the technical level this group could provide the core of a draft Final Declaration for 2006; at the political level it could encourage ever widening circles of states parties to set their sights for the Sixth Review Conference much higher than they did for the Fifth.

"This new like-minded group would need to span Groups (Eastern, Western, NAM) and regions of the world in order to be sufficiently broad-based and to attain global credibility and wide political acceptability..."¹⁵ It was thought that the group could begin to coalesce in the margins of the first Meeting of States Parties (10-14 November 2003). By that time the ICRC and BWPP initiatives would be a year old, and everyone would have had time to leave behind the prolonged crisis of the Fifth Review Conference, to complete their reflections on what went wrong in 2001-02, and to gather their thoughts for the future. The Geneva Forum and the Pugwash CBW Study Group, among others, could continue their valuable work in providing acceptable auspices under which to bring governmental and non-governmental people together in informal discussions where, as for some years past, ideas could be pooled and proposals refined which might steer the process of recovery.

Since that article was written, the new process has seen its first Meeting of Experts (18-29 August 2003) spend a week apiece on topics (i) and (ii), and the corresponding Meeting of States Parties (10-14 November 2003) has also taken place. The BWPP and ICRC were active in the margins during the largely-closed Meeting of Experts (although most regrettably the ICRC was not accorded speaking rights as an international

organisation at the opening plenary session when, on BWC Review Conference precedents¹⁶, it was rightly expecting to be heard). Six NGOs¹⁷ in addition to the BWPP were allowed to make statements in the conference room in informal session as they had requested at the Meeting of Experts on 19 August, and five at the Meeting of States Parties on 12 November. However, nothing resembling a like-minded group seems to have emerged among the delegations of States Parties either in August or in November 2003.

Conclusion

To conclude, then, it is proposed that the convergence of a like-minded group of governments with the ICRC and NGOs on a new agenda for recovery for the BWC still offers the best hope for 2006. Setting 26 March 2005 as a target date for the completion of actions on an identifiable set of BWC commitments already agreed by consensus is not, in itself, part of a new agenda. It has a deliberately more modest ambition: to consolidate, rather than to advance. It should be politically uncontroversial, even welcome, in a climate where all States Parties find themselves invited repeatedly to demonstrate how seriously they take their allegiance to the BWC. Moreover it could well constitute a first test of the effectiveness of these convergent elements, occupying as it does a central point in the three years' build-up from now to the Sixth Review Conference; and it could provide a common platform from which to move forward.

26 March 2005 falls on a Saturday. A weekend conference, for which UNIDIR and a representative group of NGOs might (as for the 25th anniversary in 2000) provide acceptable auspices, could perhaps be held in Geneva or within easy reach of Geneva to attract the delegations of States Parties.

But it would be even better if the Secretary-General of the United Nations, or the BWC Depositaries, or another group of States Parties, felt able to take the initiative. Such an opportunity deserves to be whole-heartedly embraced by governments. It would be a great pity if they were to feel themselves to be precluded from marking this occasion by too narrow an interpretation of the limit to three weeks in each of the years 2003, 2004 and 2005 imposed in 2002. The meetings which the Fifth Review Conference decided to limit by the 3 weeks x 3 years formula were by no stretch of the imagination celebratory in character.

For convenience, the Meeting of Experts on topic (v) might be held 14-25 March 2005 so that it ended immediately before the anniversary. This would help those States Parties which could not afford to bring a delegation to Geneva on a separate occasion. But it is to be hoped that many States Parties would equip themselves with high-level political representation to celebrate the anniversary with a high-level recommitment to the Convention.

This weekend conference on 26 and 27 March 2005 could fittingly celebrate thirty years of the BWC in force and at the same time recognise with satisfaction the completion of actions to which the States Parties committed themselves long ago. It would provide a necessary consolidation and encourage the next advance towards a successful outcome for the Sixth Review Conference in 2006.

Notes

- ¹ London School of Economics and Political Science, Statement by Nicholas A. Sims, available on the Bradford website <http://www.brad.ac.uk/acad/sbtwc>
- ² Nicholas A. Sims, 'Biological disarmament diplomacy in the doldrums: reflections after the BWC Fifth Review Conference', *Disarmament Diplomacy* 70 (April/May 2003), pp 11-18.
- ³ BWC/CONF.I/10 (21 March 1980).
- ⁴ Final Declarations of BWC Review Conferences:
BWC/CONF.I/10 (21 March 1980).
BWC/CONF.II/13/II (26 September 1986).
BWC/CONF.III/23 (Geneva 1992). The Final Declaration had been adopted as BWC/CONF.III/22/Add.2 on 27 September 1991.
BWC/CONF.IV/9, 6 December 1996.
- ⁵ BWC/CONF.V/CRP.3 (6 November 2002).
- ⁶ CRP.3 was adopted on 14 November 2002 as the Decision of the Fifth Review Conference and forms paragraph 18 of the Final Document, BWC/CONF.V/17. (There was no Final Declaration.)
- ⁷ Graham S. Pearson and Nicholas A. Sims, 'Maximizing the benefits of the inter-review process: 1. National implementing legislation', in Graham S. Pearson and Malcolm R. Dando (eds), *Strengthening the Biological Weapons Convention, Briefing Paper* (Second Series) no 6, July 2003: available on the Bradford website (see note 1 above).
- ⁸ For detailed commentary on the First Review Conference and the origins of these commitments, see Nicholas A. Sims, *The Diplomacy of Biological Disarmament: Vicissitudes of a Treaty in Force, 1975-85* (London: Macmillan; New York: St Martin's Press, 1988), especially pp 136-39.
- ⁹ Nicholas A. Sims, *The Evolution of Biological Disarmament* (Oxford: OUP for SIPRI, 2001) pp 152-62.
- ¹⁰ Included in UN Doc. DDA/4-92/BWIII (30 April 1992). See Sims (2001), pp 73-74.
- ¹¹ Nicholas A. Sims, 'Strengthening compliance systems for disarmament treaties: the Biological and Chemical Weapons Conventions', in Canadian Council on International Law and The Markland Group (eds), *Treaty Compliance: Some Concerns and Remedies* (London, The Hague & Boston: Kluwer Law International, 1998) p 136.
- ¹² Sims (1988) p 139.
- ¹³ *SIPRI Yearbook 2003* (Oxford: Oxford University Press, 2003), list of States Parties to the Geneva Protocol on p766 and to the BWC on p 775.
- ¹⁴ Accession – which would now for most states be the appropriate action – was not included at this stage because the CWC did not enter into force until 29 April 1997, although by the time of the declaration the 65th instrument of ratification had been deposited (triggering entry into force after 180 days) so the date of the CWC's imminent entry into force was known with certainty.
- ¹⁵ The extended quotation is from pp 16-17 of the *Disarmament Diplomacy* 70 article (see note 2 above).
- ¹⁶ The precedent of an ICRC statement delivered at the opening plenary session had been set on 16 November 1996 by the BWC Fourth Review Conference and followed (with a statement later in the General Debate) by the Fifth Review Conference on 20 November 2001. But there had recently been an indefensible denial of speaking rights to the ICRC throughout the General Debate (28 April – 1 May 2003) in plenary session of the Chemical Weapons Convention First Review Conference at The Hague.
- ¹⁷ The other six NGOs which addressed the Meeting of Experts on 19 August 2003 comprised the Federation of American Scientists, the Stockholm International Peace Research Institute, the Verification Research, Training and Information Centre (VERTIC), and three universities: Bradford (Department of Peace Studies), London School of Economics and Political Science (Department of International Relations) and Maryland (Center for International Security Studies Maryland: CISSM). For a full listing of IGO and NGO activities at the August 2003 Meeting of Experts, see Graham S. Pearson, 'The Biological Weapons Convention new process', *CBW Conventions Bulletin* no 61 (September 2003), pp. 8-14, at pp 11-12.

Forthcoming Events

28 January 2004

Washington DC
The Paul C Warnke Conference, *Past Present & Future of Arms Control*, details on Arms Control Association website, www.armscontrol.org

10-12 February

Berlin, Germany
The Science of Protection, NATO Forum on Business and Security, details on www.nato-forum.com

29 February - 3 March

Atlanta, Georgia, USA
International Conference on Emerging Infections Diseases, details on www.iceid.org or www.cdc.gov/ncidod

23-26 March

The Hague, Netherlands
Thirty-Sixth Session,
OPCW Executive Council

25-30 April

Spiez, Switzerland
CBMTS V, the 5th international CBW Medical Treatment Symposium, details on the ASA Newsletter website, www.asanltr.com

1-2 May

The Netherlands
21st Workshop of the Pugwash Study Group on Implementation of the CBW Conventions.

25-27 May

St Petersburg, Russia
CWD2004, the International Chemical Weapons Demilitarisation Conference, inquiries to ichilcott@dstl.gov.uk

2-6 June

Gothenburg, Sweden
the 8th International Symposium on Protection against Chemical and Biological Warfare Agents, details on www.cbwsymp.foi.se

19-30 July

Geneva, Switzerland
Second BWC 'new process' Meeting of Experts.

Developments in the Organization for the Prohibition of Chemical Weapons

The major event during the period under review, from mid-September to mid-December 2003, was the convening of the eighth session of the Conference of the States Parties to the Chemical Weapons Convention (the **Convention**) in The Hague during 20-24 October. This was the first regular session of the Conference since the First Review Conference and the first to elect a woman as Chairperson, Amb Noor Farida Ariffin of Malaysia. The Executive Council also convened for its twenty-third meeting, during the Conference, to wrap up remaining business from its thirty-fourth session in September.

Significantly, the Conference granted extensions of deadlines for the destruction of chemical weapons stockpiles to the Russian Federation, a state party of withheld identity, and the United States. The Conference approved an action plan on implementation of Article VII obligations and noted an action plan on universality, which had been adopted by the Council at its twenty-third meeting. The Conference also adopted a budget for 2004, representing a 6.7 percent increase over the 2003 budget. Other issues that were addressed included Article VI inspections and the judgment from the International Labour Organisation Administrative Tribunal (ILOAT) concerning the former Director-General.

Eighth Session of the Conference of the States Parties

The eighth session of the Conference of the States Parties in October was attended by 117 of the then 154 states parties (the largest attendance thus far at a Conference) and, with observer status, two signatory states, Chad and Israel. Observer status was also granted to two non-signatory states, Iraq and the Libyan Arab Jamahiriya; eight inter-national organizations, specialised agencies, and other inter-national bodies; nine non-governmental organizations; and two chemical industry associations. The Conference also permitted the Republic of Burundi to exert its right to vote during the session even though the amount of its arrears exceeded the amount of the contribution due from it for the preceding two years. It was noted that this situation was due to conditions beyond its control.

Opening of the session The Conference was opened on 20 October by the outgoing Chairman of the Conference, Amb Noureddine Djoudi of Algeria. The Conference then received a message from the UN Secretary-General, Kofi Annan. The Secretary-General welcomed the “remarkable outcome” of the First Review Conference, including the “reaffirmation of the States Parties’ intention to comply with all their obligations under all the provisions of the Convention, and their commitment to implementing them fully and effectively” as well as “the progress made in the

ongoing destruction of chemical weapons”. The Secretary-General remarked that the “international community remains deeply concerned about the dangers of weapons of mass destruction falling into the hands of terrorists” and that full and effective implementation of the Convention can be a powerful instrument in countering this threat. Accordingly, he encouraged the almost 40 remaining states that “have not yet ratified or acceded to the [Chemical Weapons Convention] to do so without delay”.

The Director-General noted in his opening statement that the First Review Conference “undoubtedly marked” 2003 at the OPCW. He added that the political declaration agreed by the Conference confirmed that states parties are committed to the chemical weapons ban and that the OPCW now has a road map for moving forward in the form of action plans on universality and national implementation of the Convention. Other items touched upon included the destruction, as of 1 October, of more than 11.3 percent of the total declared chemical weapon stockpiles, and that new destruction facilities have started operating in the United States since the First Review Conference.

The Director-General underlined the importance of international co-operation and assistance. He first indicated that EUR 450,000 in additional funds were secured for ICA projects since last year’s Conference. He added that the OPCW Associate Programme was expanded this year, implementation support continues to make good progress, and there were an unprecedented number of assistance requests under Article X this year. Mr Pfrtner noted the progress in universality—157 states parties to the Convention as at the Conference—but observed that national implementation of the Convention remains unsatisfactory. It was stated that the action plan on Article VII obligations that had been developed by the Executive Council and that the Conference was to adopt should help rectify this situation.

Mr Pfrtner turned to the budget and indicated that in addition to the size of the budget for 2004, late receipt of Articles IV and V income and use of the 2001 cash surplus remain long-standing, serious problems. Difficulties associated with the tenure policy were also remarked upon, including the legal challenges that will occur and the “human, operational, legal and financial aspects” of the policy. Mr Pfrtner ended his opening statement by thanking Amb Sergei Batsanov for his service to the OPCW in light of his departure in a few months.

General Debate Thirty-nine delegations made statements during General Debate. Those addressing the Conference included Italy, on behalf of the European Union, its acceding and associated countries, and the European Free Trade Association countries Iceland and Norway. Malaysia spoke on behalf of the Non-Aligned Movement and China. India,

Iran, Nigeria, the Russian Federation, Saudi Arabia, the United States and others also made statements. In addition to issues relating to the Programme and Budget, discussed below, the action plans for national implementing legislation and universality were discussed. States parties also emphasised the importance of timely destruction of chemical weapons stockpiles and the need for Article VI and other categories of inspections. Once again, China and Japan took the opportunity to report on progress to date in respect of Abandoned Chemical Weapons (ACW) in China. China noted the latest incident involving ACWs in Qiqihar and indicated that this issue needed to be resolved urgently. Japan stated its intention to deal appropriately with the ACW issue and to destroy them in close co-operation with China and in accordance with the Convention.

Election of the Chairman of the Conference, Vice-Chairmen and other officers Amb Noor Farida Ariffin of Malaysia was elected as the Chairman of the Conference—she will hold office until a successor is elected at the ninth session of the Conference. New Vice-Chairmen were elected from Bosnia and Herzegovina, Guatemala, India, Japan, Mexico, Nigeria, Poland, South Africa, Switzerland, and the United States of America. Amb Noureddine Djoudi of Algeria was elected Chairman of the Committee of the Whole—he will hold office until a successor is elected at the ninth session of the Conference.

Organization of work and establishment of subsidiary bodies The Conference noted that no items had been allocated to the Committee of the Whole during the eighth session. The reports of the General Committee and the Confidentiality Commission were noted. It was orally reported that formal credentials were received for Ghana following the close of the Credentials Committee meeting. This additional information was noted and the Credentials Committee report was approved.

Ten members of the Credentials Committee were also appointed at the Conference and will hold office until the next regular session of the Conference. Those appointed were from Austria, Cameroon, Cuba, Czech Republic, Jordan, Namibia, Pakistan, Portugal, Ukraine, and Uruguay.

Annual Report The Conference approved the *Report of the OPCW on the Implementation of the Chemical Weapons Convention in the Year 2002*. This report will be printed and distributed early in 2004.

Status of implementation of the Convention States parties were asked by the First Review Conference to submit information in several categories on national implementation measures, which was in turn to be reported to the Conference at its eighth session. The Technical Secretariat compiled and analysed the following issues for consideration by the Conference: the establishment of their National Authorities; whether they had made an Article VII(5) submission informing the OPCW of any legislative and administrative measures taken to implement the Convention; whether they had responded to the first and second legislation questionnaires; whether their legislation covered all key areas of enforcement; whether the text of their measures had been provided; whether they had reviewed their existing national

regulations in the field of trade chemicals under Article XI(2)(e); whether they had made a nomination to the OPCW Network of Legal Experts; and any problems they had encountered or assistance they required. The Conference was also provided with an overview of the scope of each state party's national implementing legislation.

A statistical analysis, based on a review of information from states parties received prior to, and updated during, the Conference, revealed the following: 126 out of 154 states parties (82%) had notified the OPCW that they had designated or established a National Authority; 94 states parties had made Article VII(5) submissions (61%); and 63 had submitted the text of their measures (41%). Only 51 states parties (33%), however, had indicated that their legislation was comprehensive. 76 states parties (50%) responded to the first legislation questionnaire and 100 (65%) to the second. With regard to the regulation of scheduled chemicals, 71 states parties (46%) had reported the ability to punish violations of the regime governing the handling of Schedule 1 chemicals, 71 (46%) regarding Schedule 2 chemicals, and 70 (46%) regarding Schedule 3 chemicals. 72 states parties (47%) enforce the end-user certificate requirement for Schedule 3 chemicals transfers. 39 states parties (25%) had conducted an Article XI(2)(e) review of existing national regulations in the field of trade in chemicals. With regard to legislation, 27 states parties (18%) reported that they were drafting national implementing legislation, 21 (14%) had requested assistance with drafting and 21 (14%) had submitted draft legislation for comment. Finally, 60 states parties (39%) had nominated one or more individuals to the OPCW Network of Legal Experts.

In addition to the document above, the Conference noted a report on the *Implementation of the Confidentiality Regime in 2002*; see the March 2003 *Bulletin* for further details about this report. A note from the Director-General with a non-exhaustive list of illustrative examples of chemical weapons that meet the definitions contained in Article II(1)(b)-(c) of the Convention was also noted by the Conference. The Conference at its third session had tasked the Technical Secretariat with analysing declarations submitted and compiling a list of illustrative, non-exhaustive examples of chemical weapons under Article II(1)(b)-(c), that is, 'munitions and devices' and 'equipment'. This analysis was based on declarations made over the past five years by states parties which have declared chemical weapons.

According to the report, examples of munitions that are chemical weapons include: chemical projectiles, cartridges, and canisters; aerial guided and unguided chemical bombs, and bomblets; chemical missile or rocket warheads; chemical mortar rounds; chemical mines; explosive and pyrotechnic chemical munitions for close combat and specific purposes, such as hand grenades; tank compartments; and cluster munitions or submunitions, including bomblet and combat elements, for aerial bombs, rockets and missiles. 'Devices' are specifically designed, re-usable items (both unitary and binary) that use non-explosive means to release or disseminate toxic chemicals and include chemical spray tanks and chemical modules. 'Equipment' includes items specifically designed to deliver chemical weapons and that are part of a chemical weapon delivery system but which do not contain toxic chemicals or their precursors. This includes burster charges for use in unitary and binary munitions, submunitions,

and devices; powder charges; cutters used in spray tanks; fuze adapters; shipping and firing tubes; and fuzes for chemical munitions, rockets, etc.

Report of the Executive Council The Conference noted the report of the Council, introduced by the Chairman of the Council, Amb Petr Kubernát of the Czech Republic, on the performance of its activities between 17 July 2002 and 27 June 2003. Amb Kubernát also introduced the recommendations of the Council requiring the Conference's attention, including those made after the report's cut-off date. All of those recommendations requiring adoption or approval were affirmatively decided by the Conference at its eighth session.

The recommendations of the most significance related to extensions of deadlines for the destruction of Category 1 chemical weapons and an action plan for Article VII obligations. With regard to the first matter, decisions had been reached during the resumed twenty-third meeting of the Executive Council in respect of requests by three states parties for extensions of their Category 1 chemical weapon destruction deadlines. One of the resulting recommendations of the Council, adopted by the Conference, set up a revised intermediate deadline of 29 April 2007 for the destruction of 20 percent of the Russian Federation's Category 1 chemical weapons. The recommendation also granted, in principle, extensions of the deadlines for destruction of 45 percent and 100 percent of the stockpiles, such that the deadlines occur after the 20 percent and 45 percent deadlines, respectively, and without prejudice to the Russian Federation's obligations under the Convention. There are also reporting requirements for the Russian Federation. It must inform the Council at each alternate regular session of the status of its plans for implementing its destruction obligation. Periodic reports to the Council by the Director-General and Chairman on progress in destruction are also required.

The Conference also adopted a deadline extension request by the state party of withheld identity in respect of its intermediate phase 3 (45 percent) deadline for the destruction of its Category 1 chemical weapons. The decision provided that the state party is to complete destruction of 45 percent of its Category 1 chemical weapons before the end of the time-frame in the Convention for the completion of phase 4 destruction. Reporting requirements were a feature of this decision too: the state party is to inform the Council at each alternate regular session of the status of its plans for implementing its destruction obligation and periodic reports to the Council by the Director-General and Chairman on progress in destruction are also required.

Lastly, the Conference approved an extension request by the United States in respect of its intermediate and final chemical weapon stockpile destruction deadlines. The decision granted an extension for the destruction of 45 percent of its Category 1 chemical weapons and set up a revised intermediate deadline of 31 December 2007. The recommendation also granted, in principle, an extension of the deadline for destruction of 100 percent of the stockpiles, such that the deadline occurs after the 45 percent deadline, and without prejudice to the United States' obligations under the Convention. The reporting requirements described above apply equally here.

On the second matter, the Executive Council at its twenty-

third meeting forwarded a recommendation to the Conference for an action plan on the implementation of Article VII (national implementation measures) obligations. The Conference approved this plan of action, with the objective of fostering the full and effective implementation of the Convention by all states parties. The plan is divided into four sections: identification and analysis of problems and needs; resources for implementation support; the overall time-frame, intermediate steps, and target date; and oversight by the Council and the Conference. There are respective action items for states parties and the Secretariat.

Under the first rubric, the Secretariat is requested to further identify, analyse and address the difficulties some states parties are having in adopting required Article VII measures. The Secretariat is also requested to submit a report to the Council at its thirty-sixth session covering problems that have been identified, requirements of states parties for support, resources available to provide implementation support (both from the Secretariat and from states parties), etc. States parties that have not done so are requested to inform the Secretariat of what assistance they require, preferably before 1 March 2004.

Under the second rubric, the Secretariat is requested, within budget parameters, to offer sustained technical support to states parties that request it concerning the establishment and effective functioning of National Authorities, the enactment of national implementing legislation, and the adoption of any required administrative measures. The plan welcomes voluntary contributions from states parties and requests the Secretariat to implement the plan cost-effectively within budget resources. States parties are encouraged to lend advice, upon request, to other states parties in drafting and adopting national implementing measures and are requested, preferably before 1 March 2004, to inform the Secretariat of any assistance that they can provide. The Secretariat has also been tasked with further developing and improving its implementation support programme, for instance, by mobilizing states parties' efforts so as to provide technical assistance and evaluations in areas of national implementation identified by the First Review Conference (*see* RC-1 report, paras. 7.74 to 7.83). The Secretariat is also encouraged to identify and engage with regional, subregional and other relevant groups of state parties that can render implementation support. The Secretariat and states parties together are encouraged to develop partnerships with relevant regional organizations and agencies.

Under the third rubric and perhaps most importantly, the plan sets the objective for all states parties to complete by the 10th Session of the Conference of the States Parties (November 2005) the enactment of necessary legislation, including penal legislation, and/or the adoption of administrative measures necessary to implement the Convention. The Action Plan contemplates 'target dates' set by the states parties themselves for the necessary steps leading to the accomplishment of this goal. The plan further calls upon states parties to maintain regular contact with the Secretariat regarding the implementation of these steps and target dates. States parties together with the Secretariat are encouraged to take measures to raise awareness of the Convention's prohibitions and requirements in the armed forces, industry, scientific and technologic communities, etc. The plan identifies the particular steps that must be taken, including designating or establishing a National Authority

and notifying the Secretariat thereof; enacting legislation and/or administrative measures; and providing the full text of implementing legislation to the Secretariat, or, if the state party in question is monist, information about specific measures taken. States parties are also urged to review their existing regulations in the field of trade in chemicals.

Lastly, under the fourth rubric, the Secretariat is requested to report to the Conference at its ninth session and every other session of the Council, starting with the thirty-sixth, on the progress of implementation of the plan, while the Council is requested to give guidance to and coordinate with the Secretariat on its implementation. States parties are requested to keep the OPCW informed of their actions and the results achieved concerning any advice given to other states parties. The status of implementation of Article VII is to be reviewed at the tenth session of the Conference with a view to consider and decide on any further measures, if needed and appropriate to ensure compliance with Article VII.

Two other significant decisions were affirmatively decided on the recommendation of the Council in respect of technical matters. The first was on procedures for revising the technical specifications for approved equipment. These procedures had been referred from the thirty-first session of the Council in December 2002 and were approved by the Conference. The second decision adopted was on understandings regarding declarations under Article VI and Parts VII and VIII of the Verification Annex to the Convention.

On other matters coming from the Council, the Conference noted the Action Plan on Universality (*see* 'Universality' below), the audited financial statements of the OPCW and Provident Fund for the period ending 31 December 2002, the Director-General's response to the External Auditor's report and the Council's comments. The Conference also noted the Office of Internal Oversight (OIO) report for 2002, an accompanying note by the Director-General, and the Council's comments on the work carried out by the OIO. The Conference also approved the amendments to Financial Regulations 3.2, 3.5, 5.5, 5.9, and 11.3 that had been submitted to it by the Director-General through the Council. Lastly, the Conference noted the Director-General's note on the use of the Working Capital Fund, which had been forwarded to it by the Council at its thirty-fourth session. It was noted that, as of July 2003, there had been no need to use the Working Capital Fund to offset a temporary deficit. It was added, however, that there may be a need to use it during the latter part of December because of delayed payments of Article IV and V reimbursements or of assessed contributions.

Election of members of the Executive Council Twenty states parties were elected to the Executive Council for a two-year term of office, which will commence on 12 May 2004. Those elected were, for Africa: Algeria, Kenya, Morocco, and South Africa; for Asia: Iran (Islamic Republic of), Malaysia, Pakistan, and Sri Lanka; for Eastern Europe: the Russian Federation, Serbia and Montenegro, and Ukraine; for Latin America and the Caribbean: Cuba, Panama, Peru, and Uruguay; and for Western Europe and Other States: Greece, The Netherlands, New Zealand, Norway and Spain.

Programme and Budget of the Organization for 2004, and all items pertaining to this budget A *Programme and Budget for 2004* was adopted by the Conference after

being submitted for its consideration by the Executive Council at its twenty-third meeting earlier that day. The Conference also noted the OPCW's Medium-Term Plan for 2005-2007. The budget is discussed in greater detail below (*see* 'Twenty-third meeting of the Council').

Several other significant financial decisions were adopted by the Conference. As part of the budget package, the Conference adopted decisions on the late receipt of income under Articles IV and V and withholding of the distribution of the 2001 cash surplus. Regarding the first decision, the Council was requested to coordinate with the Director-General to examine the need for and modalities of a mechanism which would enhance financial stability to facilitate smooth delivery of the OPCW programme and which would ease cash-flow problems caused by late payment of Article IV and V invoices. The Council was also requested to report on the outcome of this work and submit recommendations to the Conference at its ninth session.

Regarding the 2001 cash surplus, the Conference decided, *inter alia*, to withhold distribution of the 2001 cash surplus and authorised the Director-General to apply it as follows: to meet unbudgeted costs associated with implementation of the tenure policy decision in 2003, which must be paid in 2003 or 2004; to apply EUR 250,000 to additional ICA activities and which is to be allocated at the start of 2004; and to retain remaining surplus funds so that they can be used to ensure implementation of the 2004 programme of work for inspections and ICA activities, in case there are significant changes in demilitarization activity or disruptions in Article IV and V income, or to meet other exceptional needs which would have an adverse effect on OPCW activities if not addressed. Using these remaining surplus funds would require prior approval by the Council, which would submit a report to the Conference for its consideration. The Conference also established a special account financed from the withholding of the distribution of the cash surplus.

At the thirty-fourth session of the Executive Council, the Director-General's note on a planned increase in the number of Article VI inspections was noted and forwarded to the Conference for its consideration. The Director-General had indicated that an estimated EUR 400,000 was available for more Article VI inspections as the result of a lower than anticipated level of Article IV and V inspections in 2003 and by means of other efficiencies. There was surprise and some disappointment in the Conference, however, at Germany's last-minute refusal to join consensus on this issue and no agreement was reached by the end of the session.

Scale of assessments The Conference adopted the UN scale of assessments for 2004 as adjusted to take into account membership differences.

Fostering of international co-operation for peaceful purposes in the field of chemical activities There remains no resolution of the contentious issues regarding the fostering of international co-operation for peaceful purposes in the field of chemical activities. The Conference noted statements made on this issue by Iran, India and Pakistan.

With no proposal before the Conference from the Council on implementation of Article XI, the issue was again referred back to the Council for further consideration, with a view to

a proposal being forwarded by the Council to the Conference at its ninth session for its consideration and approval.

Privileges and immunities agreements Draft decisions on privileges and immunities agreements between the OPCW and the following countries were adopted: Bosnia and Herzegovina, the Republic of Burundi, the Republic of Cyprus, and the Slovak Republic.

The Conference also considered and adopted a decision on the mechanism of concluding privileges and immunities agreements between the OPCW and states parties. This decision gives prior approval to the Council to conclude such agreements. The Council was also requested to notify the Conference at its next regular session of those agreements that have been concluded by the Council on behalf of the OPCW.

Universality The Conference noted the universality action plan which had been brought to its attention by the Executive Council at its twenty-third meeting. This action plan is discussed in greater detail below (*see* 'Twenty-third meeting of the Council').

The Conference also noted the Director-General's report on the implementation of the recommendation of the Conference at its seventh session for ensuring universality. The report stated that eight additional states had become states parties to the Convention since the last session of the Conference and that, with the accession of Andorra in March 2003, all of Europe is covered by the Convention. The report added that there remain a further 25 states signatories to the Convention that have yet to ratify and that some 16 states remain non-signatories. The Director-General noted that contacts and consultations, including bilateral-assistance visits, had continued over the period under review with states not party. No regional universality-related seminars or workshops were held in the Middle East since the seventh session of the Conference. In Africa, a delegation from the OPCW visited the Secretariat of the African Union (AU) in February 2003 as a follow-up to an AU decision on the implementation and universality of the Convention in Africa, taken at the Durban Summit in July 2002. A universality-related presentation was given at OPCW Headquarters to representatives of Afghanistan and Kyrgyzstan in December 2002 and a regional workshop was held in Chiang Mai, Thailand, in March 2003. In Central America and the Caribbean, a regional seminar on universality and implementation was held in Sint Maarten, the Netherlands Antilles, in May 2003. These outreach activities had only been possible due to voluntary contributions by states parties. The Director-General noted that two consultants are engaged in focusing on universality-related issues in Latin America and the Caribbean and the Korean peninsula, respectively. Participation by United Nations Regional Centres for Peace, Disarmament, and Development in regional seminars and workshops was noted.

The Director-General also highlighted the universality action plan, which was noted by the Conference and which had been brought to its attention by the Executive Council at its twenty-third meeting.

The report indicated that future universality efforts would turn to smaller regional and sub-regional events and targeted bilateral assistance, especially in Africa, the Middle East and

Asia. Other suggestions included universality efforts being pursued through co-operation with various international, regional and sub-regional organizations or through specific assistance in preparing for adherence. According to the report, a majority of states not party have yet to join the Convention for reasons including a lack of awareness, human or financial resources, or because of administrative or bureaucratic delays. However, the report noted the role in some cases of the regional security context and national or regional conflicts and tensions.

Other business The Conference noted the ILOAT judgment in the case brought before it by the former Director-General. The OPCW's lawyers were instructed by the Conference to approach Mr Bustani's lawyers in order to attempt to arrange a settlement which, if agreed, would constitute "a full and final settlement of the case". It was added that the OPCW reserved the right to request the ILOAT to review its judgement with respect to the damages awarded, in the event that the settlement negotiations were unsuccessful. The Chairperson of the Conference and Director-General Pfrter were requested to keep the Council and the Conference informed of developments.

Brazil stated in a national statement that, *inter alia*, the ILOAT judgement was final and binding and that if the OPCW did not immediately execute the judgement, it would be in breach of international law. Canada stated that the ILOAT's jurisdiction in this matter needed to be resolved before the substance of the judgement could be considered. The delegation from the United States expressed disappointment at the implication that the Conference was acting illegally by not immediately executing the ILOAT's judgment. It was added that one could interpret the Chairperson's statement on this issue to mean that the OPCW would be acting within the law by going back to the ILOAT, if settlement could not be achieved.

The Conference confirmed that its Ninth Session would take place from 29 November to 3 December 2004 unless the conference facilities were not available during that week, in which case the session would be held from 6 to 10 December 2004.

EXECUTIVE COUNCIL

The Executive Council met twice during the period under review, for its thirty-fourth session in September and its twenty-third meeting in October. This meeting took place during the eighth session of the Conference of the States Parties.

Thirty-fourth session

The Executive Council of the OPCW met for its thirty-fourth session during 23-26 September. This session was chaired by Amb Petr Kubernát of the Czech Republic.

The Vice-Chairmen and coordinators for clusters of issues reported to the Council on informal consultations during the intersessional period as follows: Amb José Antonio Arróspide of Peru on chemical weapons issues; Amb Alexander Olbrich of Germany on chemical industry and other Article VI issues; Amb Hossein Panahi Azar of the Islamic Republic of Iran on administrative and financial issues; and Mr Peter Makwarella,

on behalf of Amb Priscilla Jana of South Africa, on legal, organizational, and other issues.

The Director-General indicated in his opening statement that he would concentrate on five main issues: verification, international co-operation and assistance, universality and the implementation of Article VII of the Convention, the tenure policy, and budget preparations.

The Director-General noted that chemical weapons destruction continues in four states parties and that, as at 1 September, 8,000 metric tons of Category 1 and 2 chemicals weapons and binary components had been destroyed. He stated that India resumed destruction of its Category 1 weapons in July and anticipates meeting its 45% destruction deadline. He further stated that the Russian Federation has resumed destruction at its Gorny facility. On the other hand, the Director-General noted that two Member States, the United States and a state party of withheld identity, would be unable to meet their Category 1 chemical weapons destruction deadlines for operational reasons and had requested extensions.

The Director-General also discussed progress in the destruction of chemical weapons production facilities in the United States, Serbia and Montenegro, and the Russian Federation. He indicated that industry inspections are also proceeding smoothly and that, because of a lower number of Article IV and V inspections and other savings in Article VI inspections this year, he could earmark additional funds in the related budget chapter for 18 additional industry inspections if agreed by the Conference.

The Director-General discussed the Associate Programme 2003, meetings and seminars for National Authorities, and a technical meeting for National Authorities in Barcelona on practical aspects of the transfers regime, with a special focus on free zones and ports, as efforts by the Secretariat and member states to facilitate international co-operation. The Director-General also mentioned bilateral visits to member states to assess their protection capacity, a protection course, and assistance and advice in respect of implementing legislation, as elements of the Secretariat's assistance and protection efforts.

The Director-General indicated that work was underway on two action plans for achieving universality and Article VII implementation. Concerning universality, the Director-General discussed previous and upcoming visits to and meetings in, Africa, the Middle East, and elsewhere, with particular emphasis upon the Secretariat's efforts in Africa.

The Director-General's comments on tenure policy largely reflected his concerns that there may be staffing implications involved with an unavoidable increase in workload related to the policy, that the Organization has a moral and professional obligation to staff and their families to handle the matter with seriousness and dignity, and that the policy must be financed.

Finally, the Director-General discussed his compromise proposal for the 2004 budget and programme of work. He indicated that his proposal takes into account delegations' views and preferences on where savings can be achieved, while considering the Secretariat's views on where this can be done without affecting the core activities of the Organization. The Director-General also indicated that urgent action was required on Article IV and V reimbursements and

stated that the Secretariat was proceeding with the adoption of results-based budgeting for the 2005 budget.

Executive Council members made statements regarding the importance of completing the universality and Article VII action plans further to the report from the First Review Conference. One state party, in particular, indicated that it would be providing a cost-free expert to the OPCW to help with Article VII implementation.

The budget and programme for 2004 were contentious during the thirty-fourth Council session. Many Council members expressed their opposition to any increase in the budget while some indicated that budget reductions should not be at the expense of international co-operation and assistance or the Organization's core activities.

Many members also spoke about the requests for extensions of intermediate deadlines for chemical weapons destruction. Though no member appeared to be opposed to such extensions, some members indicated that the requests must be reviewed carefully by the Executive Council before approval.

Status of implementation of the Convention The Council considered and noted the *2002 Verification Implementation Report (VIR)*, which is a highly protected document. The Council also considered and noted a second report on the project to assist member states in identifying new declarable facilities under Article VI of the Convention, which had been previously considered and noted by the thirty-third session of the Executive Council. See the June 2003 *Bulletin* for a full discussion of this report.

Article VI issues The Executive Council took note of a Director-General's note in respect of a planned increase in inspections under the Article VI inspection programme for 2003 and forwarded the proposal to the Conference of States Parties at its eighth session for consideration. The Director-General indicated that an estimated EUR 400,000 was available for more Article VI inspections as the result of a lower than anticipated level of Article IV and V inspections in 2003 and by means of other efficiencies.

A facilitator's proposal for clarification of declarations was to be considered at the Council's next session.

Implementation of Article VII obligations The Council received a verbal report from the facilitator for the Article VII action plan. This plan for implementation of the Convention by all states parties had been requested by the First Review Conference. He indicated that some progress on the plan had been made but that more consultations would be necessary in the intersession with the objective of forwarding the plan to the eighth session of the Conference. The Council requested the facilitator to continue with consultations and indicated that it would consider the matter further at its next meeting prior to the Conference of the States Parties.

Destruction issues Once again, the Council received two reports, one by the Director-General and one by the Russian Federation, on progress in Russian destruction of its chemical weapons stockpiles. The note by the Director-General stated that, between 26 April and 11 September 2003, Russia had

destroyed 33 metric tons of mustard gas. Thus, the total amount destroyed by that date was 434.4 metric tons, or approximately 1.1 percent of the Russian declared Category 1 chemical weapons, at the Gorny CWDF. The report further stated that, in accordance with an amendment to the annual detailed plan for the destruction of its Category 1 chemicals weapons at the Gorny CWDF, dated 30 July 2003, and in keeping with the notification provided by the Russian Federation on the resumption of destruction operations, dated 7 August 2003, Unit 2 (mustard gas destruction) began its second chemical weapons destruction campaign on 18 August. The same notification stated that Unit 1 (lewisite destruction) will begin in October.

The report by the Russian Federation on progress in destruction of chemical weapons stockpiles stated that destruction of chemical weapons in Unit 2 (mustard gas detoxification) at the Gorny CWDF recommenced on 18 August and, as at 15 September, 440 tons of mustard gas had been destroyed. The destruction of lewisite in Unit 1 is scheduled for November. The Russian report also contained details on construction of the Kambarka (lewisite) destruction facility, with operations expected to commence in 2005 and finish in 2009. A CWDF is being set up at Shchuchye with financial assistance from the United States, Italy, the United Kingdom, Canada, Norway and the European Union. The report also stated that the Russian programme provided for draining and detoxification facilities at Maradykovski, Leonidovka and Pochev to destroy air bombs filled with organophosphorus agents and, in the case of Maradykovski, mixtures of mustard gas and lewisite as well. The Council considered the two reports and decided to consider them further at its next meeting to be convened prior to the Eighth Session of the Conference.

The Council also received a request from a state party of withheld identity for an extension of its obligation to meet the intermediate deadline for the destruction of its chemical weapons, a highly protected document, and the related draft decision. The Council decided to consider the draft decision further at its next meeting prior to the Eighth Session of the Conference.

The Council received another request for an extension of its obligation to meet the intermediate deadline for the destruction of its chemical weapons from the United States, as well as the related draft decision. In a statement to the Council, the United States noted that it will have only destroyed approximately 28 percent, or 8,000 metric tons, of its stockpile by the intermediate deadline of 29 April 2004 and would only reach the 45 percent target by 31 December 2007. The United States further indicated that an extension was being requested because of unanticipated delays in meeting requirements for approval of environmental permits for the start of operations; lower than planned munitions throughput rates; investigations to identify and resolve the root causes of process operating problems and development and implementation of protocols to improve operational safety; implementation of process improvements to address aging munitions deterioration; and start-up delays due to community emergency preparedness and responsiveness. The Council decided to consider this draft decision further at its next meeting prior to the Eighth Session of the Conference.

The plan for the verification of destruction of chemical

weapons at the Aberdeen Chemical Agent Disposal Facility was again deferred by the Council until its next session.

Conversion of CWPFs The Council received several notifications from the Russian Federation on changes at former CWPFs being converted to purposes not prohibited under the Convention. The Council considered the issue of the United States' objection to notification by the Russian Federation of changes to the conversion activity at the former CWPF at Open Joint Stock Company (OJSC) Khimprom in Volgograd (DF production). It decided to consider the issue further at its thirty-fifth session. The Council considered the issue of the United States' objection to notification by the Russian Federation of changes at the former sarin production facility at OJSC Khimprom in Volgograd, and noted that it had been withdrawn. The Council also considered the issue of the United States' objection to notification by the Russian Federation of changes at the former facility for preparation for filling of non-chemical parts of chemical munitions at OJSC Khimprom in Volgograd. It decided to consider the issue further at its next session. Finally, the Council noted that no objections had been raised by any member state within 30 days of receipt of notification on changes at the former CWPF at OJSC Sibur-Neftekhim, Kaprolaktam plant, in Dzerzhinsk (lewisite production, second train).

The combined plan relating to conversion and verification at OJSC Khimprom in Novocheboksarsk (production of a VX-type substance and filling it into munitions) was again deferred until the thirty-fifth session of the Council.

The Council also noted that the United States and the Secretariat had concluded a transition agreement for the temporary conversion of the DF Production and Fill Facility at the Pine Bluff Chemical Activity.

Facility agreements The Executive Council adopted the decision approving a facility agreement with Albania for a CWSF. The Council again deferred a decision on the facility agreement relating to the Aberdeen Chemical Agent Disposal Facility.

Chemical industry issues The Council decided to defer consideration of the facilitator's proposed draft decision on 'captive use', in connection with declarations of production and/or consumption under Parts VII and VIII of the Verification Annex, until its thirty-fifth session.

It also decided to defer consideration of a discussion paper from the Technical Secretariat on discrepancies in reporting scheduled chemical imports and exports. The Secretariat carried out research into why the amounts of chemicals declared by importing and exporting states parties can differ by as much as 70-80%. It found that there are several factors that may contribute to these variations including the lack of declarations by either importing or exporting states parties; the application of different methods of calculation; off-shore shipments; customs-related difficulties; and clerical error.

International co-operation and assistance and protection The Executive Council received a verbal report indicating that there was not yet agreement on a proposal for the Eighth Session of the Conference, further to a request by the Seventh Session, on fostering international co-operation for peaceful

purposes in the field of chemical activities. Additionally, the Executive Council decided to continue working on assistance and protection against chemical weapons, including procedures for annual submission by states parties of information relating to their national protective purposes programmes, further to a request from the First Review Conference.

Oversight and audit reports The Council received a verbal report on the informal consultations on the Office of Internal Oversight (OIO) report for 2002 and the accompanying Director-General note. In addition to emphasizing the OIO's operational independence, the Council noted comments in the report on non-service incurred death and disability insurance and requested the Secretariat to prepare a report on this issue, including options for a legally sound, phased transition to a new system of insurance coverage starting in 2004, for consideration at its thirty-fifth session. Further to this, it requested the Secretariat to take action to ensure that the Organization is not bound through 2004 to the terms of the existing insurance contract in the event that it is modified at the Council's thirty-fifth session. The Council also noted initiatives being taken to reorganize the travel management function and the tasking of OIO to examine the implementation of home-leave entitlements. It requested the Secretariat to prepare a report on these matters for its consideration and comments no later than at its thirty-sixth session. The Council also welcomed assurance from the Director of Administration that voluntary contributions from member states would not be accrued in the cash surplus unless requested by the state party. The Council forwarded the report to the Eighth Session of the Conference of States Parties, together with its comments and the Director-General's note.

One state party had objections to "charges raised in the report against the former Director-General" in paragraphs 1.8 and 3.11, and the chapeau of paragraph 3.10. These included the lack of fairness and transparency under the former Director-General as confirmed by the outcome of an audit by the OIO in 2002 on the implementation of recruitment and appointment procedures in the Secretariat; political considerations in the employment of staff members over "the necessity of securing the highest standards of efficiency, competence and integrity"; and, in respect of the audit of implementation of recruitment and appointment procedures from entry into force through 31 March 2002, the lack of appropriate internal control mechanisms as well as abuse and mismanagement "for which the former Director-General was directly responsible". The delegation noted that, with regard to the recruitment and appointment policy, there are other issues that have a negative impact on its implementation. The delegation also questioned why the OIO's assessment of the recruitment and appointment policy was only from entry into force through March 2002, instead of through the end of the calendar year. The delegation from another state party stated that it disagreed entirely with certain of the other delegation's statements and that the "reputation, independence, and fairness of the Report of the OIO also deserve to be defended".

The Council received a verbal report on informal consultations on the External Auditor's report on the financial statements of the Organization for 2002. The Council noted

the External Auditor's final conclusion regarding the Organization's financial statements and transactions as well as his overall assessment of the results of the audit. The Council forwarded the audited financial statements and External Auditor's report to the Conference of the States Parties. Substantively speaking, the Council requested the Secretariat to prepare a report on the progress of the SmartStream project for its consideration at its thirty-fifth session.

The Council considered and noted the reports on the status of implementation of the recommendations in 2002 of the External Auditor and OIO.

Programme and Budget for 2004 and Draft Medium-term Plan 2005-2007 The Executive Council decided to consider the draft programme and budget for 2004 at its next meeting, to take place before the Conference at its eighth session. The Council also noted the draft medium-term plan 2005-2007 and forwarded it to the Eighth Session of the Conference.

Financial issues The Council considered a Note by the Director-General on the regularisation of contractual agreements concluded for periods of more than one year and the related draft decision. In the Note, the Director-General indicated that pursuant to Financial Regulation 4.11, "the Director-General may, if necessary, enter into commitments for future financial periods provided that such commitments relate to work authorised in the current budget and concern: (a) administrative requirements of a continuing nature; (b) contracts where longer lead times are required; or (c) purchases for which payment is to be made over several years", with the prior concurrence of the Conference of the States Parties. However, the Organization has found that strictly following this rule is impractical for certain contracts because contract renewals may fall due between scheduled Conference sessions, a contract's terms and conditions may become progressively more advantageous with time, some providers of goods and services will not enter contracts of less than a year, and annual renegotiation of certain contracts increases the Secretariat's administrative burden. Accordingly, the Secretariat requested that the Council adopt a decision recommending that the Conference retroactively concur with the conclusion of 17 long-term contracts entered into without such concurrence and amend Regulation 4.11 so as to allow the Council to concur with such contracts. The Council recommended that the Director-General request prior concurrence of the Conference for contracts, listed in an annex to next year's draft budget, that expire that year and which might be renewed or result in new contracts entered into for periods of more than a year.

The Executive Council considered and adopted a decision recommending to the Conference of the States Parties proposed amendments to OPCW Financial Regulations 3.2, 3.5, 5.5, 5.9, and 11.3. These changes were requested by the Secretariat because compliance therewith had not been efficient or effective. The Council also noted a report by the Director-General on the use of the Working Capital Fund and forwarded it to the Eighth Session of the Conference.

The Council noted the report of the Fourteenth Session of the Advisory Body on Administrative and Financial Matters

(ABAF). See the September 2003 *Bulletin* for a further description of this report.

The Council renewed the appointment to ABAF of Ms Anna Hynkova, Mr Michal Szlezak, Mr Hadi Farajvand, Mrs Norma Suarez Paniagua, Mr Gianpaolo Malpaga, and Mr Vladimir A. Iossifov, retroactive to the dates on which their first three-year terms of office expired. The Council also noted the resignations of Mr Dudley Lashmar and Mrs Maria Dulce Silva Barros from the Advisory Body, and approved the appointment of Mr Damian Brewitt, with application retroactive to the date of nomination.

Other business The Executive Council decided to consider the Note by the Director-General on the request to reclassify two posts at its thirty-fifth session. The Executive Council approved the draft report of the Executive Council on the performance of its activities (as amended) as well as the draft report of the OPCW on the implementation of the Convention in 2002, for submission to the Conference of the States Parties at its Eighth Session.

The Executive Council approved a decision to adjust the Director-General's salary. The Executive Council also approved the Director-General's report on the credentials of the representatives to the Council.

Finally, the following Executive Council meetings were approved for next year: EC-36: 23-26 March; EC-38: 12-15 October; and EC-39: 14-17 December. A decision on the date for EC-37 was deferred until the December session.

Twenty-third meeting

The twenty-third meeting of the Executive Council opened 21 October, during the period of the Eighth Session of the Conference of the States Parties, with a few items on the agenda left over from the thirty-fourth session of the Council, and requiring decisions to be taken prior to the closing of the Conference. A number of decisions were adopted without much delay: a decision recommending that the Conference at its Eighth Session approve a request by a state party of withheld identity for an extension of the intermediate deadline for the destruction of its Category 1 chemical weapons and a decision containing a recommendation to the Conference regarding the Article VII obligations action plan.

Programme and Budget for 2004 With no decision able to be reached on 21 October on other outstanding items, the Council met twice on 24 October, the final day of the Conference. A great deal of the discussion on both days was devoted to financial issues. This was a continuation of the situation leading up to the twenty-third meeting, where, despite intensive rounds of consultations in the weeks preceding the meeting, the Executive Council had been unable to reach consensus on a draft *Programme and Budget for 2004*, a version of which had been produced by the Secretariat in early June.

Nevertheless, a compromise was reached in the Council meeting during the morning session on 24 October and a *Programme and Budget for 2004* was adopted by the Conference that afternoon. The budget—as amended by a further note by the Director-General setting out his approach to delivering the requisite efficiency savings and by the tables

annexed to the related decision—appropriated a total of EUR 73,153,390, of which the amount assessed to states parties is EUR 68,653,390. This represents a 7.23 percent increase over the 2003 assessments to states parties, while the original proposal by the Secretariat for 2004 was for a 8.36 percent increase. The budget increase represents a compromise of a 6.7 percent increase over the 2003 budget. The budget anticipates verification payments under Articles IV and V in the sum of EUR 3.9 million. It funds 478 staff posts and leaves 29 positions within the Secretariat vacant.

The Director-General's initial budget proposal, released in June, totalled EUR 74,291,534, an 8.36 percent increase over the agreed 2003 budget. This increase was intended to cover mandatory/statutory increases (3.06 percent), staff turnover costs due to the tenure policy (2.92 percent), and new programme items (2.38 percent). As the result of a Facilitation process which began in March, the Director-General proposed to the Council at its thirty-fourth session an integrated package of measures, including an offer to manage the programme for 2004, through efficiency savings, at a budgetary level which was 1 percent below his initial proposal of an 8.36 percent increase. This proposal also included the aim of producing, from further savings in non-core activities and through additional efficiency savings of 0.4 percent, an additional sum of EUR 250,000 for International Cooperation and Assistance programmes.

Further to another budget consultation, the Director-General promised to produce information to the Council at its twenty-third meeting on how the efficiency savings above would be achieved and on how further reductions beyond the 1 percent baseline proposal could be achieved. First, he noted that the 1 percent reduction might be achieved through savings in the following areas: insurance, general temporary assistance, consultants, travel, demilitarization inspections (the 'on-call' scheme), streamlining of operations and posts, and ensuring compatibility with the UN Common System. He added that ICA activities might include implementation of the universality and national implementation action plans. Second, Mr Pfirter discussed three other budget scenarios. In the first, the reduction in the budget increase would be to less than 7 percent, for example, 6.96 percent, in which case there would be no additional funds for ICA activities. The second scenario contemplated a reduction of 1 percent, which would reduce the budget increase from 7.36 percent to 6.36 and which would lead to some core programme activities being affected. The third scenario contemplated a reduction of 1.5 percent, which would reduce the budget increase to 5.86 percent. In this case, there would be negative real growth and severe programme cuts across the board.

The Director-General's final proposal was incorporated into the programme and budget for 2004. The Council considered the amended programme and budget and submitted a draft decision to the Conference recommending its adoption. The proposal included efficiency savings in the amount of EUR 1,138,144 and additional funds for International Cooperation and Assistance activities in the amount of EUR 250,000. It was noted that EUR 950,000 of the savings would come from insurance, general temporary assistance, consultants, travel, training, streamlining of operations and posts, and ensuring compatibility with the UN Common System. EUR 450,000 of the savings would come

from the “on-call” scheme for inspectors (if agreed on a trial basis for 2004) and continuing careful management of the implementation of tenure policy in 2004.

As part of the agreed budget package, the Council also recommended that the Conference adopt draft decisions on the late receipt of income under Articles IV and V and on withholding of the distribution of the cash surplus for 2001.

Universality The Council also adopted a plan of action on the universality of the Convention and brought it to the attention of the Conference. This plan—the result of intense informal consultations throughout the summer—*inter alia*, urges states parties, in conjunction with the Council and the Secretariat, to undertake further efforts to promote the universality of the Convention; strongly supports the designation of voluntary and informal ‘points of contact’ by states parties in all regions and sub-regions relevant for effective promotion of universality, etc.; and recommends that the Director-General designate an officer of the External Relations Division to act as the focal point within the Secretariat for implementation of the plan and for effective coordination. The plan also requests the Secretariat, having consulted with states parties, to prepare a comprehensive annual document on planned universality-related activities and to provide information on proposed initiatives to the Council, including on potential synergies with states parties willing and able to join such efforts; requests the Secretariat to provide information containing up-to-date details regarding the status of states not party vis-à-vis the Convention, their prospects for adherence, etc.; requests the Secretariat to implement cost-effectively the document on planned activities, within the resources approved in the programme and budget and together with voluntary contributions for universality; strongly encourages states parties to strengthen their efforts in the promotion of universality, etc.; and requests the Director-General to submit annual reports on the plan’s implementation to the Conference at its regular sessions, and to keep the Council regularly informed. The Council also recommended that the Conference review the plan at its Tenth Session and take further decisions if necessary.

Destruction issues With regard to destruction issues, the Council noted the report of the visit by the Chairman of the Council and by the States Parties Experts Group to the following sites in the Russian Federation during 6-10 October: the Gorny CWDF and the CWDF construction sites in Shchuchye and Kambarka. It was noted that the invitation was issued to allow the delegation to familiarize itself with the status of the facilities and with measures that the Russian Federation had taken for the destruction of its chemical weapon stockpiles under a proposed revised schedule. It was observed by the delegation that the destruction of the Russian Federation’s stockpiles was proceeding apace and that the authorities were fully committed to meeting the deadlines proposed in a revised schedule. It was added, however, that efforts to destroy 20 percent of its Category 1 chemical weapons by a proposed 29 April 2007 deadline may be hindered by delays due to, *inter alia*, slippages in construction schedules and starting dates, financial constraints and, possibly, the need to provide social infrastructure to local populations in advance of CWDF construction. Regarding

extension deadlines, the Council adopted decisions recommending that the Conference approve requests by the Russian Federation, a state party of withheld identity, and the United States for extensions of the intermediate and final deadlines for the destruction of their Category 1 chemical weapons. However, these extensions were only granted, in principle, for Russia’s intermediate and final deadlines and for the United States’ final deadline. A few states parties made statements in response to these extension decisions. Finally, the Council, *inter alia*, urged a fifth state party [Albania] to provide a destruction plan for its small, declared stockpile of chemical weapons and to seek extensions of the intermediate deadlines under the Convention, no later than by the Ninth Session of the Conference.

Chemical industry issues The Council decided to delay further consideration of a draft decision on the understanding of the concept of ‘captive use’ in connection with declarations of production and/or consumption under Parts VII and VIII of the Verification Annex until its thirty-fifth session.

New Member States

On 29 September, Kyrgyzstan deposited its instrument of ratification to the Chemical Weapons Convention with the United Nations. It became the 156th state party with entry into force occurring on 29 October. On 10 October, Cape Verde deposited its instrument of ratification making it the 157th state party with entry into force on 9 November. More recently, on 1 December, Belize deposited its instrument of accession to the Convention. It will become the 158th state party on 31 December.

There remain 22 signatory states which have not yet ratified the Convention, 1 contracting state, and some 14 states which have not signed or acceded to the Convention.

Technical Secretariat

Declaration processing As of November 2003, 147 member states had submitted initial declarations, with Afghanistan, Guatemala, Kyrgyzstan, Mozambique, Saint Vincent and the Grenadines, Sao Tome and Principe, Thailand, Timor-Leste, and Tonga yet to do so. Ten states parties had submitted incomplete initial declarations: Colombia, Côte d’Ivoire, Kiribati, Nepal, Seychelles, Suriname, Turkmenistan, and Yemen having failed to submit their Article VI initial declarations; and Nauru and Senegal, having yet to submit their initial declarations under Article III. 60 states parties have submitted annual declarations of past activities for 2002, and 27 states parties are anticipated to submit annual declarations for 2004.

Inspections and verification As at 21 November 2003, 1,607 inspections at 679 sites had been completed, or were ongoing, in 58 states parties since entry into force. The breakdown of inspections is as follows: 380 at CWDFs, 294 at CWPfFs, 219 at CWSFs, 8 at DHCWs, 22 to ACW sites, 50 to old chemical weapon sites, 1 to an emergency destruction of chemical weapons site, 163 to DOC sites, 123 to Schedule 1 facilities, 231 to Schedule 2 plant sites, 115 to

Schedule 3 plant sites, and 1 other. During 2003, 279 inspections at 204 sites have been, or are being, carried out.

Destruction/conversion Official figures reflect that, as at November, 8,160 metric tons of chemical agents out of a declared total of 69,883 metric tons, had been destroyed. Some 1,982,405 munitions/containers, out of a declared total of 8,625,219 had also been destroyed.

The number of chemical weapon destruction facilities in operation in October 2003 was eight: five in the United States, one in a state party of withheld identity, one in India and one in the Russian Federation.

The number of inspectable CWPF “facilities” and “sites” is now equal due to the completion of destruction of Serbia and Montenegro’s part of the CWPF “shared” with Bosnia and Herzegovina.

Facility agreements A draft facility agreement with Spain for a Schedule 1 protective purposes facility, previously submitted to the Council at its twenty-seventh session, has been withdrawn. A new draft facility agreement will be presented to the Council for its review and approval at its thirty-sixth session.

Universality The Director-General, further to a recommendation in the action plan for universality of the Convention, designated Mr Huang Yu (Director, External Relations Division) as the “[...] focal point within the Technical Secretariat for the implementation of this Action Plan and for the purposes of effective coordination”. Mr Huang will be assisted by the Government Relations and Political Affairs Branch.

Bilateral assistance visits were made to Madagascar from 2 to 3 December and to Belize on 7 December, in respect of universality of the Convention.

Implementation of Article X The Seventh Annual Workshop to Co-ordinate Assistance and Protection Under Article X was held in Stockholm from 13 to 17 October.

An Assistance and Protection National Capacity Building Course was held in Tashkent, Uzbekistan from 27 to 31 October. It was part of the “Planning Meeting for Central Asian Republics” project which is, in turn, part of a three-year Central Asian Project (2003-2005) for the development and improvement of national and regional response capacity against chemical weapons.

A regional workshop on assistance and protection against chemical weapons was held in Viña del Mar, Chile, from 3 to 6 November. This workshop provided a framework for reviewing and discussing the practical implementation of Article X, including national and international capacity-building and establishing and sustaining regional networks.

From 19 to 20 November, the Fourth Annual Protection Workshop and Exhibition was held at OPCW Headquarters. This programme took place further to reaffirmation by the First Review Conference of the continuing relevance and importance of Article X and OPCW activities in the area of assistance and protection against chemical weapons.

Implementation of Article XI The Fourth Associate Programme Course concluded on 3 October. The course

provides qualified scientists and engineers from the developing world, or from countries whose economies are in transition, the skills and experience needed to implement the Chemical Weapons Convention, and at the same time exposes them to modern operations in the chemical industry. This year there were 24 participants from 24 states parties. The curriculum for this programme included familiarization with the Convention’s stipulations, three weeks at the University of Surrey for greater understanding of chemical processes and operations, secondments to industrial facilities, visits to specialised institutions, and research projects.

The Technical Secretariat recently issued an invitation to apply for the 2004 programme, which will take place from 23 July to 1 October in The Hague and elsewhere in Europe.

Implementation support A seminar on the implementation of the Convention, jointly organized by the Moldavian Ministry of Economy and the OPCW, was held from 24 to 26 September. The Fifth Annual Meeting of National Authorities was held in The Hague from 17 to 19 October. Representatives from more than 70 states parties attended the three-day meeting, which focused on means to enhance national implementation of the Convention. This includes OPCW programmes that enhance the ability of National Authorities to monitor the transfer of dual-use chemicals and regularly to submit relevant industrial activity declarations. The meeting also provided an opportunity for participants to discuss the practical aspects of the chemicals transfer-monitoring regime.

The First Regional Meeting of National Authorities of States Parties in Asia was held in Singapore from 29 to 31 October. Approximately 40 participants from 28 states parties participated.

A regional workshop on implementation of the Convention is due to take place in Saudi Arabia from 8 to 10 December. Jointly organized by the government of Saudi Arabia and the OPCW, it will provide a forum to members of the Cooperation Council for the Arab States of the Gulf (GCC) to discuss issues related to implementation of the Convention.

Proficiency testing The Fourteenth Proficiency Test is scheduled to commence on 27 February 2004.

New validated data During 26-27 August, the Sixteenth Validation Group meeting took place. The report of the meeting stated that the seventh hard-copy version of the OPCW Central Analytical Database (**OCAD**), together with the fifth electronic version, is scheduled to be released in January or February 2004. The Group noted that, in the future, assigned CAS numbers would be checked by the CAS for inclusion in the OCAD. This will not apply to the hard-copy and electronic versions mentioned above, however. The group again considered naming rules, in particular for 2.B.10, 2.B.11 and 2.B.12 compounds, and requested that the Secretariat replace the names of these compounds in the seventh version of the OCAD. The Chairman of the Group also offered to produce guidelines for removing existing data on the OCAD with the Technical Secretariat’s assistance. The Validation Group is waiting for resubmission of 54 mass spectra from laboratory 22. The Group was also informed

that the Secretariat does not have the recording conditions for a number of GC(RI) data points from two laboratories. One has followed up with the OPCW while the other has yet to do so. It was also noted that the Secretariat is making an inventory of data from several laboratories on unscheduled degradation products of scheduled chemicals and riot control agents, and that these laboratories would be contacted and asked to resubmit the data for the Group's eventual evaluation. The full report of the Sixteenth Validation Group's meeting is available on the OPCW website.

The Seventeenth Validation Group Meeting is scheduled to take place 9-10 December.

Financial figures As at 31 October, 94.3 percent of the assessed contributions for 2003 had been received. Eighty-three states parties had fully paid their assessed contribution, and fourteen had partially paid. The amount outstanding was EUR 3,605,607. Of the 9 new member states in 2003, two member states had fully paid their assessed contribution and one had partially paid. The amount outstanding for these member states was EUR 16,949.

In regard to Articles IV and V verification costs reimbursements for this calendar year, EUR 3.9 million in reimbursements has been budgeted for. Based on the most recent official information available, EUR 3,144,066 has been invoiced. Of that, EUR 1,614,620, or 51.4 percent has been collected. The slow rate of Articles IV and V reimbursements, as indicated by the percentage collected above, remains a concern to states parties and the Technical Secretariat.

Legal issues The Secretariat convened a meeting of the OPCW Network of Legal Experts in The Hague from 4 to 7 November, with experts from 42 member states. The meeting included a general orientation and presentations on legislative requirements, enforcement, the action plan on Article VII obligations, the new legal module on the public OPCW website, and privileges and immunities agreements. There were also national presentations on the status of implementing legislation, including discussions of any problems experienced and assistance required. During the last two days, participants engaged in group work or bilateral consultations on draft legislation and related matters. Suggestions for future directions of work for the Network were also discussed.

A report was prepared for the OPCW Network of Legal Experts by the Network for Latin America and the Caribbean. The Latin American network was created in 2000 to render assistance and advice to states parties in the region that were engaged in elaborating the national implementing legislation called for by the Convention, taking advantage of similarities among the legal systems, governmental structures and languages in the region. It was noted that the Latin American network will, *inter alia*, expand to include new members, compile information on the status of implementation regionally, identify and analyse existing laws in the region that provide the degree of dual criminality necessary for extradition, identify relevant agreements on mutual legal assistance, and create a regional co-operation database outlining each state party's needs. It was also stated that the Network will study the means each state party has to respond to different threat or attack scenarios; administrative and customs

procedures; and export- and import-control measures related in particular to specialised materials, equipment and vaccinations.

The Office of the Legal Adviser, in conjunction with the Media and Public Affairs Branch, launched a completely new module for the public OPCW website in early October. It now includes information and documents in respect of national implementing legislation, legal technical assistance, co-operation and legal assistance, privileges and immunities agreements, facility agreements, administrative law aspects of the OPCW, the UN-OPCW Relationship Agreement, and an expanded list of legal publications. It also includes a new project, 'Implementation kits', (under 'National implementing legislation'), which aims to facilitate national legislation implementation in an interactive and user-friendly manner. The kits include a directory with those measures that states parties are obligated to implement and those that are normally necessary, with corresponding links to model statutory language, commentary and the related Convention/OPCW document references.

Official visits and functions The Director-General made official visits during the period under review to United Nations Headquarters (7 October); Singapore, for the First Regional Meeting of National Authorities in Asia (27-31 October); Viña del Mar and Santiago, Chile, for the Regional Workshop on Assistance and Protection Against Chemical Weapons (2-5 November); Havana, Cuba, for the XVIII Session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (5-8 November); and Strasbourg, for the Inter-Parliamentary Conference on Reducing the Threat of Weapons of Mass Destruction (20-21 November).

The Director-General also represented the OPCW at a commemoration ceremony on 11 November in Ieper, Belgium. The ceremony marked the eighty-fifth anniversary of the end of the First World War. Ieper is also where poison gas was first used on a mass scale on 22 April 1915.

The following personages made visits to OPCW Headquarters and met with the Director-General during the period under review: the Foreign Minister of Romania (14 October), the Deputy Minister of Foreign Affairs of the Russian Federation (21 October), the Chairman of the National Authority/Vice Minister of Industry of Viet Nam (22 October), the President of the Belgian Parliament (31 October), the Foreign Minister of Australia (13 November), the US Assistant Secretary of State for Verification and Compliance (17-18 November), and the US Under Secretary of State for Arms Control and International Security (19 November).

An exhibition of photographs devoted to the life of Václav Havel, writer, dissident and first president of the Czech Republic, opened on 17 October at the OPCW Headquarters. It was co-hosted by the Director-General and the Chairman of the Executive Council, Amb Petr Kubernát of the Czech Republic.

Staffing The Technical Secretariat has not released updated official staffing figures since 29 August 2003 for internal reasons. Please see the September *Bulletin* for the most recent figures.

Subsidiary Bodies

Commission for the Settlement of Disputes Related to Confidentiality The final report of the Fifth Meeting of the Confidentiality Commission was issued in October, the fifth meeting itself having taken place on 26 May and 6-7 October. The Commission reported that Dieter Umbach would be the new Chairman. Samuel Edokobi Ofodile, Jamshid Momtaz, Kvetoslava Pamankova, and Pedro Sittón-Ureta were elected as Vice-Chairmen from the African, Asian, Eastern European and Latin American/Caribbean regional groups, respectively.

The Confidentiality Commission reported that they had reviewed proposed amendments to the OPCW Policy on Confidentiality and recommended that they ultimately be forwarded to the Conference for consideration and approval. The Commission heard a presentation which highlighted training in the settlement of disputes and mutual understanding through communication and contact. These elements were agreed as essential to the body's success. The Commission also reviewed its Operating Procedures, including a proposal to amend a rule on the beginning and end of a member's term of appointment. It was agreed that a working group would finalise review of the Operating Procedures and provide a report for the Commission at its Sixth Meeting. Lastly, consideration was given to the need for the Commission to be fully operational as called for by the First Review Conference by, *inter alia*, allowing members to participate in a dispute-settlement workshop, including at least one day at the Permanent Court of Arbitration, the appointed registry of the Commission.

Advisory Body on Administrative and Financial Matters The final report of the Fifteenth Session of the Advisory Body on Administrative and Financial Matters (ABAF) was issued in November, the fifteenth session itself having taken place from 17 to 21 November under its new Chairman, Hadi Farajvand. Dudley Lashmar resigned as Vice-Chairman and was replaced by Bernhard Brasack.

The Director-General addressed the ABAF session and stated that he was committed to applying administrative cuts in such areas as general temporary assistance, travel and consultants in order to reach the agreed budget figures for 2004. He added that the 2005 budget would possibly be a "zero-real-growth" budget.

ABAF reported on its review of the report of the previous session. It noted, *inter alia*, that the SmartStream project was 80 percent implemented. With regard to the Budget Status Report 2003, ABAF noted with concern that substantial amounts of Articles IV and V payments were still outstanding and that 25 states parties had been in arrears for more than two years. ABAF also examined a Strategic Plan on External Relations (Media and Public Affairs Policy) and recommended that the Secretariat consider changing the style and format of the Annual Report to reduce cost and ensure its timely availability. ABAF reviewed the Strategic Plan on Information Technology. ABAF was also updated on the OPCW's movement towards 'results-based budgeting' (RBB). ABAF recommended that the Secretariat begin early informal consultations on the matter with states parties and provide a concept paper on the RBB process. It recommended that workshops and seminars be arranged for states parties and Secretariat staff. It also recommended that next year's budget be presented in RBB format as well as in the traditional format. Lastly, ABAF considered options with regard to the issue of a stabilisation mechanism for late payment of Articles IV and V verification costs.

Future Work: EC-35

The thirty-fifth session of the Executive Council was poised to take place as of this writing, accordingly, the outcomes of this session will be discussed in the March 2004 issue of the *Bulletin*. Some of the major decisions to be taken at this session include a facility agreement with the Russian Federation regarding on-site inspections at the CWDF in Gornyy; a plan for the verification of destruction of chemical weapons at the Aberdeen Chemical Agent Disposal Facility, in the United States; a combined plan for destruction and verification of the CWPF, Pine Bluff Arsenal, in the United States; a decision on 'captive use' of Schedules 2 and 3 chemicals; concluding privileges and immunities agreements with several states parties; and lists of new validated data for inclusion in the OPCW Central Analytical Database.

This review was written by Scott Spence, the HSP Researcher in The Hague.

The Biological Weapons Convention New Process

As reported in *Bulletin 61* (September 2003), the Meeting of Experts of the States Parties to the Biological and Toxin Weapons Convention (BWC) during 18 to 29 August 2003 made a promising start to the new process agreed at the Fifth Review Conference in November 2002. This new process is, however, disappointing when set against the full magnitude of the task that many see ahead for the recovery and strengthening of the Convention through a return to the cumulative development of extended understandings leading to effective action at the Sixth Review Conference in 2006.

For the annual Meetings of States Parties, the mandate set by the Fifth Review Conference stated that a meeting of one week's duration would be held *"to discuss, and promote common understanding and effective action"* on specified topics. The two topics identified for 2003 were:

- 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*

The mandate also states that:

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

Preparations for the Meeting of States Parties, 2003

The Final Report (BWC/MSP.2003/MX/4 dated 18 September 2003 — this and other such official BWC documentation is available at <http://www.opbw.org>) of the Meeting of Experts comprised a Part I which was a factual procedural report of 4 pages together with Annex I, a listing of the documents of the Meeting of Experts, and a Part II, which was a separate 172 page document prepared to meet the decision of the Meeting of Experts that *"all the statements, presentations and contributions made available to the Chairman by the States Parties would be attached to this Report, in the language of submission, as Annex II"*. However, Annex II in Part II is preceded by a note from the Secretariat that:

"the statements, presentations and contributions included in this part of the report are presented in the languages of submission. In cases where the language of submission is not English, the text as submitted is followed by an informal transcript of the English interpretation, made from the tape recording of the meeting. These transcripts are not an official record, and are provided solely as a

convenience to delegations. They may differ from the texts submitted. Statements, presentations and contributions which were submitted as working papers are not included in this Annex; please refer to the Annex I for the list of working papers."

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

Although there are common understandings — and, consequently, the foundations for possible effective action — there is no attempt to draw these together in the final report of the Meeting of Experts. As Ambassador Tóth had said in his concluding remarks to the Meeting of Experts, there were a number of core themes that had emerged. States parties from East and West, from North and South, had reiterated many of the same elements as being central requirements for effective national implementation of the prohibitions in the Convention and for effective security and oversight of pathogenic microorganisms and toxins. However, at the end of the Meeting of Experts, Ambassador Tóth had said that he would not attempt to enumerate these common themes now. Rather he undertook over the coming weeks carefully to review all the information provided during the Meeting in order to distill and focus on these key elements for the Meeting of the States Parties in November.

In New York on 21 October 2003, in the First Committee of the United Nations General Assembly, Ambassador Tóth introduced the draft resolution (A/C.1/58/L.37) on the BWC which, in its operative paragraphs, notes with satisfaction the number of states that have become party to the Convention and reaffirms the call upon all states not yet party to become so at an early date, welcomes the information and data provided to date and reiterates its call upon all states parties to participate in the exchange of information and data agreed at the Third Review Conference, and, in the third operative paragraph:

"3. Recalls the decision reached at the Fifth Review Conference [in paragraph 19 of BWC/CONF.V/17], and calls upon the States Parties to the Convention to participate in its implementation."

As expected, the First Committee adopted this draft resolution without a vote. It is, however, notable that New Zealand made an explanation of vote on behalf of Canada and New Zealand in which they stated:

“In particular, we wish to comment on operative paragraph 3. The agreement reached at the Fifth Review Conference stated that States parties would “discuss and promote common understanding and effective action on two topic[s]”, the topics for this year being national implementation of the BWC and security and oversight of pathogenic microorganisms and toxins. In other words, the task is not only for States Parties to participate in its implementation as set out in OP [operative paragraph] 3, but also to “promote common understandings and effective action”. That requires some stated outcome, either by the Chair or otherwise for the information of States parties. The fact that OP does not quote the mandate in its entirety does not diminish the task lying ahead of States parties at the upcoming Meeting of States parties in November.”

Other preparations

On the weekend of 8-9 November 2003 before the Meeting of States Parties, there was a meeting in Geneva of the Pugwash Study Group on Implementation of the Chemical and Biological Weapons Conventions entitled “The BTWC Intersessional Process towards the Sixth Review Conference and Beyond”; 41 participants from 16 countries considered a range of agenda items which focussed not only on the imminent Meeting of States Parties but also on the Inter Review Conference process leading up to the Sixth Review Conference and beyond. The view was expressed that the Meeting of States Parties was expected to arrive at a report with substance in which effective action was set out. A procedural report with an annex consisting of collated statements, as produced by the Meeting of Experts, would not be a successful outcome. There was also a clear recognition that the consideration of the two topics for 2003 could not end on 14 November 2003 and that states parties would be expected to continue to review their national provisions and to improve these where appropriate. Such developments could usefully be reported by states parties in their annual Confidence-Building Measure returns.

Meeting of States Parties, 10-14 November 2003: opening plenary session

The Meeting began on the Monday with a plenary session where Ambassador Tóth welcomed the representatives from the states parties and urged everyone to make every effort to use this Meeting of States Parties to make a further qualitative step forward. 92 States parties participated — nine more than in the Meeting of Experts as Belarus, Bolivia, Dominican Republic, Georgia, Iraq, Lithuania, Panama, Portugal, Singapore, Sudan, Tunisia participated whilst Benin and Bhutan did not. This was only two less than the number of states parties that had participated at the Fifth Review Conference and considerably more than the number that had participated in the Ad Hoc Group sessions. Over 360 individuals from states parties were present, of whom over 135 had come from capitals.

Four signatory states participated: Egypt, Haiti, Madagascar and Myanmar. Two states neither party nor signatory, Israel and Kazakhstan, were granted observer status. The Convention now has 151 states parties and 16

signatory states (see BWC/MSP/2003/INF.2) as Sudan had acceded during the week prior to the Meeting of States Parties.

In his opening remarks, Ambassador Tibor Tóth said that at the Meeting of Experts in August 2003 there had been 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. He said that 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 the state party. In this sense, the new process established by the Fifth Review Conference had already been a success.

However, he considered it was important not to let it rest there, and that the Meeting of States Parties should make every effort to take a further qualitative step forward. He recalled that he had said in his closing remarks to the Meeting of Experts that a number of common themes had emerged. Whilst it was recognised that there was no “one size fits all” solution to national implementation, it is nevertheless apparent that there are common elements that can be derived and applied usefully in a wide range of situations and adapted to fit as necessary. Ambassador Tóth expressed the hope that, in the course of this Meeting of States Parties, those parts of specific proposals that are of interest to more than one state party should be extracted and assembled them into some kind of coherent, logical order. He saw this as being a step further than the Meeting of Experts which resulted in a collation of material, which, while valuable and useful, was not easy to sort through and draw out those elements that might be most relevant for a particular state party’s national implementation requirements. Consequently, if this Meeting of States Parties could achieve some sort of distillation of this material, a refinement of the common themes and elements, then an excellent outcome would be achieved.

He went on to say that in his informal consultations with the regional groups and the individual states parties, he had not wanted to try to dictate the actual form of the outcome of this Meeting of States Parties. He said that some kind of final document was needed that accurately reflected the work of the states parties and he hoped that this would be something of lasting practical value to individual states parties. The actual format would, he suggested, have to be something that develops naturally during the course of the work in the coming week as there was no time for any drafting work or lengthy negotiations on form or format, and a pragmatic attitude would need to be taken to put the wealth of material into a coherent and usable form.

The plenary session then adopted the provisional agenda (MSP/2003/1) which included as the substantive items 5 and 6, discussion of topic (i) (national implementing measures) and topic (ii) (security and oversight) from the decision of the Fifth Review Conference, and the provisional programme of work (MSP/2003/2). Attention was then drawn to the annotated provisional programme of work (MSP/2003/3). As at the Meeting of Experts, the Rules of Procedure would be those of the Fifth Review Conference, as contained in BWC/CONF.V/17, which should apply, *mutatis mutandis*, except for various rules, in particular those relating to subsidiary bodies and to office-holders which are not relevant to the Meeting of States Parties and would not apply. Formal credentials would not be required. The Meeting considered

requests for observer status by two states that were neither signatories nor parties (Israel and Kazakhstan). This was agreed, as were the requests of two specialized agencies and inter-governmental organizations (ICRC and WHO). Ambassador Tóth then said that there was a significant level of NGO participation; representatives of some of the NGOs would be making lunch-time presentations. 9 NGOs and research institutes attended the Meeting of States Parties. He went on to say that a request had been received from a number of NGOs to make short statements as had been done at both the Fourth and Fifth Review Conferences and at the Meeting of Experts by setting aside some time to suspend the formal sessions to allow such statements to be made in informal session. He proposed that this should take place during the Meeting of States Parties on the afternoon of Wednesday 12th November from 3 to 4 pm. This was agreed, thus concluding the formal procedural matters.

A short presentation was then made of the information contained on the third version of the CD-ROM Information Repository, which has been compiled by the Secretariat from information on over 1,000 national implementation measures provided by 85 states parties. A new feature was the addition of search capabilities that included a full text search. Additional documentation had also been added from the Meeting of Experts.

Political Statements

The meeting then continued with the General Debate in which 33 statements were made by states parties in the following sequence: Italy on behalf of the EU, Malaysia on behalf of the NAM, Republic of Korea, Switzerland, Canada, USA, Czech Republic, Japan, Germany, Tunisia, China, Russian Federation, Saudi Arabia, Morocco, UK, France, Pakistan, Cuba, Argentina, New Zealand, Colombia, Norway, Indonesia, Australia, Sweden, Brazil, Philippines, Malaysia, Mexico, Sudan and Iraq. It should be recognised that this General Debate was the first opportunity for the states parties to make political statements at a meeting of the BWC states parties since the resumption of the Fifth Review Conference in November 2002. Consequently, many of the statements made by the states parties set out the perspective of the state party in regard to the broader picture of the BWC regime. It was therefore unsurprising that some states parties took the opportunity to regret the failure of the negotiation of the legally binding instrument that had sought to strengthen the effectiveness and improve the implementation of the Convention. Most of the statements focussed on the new Inter Review Conference process with about half expressing support for a substantive outcome to the Meeting of States Parties.

Italy on behalf of the **EU** said that a positive outcome of this first year of meetings will be particularly important. The EU went on to say that it *“is convinced that the current meeting of States Parties should now take stock of the technical debate carried out by experts 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. 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 microorganisms and toxins. Furthermore, the EU 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.” In addition, the EU said that *“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 State Party in a position to do so.”*

Malaysia then spoke on behalf of the **NAM and Other States**, noting the mandate of the Meeting of States Parties as being to discuss and promote common understanding and effective action on the two topics for 2003. The NAM believed that the Meeting of States Parties will provide an important forum for the 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. The NAM statement then went on to recall paragraph 86, which addresses the NAM position in regard to the BWC, of the Final Document of the XIII Conference of Heads of State or Government of the Non-Aligned Movement, which had met in Kuala Lumpur during 20 to 25 February 2003. This emphasised the importance of a legally binding Protocol and said that the NAM were deeply disappointed by the inability of the states parties to successfully strengthen the implementation of the Convention. The NAM further regretted the limited nature of the decision of the Fifth Review Conference and was disappointed that limited work, which at best only has the potential of enhancing the implementation of the Convention, is all that could be achieved.

South Africa said that it would be the task of this Conference to see what could be done with the mass of information provided during the experts meeting and to see if we could reach agreement on how it can be applied to enhance the implementation of the Convention. The statement went on to say that the information provided the opportunity for the states parties 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. South Africa noted that in terms of the goals that the states parties have set themselves over the past decade or more, such an outcome to this Conference may be viewed as being a consequence of states parties with limited vision. It was then noted that the recently held Eighth Session of the Conference of the States Parties to the CWC had agreed on a Plan of Action regarding national implementation obligations and it was suggested that the BWC states parties should be able to look at the work done in The Hague so as to pick up elements that may be applicable to the BWC. South Africa said that *“in our work here in Geneva, we should also be in a position to consider whether we could also not agree on a similar ‘Plan of Action’ that is adapted to our differing circumstances. Some of the elements that could ... 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 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.”

Switzerland said that “*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 synthesize the most important conclusions of the experts’ meeting and to identify those areas where States Parties should work together.*” The statement went on to set out the four general conclusions drawn by Switzerland from the meeting of experts. In regard to national legislation, the statement said that “*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.” Other conclusions were drawn in relation to implementation and to biosafety and biosecurity as well as to the need for international technical assistance for drafting of national implementation legislation.

Canada said that “*our task is to promote ‘common understanding and effective action’.* We look forward to you guiding us to such an outcome and recording it in an appropriate manner.” The statement went on to remind states parties that, in focussing on the themes of the annual meetings, we must not neglect our obligations, and drew particular attention to the Confidence-Building Measures, saying “we are concerned that the record of CBM submissions to date has not been, to say the least, encouraging.”

The **United States** said that “*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.*” They went on to emphasise the importance of enforcement of national implementing measures, pointing out that “*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.*”

The United States then indicated what it believed could be “*an important outcome or ‘deliverable’ of the 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 the countries with the means to assist others on a national basis in meeting their BWC obligations.*” It went on to say that, based on the experience at the 2003 Meeting of Experts, the USA believed that “*States Parties now understand well enough what has to be done with regard to national implementation and biosecurity measures.... Therefore, we do not believe that we should try to negotiate an agreement by the Parties at this Annual Meeting on sets of ‘common understandings’ 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 reduce their quality.*” The USA concluded by saying “*We look forward to the culmination this week of our efforts regarding national implementation and biosecurity measures*”.

Japan said that *“the success of this Meeting of States Parties will be determined by the extent to which States Parties are willing to endorse the findings by experts in August and to make a political commitment towards addressing these common themes in the future.”*

Germany noted that the recent session of the Conference of the States Parties to the CWC had adopted *“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”*. It continued: *“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”* and went on to say that *“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”*.

Tunisia spoke on behalf of the members of the **Arab League** noting that this was the first time that an Arab League group statement had been made to the BWC states parties. It pointed out that the Arab League was engaged in drawing up a draft treaty to make the Middle East a zone free of weapons of mass destruction, including biological weapons. The statement concluded by saying that *“our meetings are giving importance to confidence-building measures and this is why it is extremely important to establish the principle of international transparency and to ensure double standards are not applied in the field of disarmament”*.

China said that, at the Meeting of Experts *“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”*.

The statement went on to say that *“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.”*

The **Russian Federation** said that, in regard to achieving universality of the Convention, it wondered whether it would not be appropriate for the BWC states parties *“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.”*

The statement went on to say that *“In preparing 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 here recommendations relative to the problems of national implementation and biosecurity. 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.”*

India said *“this Meeting marks a new beginning for BWC States Parties”*. It went on to say that *“the qualitatively different approach that was adopted last year focuses on parts of the BWC and not its entirety. Five subjects have been subjected 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...”*

The statement then considered the Meeting of Experts and asked what the outcome of the Meeting of States Parties should be. It went on to question whether, even if domestic legal constraints existed on a country’s statute book, the body of states parties could conclude that these were being fully implemented. It concluded by noting that *“if unilateral action could provide adequate assurances to the international community, good faith would establish 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.”*

The **United Kingdom** said that at this Meeting of States Parties *“it will be important that we reach agreement on identifying the key issues that can be identified from the material and ideas presented by our Experts in the areas of legislation and regulation. A precedent will thereby have been set for the meetings that will follow over the next two years and the topics on which we will need to report at the 2006 Review Conference.”* The statement concluded by saying that a successful outcome this week *“may also in the process establish a new and effective paradigm for multilateral arms control”*.

Pakistan said that “we have embarked upon a new journey where it is expected that common understandings and effective action would emerge on some selected topics” and went on to conclude that “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 best practices, to be pursued on a voluntary basis”.

New Zealand said that “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.”

Norway said that “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.”

Australia said that, following the August Meeting of Experts, it became apparent that few states parties appeared to have legislation in place that comprehensively covered the BWC obligations. Consequently, Australia urged “States Parties:

- to take full advantage of the opportunities provided by the Expert 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 process internationally. (A possible mechanism for such reporting is under Annex E of the annual CBM, and all States Parties are 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.”

The statement concluded by saying that “we consider 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”.

Sweden said that “concrete results emanating from this working programme is of crucial importance for us to reach our common objective, a strengthened Convention” and concluded that “Sweden would like this meeting of States

Parties to take stock of the outcome of the experts 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”.

Brazil noted the two topics for 2003 and said that “as regards the first topic, it is the view of my delegation that national legislation should include the control of transfers, having in mind the interest of all States Parties to combat the proliferation of pathogenic microorganisms and toxins.....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.” In regard to the second topic, the statement said that “the discussion on security and oversight of pathogenic microorganisms and toxins should keep in mind the need for centralized controls in States Parties to oversee activities that involve sensitive knowledge and materials, including biodefense programs and activities undertaken in cooperation with third countries”. Brazil concluded by saying that “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”.

Sudan, which had acceded to the BWC just before the Meeting of the States Parties, noted that it had hosted “the first conference of National African authorities concerned with the implementation of the Convention on the Ban of Chemical Weapons”. and went on to say that “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”.

The final statement was made by **Iraq**. It first endorsed the statement made by Malaysia on behalf of the NAM and the statement made by Tunisia on behalf of the Arab states. The statement went on to say that “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”. The statement continued, “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.”

The public plenary session then closed and the Meeting of States Parties began to address its two assigned topics in private working session.

NGO Activities

As already noted, the opening plenary session agreed that non-governmental organizations (NGOs) could make short statements in informal session at the beginning of the Wednesday 12 November 2003 afternoon session. Short 6 to 8 minute statements were made by the following NGOs:

- Angela Woodward, VERTIC
- Graham S. Pearson, Department of Peace Studies, University of Bradford (presented by Jez Littlewood, University of Southampton)
- Kathryn Nixdorff, International Network of Engineers and Scientists for Global Responsibility (INES)
- Jean Pascal Zanders, BioWeapons Prevention Project
- Jez Littlewood, Mountbatten Centre for International Studies, University of Southampton
- Richard Guthrie, Stockholm International Peace Research Institute

As at the Fourth and Fifth Review Conferences and at the Meeting of Experts, the NGO speakers spoke from seats in the room whilst their statements were distributed to all those present. There were over 100 people present in the room during the NGO statements, which, with simultaneous translation into the six official UN languages, enabled the NGOs to communicate their views to all present.

Lunchtime Presentations

Lunchtime presentations were also made on three days:

- a. Monday 10 November 2003. 1400. Dr Graham S. Pearson, *Department of Peace Studies, University of Bradford* Presentation of two Briefing Papers No.8 and No.9 entitled “Preparing for the First Meeting of States Parties: I National Implementing Legislation” and “II. Security and Oversight of Pathogenic Microorganisms and Toxins”.
- b. Tuesday 11 November 2003. 1345. Seminar sponsored by American Scientists Working Group on Biological and Chemical Weapons (formerly known as the FAS Working Group on BCW) entitled “Moving Beyond Treaty Regimes: The UNMOVIC Model”. Dr Patricia Lewis, *UNIDIR*, was in the chair and presentations were given by Frank Ronald Cleminson “Modeling a New International Regime for Monitoring and Verification of Compliance: Learning from Experience in Iraq, 1991 - 2004. “ and by Dr. Kay Mereish “Comparison of the Organizational Structure of International Inspection Regimes”.
- c. Wednesday 12 November 2003. 1315. Lunchtime information session hosted by Canada entitled “CBMs: Increasing Transparency without Taxing Resources”. Ambassador Paul Meyer of Canada acted as moderator and there were presentations by Canada (David Steurman), UK (John Walker), Brazil (Roque Monteleone-Neto), UN DDA (Silvana da Silva) and BWPP (Jean-Pascal Zanders).

Outcome of the Meeting of States Parties

The Meeting of States Parties met in private working session during 10 to 14 November 2003. In accordance with the programme of work (BWC/MSP/2003/2), the Tuesday and Wednesday were allocated to discussion of national implementation legislation (topic (i)), the Thursday to discussion of security and oversight of pathogenic microorganisms and toxins (topic (ii)) and the Friday to discussion of the draft report and to the arrangements for the Meeting of Experts and the Meeting of States Parties in 2004. As at the Meeting of Experts, the provisional programme set out in some detail what topics would be discussed when:

Tuesday 11 November 2003:

Session 2: Incorporation of the prohibitions contained in Article I of the Convention including the enactment of penal legislation.

Session 3: Licensing

Wednesday 12 November 2003:

Session 4: Enforcement (applying to both topic (i) and topic (ii))

Thursday 13 November 2003:

Session 5: Biosecurity evaluation and implementation of biosecurity procedures

Session 6: Identification and licensing/registration

Consideration of efforts by relevant international bodies

The annotated provisional agenda (BWC/MSP/2003/3) provided further elaboration of what was to be covered under each of the above headings. Thus, for example, Session 3 Licensing was to address “establishment of a national licensing system governing the export of dual-use biological agents and related equipment and technologies”.

As at the Meeting of Experts, statements, presentations and contributions to the discussions during the Meeting of the States Parties were also provided by delegations in writing and collations were circulated daily to the delegations as unofficial documents. These collations contained the material presented in each Session rather than, as at the Meeting of Experts, the material presented each day. The collations were preceded by the Chairman’s introductory remarks and concluded with a short summary prepared by the Chairman in conjunction with the Secretariat.

Ten Working Papers were submitted by states parties: Germany (2, 3, 4), Italy (8), Japan (5), Netherlands (1, 10), Russian Federation (6, 7) and Switzerland (9). The number was considerably less than the 66 submitted to the Meeting of Experts.

At the final public plenary session on the afternoon of Friday 14 November 2003, the states parties adopted the report of the Meeting of States Parties. This consisted of a largely procedural report (BWC/MSP/2003/4 Vol. 1 and Vol. II). Volume I contains Part I, the procedural report, Part II, a one page substantive Report of the Meeting of States Parties, and Annex I, the list of the documents of the Meeting of Experts which includes a list of all 10 working papers.

Volume II contains Annex II comprising, in the languages of submission, all the presentations, statements and contributions to the discussion that were provided in writing. As a strictly informal courtesy to delegations, those parts of Annex II that were not in English were accompanied where possible by an informal transcript of the English interpretation.

One paragraph in Part I of the Final Report addresses the arrangements for 2004. This states that the Meeting of States Parties approved the nomination by the Group of the Non-aligned and Other States of Mr Peter Goosen of South Africa as Chairman of the Meeting of Experts and of the Meeting of States Parties in 2004. The Meeting of Experts would be held in Geneva from 19 to 30 July 2004 and that the Meeting of the States Parties would be held in Geneva from 6 to 10 December 2004.

There was agreement to a single short statement of substance being included in Part II:

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

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.”

The Chairman, in his concluding remarks on 14 November 2003, provided a useful and extensive review of the work undertaken by the states parties during the 2003 meetings. These remarks encourage states parties in need of assistance to contact those which have made offers of assistance to date, which include Australia, Canada, Cuba, France, Germany,

Japan, South Africa, Sweden, Switzerland, the United Kingdom and the United States. The Chairman's concluding remarks are included as part of the collation of all the presentations, statements and contributions made at the Meeting of States Parties reproduced as Annex II to the Final Report.

Reflections

The Meeting of States Parties barely managed to reach agreement on a short statement of substance and failed to fulfil the promise that had been apparent at the end of the Meeting of Experts in August 2003. The Final Report of the Meeting of States Parties just managed to avoid paralleling that of the Meeting of Experts, which comprised a procedural report and an annexed, but unanalysed, collation of all the presentations, statements and contributions. While there is significant value in maintaining a full record of the contributions made by states parties, the lack of analysis and distillation, together with the short period of time, two months, between the Meeting of Experts and the Meeting of the States Parties contributed to the limited outcome of the Meeting of States Parties. It cannot be said to have successfully promoted *common understanding and effective action* as required by the mandate. As was noted in the previous *Report from Geneva*, it was evident in August that considerable caution has been exercised in regard to trying to identify the *common understanding and effective action* required by the mandate agreed at the Fifth Review Conference. Although some of the information provided to delegations had suggested non-controversial language for common understanding and effective action based primarily on that of the Final Declarations of previous Review Conferences, and other ideas had recalled the practice followed in the previous meetings of experts (VEREX), which led effectively to Chairman's findings, there was little sign of a willingness to make this step forward in preparation for the November meeting.

With the benefit of hindsight, the language used in the resolution put to the First Committee of the General Assembly in October 2003, which simply called upon the states parties to the Convention to participate in the implementation of the decision of the Fifth Review Conference and said nothing about the objective of promoting *common understanding and effective action*, was indicative of a lack of ambition. It rightly sparked Canada and New Zealand into their explanation of their vote.

The absence of any attempt during the period between the Meeting of Experts and the Meeting of the States Parties to draw together language setting out the common understandings alluded to by the Chairman in his concluding remarks in August is to be regretted. After all, the Chairman in August had said that there were a number of core themes which had emerged. States parties from East and West, from North and South, have reiterated many of the same elements as being central requirements for effective national implementation of the prohibitions in the Convention and for effective security and oversight of pathogenic microorganisms and toxins. However, the Chairman in August said that he would not attempt to enumerate these common themes now. Rather he would over the coming weeks be carefully reviewing all the information provided during the Meeting in order to distill and focus on these key elements for the Meeting of the States Parties in November.

Although the Chairman had consultations with states parties and with the regional groups, it is not clear whether these consultations narrowed the scope of the Chairman to produce a distillation of the information provided at the Meeting of Experts. It is reasonable to assume that these meetings influenced the preparations of the Chairman. However, it has to be realised that, for any successful consideration of the common themes at the Meeting of States Parties, a draft of these has to be made available to states parties at least a month prior to the Meeting of States Parties in order that they may be considered properly in capitals.

Somewhat surprisingly, the report of the Meeting of Experts (BWC/MSP.2003/MX/4) was **not** one of the documents provided to the delegations at the Meeting of States Parties, despite all the favourable references made to the valuable information exchanged at that meeting. This non-provision could have been because of the absence of any distillation of the key elements within the report of the Meeting of Experts.

A non-paper was prepared and circulated by the Chairman on Wednesday 12 November in the middle of the Meeting of States Parties. In addition to the three points of substance that were included in the agreed final report, the non-paper also included specified seven 'basic measures' that states parties would agree to undertake on an urgent basis and report to the Sixth Review Conference on progress to date. This specification of measures largely reflected proposals which had been made by states parties in their Working Papers to the Meeting of Experts or in their statements to the Meeting of States Parties. The measures listed in the non-paper were:

- National penal legislation by each state party incorporating the prohibitions contained in Article I (the general purpose criterion) and a prohibition on acts related to BW use by its citizens in any location and by anyone under its jurisdiction. This could include adaptation or enhancement of existing domestic legislation.
- Establishment of a national licensing system governing the export of dual-use biological agents and related equipment and technologies.
- Enforcement of national legislation, including criminal and civil penalties, and utilization of investigative tools for prevention and response.
- Establishment of national programmes to evaluate and implement biosecurity procedures, based on both intrinsic pathogen danger and likelihood of diversion, including oversight of facilities, transport systems and personnel possessing, handling, using and transporting potentially dangerous pathogens and toxins.
- National penal legislation to protect facilities and transport systems that possess, handle, use or transport potentially dangerous pathogens and toxins, including requirements limiting handling, use and transport of such materials to registered facilities and authorised personnel.
- National identification and licensing/registration of facilities and persons, and internal and external monitoring of such facilities.
- Support, as appropriate, for efforts by relevant international bodies, such as the WHO, OIE and FAO, to develop and/or expand voluntary biosecurity guidelines.

Although agreement of these seven 'basic measures' would have gone some way to demonstrating a will by states parties to achieve *effective action*, it seems likely that the circulation of this non-paper probably came much too late in the Meeting of the States Parties for the individual states parties to consult capitals and consider the merit of what was being proposed for agreement. Whilst it is understood that a number of states parties would have accepted the proposal, a number of others were unwilling to accept anything that might have been seen as additional obligations, even though previous Review Conferences have in their Final Declarations included most if not all of them.

Although there were special circumstances at the resumption of the Fifth Review Conference in November 2002 under which it was reasonable to consider the draft decision as non-negotiable, this must not be seen as the precedent for the future way of doing business. Draft language that is not based on previously circulated ideas tabled in the middle of a one week Meeting of States Parties is much too late. There is a real need to put forward ideas at an early date so that states parties can consider these in capitals and for consensus language to be developed over a couple of months leading up to the Meeting of States Parties.

The states parties set a standard in their 2003 Meeting that was far too low. For the Meetings in 2004 under the chairmanship of South Africa, the states parties should demonstrate a more effective outcome through the promotion of *common understanding and effective action*. This improved outcome should be facilitated by the four month period, twice as long as in 2003, between the Meeting of Experts and the Meeting of States Parties.

Unfortunately, it seems that the states parties have been unable to move on beyond the difficulties encountered at the Fifth Review Conference in 2001 and 2002 (see *Bulletins* 54, December 2001, and 58, December 2002). It is also evident that the states parties are failing to recognise that the new process is an **inter** Review Conference process and are failing to put their achievements into the context of the Review Conference process. Rather, states parties are focussing solely on the substance of the topics in the decision of the Fifth Review Conference and appear to regard consideration of them in the broader context of the Review Conference as a distraction. Regrettably, the disappointing distinct lack of ambition noted in the previous Report has been confirmed by the Meeting of States Parties in 2003 which means that efforts need to be started **now** in order to prepare for an effective and successful Review Conference in 2006 at which there needs to be a comprehensive review of all aspects of the Convention as was last carried out in 1991. This is vital if there is indeed to be recovery and strengthening of the Biological and Toxin Weapons Convention through a return to the cumulative development of extended understandings and to avoid the Convention becoming ever more peripheral in the policy frameworks states parties use to ensure the prevention and prohibition of biological weapons and combat proliferation.

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

What follows is taken from issue 62 of the Harvard Sussex Program CBW Chronicle, which provides a fuller coverage of events during the period under report here and also identifies the sources of information used for each record. All such sources are held in hard copy in the Sussex Harvard Information Bank, which is open to visitors by prior arrangement. For access to the Chronicle, or to the electronic CBW Events Database compiled from it, please apply to Julian Perry Robinson.

August The US Department of State Bureau of Verification and Compliance submits to Congress its report *Adherence and Compliance with Arms Control and Nonproliferation Agreements and Commitments*. It addresses compliance by the US and other states to multilateral agreements during the period 1 December 2000 to 31 December 2001. The US, it says, "is in compliance with all its obligations under arms control agreements and continues to make every effort to comply scrupulously". With regard to the US's rejection of the BWC draft protocol in July 2001, it says: "The United States rejected the draft protocol for three reasons: 1) it was based on a traditional arms control approach that would not work on biological weapons; 2) it would have compromised national security and confidential business information; and 3) it would have been used by proliferators to undermine other effective international export control regimes.

Regarding non-compliance with the BWC, the report states: "[I]n the years after its accession to the BWC, China was not in compliance with its BWC obligations. China continues to maintain some elements of an offensive biological warfare program it is believed to have started in the 1950s ... Cuba has at least a limited, developmental offensive biological warfare research and development effort. Such efforts are prohibited by the BWC ... Iran has an offensive biological weapons program in violation of the BWC [and] is technically capable of producing at least rudimentary biological warheads for a variety of delivery systems, including missiles ... Iraq has biological weapons and a significant offensive biological weapons program in violation of its obligations under the BWC. Since [UNSCOM] inspections ended in 1998, Iraq has invested more heavily in biological weapons. Iraq has rebuilt biological weapons facilities damaged during Operation Desert Fox and has expanded its biological infrastructure under the cover of civilian production. Iraq has established large-scale, redundant, and concealed BW agent production capabilities based on mobile BW facilities ... Evidence indicates that Libya has the expertise to produce small quantities of biological equipment for its BW program and that the Libyan Government is seeking to move its research program into a program of weaponized BW agents ... Libya is in probable violation of its obligations under the BWC ... North Korea has a dedicated, national-level effort to achieve a BW capability and [...] has developed and produced, and may have weaponized for use, BW agents in violation of the Convention. North Korea likely has the capability to produce sufficient quantities of biological agents for military purposes within weeks of a decision to do so ... Russia continues to maintain an offensive BW program in violation of the BWC ... Syria is pursuing the development of biological weapons that would constitute a violation of the BWC if Syria were a State Party."

As far as non-compliance with CWC obligations is concerned it says: "China maintains an active offensive R&D CW program, a possible undeclared CW stockpile, and CW-related facilities that were not declared. Such activities are

inconsistent with the CWC ... Iran has not submitted a complete and accurate declaration, and in fact is acting to retain and modernize key elements of its CW program. Some of these elements include an offensive R&D CW program, an undeclared stockpile and an offensive production capability. Such activities are inconsistent with the CWC ... [T]he Russian Federation has not divulged the full extent of its chemical agent and weapon inventory. The United States believes its declaration to be incomplete with respect to CW production, development facilities and chemical agent and weapons stockpiles. Such activities are inconsistent with the CWC ... Sudan has established a CW R&D program with the goal of indigenously producing CW. Sudan will continue to seek foreign assistance and technical expertise from a number of countries. Such activities are inconsistent with the CWC."

1 August In Greece, the US Ambassador Thomas Miller donates 36 chemical warfare suits to the Greek authorities for use during the forthcoming 2004 Olympics. The disused airfield, near Athens, where the ceremony takes place later plays host to an exercise for which the suits are donned by a rapid response team. This team, which will be on call during the Olympics, comprises 34 persons – from various governmental agencies – trained to deal with chemical and biological terrorism. It previously underwent training by the US in Albuquerque and in Greece.

1 August The Belgian Senate passes an amendment to Belgium's controversial 1993 war crimes legislation – which conferred universal jurisdiction on Belgian courts – by limiting its scope to cases where Belgian nationals or Belgian residents are directly involved as either victims or perpetrators. The Lower House approved the legislation days earlier. After his re-election in May, Prime Minister Guy Verhofstadt promised that the law would be repealed. Two months earlier, US Secretary of Defense Donald Rumsfeld threatened to freeze funding for NATO's new headquarters as a consequence of the said legislation.

1 August In the UK, Lord Hutton marks the opening of the Hutton Inquiry [see 19 Jul] by delivering the following statement: "I have been invited by Lord Falconer, the Secretary of State for Constitutional Affairs, to inquire into the death of Dr David Kelly [see 18 Jul]. My terms of reference are these: 'Urgently to conduct an investigation into the circumstances surrounding the death of Dr Kelly.'"

On the reporting of the proceedings of the Inquiry Hutton says: "It is my intention to conduct this Inquiry in public unless considerations such as those of national security require me to sit in private. Unless such considerations arise, it is important that the public should know every word of evidence which is spoken at this Inquiry and should know the full contents of every document which is referred to in evidence. The press will be able to report to the public everything which takes place, every

word which is spoken by a witness, every question put to a witness by counsel and the contents of every document. A full transcript of what takes place will be available to the public and there will be a website to which everyone will have access for the transcript of the day's hearing. I have also decided that this opening statement by me will be televised and the addresses of counsel will be televised. I will hear an application later this morning as to whether witnesses giving evidence should be televised." After hearing submissions from interested parties, Lord Hutton decides that the giving of evidence by witnesses should not be televised. The Inquiry will be conducted thus: Phase 1 – will commence on 11 August and will conclude on 4 September; Phase 2 – will open on 15 September and finish on 25 September.

3 August Libyan leader Muammar Qadhafi says he is willing to allow inspectors from international agencies to visit any facilities in Libya suspected of manufacturing chemical or biological weapons. "This is my proposal. Yes. And I think this is the correct approach." Qadhafi makes his comments during an interview on US television channel ABC.

3 August The US Department of Commerce Bureau of Industry and Security announces that it has fined the Hamilton Sundstrand Corporation \$171,500 for violating export administration regulations by exporting / re-exporting centrifugal pumps to Israel, Saudi Arabia, China and Taiwan without the necessary export licences. The company, which manufactures aerospace and industrial products, is a subsidiary of the United Technologies Corporation.

4 August In Qiqihar, in the Chinese north-eastern province of Heilongjiang, five metal barrels containing chemicals – subsequently identified as mustard gas abandoned by Japan during the Second World War – are unearthed by workers on a construction site. On being disturbed, a ruptured barrel leaks chemicals onto the surrounding soil, which the workers subsequently dispersed around the site and beyond. Unaware of the nature of the find, two workers purchase the barrels and sell them to a waste re-cycling depot situated in a residential community. Hours later, people report suffering from headaches, eye-aches, vomiting, etc. Within a week 35 people are hospitalized, eight in a serious, and two in a critical, condition.

Seventeen days later, one of the patients who had been in a critical condition dies in hospital as a result of multiple organ failure. Li Guizhen, who recycled discarded waste for a living, was one of the two workers who had purchased the barrels for recycling. He had removed the lead and copper fastenings at each end of the barrels resulting in their contents pouring out over him. On arrival at hospital he was diagnosed as having burns to 95 per cent of his body. Following news of Li's death, the Japanese chief cabinet secretary, Yasuo Fukuda says: "We offer our condolences to the family of the victim. We will deal with this matter in a faithful way, closely working with China".

4 August The US *Journal of Occupational and Environmental Medicine* publishes a study showing that food contaminated by Agent Orange is responsible for current high blood dioxin levels among residents of Bien Hoa in Vietnam. "Even in children never sprayed with Agent Orange, dioxin is getting into the Vietnamese people through highly contaminated foods, including ducks, chicken, and fish", says Arnold Schechter of the University of Texas School of Public Health and member of the team that undertook the study. The highest levels of toxic dioxin TCDD were found in ducks: up to 343 parts per trillion, compared with the usual level of less than 0.1 part per trillion. Around 95% of blood samples taken from 43 people in Bien

Hoa "were found to have elevated TCDD levels", according to the study. Bien Hoa was the site of a 5,000-gallon underground spill of Agent Orange during the Vietnam War.

4 August The US Environmental Protection Agency (EPA) announces that the US Army has agreed, without admitting liability, to pay a \$91,125 fine and spend \$182,625 to restore native plants on part of the Johnston Atoll National Wildlife Refuge. The payments relate to the supposed discovery of trace amounts of VX nerve agent in a bin of incinerator ash [see 12 Aug 02]. Acting director for the EPA Pacific Southwest Region's Waste Management Division Amy Zimpfler says: "The Army's planned re-vegetation project goes beyond violations and paying a penalty. The project will help restore fragile bird habitats and mitigate the negative environmental effects of decades of past military activity on this remote Pacific island".

5 August In Russia, a research team comprising 33 persons leaves the port of Arkhangelsk on a two-week expedition – organized jointly by the Russian government and the Russian Academy of Sciences – to search for Soviet chemical weapons dumped in the central sector of the White Sea. Maksim Vladimorov, senior officer in the Russian emergencies submarine operations department, says: "Our work is essentially to monitor the area and give an assessment as to whether chemical weapons are submerged there or not." The Russian Ministry of Defence claims that no chemical munitions were dumped in the White Sea following the Second World War. Vadim Paka, director of the Atlantic Department of the Institute of Oceanology, however, says that random samples recently taken from deep in the White Sea have shown a high concentration of arsenic. It is the second expedition of its kind [see also 2 Jul 01]. The first expedition found no traces of toxic agents in the offshore areas of the White Sea, the Mezen and the Dvina bays.

The team subsequently identify two sites – known as No 120 and No 121 – where, according to Mikhail Spiridonov of the Naval Geology Department of the Russian Geological Institute, the arsenic content – up to three times the normal concentration – in the area points to "an obvious technical abnormality". Spiridonov says that the team also discovered twelve mysterious man-made objects about ten metres in length at a depth of about 300 metres.

One month later another team of scientists sets sail on a two-week expedition from the port to search for Soviet chemical weapons dumped in the Kara Sea off the coast of the Novaya Zemlya islands.

5 August The UK Health Protection Agency (HPA) publishes its *Corporate Plan 2003 – 2008* which identifies twelve strategic goals for it to meet during the first year. These goals include: reducing the impact of infectious disease; preparing for new and emerging diseases and threats to health; investigating illnesses associated with exposure to hazardous chemicals; and, improving health service preparedness for certain major emergencies. "The added threat of the deliberate release of harmful agents means we have to ensure our health services are as fully prepared as possible to pick up and respond to any incident", says HPA Chairman William Stewart. Established on 1 April, the HPA brings together experts in infectious diseases, chemical hazards and emergency planning.

5 August At a US Defense Department news briefing, Colonel Robert DeFrait of the Office of the Army Surgeon General says "there's been no positive findings of any anthrax or smallpox or biological weapons" as having been responsible for the recently reported cases of pneumonia among members of the US Army in Iraq. Since March, there have been a hundred

reported cases of pneumonia, fifteen of which have been serious enough to warrant the patients being put on ventilators. Of these fifteen cases, two patients died: one in June; one in July. The US Army last week despatched two epidemiological consultations to the Gulf and to the Lanstuhl Regional Medical Centre in Germany, where the cases have been treated, in an attempt to identify the cause of the pneumonia.

5 August In Washington DC, the Chemical and Biological Arms Control Institute releases its December 2002 project report *What Should We Know? Whom Should We Tell? – Leveraging Communication and Information to Counter Terrorism and its Consequences*. Funded by the National Memorial Institute for the Prevention of Terrorism, and prepared over a period of 18 months, it says that “federal funding must be provided with a long-term commitment to support a national health communication system”, adding that state and local governments do not have the requisite resources to fund such an enterprise. It further states: “The foundations for a nationwide health and medical communications network have just been established. In the end, only a serious and sustained financial commitment can put the technical infrastructure in place and build the social network to make a truly effective public health information and communication system a reality. Efforts to build the necessary technical and social infrastructure are ongoing, but not at the needed levels of intensity.” The report sets out recommendations and initiatives that the government could adopt in relation to deterring, preparing for, and responding to incidents of terrorism. It identifies the key information requirements of the general public and the emergency services; specifies the types of information the general public and the emergency services require to deter, prepare for, and respond to terrorist incidents occurring within the borders of the US; determines the times this information should be communicated; and identifies the optimum mechanisms for communicating this information.

5 August In the US, the Trust for America’s Health releases its report *Animal-Borne Epidemics out of Control: Threatening the Nation’s Health*. Focusing on the recent outbreaks of monkeypox, West Nile virus, BSE, Lyme disease and chronic wasting disease, it concludes that the handling of animal-borne diseases in the US is largely uncoordinated and in need of reform. The report – funded by the Pew Charitable Trusts and the Palmer Foundation – states: “Leadership is needed to ensure that the various governmental agencies – at the federal, state and local level – are coordinated, well-functioning and capable of responding rapidly across jurisdictional boundaries. Just as the Department of Homeland Security coordinates different aspects of national security, there must be a concerted effort to ensure that we, as a nation, attack animal-borne diseases in a high-priority, unified, coherent, streamlined and well-managed way.”

6 August In Moscow, the Basmany district court rejects claims of compensation totalling US\$11.5 million from four foreign nationals who lost relatives in the Moscow theatre siege last year [see 26 Oct 02]. The claimants’ lawyer, Igor Trunov, says that his clients will appeal the verdict.

6 August On Swedish radio, former UNMOVIC Executive-Director Hans Blix says of the US invasion of Iraq: “I cannot see that the action, in the way it was justified, was compatible with the UN Charter ... An important element surely was the need to show striking power after the terror attack on the United States on September 11, 2001.”

6 August The US General Accounting Office

transmits to Congress a report, *Hospital Preparedness: Most Urban Hospitals have Emergency Plans but Lack Certain Capacities for Bioterrorism Response*. The report states: “While most urban hospitals across the country reported participating in basic planning and coordination activities for bioterrorism response, they did not have the medical equipment to handle the number of patients that would be likely to result from a bioterrorist incident. Four out of five hospitals reported having a written emergency response plan addressing bioterrorism, but many plans omitted some key contacts, such as other laboratories ... Fewer than half of hospitals have conducted drills or exercises simulating response to a bioterrorist incident ... Hospitals also reported that they lacked the medical equipment necessary for a large influx of patients. For example, if a large number of patients with severe respiratory problems associated with anthrax or botulism were to arrive at a hospital, a comparable number of ventilators would be required to treat them. Yet half of hospitals reported having fewer than six ventilators per 100 staffed beds. In general, larger hospitals reported more planning and training activities than smaller hospitals.” In compiling the report, more than 2,000 urban hospitals were surveyed on their preparedness for bioterrorism, such as data on planning activities, staff training, and capacity for response.

7 August The US State Department imposes sanctions on Jordanian national Mohammed al-Khatib pursuant to the *Arms Export Control Act* and the *Export Administration Act of 1979* for his involvement in “chemical/biological weapons proliferation activities”. Accordingly, the US government “shall not procure, or enter into any contract for the procurement of, any supplies or services” from al-Khatib and “the importation into the United States of products produced by [al-Khatib] shall be prohibited”. A State Department official says that al-Khatib was part of a network that included the Indian company NEC Engineers Private Ltd, on which sanctions were imposed earlier in the year [see 4 Feb], and Protech Consultants Ltd for allegedly aiding Iraq’s chemical and biological weapons programme.

7 August In Nebraska, around 150 government scientists and defence officials meet in secret at Offutt military air base to discuss the development of a new generation of low-yield ‘bunker busting mini-nukes’ for possible use against rogue states or organizations armed with chemical or biological weapons. Amongst others, participants discuss whether the said development would require the US to end its 1992 moratorium on nuclear testing.

8 August In Alabama, a district court dismisses an application by environmental and public interest groups for a temporary restraining order to prevent the commencement of chemdemil operations at the Anniston Army Depot in Alabama. Judge Thomas Penfield Jackson, presiding, says it “is purely speculative” as to whether the claimants would suffer adverse effects as a result of the incineration process. The next day operations at the facility commence with the incineration of two M55 rockets that had been filled with the nerve agent sarin. “This is a gorgeous day. We’re beginning the end of chemical weapons in Anniston”, says spokesman for the facility Michael Abrams. The following day eight rockets are incinerated. Incineration of the sarin itself commences at the end of the month.

9 August In the UK, the Verification, Research, Training and Information Centre (VERTIC) releases a database of BWC national implementation legislation. Only 31 of the 150 states parties responded to the VERTIC questionnaire by which they were asked to identify measures adopted in fulfilling their obligations under the BWC. Legal researcher at VERTIC Angela

Woodward says that the non-response level was “very high in Africa, quite high in the Americas, and Asia, so our fairly educated guess from similar efforts under other treaties is that a lot of states just won’t have appropriate measures in place, unfortunately”.

9 August *The New York Times* reports a team of US Defense Intelligence Agency engineers as having concluded that the most likely use for the two trailers recently discovered in Iraq [see 7 May] was to produce hydrogen for weather balloons. This contradicts the Central Intelligence Agency’s earlier findings – as set out in *Iraqi Mobile Biological Warfare Agent Production Plants* [see 28 May] – which concluded that the trailers were mobile biological weapons laboratories and dismissed as a “cover story” claims by senior Iraqi scientists that the trailers were indeed used to produce hydrogen for weather balloons. An unidentified Defense Department official says that they still support the CIA’s conclusions, but that this latest assessment has caused them to “pursue additional information about possible alternative uses for the trailers”.

11 August In Kaohsiung, Taiwan, customs officials seize 158 barrels of phosphorus pentasulfide from a North Korean ship, the *Be Gaehung*, which is en route to the North Korean port of Nanpo from Bangkok. Taiwanese officials boarded the ship three days ago following a tip-off by US intelligence. It is the first instance of material bound for North Korea being seized since the forming of the Proliferation Security Initiative [see 31 May].

12 August The Japanese Ministry of Foreign Affairs releases a statement saying: “An investigation into the poison gas accident that occurred in Qiqihar [...] [see 4 Aug] has revealed that it was caused by abandoned chemical weapons of the former Japanese Army.” The statement continues: “The Government of Japan considers such an accident extremely regrettable, and also expresses its heartfelt sympathy to the victims, while feeling strong compassion for them. To prevent such damage in the future, the Government of Japan intends to deal with dangerous abandoned chemical weapons as soon as possible, and to properly dispose of them as obligated by the Chemical Weapons Convention. The Government of Japan intends to respond sincerely to the incident and cooperate closely with the Chinese side.”

12 August Russian Munitions Agency Director-General Viktor Kholstov announces that construction of a new chemdemil facility in Penza will soon begin. It will cost around six billion roubles and is intended to come into operation next year. One of Russia’s seven chemical munitions dumps – comprising 17.2 per cent of the country’s chemical weapons stockpile – is located in Leonidovka village, near Penza. The Penza local authority expects the chemdemil operations to take between five and seven years.

12 August In Russia, a research ship sets sail from Vladivostok for the Sea of Japan on a one-month expedition, the primary task of which is to undertake searches for radioactive waste dumps. It will also, however, be on alert to identify sites where chemical munitions may have been dumped at the end of the Second World War [see also 5 Aug].

12 August The *Boston Globe* reports an unidentified senior intelligence official as saying that the Iraq Survey Group “have found evidence that an order was given” to Iraqi military leaders to use chemical weapons during the US-led invasion of Iraq. The official says that the reference to the order was made in the report recently presented – and soon to be released – by the head of the Group, David Kay, to Congress [see 31 Jul].

12 August The US Institute of Medicine of the National Academy of Sciences releases the Committee on Smallpox Vaccination Program Implementation’s *Review of the Centers for Disease Control and Prevention’s Smallpox Vaccination Program Implementation*. The committee concludes that vaccinating members of the general public over and above those that individual states consider necessary to vaccinate has potential risks. It therefore recommends that any wider vaccination programmes “should proceed only under the aegis of smallpox vaccine clinical research trials or other well-structured clinical arrangements that meet the basic requirements of medical and public health ethics”. It also recommends that the Centers for Disease Control and Prevention support the creation of registries of health care workers and others who have been vaccinated and trained in smallpox response, with a view to quickly mobilizing and coordinating them in the event of an outbreak.

12 August In Los Angeles, a group of Japanese researcher activists commence their tour of six US cities to demand the US government release documents relating to Japan’s biological warfare experiments on Chinese prisoners of war during the Second World War. They claim the US government has reclassified documents that had previously been declassified and that Japan maintains undisclosed records. Yang Wanzhu, director of the Institute of Germ Warfare Research in Chengde, China, and a member of the visiting group, says he believes that the toll of Japan’s biological warfare was much higher than previously thought, with 7,643 deaths in Chengde alone having been confirmed.

15 August Head of the Romanian Nuclear Control Commission Lucian Biro announces that the US government has donated \$230,000 worth of chemical, biological and nuclear weapons detection equipment to Romania. It has also, according to Biro, provided Romania with technical assistance to improve its research and intervention capacity with regard to incidents involving weapons of mass destruction.

17 August In Adelaide, there is the *AusBiotech 2003* conference, the theme of which is the role of the biotechnology industry in safeguarding the world against accidental or deliberate misuse of biotechnology. Attending are more than a thousand representatives from Australian and international biotechnology companies.

17 August Half of the US population may already have sufficient immunity to smallpox as a result of having received vaccinations before 1978, according to a report published in the online issue of *Nature Medicine*. A research team from Oregon Health and Science University found that from a group of more than 300 people vaccinated between 25 and 75 years ago, 90-95 per cent still carry antibodies against vaccinia, the cousin of smallpox used in immunizations. Team leader Mark Slifka says that the 38,000 workers so far vaccinated may be sufficient and that it would be possible to contain an attack with selective vaccination near the source, rather than blanket jabs. “It’s unlikely we’d want to do a mass vaccination programme,” he says.

18 August German Defence Minister Peter Struck says that Germany intends to contribute more than 5,000 troops – which includes troops with specialist training in chemical, biological and nuclear – to NATO’s planned rapid reaction force. The said rapid reaction force, details of which are expected to be made public in October, will comprise around 21,000 troops in total.

18 August In Cornwall, UK, work commences to

assess the extent of contamination at the Nancekuke chemical weapons facility. Nancekuke operated as a chemical production and research facility between 1951 and 1976 before being decommissioned in 1980. During the next four weeks soil samples will be analysed at and around the five known dumpsites. Results of the analyses are not expected for another couple of years. Royal Air Force scientist Amanda Myers says: "Because we can't be entirely sure what we're going to find, we've had to apply the highest safety standards. That requires using a vapour containment system, which is a tent-like structure connected to four air filtration units. What they do is suck the air inside the tent, so that when we dig into the dump site, if any vapours are released, they will not be released into the atmosphere". The clean-up of the current dump-site being analysed is not expected to be completed until 2005; the clean-up of all five dump-sites is expected to be completed by 2010.

18 August In the Nevada desert a bioterrorism preparedness and response exercise – involving the simulated release of plague – takes place on the first day of a two-week long US Northern Command exercise dubbed *Determined Promise 2003*. The purpose of the exercise, costing around \$2 million, is to test the ability of the Northern Command, which is responsible for military operations within the US, to respond to multiple domestic emergencies. Other exercises will involve the simulation of a hurricane, wildfires, and an airborne terrorist incident.

18-29 August In Geneva, there is the first Meeting of Experts of States Parties to the BWC under the new process established by the 5th BWC Review Conference. During the first week, participants discuss the adoption of necessary national measures to implement the prohibitions set forth in the BWC, including the enactment of penal legislation. The following week, national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins are discussed. The purpose of the meeting is to prepare the way for the Meeting of States Parties in November when the issues discussed will be considered. The meeting is chaired by Ambassador Tibor Tóth of Hungary, who also chaired the Fifth Review Conference. As well as national delegations, experts from a range of international organizations, including the World Health Organization, the Food and Agriculture Organization and the Office International des Epizooties participate. The Secretariat had collated submitted information on national implementation measures on a CD-ROM before the meeting and distributed it prior to its commencement. No summary report of the meeting is provided by the Chair. In his closing remarks Tóth says: "A great deal of useful, practical and directly applicable information will be taken back to capitals and used directly in strengthening national implementation".

19 August In New York, around 100,000 Gulf War veterans, who claim to be victims of Gulf War Syndrome, bring a class action against 33 banks and 11 companies for allegedly having exported material to Iraq prior to the war, which Iraq subsequently used to manufacture chemical weapons. The veterans claim that their illnesses came about as a result of their having been exposed to toxic material during the destruction of Iraq's chemical weapons stockpile at the end of the war. The defendants are all based outside the US. The companies have previously been sued in a Texas federal court [see 27 May 1997], however, this is the first time that the banks have been sued for their alleged role in the matter.

19-22 August In Osaka, Japan, there is a conference on *Arms Control, Disarmament and their Future*, organized by the United Nations Regional Centre for Peace and Disarmament in

Asia and the Pacific of the Department for Disarmament Affairs. Amongst others, the following topics are discussed: current international security situation, including the role of the United Nations and the threat of terrorism; weapons of mass destruction in the light of current challenges to multilateral non-proliferation and disarmament norms; and nuclear-weapon-free zones. Around fifty representatives from governments, academic and research institutes and non-governmental organizations attend the conference in their personal capacity.

20 August In Geneva, during the ongoing BWC experts meeting [see 18-29 Aug], the BioWeapons Prevention Project organizes a seminar on *National Implementation Legislation and Biosafety Issues under the Biological and Toxin Weapons Convention*. Presentations are made by Angela Woodward, from VERTIC; Jill Dekker-Ballamy, from the European Group for Non-Proliferation Studies; and Barbara Hatch Rosenberg, from the Federation of American Scientists.

20 August In the US, the RAND Corporation releases *Protecting Emergency Responders, Volume 2: Community Views of Safety and Health Risks and Personal Protection Needs*. The report is based on interviews with 190 first responders from 83 organizations in the US. With regard to weapons of mass destruction, it says: "The majority of emergency responders feel vastly underprepared and underprotected for the consequences of chemical, biological, or radiological terrorist attacks". Researchers found emergency workers said they could better face risks and protect the public with, amongst other things: protective gear that is lighter and easier to work in, and is designed with more emphasis on the total protective ensemble; improved equipment to detect and monitor hazards, including thermal sensors, physiological monitoring systems, and detectors for chemical and biological hazards; respiratory and chemical protective equipment appropriate for use by non-specialist responders who are the first to arrive at an incident scene; an enhanced communication systems to handle the increased traffic and interagency coordination needed during major natural disasters, catastrophic accidents, and acts of terrorism. The first report in the series *Protecting Emergency Responders: Lessons Learned from Terrorist Attacks*, released on 19 March 2002, analysed the protection of the emergency services in the context of the 11 September 2001 terrorist attacks.

21 August In Iraq, Ali Hassan al-Majid – also dubbed 'Chemical Ali' – has been taken into custody, according to US Central Command. Previously, the UK military reported that he had been killed following the shelling of his residence outside Basra [see 7 Apr].

22 August The Australian Parliamentary Committee on ASIO, ASIS and DSD conducts a hearing into *Accuracy of Intelligence on Iraq's Weapons of Mass Destruction*. Former UNSCOM Executive Chairman Richard Butler and former Australian intelligence officer Andrew Wilkie are among the four persons giving evidence. Wilkie – who resigned his position at the Office of National Assessments in March because he felt that the Australian government was misleading the public on the threat posed by Iraq – says that "sometimes the exaggeration [of Iraq's alleged weapons of mass destruction] was so great, it was clear dishonesty". He continues: "The government lied every time. It skewed, misrepresented, used selectively and fabricated the Iraq story".

25 August The Bekaa Valley, Lebanon, is where Iraq's weapons of mass destruction are currently situated, according to WorldTribune.com, referring to unidentified US intelligence sources. According to the report, the sources also believe that

“extended-range Scud-based missiles and parts of chemical and biological warheads” are situated in the valley. The report links the claim to previous claims of apparent sightings of “tractor-trailer trucks” seen moving between Iraq and Syria [see 030504].

26 August In Bern, a Swiss parliamentary committee releases a report criticizing successive Swiss governments for allowing the Swiss secret service “to operate freely” in its involvement with apartheid South Africa’s secret chemical and biological warfare programme, known as Project Coast. “We think the politicians did not control the secret services and ... this was a big mistake by the Swiss government”, says the chairman of the committee, Alexander Tschappat. “We think some of the ministers knew what happened, but did not react to it”, he says. Tschappat also says: “[W]hat we don’t have is information about what was in documents that disappeared – or were destroyed – and we don’t know what is in documents stored in South Africa”. The report comes eight months after a separate investigation by the Swiss Defence Ministry, which cleared the intelligence service, and its former head, Peter Regli, of illegal dealings, but criticized its close relationship with the apartheid regime in South Africa. The parliamentary committee also clears Regli, but criticizes his close relationship with Jurg Jacomet, the former Swiss intelligence agent who was in contact with Wouter Basson, the then head of Project Coast between 1987 and 1993. Tschappat says: “We have changed the law and now have clear rules that if the secret service in Switzerland has contacts with other countries, their first task is to inform the ministers responsible”.

26 August In the US District Court for Columbia, former Army scientist Steven Hatfill files a federal lawsuit against US Attorney General John Ashcroft, the US Department of Justice (DOJ), the Federal Bureau of Investigations (FBI) *et al* in relation to the investigation into the anthrax letters attacks [see 15 and 22 Oct 01]. He claims a violation of his privacy and that public insinuations made against him, that he was behind the posting of the anthrax letters, have ruined his chances of finding employment. The lawsuit accuses the defendants of conducting a “coordinated smear campaign” against Hatfill since August 2002, when Ashcroft described him as a “person of interest” in the FBI’s investigation. The investigation of Hatfill is ongoing [see 2 Jul]. The plaint states: “[I]t was essential [for the FBI and DOJ] to ‘appear’ to know who committed these crimes”. Hatfill’s lawyer Thomas Connolly says: “They wanted to show an anxious nation that they were making progress in their investigation ... even though it was stalled”.

26 August In San Francisco district court, Nuclear Watch and Tri-Valley Communities Against a Radioactive Environment (CARE) file a lawsuit against the Lawrence Livermore National Laboratory, California, and the Los Alamos National Laboratory, New Mexico to prevent them from constructing biodefence laboratories [see also 27 Aug 02]. Both groups claim that the facilities would pose numerous safety and security threats including: sabotage, transportation accidents, escaping research animals, as well as leaks and accidents resulting from natural disasters. The US Department of Energy, which operates both laboratories, says that environmental assessments already conducted [see 4 Mar 02] show that any adverse effects on the environment would be minor, and that more extensive environmental impact assessments are not necessary.

27 August In Amarillo, Texas, there is an emergency response and preparedness exercise at a disused air base, the scenario of which involves a terrorist attack resulting in the

release of VX nerve agent through an explosive device. The exercise, involving around 200 first responders and facilitators, is sponsored by the Department of Homeland Security.

27-28 August In Washington, the Cambridge Healthtech Institute hosts a forum on *Research, Technologies, and Applications in Biodefense*. Participants from a number of private corporations and government laboratories make presentations on: emerging biodefence technology; the detection and characterizing of biological agents; stimulating immune response; and developing vaccines and therapeutics.

27-29 August In Khartoum, there is the first meeting of National Authorities in Africa, jointly organized by the government of the Sudan and the OPCW, on the subject of implementation of the CWC. It brings together representatives from 33 African CWC States Parties, as well as those from the US, UK, and France.

28 August UN Secretary-General Kofi Annan submits to the Security Council the fourteenth [see 30 May] quarterly report of the Executive Chairman of UNMOVIC, in accordance with Security Council resolution 1284. Covering the activities of UNMOVIC for the period 1 June 2003 to 31 August 2003, the report states: “On 30 June, [Hans] Blix ended his assignment as Executive Chairman. The Secretary-General appointed the Deputy Executive Chairman, Demetrius Perricos, as Acting Executive Chairman [see 1 Jul] ... As Security Council resolution 1483 (2003) seems to have left untouched the UNMOVIC mandate for implementing ongoing monitoring and verification, one of the projects is the development of the requirements for a new monitoring plan to fit the altered environment in Iraq following the war ... Another task is related to an overview of the known capabilities of Iraq’s industry, including research and development, that could be useful for activities related to chemical and biological weapon production, and the preparation of models for site monitoring ... Another project aims at charting what is known and understood of the extent and nature (financing, staffing, management, structure, subordination, overseas procurement activities, etc.) of Iraq’s programmes of weapons of mass destruction ... On the basis of previous and recent experience, a series of technical files are being compiled on Iraq’s weapon destruction activities and methods, as part of an effort to develop procedures for verifying Iraq’s claim that the majority of its weapons holdings were destroyed in the early 1990s.”

The report also states: “The contracts of all 70 UNMOVIC inspectors from the roster who had been under contract at the time of the Commission’s last report late in May have not been renewed. The present UNMOVIC core staff in the Professional grades at Headquarters comprises 57 weapons experts and other staff ... This compares with a total of 76 Professional staff at the end of May ... John Wolf (United States of America) wrote to the Secretary-General on 9 June tendering his resignation from the College of Commissioners with immediate effect. No successor has to date been appointed ... Given the routine nature of the activity of UNMOVIC during this reporting period, the College was not convened in August.”

28 August In Texas, William Karr, 62, is charged with *inter alia* one count of violating Title 18 US Code Section 229 of the Chemical Weapons Statute [see also 030516 and 17 Jul]. Karr was recently arrested after a package he posted – containing various forged documents, including identification cards for the UN multinational force observer and the US Defense Intelligence Agency – was delivered to the wrong person. A subsequent search of his residence uncovered, amongst other things, 800g of sodium cyanide and four pints of nitric acid.

29 August In Vienna, IAEA Director-General Mohammad ElBaradei says that he does not believe Iraq had tried to revive its nuclear weapons programme following the end of the first Gulf War. Speaking during a BBC television interview, he says that the US administration had not tried to intimidate him into producing reports that would support its agenda. He says, however: "I think there were probably more efforts to intimidate Hans Blix, because there were more serious concerns about chemical and biological (weapons). Hans complained a lot about the media campaign, some of the administration's efforts to put pressure on him".

1 September The Greek daily *Eleftherotypia* runs an interview with UNMOVIC Executive Chairman Dimitris Perricos, who says "there is no doubt that the phrase 'within 45 minutes' that was included in the British report [see 24 Sep 02] did not correspond to reality". Perricos continues: "The assertion that the Iraqis had a capability to inflict overwhelming destruction within 45 minutes is collapsing ... No one, of course, should go to war for a [weapons] program if they do not know if the weapons have been created ... From the inspections, no evidence was found that would justify a war."

1 September In the UK House of Commons, Foreign Secretary Jack Straw says: "There have been some successes [by the Iraq Survey Group to uncover evidence of Iraq's weapons of mass destruction programmes]: the discovery of mobile laboratories which bear a striking resemblance to those described by US Secretary of State Colin Powell's presentation to the UN Security Council in March 2003 [sic][see 5 Feb] ..."

1 September The US General Accounting Office releases a report on *Chemical and Biological Defense: US Ability to Meet Protective Suit Inventory Requirements Faces Risk*. The report states: "[The US Department of Defense (DoD)] does not have a sufficient number of protective suits to meet its official wartime requirement. This requirement will likely increase to include counterterrorism, force protection, and homeland defense contingencies. Calculating the shortage accurately is complicated by DoD's reliance on outdated assumptions to determine wartime consumption rates. Despite recent increases in new suit production, other factors—such as the ongoing expiration of older suits and the consumption of suits during Operation Iraqi Freedom—reduced the available supply of suits, thereby widening the difference between the number of suits required and those on hand ... DoD's current acquisition approach increases the risk of not having sufficient suits to meet wartime needs."

1-4 September In Ljubljana, Slovenia, around 300 participants from 38 NATO member states and NATO partner states convene for a NATO Medical Conference. The aim of the Conference is to identify ways in which civilian agencies and the military can cooperate in ten distinct areas, one of which is in relation to the threat from weapons of mass destruction.

2 September In Tokyo, there is the first *Asian Crisis Management Conference*. It brings together 24 crisis-management officials from Tokyo, Seoul, Beijing, Taipei, Bangkok, Delhi, Hanoi, Jakarta and Singapore, who discuss emergency response and preparedness with regard to, amongst others, chemical and biological terrorist attacks. Together with Kuala Lumpur, Yangon, Rangoon and Manila, the said cities make up the Asian Network of Major Cities 21, which was launched in 2001 to promote joint projects such as cultural exchanges and tourism.

2 September In Bulale, south-eastern Ethiopia, at least four people have died and more than twenty made ill – two of

whom are in a serious condition – after having drunk water from a well, according to Radio Freedom (Ethiopian opposition radio station). It reports that Ethiopian forces regularly laced water sources with poison during their war against the Somalis of Ogadenia. It also claims that, whilst the well in question had been sealed up by the Ethiopian forces about five years ago, local residents recently re-opened it.

2 September The US Centers for Disease Control and Prevention is to provide \$870 million to states for strengthening public health preparedness to address bioterrorism, outbreaks of infectious diseases and public health emergencies. In addition, the Department of Health and Human Services' Health Resources and Administration is to provide \$498 million to states for them to develop 'surge capacity' to deal with mass casualty events. Announcing the package, Secretary of Health and Human Services Tommy Thompson says: "Our combined efforts will result in a stronger system to care for Americans in emergencies, whether it be a bioterror attack or an infectious disease outbreak like SARS or West Nile virus". The Department of Health and Human Services has now spent \$3.5 billion on bioterrorism preparedness for FY 2003, an increase of around \$1.8 billion on the previous year.

3 September The US Department of Defense announces that the US will not meet its chemdemil deadline of 29 April 2004 for destroying 45 per cent of its chemical weapons stockpile under the CWC. It is thus requesting the OPCW grant an extension until December 2007. A statement issued by the Department reads: "The revised destruction date is based on historical destruction data from US chemical weapons demilitarization facilities that have already operated and the estimates of the forecast contribution of facilities planned to be operating in the near future. This date also takes into account legal and procedural barriers as well as technical and operational factors unique to each of the facilities ... Approximately 23 percent of the declared US stockpile has been destroyed since the CWC entered into force in April 1997 ... The US chemical demilitarization program has had several delays due to unresolved political and operational issues that forced operational shutdowns or postponed start-up dates. At the Tooele Chemical Destruction Facility in Utah, no destruction occurred for eight months due to an investigation of safety practices following an incident where a worker was exposed to a minute quantity of chemical agent during a maintenance operation [see 28 Mar]."

3-4 September In Paris, representatives of the eleven states participating in the Proliferation Security Initiative (PSI) meet for the third time [see 9-10 Jul]. Delegates reaffirm that the PSI is consistent with international law, as well as national legal authorities, and that primary responsibility for the maintenance of international peace resides with the UN Security Council. They review a broad range of political, legal, practical, technical and operational aspects, and agree on a 'Statement of Interdiction Principles' which identifies concrete actions to collectively or individually interdict shipments of weapons of mass destruction, their delivery systems and related materials. They also express the hope that all countries which share their non-proliferation concerns and objectives will support the PSI and state their willingness to engage in outreach activities, by rapidly opening dialogue with other countries and seeking their views and comments. Furthermore, practical steps are considered for improving and enhancing interdiction activities, including the sharing of information among partners. Delegates also confirm dates of future maritime, air and ground interdiction training exercises aimed at enhancing existing capabilities for implementation of the PSI, and decide to meet again in October in London to review its progress.

4 September In London, former UNMOVIC Executive Chairman Hans Blix says of the US-led coalition's decision to invade Iraq: "When critical thinking is replaced by spin, society loses. In the Iraq case, exclamation marks were placed where question marks should have been used." Blix's makes his comments during a speech at the opening of the World Nuclear University, an international network of nuclear research institutions and labs for which he will serve as chancellor.

4 September US Secretary for Health and Human Services Tommy Thompson announces grants totalling approximately \$350 million spread over five years to establish eight Regional Centers of Excellence for Biodefense and Emerging Infectious Diseases Research (RCE). "These new grants [...] will not only better prepare us for a bioterrorism attack, but will also enhance our ability to deal with any public health crisis, such as SARS and West Nile virus", says Thompson. The National Institute of Allergy and Infectious Diseases (NIAID), a part of HHS' National Institutes of Health, is providing the grants and will administer the RCE program. The RCE programme's primary role is to foster the physical and intellectual environments in which wide-ranging research on infectious diseases can proceed productively and safely. The eight institutions receiving an RCE grant are: Duke University, Harvard Medical School, New York State Department of Health, University of Chicago, University of Maryland (Baltimore), University of Texas Medical Branch (Galveston), University of Washington, and Washington University (St. Louis). Research to be conducted under the RCE programmes includes: developing new approaches to blocking the action of anthrax, botulinum and cholera toxins; developing new vaccines against anthrax, plague, tularemia, smallpox and ebola; developing new antibiotics and other therapeutic strategies; studying bacterial and viral disease processes; designing new advanced diagnostic approaches for biodefense and for emerging diseases; conducting immunological studies of diseases caused by potential agents of bioterrorism; developing computational and genomic approaches to combating disease agents; and creating new immunization strategies and delivery systems. The NIAID is also funding two Planning Grants for RCEs at the University of Iowa and the University of Minnesota, which will support training, planning, research development and resource acquisition that could lead to the future establishment of a regional centre.

4 September The US Army is to provide the Institute for Collaborative Biotechnologies with \$50 million over five years to develop military products using biotechnology, according to the journal *Nature*. The project – involving the University of California, the Massachusetts Institute of Technology and the California Institute of Technology – will focus on three areas: sensors and electronics, biologically inspired new materials, and biological methods of information processing.

5 September In Guangzhou, China, a North Korean biological weapons expert is prevented by security agents from effecting an entry into the Australian consulate to claim political asylum, according to a German member of a human rights group that assists North Korean refugees. Norbert Vollertsen says that Ri Chae Woo was "disguised in the uniform of maintenance staff of the building that houses the consulate", but only got as far as the fire escape before being detained. A spokeswoman for the Australian Department of Foreign Affairs says: "We have no knowledge of the reported incident. We checked with our consul-general there, who has no knowledge of it either". According to Vollertsen, Ri had worked for the Chiha-ri Chemical Corp in Anbyon, North Korea, until June 2003 when he and his family fled to China. He also says that Ri was intending to testify against

North Korea's chemical and biological weapons programme in the US. Information on Ri's whereabouts is subsequently not forthcoming.

5 September In Kitakyushu, Japan, 538 suspected bombs containing chemical agents are discovered in waters surrounding the port of Kanda [see also 18 May 98], the site of a chemical munitions factory during the Second World War. *The Japan Times* quotes unnamed officials from the Kanda office of the regional port management bureau as saying that 368 of the 538 suspected bombs "definitely have the external shape of bombs, given their magnetic characteristics". In November 2000, 57 such bombs were discovered at the site, of which 18 were recovered and confirmed as having contained chemical agents.

5 September The US General Accounting Office releases a report on *Chemical Weapons: Sustained Leadership, Along with Key Strategic Management Tools, Is Needed to Guide DoD's Destruction Program*. The report states: "The [chemdemil] program remains in turmoil, affecting management performance because of long-standing and unresolved leadership, organizational, and strategic planning issues ... Recent reorganization has done little to reduce the program's complex management structure. It continues to have multiple lines of management authority within the Army and separation of program components between the Army and DoD. These separations leave roles and responsibilities for the different parts of the program unclear ... The absence of an overarching, comprehensive strategy has left the program without a clear, top-level road map to closely guide and integrate all activities and to monitor program performance ... The program will have a low probability of achieving its principal goal of destroying the nation's chemical weapons stockpile in a safe manner within the 2001 schedule [see 3 Sep] unless DoD and Army leadership take immediate action to clearly define roles and responsibilities throughout the program and implement an overarching strategic plan ... We recommend that the Secretary of Defense direct the Under Secretary of Defense for Acquisition, Technology and Logistics, in conjunction with the Secretary of the Army: develop an overall strategy and implementation plan for the chemical demilitarization program that would: articulate a program mission statement, identify the program's long-term goals and objectives, delineate the roles and responsibilities of all DoD and Army offices, and establish near-term performance measures; and implement a risk management approach that anticipates and influences internal and external factors that could adversely impact program performance."

6 September In Luquan, China, a Japanese government-appointed team of fifty experts commences the examination and disposal of 52 chemical bombs, abandoned by the Japanese Imperial Army at the end of the Second World War. The bombs were discovered in Gaocheng City, Hebei province, in May 1991 during the reconstruction of a school, and later moved to a warehouse in Luquan by Chinese officials. The team is expected to complete the work in two weeks' time.

6-12 September In Dubrovnik, Croatia, there is the Second World Congress on Chemical, Biological, Radiological Terrorism [see 21-27 Apr 01], comprising the ninth in the series of ASA (Applied Science and Analysis Inc) Chemical and Biological Medical Treatment Symposia [see 28 Apr 02 – 3 May 02], and the third of the CBMTS-Industry meetings (Industry III) [see 21-27 Apr 01]. Participants – 210 professionals from 35 countries – explore the scientific, medical and policy aspects of chemical, biological, and radiological terrorism and consider the effects of

terrorism on the community and individuals, military and civilian, and on the infrastructure of government. CBMTS Industry III builds on the base of knowledge established at CBMTS Industry II and addresses the terrorist or combat threat to the chemical, petrochemical, oil, pharmaceutical, biochemical, food and other industries. During the Sector I: Hazard management session of the conference, Ben Steyn presents an overview of the South African model for handling incidents of terrorism involving CB weapons or radioactive materials. He says that whilst technical expertise and essential equipment for management of such incidents does exist, they are limited in number and scattered throughout various levels of government. Maria Jose Espona from Argentina analyses terrorist use of chemical and biological agents in Colombia. He says the organizations that have used such agents are the FARC and the ELN and that the agents that have been employed include cyanide filled bombs, contamination of water sources by agricultural toxicants and improvised explosive devices filled with human faeces.

7 September In London, there is an emergency response and preparedness exercise at Bank tube station, the scenario of which involves a terrorist detonating a chemical weapon on board a London Underground train en route to Waterloo from Bank. Around 500 first responders participate in the exercise named Operation Osiris II, the main purpose of which is to monitor how well London's emergency services collaborate and to test for the first time new decontamination equipment outside of a laboratory. UK Transport Secretary Alistair Darling says: "The emergency services test their responses every week, but it is this kind of exercise that means the response improves when it comes to a real situation."

8 September In Mannheim, the trial commences of Sahib Abd al-Amir al-Haddad – an Iraqi-born US businessman – and four co-defendants accused of having violated UN sanctions in 1999 by facilitating the sale of drills for boring 209mm cannons to Iraq. The prosecution alleges that the said cannons were capable of firing chemical, biological and nuclear weapons. Bernd Schompeter and Willi Heinz Ribbeck were convicted earlier this year [see 31 Jan 03] for their part in the operation, however, at that time al-Amir al-Haddad's extradition from Bulgaria had not been finalized.

8-10 September In Vancouver, around 250 officials from the health ministries of the eight states that are members of the Global Health Security Action Group, comprising the G7 countries and Mexico, convene for an emergency response and preparedness exercise. The object of the exercise – dubbed *Global Mercury* – is to assess how the international community would deal with an outbreak of smallpox. The Group was created two years ago in Ottawa [see 7 Nov 01] when health ministers from the participating states agreed on a joint plan for improving health security and enhancing international coordination and response to acts of biological, chemical and nuclear terrorism. Feedback from the exercise will be presented to the eight health ministers during the autumn ministerial meeting of the Group in Berlin.

9 September Sao Tome and Principe deposits its instrument of accession to the CWC with the UN Secretary General. In thirty days it will become the 154th party to the Convention.

9 September In the UK, the University of Salford hosts a public meeting at the British Association's annual Festival of Science on *Biological Weapons: Where is the Threat Now?* sponsored by the Science and Society Trust. The next day there is a closed seminar on the subject.

9 September On US television, former UNMOVIC Executive Chairman Hans Blix says: "With this long period, I'm inclined to think that the Iraqi statement [see 7 Dec 02] that they destroyed all the biological and chemical weapons, which they had in the summer of 1991 may well be the truth". His comments are made during an interview on CNN [see also 6 Aug].

Eight days later on Australian Broadcasting Corp (ABC) radio Blix repeats the above and says with regard to the US-led coalition apparently retreating on the issue of Iraq's weapons of mass destruction: "In the beginning they talked about weapons concretely, and later they talked about weapons programs. Maybe they'll find some documents of interest". He suggests that over the years Iraq may have been bluffing the USA into believing that it had weapons of mass destruction so as to deter any attack: "I mean, you can put up a sign on your door, 'Beware of the Dog', without having a dog."

9 September From Austin, USA, and Hamburg, Germany, the Sunshine Project reports discovering documents showing that – in November and December last year – the Joint Non-Lethal Weapons Directorate granted two contracts to the US Marine Corps and AgentAI, a small company based in Victorville, California, to develop non-lethal chemical weapons. One contract, it says, relates to the development of a form of rocket-propelled grenade with a 500-metre range that can be fired from the US Army's standard M-203 grenade launcher. It is designed to strike a person (or perhaps near a person) and then to disperse "chemical agents that can further incapacitate or maintain the incapacitation of the targeted individual". Trials of the device are planned to take place on a "simulated human target". The second contract is said to relate to the development of "non-lethal" bullets that release a chemical payload upon striking a target.

11 September The UK parliamentary Intelligence and Security Committee releases its report *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*. It states: "Based on the intelligence and the [Joint Intelligence Committee] (JIC) assessments that we have seen, we accept that there was convincing intelligence that Iraq had active chemical, biological and nuclear programmes and the capability to produce chemical and biological weapons ... We are content that the JIC has not been subjected to political pressures, and that its independence and impartiality has not been compromised in any way. The dossier [see 24 Sep 02] was not 'sexed up' by Alastair Campbell or anyone else ... The 45-minute claim, included four times [in the dossier], was always likely to attract attention because it was an arresting detail that the public had not seen before. As the 45-minute claim was new to readers, the context of the intelligence and any assessment needed to be explained. The fact that it was assessed to refer to battlefield chemical and biological munitions and their movements on the battlefield, not to any other form of chemical or biological attack, should have been highlighted in the dossier. The omission of the context and assessment allowed speculation as to its exact meaning. This was unhelpful to an understanding of this issue ... The [Secret Intelligence Service] continues to believe that the Iraqis were attempting to negotiate the purchase of uranium from Niger. We have questioned them about the basis of their judgment and conclude that it is reasonable ... We regard the initial failure by the [Ministry of Defence] to disclose that some staff had put their concerns in writing to their line managers as unhelpful and potentially misleading. This is not excused by the genuine belief within the [Defence Intelligence Staff] (DIS) that the concern has been expressed as part of the normal lively debate that often surrounds draft JIC assessments within the DIS. We are disturbed that after the first evidence session, which did not cover

all the concerns raised by DIS staff, the defence secretary decided against giving instructions for a letter to be written to us outlining the concerns."

11 September The Cartagena Protocol on Biosafety 2000 enters into force following the expiration of ninety days from the date of the fiftieth instrument of ratification. The Protocol – adopted under the Convention on Biological Diversity 1992 – seeks to protect biological diversity from potential risks that may be posed by living modified organisms (LMOs). It establishes an advance informed agreement (AIA) procedure to ensure that countries are provided with prior written notification and information necessary to make informed decisions before agreeing to the first import of an LMO destined to be intentionally introduced into the environment. The Protocol adopts the precautionary approach, as first formulated under Principle 15 of the 1992 Rio Declaration on Environment and Development. It also establishes a Biosafety Clearing House to facilitate the exchange of information and experiences on LMOs and to assist countries in the implementation of the provisions of the Protocol.

12 September In Tashkent, Uzbekistan, the OPCW holds a Regional Workshop for National Authorities on the Implementation of the CWC. It is designed to improve practical implementation by Central Asian countries. Topics include the role of national authorities, implementation requirements, administrative responsibilities, and implementation legislation.

12-14 September Off the coast of Queensland, countries involved in the Proliferation Security Initiative (PSI) participate in the first joint interdiction exercise – dubbed 'Pacific Protector'. The US, Japan and Australia contribute ships for the exercise, whilst France and Australia contribute aircraft. The other seven PSI members – the UK, Germany, Italy, the Netherlands, Poland, Portugal and Spain – participate as observers. In total 800 personnel participate.

15 September The US Department of State announces a \$1.7 million contract under its BioIndustry Initiative to support collaboration between the Boston-based Center for Integration of Medicine and Innovative Technology (CIMIT) and the International Science and Technology Center (ISTC), Moscow. The BioIndustry Initiative, it says, "aims to counter the threat of bioterrorism through targeted transformation of former Soviet biological weapons research and production capacities by creating US-Russian research partnerships".

15-17 September In Barcelona, there is a technical meeting of OPCW National Authorities on practical aspects of the transfers regime under the CWC in relation to Free Zones and Free Ports.

16 September US Undersecretary of State for Arms Control and International Security John Bolton says – during open and closed sessions of a House International Relations subcommittee hearing – that Syria has one of the most advanced chemical weapons programmes in the Arab world and possesses, amongst others, stocks of sarin and VX. He also says that as well as having several hundred Scud and SS-21 short-range missiles, Syria has also built a longer-range Scud D (with a range of some 310 miles) with help from North Korea. Some of these missiles, he says, can be modified to carry chemical warheads. "In Syria, we see expanding [weapons of mass destruction] capabilities and continued state sponsorship of terrorism ... We cannot allow the world's most dangerous weapons to fall into the hands of the world's most dangerous regimes, and will work tirelessly to ensure this is not the case

for Syria", says Bolton. In addition he says: "Syria permitted volunteers to pass into Iraq to attack and kill our service members during the war, and is still doing so." Syrian Foreign Minister Farouq al-Sharaa dismisses Bolton's criticisms thus: "America has too many demands. If they are reasonable and realistic Syria is ready to cooperate".

17 September Former Iraqi Information Minister Mohammad Sa'id al-Sahhaf (dubbed 'Comical Ali') says, during an interview on Abu Dhabi TV: "I can assure you that Iraq did not have any weapons of mass destruction immediately before the war ... Of course, it had chemical weapons and missile and biological weapons programmes. But it destroyed them as useless. It also had a nuclear weapons programme supervised by a good cadre. The chemical weapons and the missiles were destroyed. Since the 1991 war, Iraq had no such weapons".

17 September The US House Committee on Appropriations releases its FY 2004 Homeland Security Appropriations Conference Agreement, which provides \$29.4 billion for operations and activities of the Department of Homeland Security, an increase of \$535.8 million (1.8 per cent) above the FY 2003 enacted levels, and \$1 billion (3.7 per cent) above the President's request. The sum includes: \$50 million for the Metropolitan Medical Response System; \$455 million to develop radiological, nuclear, chemical, biological, and high explosives countermeasures; \$88 million to initiate construction of the National Biodefense Analysis and Countermeasures Center; \$40 million to deploy sensors to detect aerosolized bio-threats in large metropolitan areas; \$70 million for university-based centers of excellence; and \$5.6 billion over 10 years for Project Bioshield, \$890 million of which is available in FY2004.

17 September In the US, the US-Israeli Joint Parliamentary Committee conducts a hearing into *Iranian WMD and Support of Terrorism*. In her testimony, Assistant Secretary for Verification and Compliance Paula DeSutter says: "We believe that Iran previously manufactured a wide variety of chemical agents and weaponized some of these agents into artillery shells, mortars, rockets and aerial bombs ... [I]n the most recent Noncompliance Report [see 10 Apr], the US Government determined: 'Iran has not submitted a complete and accurate declaration, and in fact is acting to retain and modernize key elements of its CW program. Some of these elements include an offensive R&D CW program, an undeclared stockpile and an offensive production capability. Such activities are inconsistent with the CWC' ... We believe Iran probably has produced some BW agents and may have some limited capability for biological weapons deployment. Iran continues to seek dual-use materials, equipment, and expertise to assist these programs. This program is embedded within Iran's extensive biotechnology and pharmaceutical industry so as to obscure its activities ... [I]n addition to its efforts to develop weapons of mass destruction, Iran continues its extensive efforts to develop the means to deliver them. With foreign assistance from entities in North Korea, Russia, and China, Iran is able to produce a variety of liquid and solid-propellant ballistic missiles, including the 1,300 km range Shahab-3 missile which is a direct threat to Israel, US forces in the region, and other US allies. In addition, we believe Iran has programs to develop longer-range missiles that will be able to strike at additional targets throughout the region or that will allow Iran to launch missiles against Israel from locations further within Iranian territory. Finally, Iran is likely to develop IRBMs or ICBMs capable of delivering payloads to Western Europe or the United States. I want to emphasize one point here: Iran is acquiring the means to produce ever more sophisticated and longer range missiles. If they are successful in this endeavor, our attempts to slow the missile trade will have

little effect on Iran's already developing indigenous missile capability.”

18 September On UK radio, former UNMOVIC Executive Chairman Hans Blix accuses the UK government of “over-interpreting” intelligence in reaching its conclusion that Iraq possessed weapons of mass destruction [see also 9 Sep]. In an interview on BBC Radio 4's Today Programme, he says: “The UK paper [see 24 Sep 02] with the famous words about the 45 minutes – when you read the text exactly I get the impression it wants to convey to the reader and lead the reader to conclusions that are a little further reaching than the text needs to mean... They were convinced that Saddam was going in this direction and I think it is understandable against the background of the man ... But in the Middle Ages people were convinced there were witches. They looked for them and they certainly found them. This is a bit risky. I think we were more judicious, saying we want to have real evidence.” Responding to Blix's comments, a UK Foreign Office spokesman says: “Saddam's possession of weapons of mass destruction is a matter of fact. Successive UN Security Council resolutions concluded not only that he had them but also had used them against his own people. Dr Blix's own 173 page report set out in great detail Saddam's history of obstruction of the UN inspectors. The process of searching for weapons of mass destruction is continuing. It will be thorough and deliberate, despite the difficult security environment.”

18 September The Panamanian *La Prensa* reports that on 14 August Panama refused an offer by the US to provide \$2 million worth of equipment and training over a four-year period for the clean-up of San Jose Island [see also 27 May]. There remain on the island chemical munitions tested by the US, UK and Canada during the Second World War. “The Panama government did not feel that the offer was technically inconvenient, [however, it could not accept that] the United States wanted to be exonerated of all responsibility”, says Panama's ambassador to the US, Roberto Alfaro Estripeaut. A month later, *La Prensa* reports that Panamanian Foreign Minister Harmodio Arias has told the US Ambassador in Panama and US Assistant Secretary of State for the Western Hemisphere that such a condition is unacceptable to Panama. He is quoted as saying: “Unfortunately, we cannot release the United States from its responsibilities concerning the island before the clean-up takes place.” Under the proposal, the US would bear all the costs associated with the decontamination. Bilateral discussions will continue. The newspaper also reports that the Panamanian government has located 12 bombs on the island so far.

19 September Deputy Chair of the Russian State Duma Defence Committee and member of the Russian State Committee on Chemical Disarmament Nikolai Bezborodov says that the Russian draft budget for 2004 does not allocate enough money for Russia to meet its international chemdemil commitments. According to Bezborodov: “The draft budget for 2004 allocates 5.36 billion rubles (\$176 million) for [Russian chemdemil], which is equal to this year's allocations ... This amounts to 46 percent of the 11.58 billion rubles (\$381 million) supposed to be allocated for this sector under the program in 2004 ... As a result, the US will not resume the provision of \$200 million for the construction of the chemical weapons destruction facility in the town of Shchuchye in Kurgan region. The US is ready to resume the funding if Russia and donor countries allocate at least \$50 million for Shchuchye.”

19 September In the US Congress, the General Accounting Office issues *Combating Bioterrorism: Actions Needed to Improve Security at Plum Island Animal Disease*

Center. The report states: “Questions about the security of Plum Island arose after the 2001 terrorist attacks and when employees of the contractor hired to operate and maintain the Plum Island facilities went on strike in August 2002. GAO reviewed (1) the adequacy of security at Plum Island and (2) how well the contractor performed during the strike. The Department of Homeland Security (DHS) assumed the administration of Plum Island from the Department of Agriculture (USDA) on June 1, 2003. While DHS is now responsible for Plum Island, USDA is continuing its research and diagnostic programs ... Security at the Plum Island Animal Disease Center has improved, but fundamental concerns leave the facility vulnerable to security breaches. First, Plum Island's physical security arrangements are incomplete and limited. Second, Plum Island officials have been assuming unnecessary risks by not adequately controlling access to areas where pathogens are located. Controlling access is particularly important because pathogens are inherently difficult to secure at any facility. Although this risk may always exist, DHS could consult with other laboratories working with pathogens to learn different approaches to mitigate this risk. Third, Plum Island's security response has limitations. For example, the guard force has been armed but has not had the authority from USDA to carry firearms or make arrests. Moreover, Plum Island's incident response plan does not consider the possibility of a terrorist attack. Fourth, the risk that an adversary may try to steal pathogens is, in our opinion, higher at the Plum Island Animal Disease Center than USDA originally determined because of hostilities surrounding the strike.”

The report continues: “[W]hen USDA developed its security plan for Plum Island, it did not review their defined threats with the intelligence community and local law enforcement officials to learn of possible threats – and their associated risks – relevant to the Plum Island vicinity. Although these reviews did not occur, USDA subsequently arranged to receive current intelligence information. Despite a decline in performance from the previous rating period, USDA rated the contractor's performance as superior for the rating period during which the strike occurred ... GAO recommends that DHS consult with USDA to correct physical security deficiencies; further limit access to pathogens; consult with other laboratories to identify ways to mitigate the inherent difficulty of securing pathogens; enhance response capabilities; reconsider risks and threats; and revise security and incident response plans as needed.”

When the report is published a month later, the Department of Homeland Security says that it accepts and supports the GAO's recommendations for security improvements. Acting Director of the Center Marc Hollander says: “We're going to do business differently on the island. We're going to enhance security. We have several major security upgrades in process on the island.”

19-20 September In Moscow, there is the Second [see 6-7 Oct 00] Moscow International Nonproliferation Conference, which is being sponsored by the Carnegie Endowment for International Peace and being co-organized by the Carnegie Moscow Center and the Center for Policy Studies in Russia (PIR Center). Nearly 300 defense and security experts and decision-makers from 36 countries and three international organizations discuss global security and weapons control. Natalya Kalinina, an aide to Russian Prime Minister Mikhail Kasyanov says: “Russia has the largest store of chemical weapons in the world – over 40,000 [tons]. It is impossible to destroy them within the set time-scale”, adding that Russia also has to destroy over 130 submarines by 2010. “This is a serious problem, including for the environment. All states, above all, Western countries, should be interested in Russia getting rid of its burden of the Cold War as soon as possible”, says Kalinina.

US Ambassador to Russia Alexander Vershbow says: "Governments should put in place comprehensive [export] controls that meet international standards, enforce them vigorously, and punish severely those who violate national laws. Governments should also have the 'catch all' authority to stop the transfer of items not on control lists, as well as to control transits, transshipments, brokering, and intangible technology. To this end, my government is encouraging national governments and supplier organizations, such as the Nuclear Suppliers Group and the Zangger Committee, to adopt 'catch-all' controls as has been done in the Australia Group ... As some actors may attempt to circumvent any regime, we must find new tools to use against proliferators. One such tool is the Proliferation Security Initiative (PSI) announced by President Bush in Krakow [see 31 May]. We will be seeking the support of all interested countries for the PSI, including Russia [see 03-04 Sep]."

21 September The Russian government denies devising a plan to assassinate the Russian business tycoon, Boris Berezovsky with a poisoned fountain pen during a court hearing in London at which he was fighting an attempt by the Russian authorities to extradite him back to Russia to face fraud charges. Extradition proceedings against Berezovsky, a former politician, were dropped last week, two days after his being granted political asylum. According to a report by the London *Sunday Times*, an agent from the Russian Sluzhba Vneshnei Razvedki (SVR) planned to smuggle a lighter filled with poison into Bow Street magistrates court and then discharge it into the fountain pen before stabbing Berezovsky as he passed by. The report, however, claims that the agent had a change of heart and informed Berezovsky and the UK intelligence services of the plot. An unidentified SVR official tells *The Guardian*: "We consider it impossible to even comment on these insane allegations. The special services have not planned or carried out a single operation of this kind". An unidentified UK intelligence official says: "Nobody seems to have heard much about this [plot] ... This would mark a significant escalation of Russian activity in London above their current capabilities".

22 September Iranian President Mohammad Khatami, speaking before an annual military parade in Tehran, says that the Middle East "has become the center of aggressions, terrorism and storing of weapons of mass destruction and the center of all these is the Zionist regime". He says that Israel possesses the largest arsenal of weapons of mass destruction and is exercising state terrorism against the Palestinians. "Israel, which is not respecting any international law, enjoys the support of certain states, but many powers want to put pressure on Islamic Iran as a result of Israel's provocations", says Khatami. "Iran has repeatedly declared that it has taken no step toward developing access to weapons of mass destruction but is still under pressure", he says.

23 September At OPCW headquarters, during the 34th session of the Executive Council, head of the US delegation Eric Javits says that the USA cannot support a nine per cent increase in the OPCW's annual assessed contributions from participating nations. "We believe, however, that through a careful examination of individual areas of the budget, savings can be identified that will bring the overall increase down to a level that can be reconciled with the budgetary constraints of individual States Parties", says Javits. He also says that, whilst the USA has asked for an extension of the destruction deadline for 45 per cent of its stockpile of Category I chemical weapons [see 3 Sep], "the progress that continues in spite of [...] setbacks and obstacles is testimony to the US commitment to the Convention and our unwavering resolve to meet our responsibilities under it".

23 September From Brussels, the Council of the European Union releases a report by the External Relations Counsellors (RELEX) working group on *Fight against the Proliferation of Weapons of Mass Destruction*. The report states: "[The EU] could include a number of measures, among which would be the inclusion of a 'non-proliferation clause' in agreements with third countries, with a view to furthering EU policies in the field of non-proliferation of WMD. This should form part of a broader strategy spanning all three EU pillars, which could include measures such as sanctions and trade restrictions, as well as technical assistance ... The Council is examining a Common Position on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery. WMD-related issues should also be the subject of a regular political dialogue with third countries in order to foster ongoing cooperation and to contribute to prosperity, stability and security."

23 September At UN headquarters, speaking at the opening of the 58th session of the General Assembly, US President Bush restates the current US Administration's re-interpretation of the doctrine of anticipatory self-defence, as set out in the US National Security Strategy [see 20 Sep 02]. "The deadly combination of outlaw regimes and terror networks and weapons of mass murder is a peril that cannot be ignored or wished away. If such a danger is allowed to fully materialize, all words, all protests, will come too late. Nations of the world must have the wisdom and the will to stop grave threats before they arrive", says Bush. He refers to the recently established Proliferation Security Initiative [see 31 May], as "improving our capability to interdict lethal materials in transit", and asks the UN Security Council to adopt a new anti-proliferation resolution. "This resolution", he says "should call on all members of the UN to criminalize the proliferation of weapons – weapons of mass destruction, to enact strict export controls consistent with international standards, and to secure any and all sensitive materials within their own borders". Bush says: "The United States stands ready to help any nation draft these new laws, and to assist in their enforcement."

Addressing the Assembly, UN Secretary General Kofi Annan, says: "Article 51 of the Charter prescribes that all States, if attacked, retain the inherent right of self-defence. But until now it has been understood that when States go beyond that, and decide to use force to deal with broader threats to international peace and security, they need the unique legitimacy provided by the United Nations. Now, some say this understanding is no longer tenable, since an "armed attack" with weapons of mass destruction could be launched at any time, without warning, or by a clandestine group. Rather than wait for that to happen, they argue, States have the right and obligation to use force pre-emptively, even on the territory of other States, and even while weapons systems that might be used to attack them are still being developed. According to this argument, States are not obliged to wait until there is agreement in the Security Council. Instead, they reserve the right to act unilaterally, or in *ad hoc* coalitions. This logic represents a fundamental challenge to the principles on which, however imperfectly, world peace and stability have rested for the last fifty-eight years. My concern is that, if it were to be adopted, it could set precedents that resulted in a proliferation of the unilateral and lawless use of force, with or without justification."

23 September On US television, former UNSCOM Executive Chairman Rolf Ekéus (1991-1997) says that the US-led coalition in Iraq has been unable to uncover any Iraqi weapons of mass destruction because they do not exist. In an interview on the PBS channel, Ekéus says: "My feeling is very

clearly that the Iraqi policy long before the war was to build capabilities to produce weapons [...] for the conflict situation, not to produce for storage and create a problem of storage management." He says that the presence in Iraq of UN inspectors after the 1991 Gulf War, and the high rate of deterioration of chemical and biological weapons dissuaded the Iraqi regime from storing them. Ekéus agrees with former UNMOVIC Executive Chairman Hans Blix's recent comments [see 9 Sep] that, although Iraq probably destroyed most of its weapons of mass destruction after the 1991 Gulf War, it refused to be completely transparent about it so as to deter any future attack.

23-26 September At OPCW headquarters, the Executive Council reconvenes [see 24-26 Jun] for its 34th regular session.

24 September Afghanistan deposits its instrument of ratification of the CWC with the UN Secretary General. In thirty days it will become the 155th party to the Convention.

24 September The US House Select Committee on Homeland Security Subcommittee on Emergency Response and Preparedness conducts a hearing into *Surveillance Systems and Bioterrorism Preparations*. Among those testifying are Director of Public Health Issues, General Accounting Office Janet Heinrich; Associate Director for Terrorism Preparedness and Response, Centers for Disease Control and Prevention Joseph Henderson; and Associate Director for Informatics, Centers for Disease Control and Prevention John Loonsk.

24 September In Florida, the widow of the journalist Robert Stevens sues the federal government for more than \$50 million, alleging that lax security at an Army laboratory in the autumn of 2001 led to a letter tainted with anthrax being sent to the Boca Raton headquarters of American Media Inc. The case being brought by Maureen Stevens against the federal government is the first of its kind. Another victim of the attacks, Leroy Richmond, previously sued postal officials at Washington's Brentwood facility for \$100 million after managers waited too long to close the facility where he worked after anthrax contamination was detected.

24-25 September In Athens, the first major emergency preparedness and response exercise to use the scenario of a chemical/biological terrorist attack takes place in preparation for next year's Olympics [see also 1 Aug]. 'Blazing Sword' is the fifth major Olympic exercise involving the deployment of forces from all of Greece's security and rescue agencies in less than two years.

25 September In Tokyo, a high court upholds the life sentence - previously handed down by a Tokyo District Court - on Noboru Nakamura, 36, for his involvement in the sarin gas attack by Aum Shinrikyo in Matsumoto [see 28 Jun 94]. Prosecutors appealed the earlier sentence, arguing that Nakamura should receive the death penalty. Judge Atsushi Semba, presiding, says: "[Nakamura] knew of the plan to make sarin and to release it, [however], his knowledge of the toxicity of sarin was conceptual. It is also questionable whether he knew the intention to test its effects in the streets. ... His guilt for following the cult founder's wishes and readily committing the heinous crime is significant, but we hesitate to give the death sentence because he played a subordinate role." Nakamura was convicted by the the aforementioned district court for having constructed a facility for the production of nerve gas at the cult's complex in Yamanashi Prefecture between 1993 and 1994. Unconnected with the Matsumoto incident, Nakamura was also found guilty of strangling Aum follower Toshio Tomita, 27, with a rope at the

said facility in July 1994.

25 September In Krusevac, Serbia, OPCW inspectors and Serbia and Montenegro Defence Minister Boris Tadic attend the Traylor Corporation's premises to oversee the destruction of equipment used for the manufacture of chemical weapons [see 16 Oct 02]. The said equipment had been relocated to Krusevac from Mostar, Bosnia-Herzegovina, in 1992 to avoid its being misused during the Balkans conflict. The US government is providing between \$300,000 and \$400,000 to finance this particular chemdemil operation. Tadic says that by destroying the equipment Serbia and Montenegro have become a part of the civilised world and the first country in the Balkans to destroy such equipment in a transparent manner and under international supervision. Afterwards, he leaves to attend a regular exercise by the 246th ABHO chemical-biological-nuclear defence brigade at Ravnjak barracks.

25 September In Geneva, a meeting is organized by the BioWeapons Prevention Project and the Geneva Forum on *The New Process: First Impressions and the Way Ahead*. The purpose of the meeting - attended by 31 people, mainly government representatives - is to analyse and discuss the first Meeting of Experts [see 18-29 Aug] under the BWC 'new process' and to preview the follow-up November Meeting of States Parties.

25 September In the UK, the Hutton Inquiry [see 1 Aug] hears testimony from its final witness. Lord Hutton in his concluding statement says: "I will write and deliver my report as quickly as I can. However, I am unable to be specific as to a precise time when the report will be completed because experience teaches that the writing of a report usually takes longer than one expects. But I hope that the report will be delivered in December and it is possible that it may be delivered in November."

25-26 September In Arlington, Virginia, there is a conference on *Weapons of Mass Destruction: Playing the Enemy*, the focus of which is improving preparedness and response through studying in depth the threat faced from terrorist use of toxic weapons.

25-26 September In Washington, there is a Global Homeland Security Conference and Expo on *Nuclear, Biological, Chemical Terrorism*, organized by EJ Krause & Associates Inc, Homeland Securities Industries Association, and the Hudson Institute.

26 September *The New York Times* reports the US Federal Bureau of Investigation as having formed a scientific advisory board to help find "new ways to track down germ attackers, be they criminals or terrorists". The board comprises around 35 experts in chemistry, biology, physics, forensics and law (among them Matthew Meselson of Harvard University). According to the report, the said board is assisting in the effort to advance the study of pathogens through 'microbial forensics', by analyzing their signature features and tracing them back to a particular nation, region, laboratory or microbe dish.

27 September Iranian radio reports that more than 1500 Iranians who suffered from the use of chemical weapons during the Iran-Iraq War are bringing claims against the US and other European states that supplied Iraq directly or indirectly with chemical weapons. It reports that another 2000 victims are preparing to issue similar claims.

27 September In Chechnya, the possibility that Chechen Prime Minister Anatoly Popov's food may have been spiked is

being investigated, after Popov is admitted in a 'serious' condition to Khankala hospital outside Grozny. Popov, 43, is serving as Chechnya's acting president whilst the current president, Akhmad Kadyrov, is campaigning for the elections in Chechnya that will take place next week. According to Sergei Kozhemyaka, a duty officer with the Emergency Situations Ministry's branch in southern Russia, Popov complained of pain as his motorcade was returning to Grozny from Gudermes, where he had been attending a ceremony marking the opening of a new gas pipeline.

Two days later, Popov is transferred to Moscow to undergo treatment at the Burdenko Central Military Hospital. Chief of Popov's press service Alexei Vasin, says: "Medics have diagnosed Popov with 'poisoning with a hepatotropic (liver-affecting) poison' and insistently recommended to him to undergo a course of treatment at a Moscow hospital". Popov's deputy, Alexander Andronov, says that poison residue had been found in Popov's body and that prosecutors had launched an investigation "to find out whether this was accidental food poisoning or if this was done deliberately". Chechnya's deputy prosecutor Alexander Nikitin, however, says that there are no grounds as yet to open a criminal case in connection with the incident.

28 September The London *Observer* reports the first eyewitness account of the death of Ronald Maddison in 1953 at the Ministry of Defence Chemical Defence Establishment at Porton Down. The testimony of Alfred Thornhill, 70, who has broken his silence after 50 years, is expected to form a crucial part of the evidence at the new inquest [see 18 Nov 02] into the death of Maddison, which is expected to commence within the next few weeks. Arriving on the scene of the incident, Thornhill – who was then nineteen years of age and serving his National Service in the ambulance service – says: "It was like he was being electrocuted, his whole body was convulsing. I have seen somebody suffer an epileptic fit, but you have never seen anything like what happened to that lad ... The skin was vibrating and there was all this terrible stuff coming out of his mouth ... It looked like frogspawn or tapioca." Of the scientists standing around Maddison, he says: "You could see the panic in their eyes – one guy looked as if he was trying to hold his head down. There were four of us who picked him off the floor and put him in the back of the ambulance. He was still having these violent convulsions and we drove him to the medical unit at Porton". Thornhill says that upon arrival at the medical unit – which had been cleared of all other casualties – he was instructed to carry Maddison over to a bed around which a number of men in white overalls were standing. He recalls: "I saw [Maddison's] leg rise up from the bed and saw his skin begin turning blue. It started from the ankle and started spreading up his leg. It was like watching someone pouring a blue liquid into a glass, it just began filling up. I was standing by the bed gawping. It was just like watching something from outer space and then one of the doctors produced the biggest needle I had ever seen. It was the size of a bicycle pump and went down onto the lad's body. The sister saw me gawping and told me to get out." The next day Thornhill learned that Maddison had died.

28 September The *Washington Post* reports that members of the US House of Representatives Select Committee on Intelligence have criticised the US intelligence community for using largely outdated, "circumstantial" and "fragmentary" information with "too many uncertainties" to conclude that Iraq had weapons of mass destruction and ties to al-Qaeda. It says its report is based on a copy of a letter which it obtained, sent two days ago by two committee members to US Central Intelligence Agency Director George Tenet, saying that "the absence of proof that chemical and biological weapons and their related

development programs had been destroyed was considered proof that they continued to exist." The letter is said to state that the Committee – which over a four-month period assessed nineteen volumes of classified material used by the Bush administration in making its case for war – found "significant deficiencies" in the community's ability to collect fresh intelligence on Iraq, and said it had to rely on "past assessments" dating to when UN inspectors left Iraq in 1998 and on "some 'piecemeal' intelligence", both of which "were not challenged as a routine matter."

29 September In Tokyo, a district court rules that the Japanese government is liable for injuries suffered and fatalities caused to thirteen claimants by Japanese Imperial Army abandoned chemical munitions at construction sites in China's Heilongjiang Province between 1974 and 1995. It orders the Japanese government to compensate the thirteen claimants – who were claiming 20 million yen each – to the tune of 190 million yen. In summing up, Judge Yoshihiro Katayama says that in spite of the incident having occurred outside of Japan's jurisdiction, the government was nevertheless under an obligation to investigate and recover any abandoned chemical munitions or to provide information to prevent them causing death or injury. At a subsequent press conference, Japan's deputy chief cabinet secretary Masaaki Yamazaki describes the ruling as "very severe", but balks from indicating whether the government intends to appeal. Japan maintains that the issue of wartime compensation was settled by the 1972 China-Japan Joint Communiqué. Early this year [see 15 May] a Tokyo district court dismissed similar claims for compensation from five Chinese claimants on the grounds that it would have been difficult for Japan to have surveyed and collected the chemical munitions prior to the claimants being exposed to them. The five claimants are appealing the ruling.

29 September The US Department of Agriculture Office of the Inspector-General releases an audit report *Controls over Biological, Chemical, and Radioactive Materials at Institutions Funded by the US Department of Agriculture: Government-wide Policies are Needed to Establish Security Standards for Federally-Funded Research at Non-Federal Institutions*. The report states that university research laboratories often keep materials that could be used for bioterrorism in insecure areas without proper monitoring. The report – based on the evaluation of 104 labs at ten universities and a private institution during the summer of 2002 – recommends that "a consolidated set of security standards be established with the cooperation of all affected departments, to be implemented by all non-Federal institutions receiving Federal grant monies to engage in laboratory research". It recommends that the said standards call for: "a centralized database of all biological materials stored at an institution; written procedures concerning background checks and reporting missing pathogens; and risk assessments of laboratories and security upgrades based on the risks assessed."

29 September A leaked US Defense Intelligence Agency (DIA) assessment concludes that almost all claims made by Iraqi defectors regarding Iraq's weapons of mass destruction were either useless or false. An unidentified DIA official refuses to deny or confirm the document's authenticity, saying only: "Any intelligence we get from an individual we never use as a sole source but we add it to our database. We don't make decisions or take action based on sole sources".

30 September Before the French National Assembly, Pierre Lang presents a report on bioterrorism by the French Commission for National Defence and Armed Forces. The report concludes that France is not adequately prepared for a biological attack.

30 September The UK Foreign Secretary Jack Straw responds to the Foreign Affairs Committee report *Foreign Policy Aspects of the War on Terrorism* [see 3 Jun]. In relation to the CWC Review Conference [see 28 Apr – 9 May], Straw states: “The two main areas of follow-up so far have been the work to develop the action plans on universality and national implementation of the Convention. The draft action plan on universality ... proposes that strong ties or leverages over Non-States Parties, be they historical or trade related, should be used to advance the cause of accession, the aim being to reduce the number of Non-States Parties to a minimum so that those remaining are increasingly isolated. The UK believes the action plan covering national implementation should be a short and straightforward document which improves national implementation over a defined time period of two years ... As with universality, work on national implementation may benefit from a tailored and regional approach, with States Parties providing assistance and implementation support to other States Parties with which they have ties.”

30 September The US National Institute of Allergy and Infectious Diseases (NIAID), part of the National Institutes of Health, announces funding for the construction of two National Biocontainment Laboratories (NBLs) and nine Regional Biocontainment Laboratories (RBLs). “These awards to build high-level biosafety facilities are a major step towards being able to provide Americans with effective therapies, vaccines and diagnostics for diseases caused by agents of bioterror as well as for naturally occurring emerging infections such as SARS and West Nile virus,” says Health and Human Services Secretary Tommy Thompson. Grants totalling around \$120 million each will fund construction of the NBLs, whilst the RBLs will receive grants of between \$7 and \$21 million each in construction funds. Each institution will be required to provide matching funds. The two NBLs will be constructed at Boston University and the University of Texas Medical Branch, Galveston. The nine RBLs will be constructed at: the Colorado State University, Fort Collins; Duke University, Durham; Tulane University, New Orleans; the University of Alabama, Birmingham; the University of Chicago, the University of Medicine and Dentistry of New Jersey, Newark; the University of Missouri, Columbia; the University of Pittsburgh; and the University of Tennessee, Memphis. The NBL and RBL sites were selected based on multiple factors, but primarily on the scientific and technical merit of the applications as assessed by peer review and on the applicant’s ability to contribute to the overall NIAID biodefense research agenda. The NBLs and RBLs will complement and support the research activities of NIAID’s recently awarded Regional Centers of Excellence for Biodefense and Emerging Infectious Diseases Research [see 4 Sep].

The National Institute of Allergy and Infectious Diseases also announces it is to award contracts to VaxGen Inc of California and Aveccia Group of the UK to continue development [see 9 Jul] of their next generation anthrax vaccines and to each produce 3 million doses. The contracts keep both companies in the running for the expected \$1.4 billion contract to produce and maintain a 60 million dose stockpile by 2013 under *Project BioShield*.

1 October The Kuwaiti *Al-Siyassah*, citing an unnamed “security source”, reports that security forces have foiled an attempt to smuggle \$60 million of chemical and biological warheads from Iraq to an unidentified European country. The newspaper says that Kuwaiti interior minister Sheik Nawwaf Al Ahmed Al Sabah would hand the smuggled weapons to an FBI agent at a news conference.

1 October In Israel, State Comptroller Eliezer Goldberg

releases a report which is highly critical of research into, and military development and deployment of, new ‘non-lethal’ weapons. Goldberg reports that in some situations, Israeli soldiers have had to use live ammunition due to shortages of ‘non-lethal’ alternatives. The report criticizes the military for failing to develop new ‘non-lethal’ weapons: “Though the changes in the reality the military faces dictate finding new solutions ... it appears that in the foreseeable future, the military will continue to rely on existing means.” In response, the military is quoted as claiming that it allocates “considerable resources to develop new non-lethal weapons or purchase” such weapons, but “unfortunately, we have not found a technological breakthrough in the world.” The report also says that a 20-year programme to develop a new gas mask, the Even-Sapir, has been a failure with implications for Israeli soldiers and civilians.

1 October In the UK, BBC1 television broadcasts a programme in the Kenyon Confronts investigative series entitled *Shopping for Terror* in which presenter Paul Kenyon is able to purchase “all the ingredients for mustard gas, phosgene and even ... half a kilo of cyanide” in the space of three weeks, according to assistant producer Darius Bazargan. After buying “downloadable instructions for chemical weapons” from US websites, Kenyon and his team had them authenticated by chemistry professors at Leeds and Cambridge universities. Bazargan claims the programme shows that “with patience and a little cunning, a committed terrorist could easily circumvent the powers that be.”

1 October In the US, unidentified officials are cited in the *New York Times* as saying that the Bush Administration is seeking more than \$600 million from Congress to continue the search for weapons of mass destruction in Iraq. The request is reportedly included in the classified part of the Administration’s \$87 billion supplemental appropriations request for Iraq and Afghanistan and has not been made public. The additional funding is intended specifically to pay for the activities of the Iraq Survey Group.

2 October In Moscow, the chairman of the State Duma Budget and Taxation Committee, Vladislav Reznik, criticizes the state defence budget for 2004 saying that it “covers as little as half the requirement for chemical weapons. Meanwhile, the international convention compels us to cannibalize 20 per cent of our stockpile by 2007.” Two weeks later, the warning is repeated by the chairman of the Federation Council’s security and defence committee. Viktor Ozerov tells Interfax-AVN: “The federal budget for 2004 allocates R5.36bn, just like in 2003, for disposing of chemical weapons. ... Thus, the programme will be funded by less than 50 per cent.” As the programme was also underfunded in previous years, Ozerov calculates that by the end of 2004 the discrepancy between allocated funding and what is envisaged in the chemdemil plan will be 60 per cent. He warns: “This will result in failing to meet the deadline of the second stage of chemical weapons disposal ... and in prerequisites for Russia to fail to live up to its commitments within the framework of the [CWC]”. At the same time, the Russian Munitions Agency submits to the government a report saying that to destroy Russia’s remaining stockpile of chemical weapons will cost \$5 billion. The report calls the chemdemil programme “unique in scale and political importance.”

2 October In the US Congress, Iraq Survey Group (ISG) leader David Kay presents his long-awaited interim progress report on his group’s activities during the first three months of its operations in Iraq to a closed session of the House and Senate select committees on intelligence. The 200-page

report is classified, but a 13-page unclassified testimony is posted on the CIA website. In the testimony, Kay says: "We have not yet found stocks of weapons, but we are not yet at the point where we can say definitively either that such weapon stocks do not exist or that they existed before the war and our only task is to find where they have gone. We are actively engaged in searching for such weapons based on information being supplied to us by Iraqis." However, Kay continues: "We have discovered dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspections that began in late 2002." Many such activities relate to biological warfare, which Kay says has been one of the ISG's two initial areas of focus. Among these, Kay lists: "A clandestine network of laboratories and safehouses within the Iraqi Intelligence Service that contained equipment subject to UN monitoring and suitable for continuing CBW research. A prison laboratory complex, possibly used in human testing of BW agents, that Iraqi officials working to prepare for UN inspections were explicitly ordered not to declare to the UN. Reference strains of biological organisms concealed in a scientist's home, one of which can be used to produce biological weapons. New research on BW-applicable agents, Brucella and Congo Crimean Hemorrhagic Fever (CCHF), and continuing work on ricin and aflatoxin were not declared to the UN." Summarizing the biological warfare activities so far uncovered, Kay says: "All of this suggests Iraq after 1996 further compartmentalized its program and focused on maintaining smaller, covert capabilities that could be activated quickly to surge the production of BW agents."

Kay's testimony also mentions the discovery in a scientist's house of a collection of reference strains among which was a vial of "live C. botulinum Okra B from which a biological agent can be produced." This revelation is later used by politicians to argue that the ISG has found weapons of mass destruction. US State Department press spokesman Richard Boucher says: "... botulinum kills people; it kills people in large quantities. That is a weapon - botulinum is a weapon of mass destruction, yes." However, it later emerges that the vial had been in the scientist's house since 1993 and that it is not of the more lethal type A strain which Iraq had weaponized in the past. In addition, the botulinum was likely to have been supplied to Iraq from the American Type Culture Collection during the 1980s and David Franz, a former UNSCOM biological weapons inspector and commander of Fort Detrick, says there is no evidence of Iraq or any other country having successfully weaponized botulinum B: "The Soviets dropped it [as a goal] and so did we, because we couldn't get it working as a weapon."

Regarding the trailers which had earlier [see 28 May] been identified as mobile biological production facilities, Kay says: "We have not yet been able to corroborate the existence of a mobile BW production effort. Investigation into the origin of and intended use for the two trailers found in northern Iraq in April has yielded a number of explanations, including hydrogen, missile propellant, and BW production, but technical limitations would prevent any of these processes from being ideally suited to these trailers. That said, nothing we have discovered rules out their potential use in BW production. We have made significant progress in identifying and locating individuals who were reportedly involved in a mobile program, and we are confident that we will be able to get an answer to the questions as to whether there was a mobile program and whether the trailers that have been discovered so far were part of such a program."

On chemical weapons, Kay is surprisingly frank: "Multiple sources with varied access and reliability have told ISG that Iraq did not have a large, ongoing, centrally controlled CW program after 1991. Information found to date suggests that Iraq's

large-scale capability to develop, produce, and fill new CW munitions was reduced - if not entirely destroyed - during Operations Desert Storm and Desert Fox, 13 years of UN sanctions and UN inspections." He adds: "Our efforts to collect and exploit intelligence on Iraq's chemical weapons program have thus far yielded little reliable information on post-1991 CW stocks and CW agent production, although we continue to receive and follow leads related to such stocks. We have multiple reports that Iraq retained CW munitions made prior to 1991, possibly including mustard - a long-lasting chemical agent - but we have to date been unable to locate any such munitions." Among possible proscribed or undeclared chemical warfare activities since 1991, Kay lists research on a possible VX stabilizer, research and development for CW-capable munitions and procurement and concealment of dual-use materials and equipment. Kay also says that the ISG has "not yet found evidence to confirm pre-war reporting [see 12 Aug] that Iraqi military units were prepared to use CW against Coalition forces."

The following day, President George Bush says that the report vindicates the invasion of Iraq: "The [ISG] report states that Saddam Hussein's regime had a clandestine network of biological laboratories, a live strain of deadly agent botulinum, sophisticated concealment efforts and advanced design work on prohibited longer-range missiles. ... These findings already make clear that Saddam Hussein actively deceived the international community, that Saddam Hussein was in clear violation of United Nations Security Council resolution 1441 and that Saddam Hussein was a danger to the world." UK Secretary of State for Foreign and Commonwealth Affairs Jack Straw also defends the invasion saying that the ISG report confirmed "how dangerous and deceitful the [Iraqi] regime was and how the military action was indeed both justified and essential to remove the dangers."

2 October In the US Senate, the Foreign Relations Committee convenes a hearing on *Challenges for US Policy Toward Cuba*. Although he makes no mention of it in his prepared statement, Assistant Secretary of State for the Western Hemisphere Roger Noriega responds to a subsequent question by saying: "We continue ... to believe that Cuba has at least a limited, developmental, offensive biological weapons research and development effort and is providing dual-use biotechnology to other rogue states." Cuban Foreign Minister Felipe Perez Roque later calls the charges a "bald-faced lie" and challenged the United States to supply proof. Four days later, the Cuban Foreign Relations Ministry releases an official note rejecting the accusation, in which it states that Noriega "has lied shamelessly once again, trying to link Cuba to bio-terrorism. It is quietly [*sic*] evident that the ridicule made by his colleagues John Bolton, Dan Fisk and Otto Reich, taught him nothing." The statement continues: "As before, Cuba is calling on the American Administration once more to demonstrate that it does not lie unashamedly or to present at least one proof that supports its mendacious accusations related to a developing program of biological weapons on the part of our country. Rejection is undoubtedly what these so cynical lies deserve as we do aware them [*sic*], ahead of time that they do not frighten us at all."

2 October In Utah, the Tooele Chemical Agent Disposal Facility recommences chemdemil operations following a month-long stoppage for plant maintenance. The restart also marks the beginning of two new munition processing campaigns; VX-filled 155mm projectiles and VX bulk containers. Also awaiting destruction are VX-filled spray tanks and landmines and M55 rockets and M56 warheads. The VX campaign is expected to be completed in a year, after which the plant will be reconfigured in preparation for the final destruction campaign of

munitions containing mustard gas. So far, the facility has destroyed 44.6 per cent of the chemical agent and 82.2 per cent of the munitions stored at the Deseret Chemical Depot.

2 October Writing in the *Washington Times*, former head of the Romanian foreign intelligence service Ion Mihai Pacepa claims that Russia helped Saddam Hussein conceal evidence of Iraq's weapons of mass destruction programmes. Pacepa says that during the Cold War, the USSR and its allies had standard operating procedures for concealing evidence of weapons of mass destruction if the regime was under threat. In Romania the plan was codenamed 'Sarindar' meaning 'emergency exit' and Pacepa says that he implemented a similar plan in Libya. Under the plan, all chemical weapons would be burned or buried at sea but technical documentation would be preserved for future reconstruction. Pacepa claims to have been told by former Romanian president Nicolae Ceausescu, former KGB chairman Yuri Andropov and former Russian prime minister Yevgeni Primakov that Iraq had a similar plan in place. According to Pacepa, Primakov and two retired Russian generals were in Baghdad from soon after Iraq's declaration to UNMOVIC [see 7 Dec 02] until shortly before the US-UK invasion [see 20 Mar] in order to oversee Iraq's concealment plan.

2-3 October At the Strathclyde Police Force Training and Recruitment Centre in Glasgow, Janes organizes its *Sixth Annual Less-Lethal Weapons Conference: Critical Incident Intervention*. According to pre-conference information: "Since the Less-Lethal Weapons 2002 Conference last year there have been developments in research, new technology and the deployment and use of weapons in police forces. Choosing the right tactical option at the right time for the right reasons will protect both the individuals leaders and their organizations from criminal proceedings and civil actions."

3 October In Beijing, the Chinese Foreign Minister Li Zhaoxing summons Japanese Ambassador Koreshige Anami to request that the Japanese government deal as soon as possible with the situation in Qiqihar City where old abandoned Japanese chemical weapons recently killed one and injured many more [see 4 Aug]. Li is quoted as saying: "The Japanese side has been slow in dealing with the aftermath of this incident and its action is very incompatible with the position publicly expressed by Japanese government leaders. This has touched off strong dissatisfaction of the Chinese public as well as the victims."

In Tokyo, the Japanese government announces that it will appeal against the recent [see 29 Sep] decision by the District Court that the government pay JPY 190 million in compensation to 13 Chinese victims of abandoned Japanese chemical weapons for injuries sustained between 1974 and 1995. The case was first admitted to court seven years ago [see 9 Dec 96]. In a statement, the Japanese Ministry of Foreign Affairs says that the ruling is contrary to one made earlier by the court [see 15 May] regarding similar cases. The Japanese government maintains that the issue of wartime compensation was settled by the 1972 China-Japan Joint Communiqué. In response to the Japanese decision, Chinese Foreign Ministry spokesman Kong Quan says: "It is an unarguable fact that the chemical weapons abandoned by Japan have caused tremendous injuries to Chinese people, and we demand the Japanese government treat seriously this solemn and just verdict."

3 October From Atlanta, the US Centers for Disease Control and Prevention announce approximately \$9 million in new grants to enhance US biodefence and emerging infectious diseases research. The nine recipients of the extramural grants are: Purdue University; Duke University; St Louis University;

Scripps Research Institute; University of Minnesota; University of Massachusetts; Johns Hopkins University; SRI International; and Ibis Therapeutics. In addition, the CDC and the National Institute of Health are co-funding five training grants for scientists from Kenya, Mexico, Brazil, Malawi and Peru to more effectively engage in infectious disease research.

3 October In the US, the *Morbidity and Mortality Weekly Report* publishes the results of an investigation into cardiac deaths following the smallpox vaccination campaign in New York in 1947. The study had been undertaken by researchers at the New York City Department of Health and Mental Hygiene in order to investigate possible links between the vaccine and cardiac deaths [see 4 Apr] during the current smallpox vaccination programme. The researchers had compared death certificates from before and after the 1947 vaccination campaign and found "no statistically significant increases in risk were observed in all-cause deaths, atherosclerotic deaths, or deaths caused by myo/pericarditis during the 4-week risk period compared with other periods." The report authors comment that "the findings are consistent with a growing body of evidence suggesting that ischemic cardiac deaths observed after the 2003 campaign might have been unrelated to vaccine." However, an editorial note to the report states that "factors that could limit the applicability of the 1947 study results to the 2003 vaccination campaign include 1) changes in characteristics or administration of the vaccine, 2) changes in population distribution of cardiac risk factors, and 3) differences in the vaccination and smallpox infection history (i.e., immunity status) of vaccine recipients in the two periods."

The *MMWR* also carries a report into whether there is an unusually high mortality rate among workers at the Brentwood Mail Processing and Distribution Center following its contamination with anthrax spores and the subsequent prescription of postexposure prophylaxis to 2,500 workers and visitors. The study analyzed death certificate data which were compared with aggregate mortality data from the five postal facilities contaminated with *Bacillus anthracis*. The report states of the 11 other workers who died during the study period that "the rates of these causes of death among Brentwood workers during the study period did not differ from the rates for expected causes of death for the U.S. population, adjusted for age and race." The researchers therefore conclude that "rates and causes of death among Brentwood workers during the 12 months after the anthrax attacks of 2001 were not different from rates and causes of deaths that occurred during the preceding 5 years."

3 October In Washington, Leonard Cole of Rutgers University and author of *The Anthrax Letters: A Medical Detective Story*, appears at a news conference organized by his publisher, along with four inhalational anthrax survivors and Dr Larry Bush who diagnosed the first victim, Bob Stevens, in Florida. Cole says that circumstantial evidence linking the anthrax letters to the al-Qaeda suicide hijackers who attacked the World Trade Center and the Pentagon [see 11 Sep 01] should not be ignored.

3 October The US-German Sunshine Project launches the Bioweapons and Biodefense Freedom of Information Fund which is described in a Project newsletter as a new initiative "to boost public accountability of biodefense research by promoting citizen involvement and increasing the availability of primary documentation." The Fund will use US federal and state open record laws to obtain biodefense documents and distribute them on a website, www.cbwtransparency.org The Fund's initial work includes a partnership with the Citizens Education Project in Salt Lake City to research on biological weapons activities at Dugway Proving Ground and a project with the FAS Working

Group on Biological Weapons looking at other aspects of the US Army's biodefense programmes.

4 October In Emmitsburg, Maryland, a ceremony takes place to mark the 60th anniversary of Fort Detrick. The celebration brings together many former participants in the US offensive biological warfare programme, as well as current workers. Addressing the event are House of Representatives majority leader Tom DeLay and director of the National Institute of Allergy and Infectious Diseases Anthony Fauci. DeLay says: "Just as we did in World War II and the Cold War, the United States has turned to Fort Detrick. The United States today is threatened by chemical and biological terrorism ... We know what you're doing here, and you should know how grateful your nation is." At another reunion a few weeks earlier, former Detrick commander John Parker announces that he is keen to interview many of the former workers to preserve their knowledge. He tells them: "There's more to the story than has been written. It's important to know what's been done and the thoughts behind it." Parker is reported as saying that despite the declassification in 1999 of documents describing experiments with simulated anthrax, questions remain about the most effective ways of disseminating biological agents. Even anecdotal evidence could be useful, he says. Parker goes on: "The knowledge you hold, you hold it in a very select way. A lot of you are the only ones who know what you know. We are making sure we can reach out to you, to know what you did, what you know, for the future defense of the United States."

Also arranged to mark the anniversary is another reunion of hundreds of participants in Project Whitecoat [see 9 Oct 98], a US Army BW-related activity that ran from 1954 to 1973. The project involved the exposure of volunteers to a variety of biological materials, including aerosols of Q fever rickettsiae (in the open air, at Dugway Proving Ground) and of tularemia bacteria, and developmental vaccines against anthrax, plague, VEE, WEE, EEE and yellow fever. The volunteers, about 2,300 conscripts in all, were Seventh Day Adventists, members of a church which discourages military service involving combat duties. According to the church, none of the participants died, but many fell ill. A Fort Detrick researcher presents the participants with the results of a survey of the health of the volunteers. A study of 358 volunteers has found no clear link between the Whitecoat tests and the increased rates of headaches and asthma reported by some volunteers. However, some volunteers have filed for injury claims against the Army, although there have been no publicly disclosed payments resulting from the experiments. Chaplain Richard Stenbakken recounts how twice during Project Whitecoat senior church leaders met with Army officials to discuss whether, given the church's discouragement of active combat duty, the tests were contributing to an offensive or a defensive weapons programme.

4 October In Houston, Texas, "low levels of parts" of the bacteria *Francisella tularensis* are detected in filters removed for analysis from two air monitoring stations, so it is reported a few days later by Houston Department of Health and Human Services. Filters taken from the sensors, the first in the national *BioWatch* monitoring network [see 3 Feb] to detect a biological agent of concern, report similar results for the next two days. While local officials state that there is nothing to indicate an intentional release, precautionary measures are taken, such as increased surveillance for human cases of tularaemia, additional environmental monitoring and the collection and testing of wild rabbits and rodents.

5 October The London *Sunday Times* begins its serialization of the diary of Robin Cook, the former Cabinet

minister who resigned over the invasion of Iraq. In his book, *Point of Departure*, Cook claims that on 5 March he had a private meeting with Prime Minister Tony Blair in which Blair apparently accepted Cook's conclusion that Iraq could not attack strategic targets such as Western cities with weapons of mass destruction as asserted in the government's dossier [see 24 Sep 02] on Iraq's weapons of mass destruction. Cook writes that his belief that Iraq did not have weapons of mass destruction was based on a presentation he received on 20 February from John Scarlett, the chairman of the Joint Intelligence Committee: "The presentation was impressive in its integrity and shorn of political slant with which Number 10 encumbers any intelligence assessment. My conclusion at the end of an hour is that Saddam probably does not have weapons of mass destruction in the sense of weapons that could be used against civilian targets."

5 October At Harvard University, during the 4th annual conference of the Central Eurasian Studies Society, there is a panel on "Threat and Responses to WMD Nonproliferation in Central Asia". One factor which is mentioned in two of the presentations is the lack of information on Soviet-era nuclear, biological and chemical programmes and the continued withholding of such information by Russia. One panel participant says that not all Central Asian countries have been able to join the BWC because a lack of information on facilities would put them in non-compliance if they were to do so.

6 October In Russia, the regional centre for information and analysis of chemical weapons storage and destruction tells ITAR-TASS that "the chemical weapons scrapping facility at the village of Gornyy in Saratov Region has destroyed 468.1 tonnes of yperite mustard gas." Experts at the centre are quoted as saying: "Environmental readouts are within regulations and the technological process is proceeding as normal."

6 October In the UK House of Commons, in answer to a parliamentary question, Minister of State for Crime Reduction, Policing and Community Safety, Hazel Blears says that "CS is currently the only chemical irritant authorised for use by police forces in the UK." She goes on to list the three different delivery systems deployed to UK police forces: hand-thrown or weapon-launched CS grenades which Blears says have only been used once in a public disorder situation in 1981 and of which a small stock are retained by "some forces"; a CS incapacitant spray issued to individual officers by most police forces in the country; and "barricade penetrating rounds" fired from a shotgun which rapidly disperse micronised CS in a cloud form within enclosed spaces and which can be used in "firearms/siege type situations".

In answer to a parliamentary question on chemical weapons dumped in the Baltic Sea after the Second World War, Minister of State for Foreign and Commonwealth Affairs Denis MacShane says that "the UK believes that any attempt to raise or salvage the munitions could create a far greater environmental hazard". MacShane also says that the NATO Political Committee rejected a Russian proposal for a joint NATO-Russian environmental expedition [see 23 Apr 97] stating that any future expeditions should be conducted through, or as part of, the Helsinki Convention.

6 October In the UK House of Lords, Government Spokesperson for Education and Skills, Health, Work and Pensions, Baroness Andrews, responds to a written question on progress in vaccinating certain civilian medical personnel against smallpox [see 2 Dec 02]. Baroness Andrews says that 126 doctors and 110 nurses have been vaccinated. The Government's target had been to vaccinate 350 personnel

assigned to the Regional Smallpox Diagnosis and Response Groups by the end of January 2003.

6 October The London *Guardian* reports that the Fire Brigades Union will submit to the government a report critical of last month's simulated chemical attack on the London Underground, Operation Osiris II [see 7 Sep]. According to the newspaper, the report will warn that communications were poor, and that steps were taken which, in a real chemical attack, would have endangered the lives of emergency crews. An FBU official is quoted as saying: "If people think that, if something happened on the tube, they would be alright and the fire brigade would be able to rescue them easily, the reality is likely to be different. ... If the government thinks that by having an exercise like that they will make people feel safer, it is a con. It did not go disastrously wrong, but there are certain things that we think could be improved."

6 October At UN headquarters, the First Committee (Disarmament and International Security) of the 58th regular session of the General Assembly convenes under the chairmanship of Jarmo Sareva of Finland and begins its general debate which will last until 17 October. From 20-24 October, the Committee will conduct a thematic discussion during which all draft resolutions and decisions will be introduced and considered. Finally, from 27 October – 7 November the Committee will take action on the texts introduced.

6-10 October In Russia, the Chairman of the OPCW Executive Council, Petr Kubernat of the Czech Republic, and a group of experts from the national delegations of Argentina, China, France, India, Iran, Japan, the Netherlands, the UK and the US visit the Chemical Weapons Destruction Facility at Gornyy and the facilities under construction at Shchuch'ye and Kambarka. The visit has been arranged so that the delegates can familiarize themselves with the status of the facilities and with measures adopted by Russia under the revised chemdemilitarization timetable.

7 October In Bali, during the ASEAN+3 summit, there is a bilateral summit meeting between Japanese Prime Minister Junichiro Koizumi and Chinese Premier Wen Jiabao at which the subject of Japanese abandoned chemical weapons is discussed and specifically the recent [see 4 Aug] accident in Qiqihar City. Prime Minister Koizumi says: "On the issue of abandoned chemical weapons in China, Japan plans for a sincere response and mutually satisfactory results for both nations are hoped through consultations between the authorities concerned." Premier Wen says: "China wishes for appropriate measures to be taken regarding the poison gas accident in Qiqihar City, China at an early date. Furthermore, China wishes this accident will accelerate the destruction of abandoned chemical weapons, which will help dissolve the unpleasant feelings of the Chinese citizens towards Japan."

7 October The Rotterdam *Algemeen Dagblad* reports that the Dutch General Intelligence and Security Service (AIVD) has confirmed that in 1998 a chemical shipment destined for an intermediary of a pharmaceutical company in Syria was stopped after it was revealed that the materials were to be used in Syria's alleged chemical weapons programme.

7 October In Brussels, the European Commissioners for Research and European Enterprise and Information Society Commissioner Philippe Busquin and Erkki Liikanen announce the development of a European security research programme. In the first phase, scheduled to run between 2004 and 2006, a

preparatory action will be adopted with a budget of EUR 65 million. This is intended to lay the foundations for a long-term EU security research programme. In the preparatory phase, the Commission is to be advised by a 'group of personalities' drawn from industry, government and the security field to advise on the preparatory action and to assist in defining a European security research agenda. Among the topics listed as examples of research which may be funded under the preparatory action are "protection against incidents with bio-chemical and other substances" and "non-lethal means against terrorist actions". Commissioner Busquin's spokesman, Fabio Fabbi, says: "Biological research is one of the key elements of the whole strategy. ... Not offensive weapons, but the EU's defensive capabilities."

7 October In the US House of Representatives, the Subcommittee on National Security, Emerging Threats and International Relations of the Government Reform Committee convenes a hearing on *Emerging Threats: Assessing DOD Control of Surplus Chemical and Biological Equipment and Material*. The hearing focuses on a General Accounting Office draft report, *DOD Excess Property: Risk Assessment Needed on Public Sales of Equipment that Could Be Used to Make Biological Agents*, which presents the results of a GAO investigation in which staff had been able to buy various biological equipment and protective clothing from a government website, www.govliquidation.com. The Director of the GAO Financial Management and Assurance Team, Gregory Kutz, presents the Subcommittee with the main findings of the report.

The equipment purchased by the GAO-operated fictitious company included a bacteriological incubator, a centrifuge, a biological safety cabinet and an evaporator, in addition to over 450 chemical and biological protective suits. The GAO paid \$4,100 for the equipment, although it was originally purchased by the Pentagon for \$46,960. The GAO testimony says: "The possibility that anthrax and other biological source agents could have fallen into the wrong hands combined with the ability to easily and economically obtain excess DOD biological equipment and protective clothing over the Internet increase the risk that this equipment could be used to produce and disseminate a biological warfare agent, such as a crude form of anthrax. Although the production of biological warfare agents requires a high degree of expertise, public sales of these DOD excess items increase the risk that terrorists could obtain and use them to produce and deliver biological agents within the United States." The GAO investigation has also identified a large secondary market for used biological equipment with items being resold to buyers in Canada, the Philippines, Malaysia, Egypt and Dubai for transit to India, Pakistan and other countries. Kutz's testimony states: "Once these items are in the secondary market, controls are not adequate to prevent their sale to countries that are prohibited from receiving exports of certain US technological items that are subject to trade security controls." Recommendations are included in the draft report which is not made public, but the Department of Defense has already stopped the sale of surplus biological equipment pending a risk assessment.

7 October At the RAND Center for Domestic and International Health Security in Arlington, Virginia, there is a media roundtable with Harvard Medical School researcher Julia Wang who is on the team which recently developed a dually active anthrax vaccine, RAND Senior Political Scientist Lynn Davis, the lead author of a new RAND report on *Individual Preparedness and Response to Chemical, Radiological, Nuclear and Biological Terrorist Attacks* and Robert Ursano, Director of the Center for the Study of Traumatic Stress at the Uniformed

Services University, Bethesda, Maryland. The participants present their research and the event also is intended to serve as a content preview to the forthcoming *BioSecurity 2003* conference.

8 October In al-Muthanna province, Iraq, Dutch marines operating under UK command find Iraqi munitions dating from the 1991 Gulf War which possibly contain a toxic chemical, so the Dutch Defence Ministry later announces. According to a Ministry spokesman, a munitions clearance team found a 130mm shell containing an unknown substance and requested assistance from UK experts. The spokesman says: "The grenades found could carry a chemical charge but it could also be a case of a normal charge disintegrating and releasing chemicals after years under the hot sun." A spokesman for the UK-led multinational force in southern Iraq says that the munitions have been handed over to the Iraq Survey Group: "They decided the munitions needed further investigation and the relevant authorities have been informed in order to determine whether or not they are chemical weapons."

8 October In Kiev, the deputy head of the Security Service antiterrorist centre, Volodymyr Antypenko, says that no biological weapons are being developed in the country. He is answering a question from a participant in a joint meeting of the Ukraine-NATO political committee and interparliamentary council. Antypenko says that the level of detective work in Ukraine is high enough to control smuggling.

8 October In the US, the National Research Council publishes the report of its Committee on Research Standards and Practices to Prevent the Destructive Application of Biotechnology [see 24-25 Jun 02], *Biotechnology Research in an Age of Terrorism: Confronting the Dual Use Dilemma*. The Committee, chaired by Gerald Fink of the Whitehead Institute for Biomedical Research at MIT, held six meetings between 1 April 2002 and 29 January 2003 to consider the issue and to prepare its report. The Committee's work was supported by the Nuclear Threat Initiative and the Alfred P Sloan Foundation.

In his preface to the report, Fink writes: "In preparing this report our Committee examined ways by which the spread of technology, methods, materials and information could be limited to constructive activities concerned with medical progress. The dual use nature of these advances strongly argues that any initiative must demonstrably increase our net security. Erring on the side of prudence and favoring the inhibition of information flow could retard the development of successful defenses and seriously compromise our nation's health. Therefore, the challenge is for the scientific community to develop a system that permits fundamental research to proceed unimpeded, while identifying research with great potential for misuse." In making its recommendations, the Committee writes that it "has sought to strike a balance and propose processes and mechanisms that will raise awareness and alarms when needed, without unduly constraining the practice, processes, and products of the life sciences research enterprise. We believe that such a system in the United States could also serve as a model for similar restraint in other countries."

The Committee proposes the augmentation of the existing system for reviewing recombinant DNA research which is based upon institutional biosafety committees at some 400 institutions and a national Recombinant DNA Advisory Committee (the RAC) based within the National Institutes of Health. The report lists seven classes of "experiments of concern" which could be referred to the RAC for review. Such experiments are those that would: demonstrate how to render a vaccine ineffective; confer resistance to therapeutically useful antibiotics

or antiviral agents; enhance the virulence of a pathogen or render a nonpathogen virulent; increase transmissibility of a pathogen; alter the host range of a pathogen; alter the host range of a pathogen; or alter the host range of a pathogen.

The Committee makes seven recommendations in its report under the following headings: Educating the scientific community; Review of plans for experiments; Review at the publication stage; Creation of a National Science Advisory Board for Biodefense within the Department of Health and Human Services; Additional elements for protection against misuse; A role for the life sciences in efforts to prevent bioterrorism and biowarfare; and Harmonized international oversight.

8-9 October In Colorado Springs, the defence ministers and chiefs of defence staff from the 19 NATO member states and the seven countries invited to join NATO in 2004 convene for an informal ministerial meeting. Before the meeting, the ministers and chiefs participate in a crisis management study seminar, *Dynamic Response '07* which aims "to enable them to think creatively about NATO's approaches to crisis management on the basis of fictitious events set in an imaginary country in 2007." The seminar takes place at the Joint National Integration Center at Schriever Air Force Base. The scenario involves a terrorist attack on the fictitious Mediterranean island of Corona and the use of chemical and biological weapons which threaten civilian populations in Europe. In response, NATO mobilizes its NATO Reaction Force which is to be established formally in a few days time.

8-10 October At Lancaster House in London, there is the fourth meeting of representatives of the 11 governments participating in the Proliferation Security Initiative (PSI) [see 3-4 Sep]. The first day of the meeting is taken up by a UK-led tabletop air interception exercise, while a series of expert meetings take place on the second day, with a plenary session on the final day. The chairman's conclusions note that PSI participants have received expressions of support for the *Statement of Interdiction Principles* adopted in Paris from over 50 countries. On the subject of participation, the conclusions state that: "Participation in the PSI, which is an activity not an organisation, should be open to any state or international body that accepts the Paris Statement of Principles and makes an effective contribution. ... [A] number of countries which had expressed particularly keen interest in participating in future PSI activities and meetings had experience and capabilities which would be of value to the Initiative, and which should be taken into account in future decision making." Plans for a series of exercises in late 2003 and early 2004 were agreed and an initial exchange of views took place on a possible Boarding Agreement submitted by the US. Finishing the meeting, the conclusions state that "the Plenary Chair noted that the broad direction of the PSI had now been agreed. Plenary meetings might therefore become less frequent." An operational experts meeting will be hosted by the US in December, with Portugal hosting the next plenary meeting early in 2004.

8-10 October In the US, the Department of Commerce's Bureau of Industry and Security hosts a CWC seminar and a mock unscheduled discrete organic chemical inspection.

9 October In the UK House of Lords, the Under Secretary of State and Minister of Defence Procurement, Lord Bach, finally responds to a written question tabled by Lord Morris in January regarding the anthrax vaccine administered to UK service personnel during the 1991 Gulf War. The letter is also published in the House of Lords *Hansard*. In the letter, Lord Bach states that: "As you know, personal medical records (F Med 4)

were generally not taken to the Gulf during the 1990–91 conflict, and were therefore unavailable for the recording of vaccination details. ... the vaccination records of many Gulf veterans are incomplete as a result.” Annex A to the letter describes the administration of anthrax vaccine to UK military personnel from 1990 to 2003. The annex describes how pertussis (whooping cough) vaccine was administered as an adjuvant to the anthrax vaccine as it was believed this would increase the protection offered by the anthrax vaccine in the short time between administration and the expected start of hostilities. However, the UK-manufactured pertussis vaccine used was not recommended for use in adults and was not licensed for use as an adjuvant to anthrax vaccine. When stocks of the UK-manufactured vaccine ran low, the Ministry of Defence procured additional pertussis vaccine from France. However, this was not licensed for use in the UK, although it was in France. The annex reveals how the National Institute for Biological Standards and Control studied the combination of anthrax and pertussis vaccines and found “evidence of severe loss of condition and weight loss in mice when anthrax and pertussis vaccines were given together.” The Department of Health passed the Institute’s concerns on to the Ministry of Defence, but the annex acknowledges there is “no material on the MoD departmental record which shows whether the NIBSC’s research findings were taken into account by MoD when formulating the policy on the use of pertussis vaccine”.

A MoD spokesman denies that the 1990 warning from the NIBSC was ignored: “We did look at it and we did take it seriously. But our analysis was that there were no long-term side-effects on humans.” Lord Morris subsequently describes the admission by the Ministry as a “shambles” and says: “The answer from Lord Bach strongly reinforces the case for a public inquiry.” The Royal British Legion also calls for a public inquiry, saying: “We believe that such an inquiry would help in establishing the facts surrounding all the immunisation and exposure issues which we have drawn attention to over the years, in order to learn lessons and apply them prior to future conflict.”

9 October In London, speaking at the US Embassy, US Undersecretary of State for Arms Control and International Security John Bolton renews his allegations that Syria [see 16 Sep], Libya and Cuba [see 2 Oct] are developing weapons of mass destruction [see 6 May 02]. He says: “We’re now turning our attention to Iran, Syria, Libya and Cuba.” He reportedly accuses Libya of making increased efforts to purchase components for chemical and biological weapons following the lifting of UN sanctions. However, he reserves his strongest language for Syria whose cooperation with the US was “not satisfactory” and he warns that the US Congress is “poised” to approve sanctions on Syria. Undersecretary Bolton also says that the US intends offering jobs to former Iraqi weapons scientists: “We are looking at work that uses their level of knowledge and expertise, for example biological research and legitimate chemical industry programmes.” Bolton also downplays the importance of Iraq’s alleged possession of weapons of mass destruction as a justification for the US-UK invasion: “The purpose of military action was to eliminate the regime.”

9 October In the US, the Food and Drug Administration issues two new regulations requiring all food manufacturers and distributors to register with the agency and all food importers to notify it whenever their products are transported to the US. The regulations implement provisions of the *Public Health Security and Bioterrorism Preparedness and Response Act of 2002* [see 12 Jun 02] and enter into force on 12 December. US Secretary of Health and Human Services Tommy Thompson says: “By

requiring advance notice for imported food shipments and registering domestic and foreign food facilities, we are providing critical new tools for the FDA to identify potentially dangerous foods and better keep our food supply safe and secure. These new requirements represent the latest steps in our ongoing efforts to respond to new threats and improve the safety of all the foods that we eat in this country.” Both regulations are published as interim final rules in the *Federal Register* on the following day.

9 October The Sunshine Project reports that work to reconstruct the ‘Spanish Flu’ virus which caused the 1918-19 influenza pandemic is progressing and research results have been published in this month’s *Emerging Infectious Diseases*.

9-12 October In San Diego, during the 41st annual meeting of the Infectious Disease Society of America, a team of researchers from the Centers for Disease Control and Prevention present previously unreported evidence of a link between the smallpox vaccine which has recently been offered to healthcare workers and cardiac events [see 3 Oct]. The team, led by epidemiologist Juliette Morgan, concludes that there was a “temporal association between myo/pericarditis and the smallpox vaccination that had not been previously documented with the US vaccine. Acute disease was generally mild. Investigations are needed to assess risk factors and possible pathogenic mechanisms.”

10 October Czech Ambassador Stefan Fuele announces in London that the Czech Republic will contribute CZK 2 million to Russia’s chemdemil programme. The money, approximately GBP 45,000, will be provided to the UK Ministry of Defence for the project it is managing to construct an electricity substation at the Shchuch’ye chemical weapons destruction facility. Besides the UK and now the Czech Republic, contributors to the project also include the EU and Norway.

10 October Cape Verde deposits its instrument of ratification of the CWC with the UN Secretary-General. In 30 days time, Cape Verde will therefore become the 157th state party to the treaty.

10 October In the US, CBS television reports that al-Qaeda may be trying to weaponize *Bacillus anthracis* for use as a biological weapon. CBS has had access to transcripts of the interrogation by US agents of Jemaah Islamiyah leader Riduan Isamuddin (otherwise known as ‘Hambali’) who is regarded as al-Qaeda’s main connection in the Far East. Isamuddin was arrested in Thailand in August and has since been held at the US base on the British Indian Ocean island of Diego Garcia. According to the interrogation documents seen by CBS, Isamuddin revealed that he had been “working on an al-Qaeda anthrax program in Khandahar” with another Jemaah Islamiyah member, Yazid Sufaat, a Malaysian who trained as a lab technician in the US and who was arrested in December 2001 in Malaysia where he is still being held. Isamuddin reportedly tells his interrogators that Sufaat was recruited to help al-Qaeda set up an anthrax production facility in Indonesia. However, Sufaat’s attempts to purchase anthrax in 2001 were apparently unsuccessful.

10-12 October At Wiston House in the UK, there is a Wilton Park conference on *Chemical and Biological Weapons: The Threats of Proliferation and Use*.

11 October From Ramallah, Voice of Palestine radio reports that Israeli helicopter gunships have dropped bombs containing “poisonous gas” during an incursion into Rafah. The

radio station reports that eight people, including three children have been killed, and 66 wounded by Israeli forces.

11 October From Santiago, Television Nacional de Chile reports a forthcoming interview with former National Intelligence Directorate (DINA) agent Andreas Valenzuela during which he reveals he had heard the name of a doctor who had allegedly infected former Chilean president Eduardo Frei with botulism. Valenzuela's version of events is confirmed by former political prisoner Oscar Espinoza to whom Valenzuela fled after deserting the DINA. The report states that under former dictator Augusto Pinochet political prisoners were experimented upon with biological weapons.

12 October The London *Sunday Telegraph* reports that the Coalition Provisional Authority in Iraq is planning to establish a war crimes tribunal, and that Ali Hassan al-Majid, or 'Chemical Ali' [see 21 Aug] is likely to be one of the first defendants. Colonel Mike Kelly, the CPA's legal adviser, tells the newspaper: "There is a reasonable chance of Chemical Ali and others going on trial within a year, if the necessary arrangements can be made and legislation put into place."

13-15 October In Beijing, the Foreign Ministry hosts the third in a series of bilateral working level consultations with Japanese officials to discuss the recent [see 4 Aug and 7 Oct] accident involving abandoned Japanese chemical weapons in Qiqihar City. According to a Japanese Foreign Ministry press spokesman a few days later: "The main contents of the discussions were: firstly, how to cope with this current incident including the disposal of the drum containers which was the very cause of this incident; secondly, how similar incidents can be prevented from recurring in the future; thirdly, how we can possibly improve the overall activities relating to the disposal of the deserted chemical weapons. As a result of the discussions this time around, the two sides agreed to continue the discussion. Since the discussions are still going on and there are various differences between the two sides, which have not boiled down to a specific agreement, we can only refrain from commenting on the actual contents of the positions that the two sides are taking, including reports that [a] payment from the Japanese side is at the final coordination stage."

14 October From Harbin, China, it is reported that the wife of the Chinese victim of the Qiqihar abandoned chemical weapons accident [see 4 Aug] is to sue the Japanese government. The case is to be a joint one with Japanese victims of abandoned chemical weapons who were exposed to high levels of arsenic after a leak from abandoned chemical weapons in a town near Tokyo.

14-15 October In Houston, Texas, at Texas A&M University's Integrative Center for Homeland Security, there is an international forum on *International Aspects of Accidental Release or Deliberate Use of Biological Agents Affecting Food and Agriculture*. The forum is co-sponsored by, among others, the World Health Organization, the Food and Agriculture Organization, the US Department of Homeland Security and the US Food and Drug Administration.

14-17 October In the western Mediterranean Sea, there is a Spanish-led maritime interdiction training exercise as part of the series of exercises organized by participants in the Proliferation Security Initiative [see 8-10 Oct]. The exercise involves contributions from France, Germany, Portugal, Spain, the UK and the US, as well as observers from other PSI participants.

15 October In the Australian House of Representatives, Foreign Minister Alexander Downer responds to an oral question on the Proliferation Security Initiative (PSI) [see 14-17 Oct] by saying: "The Proliferation Security Initiative will now be opened up to countries and international bodies that want and have the capacity to contribute expertise and capabilities to help the PSI achieve its aim. ... I can only say that I am very pleased that support for the Proliferation Security Initiative is strong and growing. Over 50 countries have now expressed their support for the aims of the initiative, and such strong support does reflect something that has changed in the international community in recent times, which is the determination by the international community to address the issue of the proliferation of weapons of mass destruction. Before recent years there was a rhetorical commitment, but what we are really seeing now is a very practical commitment to try to stop the trade in these dreadful weapons systems."

15 October In Brunssum, the Netherlands, NATO formally launches its new Rapid Reaction Force with Supreme Allied Commander Europe General James Jones handing the colours of the new force to its commander, UK General Jack Deverell. The NRF has now reached its initial operating capability with a force of approximately 2,000 troops, including an NBC unit from the Czech Republic. Interviewed a few days later by the BBC World Service, US Permanent Representative to NATO Nicholas Burns says: "The great threat to Britons, and to French citizens and Americans, certainly comes from the juxtaposition of global terrorism with chemical, biological and nuclear suitcase bombs. That threat exists. It exists in the Middle East, and it exists in Central Asia."

15 October In the US Congress, the General Accounting Office submits to Senate Majority Leader Bill Frist the report he had requested on *Bioterrorism: Public Health Response to Anthrax Incidents of 2001*. The GAO investigation had found that there were areas for improvement at the federal and local and state levels. At the federal level, the report states that the Centers for Disease Control and Prevention "was not fully prepared to manage the federal public health response. CDC served as the focal point for communicating critical information during the response to the anthrax incidents and experienced difficulty in managing the voluminous amount of information coming into the agency and in communicating with public health officials, the media, and the public."

15 October In the US, the National Research Council publishes a US Army-sponsored report, *Assessment of Processing Gelled GB M55 Rockets at Anniston*, which recommends that the Army pursue options to accelerate the disposal of rockets containing gelled sarin at the Anniston Chemical Agent Disposal Facility. The sarin, originally a liquid, has become gel as a result of a chemical reaction with the aluminium lining inside the rockets. The chair of the committee which wrote the report, James Mathias says: "Because there's a small chance that stored sarin- and VX-filled rockets might self-ignite at any time and release toxic agents and metals, these rockets need to be destroyed as soon as possible." The Army is also considering changing the order in which the rockets and munitions stored at Anniston are destroyed.

15-16 October In Atlanta, Georgia, the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices is told that the smallpox vaccination programme has "ceased, not that anyone's issued an edict to say stop", according to *USA Today*. CDC Director of Smallpox Preparedness and Response, Ray Strikas tells the newspaper that since reports of

possible links between cardiac problems and the vaccine [see 9-12 Oct], vaccination rates are down to "a few a week". Although the CDC has shipped 291,400 doses, only 38,549 people have been vaccinated. A spokesman for the Department of Homeland Security tells *USA Today*: "We are pleased that the program has inoculated enough first responders and health care workers that could respond should there be an outbreak of smallpox."

16 October In Tokyo, unidentified government sources are reported as saying that the Japanese government is about to pay to China some 300 million yen in the form of a "cooperation fund" to settle the dispute between the two countries over the abandoned chemical weapons accident in Qiqihar [see 4 Aug]. The government will formally announce the settlement once the Chinese give their final assent. An earlier Japanese offer of 100 million yen was rejected by China. Japan is reportedly reluctant to describe any payment as compensation, arguing that China abandoned its right to claim compensation for wartime damages when diplomatic relations were normalized in 1972. The idea of a "cooperation fund" is based on an earlier memorandum of understanding [see 30 Jul 99]. China has demanded that Japan pay for, among other things, the cost of dealing with contamination in the Qiqihar construction site, the medical bills of the victims, compensation for the people who were injured in the accident and compensation for delayed construction work at the site.

16 October In Changchun, China, the Jilin Provincial People's Publishing House publishes *Ironclad Proof of Crimes of Unit 731*, which consists of copies of the archives of the Japanese Second World War biological warfare unit and essays by Chinese and Japanese experts. The curator of the Jilin Provincial Archives, Liu Fenglou, says that the archives hold more than 80 volumes containing over 400 copies of files on Unit 731. Documents included in the book describe the "special transfer" of 277 people to Unit 731 for biological warfare tests, mainly Chinese nationals, but also people from the USSR and Korea. Other documents relate to Unit 731's "epidemic prevention" activities in Jilin Province.

16 October In Moscow, the deputy chairman of the State Duma's defence committee and member of the State Commission on Chemical Disarmament, Nikolay Bezborodov, warns that Russia may fail to meet its CWC commitment to destroy 20 per cent of its chemical weapons stockpile by 2007. He says: "There is a real threat that, contrary to the chemical disarmament programme, the chemical weapons destruction facilities in the town of Shchuch'ye in Kurgan Region and the town of Kambarka in the internal republic of Udmurtia, as well as the first section of the facility in the village of Maradykovsky in Kirov Region will not be built before 2005." Bezborodov points out that the chemdemil programme has been underfunded for the previous three years. He says: "This in turn rules out serious financial aid to Russia for chemical weapons destruction from donor countries because the latter link provision of aid to increases in Russia's own annual funding of the programme."

However, speaking to reporters in Perm, the chairman of the State Commission for Chemical Disarmament, Sergei Kiriyenko, says that Russia is honouring its chemdemil obligations, and not only is it not reducing expenditure, it intends to increase allocations in 2004.

16 October In London, the Director-General of the Security Service, MI5, Eliza Manningham-Buller, warns that terrorists could be planning to use food poisoning and homemade chemicals against targets in the UK. In only her second public appearance since her appointment, Manningham-Buller tells an

invited audience at the headquarters of the City of London Police that "the changed nature of the threat has meant that we need to extend [our] advice to new sectors such as the chemical and the food industry, which today may present an attractive target for terrorists." She concludes: "The threats of chemical, biological and radiological and suicide attacks require new responses and the Government alone will not achieve all of it; industry and even the public must take greater responsibility for their own security."

17 October In New Delhi, Indian police arrest Hans Raj Shiv as he arrives on a flight from Ukraine. Hans Raj, who is the president of NEC Private Limited, is accused of shipping toxic chemicals to Iraq in contravention of Indian law. Hans Raj and NEC had both been sanctioned for this activity by the US government [see 4 Feb].

17 October In London, Sudan deposits its instrument of accession to the BWC, thus becoming the 151st state party to the treaty.

17-19 October At OPCW headquarters, the Technical Secretariat hosts the fifth Annual Meeting of CWC National Authorities. Representatives of more than 70 states parties attend the meeting.

19 October In Beijing, the Japanese Embassy confirms [see 16 Oct] that Japan will pay China 300 million yen in relation to the accident involving abandoned chemical weapons in Qiqihar [see 4 Aug]. The Embassy says that the money is not compensation but is a payment as "fees for operations to dispose of abandoned chemical weapons". China says that it will "appropriately distribute" some of the money to the victims and their families. A Chinese Foreign Ministry spokeswoman calls on Japan to expedite the destruction of abandoned chemical weapons in China. Meeting in Bangkok on the sidelines of an APEC summit a day later, Japanese Prime Minister Junichiro Koizuma and Chinese President Hu Jintao also refer to the issue at a joint press conference. President Hu describes the abandoned chemical weapons as "a historical issue between China and Japan and a practical issue that needs to be urgently settled." Regarding the Qiqihar settlement, Hu says: "The Japanese side should take measures to quickly fulfil the agreement and compensate the victims as early as possible. We hope that the Japanese side will take this opportunity to speedily destroy the chemical weapons abandoned in China." Prime Minister Koizuma says in response that "the Japanese government is willing to treat the matter earnestly with sincerity and implement the agreement reached between the two governments."

19 October In the southern Philippine city of Cotabato, security forces raid a suspected Jemaah Islamiyah hideout and reportedly discover a "bio-terror manual and traces of possible biological weapons". According to Vice Chief of Staff Lieutenant-General Rodolfo Garcia, investigators also found possible residues of a "tetanus virus-carrying chemical". Garcia adds that "Residues of chemicals [found] there are still being analyzed by chemical experts of the police. These were not found in bulk." He adds that "it takes time to determine" whether they are indeed biological weapons. However, the next day, local police director Superintendent Peraco Macacua says that no biological weapons are being developed in Cotabato and says that the hideout had long been abandoned. He adds that the anti-terrorist police did not coordinate with his force and that any alleged biological weapons could have been planted by the raiding team itself. Another day later, Lieutenant-General Garcia also retreats from his earlier claims: "Reports that there were chemical or

biological warfare agents found in Cotabato are wrong. Our finding is, there were no chemical or biological agents found." Reports say that traces of explosives were found as well as notes on biological materials. Philippine President Gloria Arroyo issues a statement calling on the police and military to be accurate in their reporting "so that the public will be informed of the facts and not be unduly alarmed by sensationalized reports."

19 October In the US, an interview with Texas Tech University scientist Thomas Butler [see 10 Apr] is broadcast on CBS television. Butler, who is currently awaiting trial for falsely reporting as missing 30 vials of *Yersinia pestis*, says that the FBI tricked him into making a confession so that it could close the case. He says: "I feel I was naïve to have trusted them. They told me I would not be charged if I were able to confirm the accidental destruction." The interview had actually been recorded weeks earlier just prior to an order by the trial judge banning Butler, his lawyers and federal officials from commenting on the case. In the *New York Times*, Nobel-prize winning scientist Peter Agre speaks in Butler's defence: "As far as I can tell, it is based on some kind of misunderstanding or maybe some absent-minded bumbling." Butler is due to go on trial on a 69-count indictment in two weeks.

20 October At OPCW headquarters, the Conference of the States Parties reconvenes [see 7-11 Oct] for its eighth regular session. The session is scheduled to conclude its business on 24 October.

20 October In Washington, at the *Update 2003 Export Controls and Policy Conference*, US Secretary of Commerce Donald Evans addresses his Department's role in implementation of the BWC and CWC in his keynote speech: "Specifically, we're pressing countries that have signed the Chemical Weapons Convention (CWC), and the Biological Weapons Convention to enact the necessary domestic legislation to enforce these treaties. Our Bureau of Industry and Security has taken the lead in helping countries comply with the chemical weapons treaty. I'm pleased with the progress being made. The Bureau has the most comprehensive and effective chemical weapons industrial compliance program. It has the best people in the world to assist other countries in developing effective programs." Also at the conference, the Undersecretary of Commerce for Industry and Security, Kenneth Juster, states that China's cooperation on non-proliferation and export control issues has been "less than satisfactory". He also says that the US is seeking the ability to conduct routine end-use checks in China to ensure that US dual-use exports are being used appropriately and are not being covertly re-exported. While the US conducts end-use verification visits in more than 85 countries, China has often restricted them, according to Juster. A Chinese Foreign Ministry spokeswoman in Beijing later tells reporters: "The Chinese side has had good cooperation with the US side" on non-proliferation. She continues: "We are willing to continue this cooperation."

20-22 October In Washington, there is the *BioSecurity 2003* conference. During the conference, Ray Strikas [see 15-16 Oct], the CDC's Director of Smallpox Preparedness and Response, acknowledges that the original target of vaccinating 439,000 healthcare workers against smallpox has been abandoned: "We're not using those numbers. It is not in our best interest. Obviously, the targets were not achieved." Strikas blames "public complacency" in the wake of the invasion of Iraq and says that the CDC is now implementing an "action plan" covering communication strategy, state and local preparedness and consideration of how to speed post-attack

vaccination. Strikas also disowns remarks published by *USA Today* which quoted him as saying that the vaccination programme has "ceased". He says that the programme has not ceased and that the US is "much better prepared to manage a smallpox outbreak" than at the outset of the effort. During his presentation, Strikas also says that CDC is "now convinced that smallpox vaccine can cause myo/pericarditis" but does not have enough data to link the vaccine with ischemic cardiac events or dilated cardiomyopathy.

21 October At OPCW headquarters, during the ongoing [see 20 Oct] eighth session of the Conference of the States Parties, the Executive Council reconvenes for its 23rd ad hoc meeting. The session is primarily to further consider issues deferred from the 34th regular session of the Council [see 23-26 Sep] which require agreement prior to the closing of the Conference.

21 October At UN headquarters, in the First Committee (International Security and Disarmament) of the General Assembly, draft resolutions on the BWC and CWC are introduced. Introducing the CWC draft resolution, Ambassador Krzysztof Jakubowski of Poland notes that this year's resolution includes six new operative paragraphs compared to previous years which reflect the agreements reached at the First CWC Review Conference [see 9 May]. For the first time, the draft resolution also includes a paragraph on international cooperation and assistance, says Jakubowski. Ambassador Tibor Toth of Hungary introduces the draft resolution on the BWC. The draft notes the increased number of states parties [see 17 Oct], recalls the decision of the Fifth Review Conference and requests the Secretary-General to continue providing support to the annual meetings of the states parties and the meetings of experts.

21-22 October In Geneva, there is a conference on *Smallpox Biosecurity: Preventing the Unthinkable* sponsored by smallpox vaccine manufacturer Acambis. Among the speakers are Donald Henderson, the Principal Science Advisor at the US Department of Health and Human Services, Ken Alibek now of George Mason University but formerly of the USSR biological weapons programme and Peter Jahrling of the US Army Medical Research Institute of Infectious Diseases. Henderson, Alibek and Jahrling all agree that smallpox presents a real threat but Henderson and Jahrling, and other participants, disagree on whether the WHO-recommended policy of targeted post-exposure vaccination or pre-exposure mass vaccination is the appropriate strategy.

Also during the conference, St Louis University scientist Mark Buller presents research on "the potential use of genetic engineering to enhance the use of orthopoxviruses as bioweapons". In his research, Buller has engineered a strain of mousepox virus that killed 100 per cent of mice exposed, even those which had been vaccinated, according to *New Scientist*. Buller's research takes forward that conducted by an Australian team [see 10 Jan 01] by inserting IL-4 into the mousepox genome. Buller has also used a similar method to engineer a cowpox virus which is soon to be tested on animals at the US Army Medical Research Institute of Infectious Diseases. The research raises concerns among conference participants, much as the earlier Australian research did, but this is also heightened by the fact that cowpox can infect humans, although Buller says that the IL-4 gene is species-specific. One of the team of Australian scientists, Ian Ramshaw, criticizes the research saying: "I have great concern about doing this in a pox virus that can cross species". He also doubts the need for the cowpox experiments, as his group's work had already shown that the method worked on other pox viruses.

22 October In the US, Department of Homeland Security officials announce that traces of ricin have been found on a letter at a South Carolina postal facility. The presence of the toxin on the outside of the letter was confirmed by the Centers for Disease Control and Prevention the previous day. Inside the envelope was a small, sealed container holding an unidentified substance which is undergoing tests. A letter inside the envelope reportedly indicates an extortion plot warning that large quantities of ricin will be dumped into drinking water reservoirs if the government did not reverse a ruling requiring truck drivers to rest after 10 hours of driving. A Department of Homeland Security spokesman says: "Based upon the evidence we have thus far, we do not believe this is related to terrorism but is related to threats that are criminal in nature." The airport post office in Greenville has been closed as a precautionary measure but a CDC spokeswoman says that there is "no discernable public health impact as a result of what was found." The incident is the first involving a letter containing a chemical or biological agent since the anthrax letters of 2001.

22-26 October At Lüneburg University in Germany, there is a NATO Advanced Research Workshop on *Ecological Risks Associated with the Destruction of Chemical Weapons*. Attending are 66 people, from Europe, Russia and the US.

23 October In Tashkent, there is a joint US-Uzbek seminar on detecting biological agents and measures to prevent their proliferation. The seminar is attended by over 60 US and Uzbek experts. Michael Baladi of the US Cooperative Threat Reduction programme announces a plan to introduce a new disease surveillance system in Uzbekistan for which purpose a large group of US experts has arrived in Tashkent.

23 October At OPCW headquarters, during the ongoing eighth session of the Conference of the States Parties [see 20 Oct], SIPRI's Chemical and Biological Warfare Project launches a policy paper on *Non-Compliance with the Chemical Weapons Convention: Lessons from and for Iraq*.

23 October In Paris, the authorities stage a simulated chemical terrorist attack on Les Invalides underground station. The exercise is based on a scenario in which two terrorists throw a simulated device containing sarin onto the platform. Observing the exercise, French Prime Minister Jean-Pierre Raffarin says that "there is no particular threat today of chemical terrorism in France". He adds: "There are always risks. Our duty is to be able to cope with all eventualities and not just with plans and programmes on paper." Interior Minister Nicolas Sarkozy says that France has fallen behind in preparing for such attacks and announces that 50 similar exercises will be conducted next year. "Our objective is for all of the big urban centres of France to have had an exercise of this type next year", says Sarkozy.

23 October In New York, representatives of the permanent members of the UN Security Council meet for the first time to discuss a draft resolution aimed at preventing terrorists getting access to weapons of mass destruction. Russia has drafted a proposal and the US is also working on one, according to reports. The talks reflect calls in the statements to the General Assembly made by US President George Bush, French President Jacques Chirac and UN Secretary-General Kofi Annan. According to unidentified diplomats cited by AP, the Russian draft requests UN member states to submit reports on compliance to the Secretary-General who would then make recommendations to the Security Council, while the US appears more interested in creating a group or committee to monitor implementation of the resolution.

23 October At UN headquarters, the NGO Committee on Peace, Disarmament and Security, in cooperation with the Department for Disarmament Affairs, organizes a panel discussion on *Reducing the Risks Posed by Biological Weapons*. The panellists are: Terence Taylor of the International Institute for Strategic Studies; Barbara Rosenberg of the Federation of American Scientists; and Elisa Harris of the University of Maryland. Much of the discussion focuses on designing a way in which the expertise of UNMOVIC can be kept in being, particularly in the field of biology and missiles which currently lack any international institutional mechanism. Participants refer to an "embryonic organization" dealing with the whole range of weapons of mass destruction issues under the authority of either the UN Secretary-General or the Security Council. Jan Rozing of UNMOVIC's Biological Section says that of the 354 trained scientists currently on UNMOVIC's roster, 90 are biologists from 30 different countries and UNMOVIC's core biology staff is about 8 to 10.

The discussion reflects a debate earlier today in the First Committee during which Canada, France and Sweden all raise the issue of UNMOVIC's future. The French representative recalls President Chirac's call for a permanent corps of disarmament inspectors under the UN Security Council. The Swedish representative suggests two possible options: to make UNMOVIC a permanent resource of the UN Secretariat; or to transform UNMOVIC into a regular subsidiary organ of the Security Council along the lines of the Counter-Terrorism Committee.

There is also a panel on *The Future of Disarmament and Arms Control: Civil Society's Role* at which the panellists are: UN Under Secretary-General for Disarmament Affairs Nobuyasu Abe; Henrik Salander, formerly the Permanent Ambassador of Sweden to the Conference on Disarmament, currently the Secretary-General of the new International Independent Commission on Weapons of Mass Destruction; and Rebecca Johnson, Executive Director, of the Acronym Institute for Disarmament Diplomacy.

23 October In the US, the Sunshine Project releases details of research into ricin underway at Texas Tech University, the same university where plague scientist Thomas Butler [see 19 Oct] was employed. The Sunshine Project says: "The peaceful biomedical demand for ricin is extremely limited, and TTU's efforts far outstrip it in many aspects. TTU's public explanation of all its ricin projects is required. The activities are of particular concern because of TTU's quiet but intense involvement in Pentagon biodefense programs." The Sunshine Project says that, beginning in the mid-1990s, TTU has bred a variety of castor bean plant with a high-ricin yield specifically adapted for ricin production and has developed a machine to automate the process of extracting purified ricin from the castor beans grown on the university's two-acre experimental castor plot.

24 October In The Hague, the eighth session of the CWC Conference of the States Parties [see 20 Oct] comes to an end. The Conference grants extensions of deadlines for the destruction of chemical weapons stockpiles to Russia, an unidentified state party (presumably South Korea [see 17 Jul 00]) and the US. The Conference approves an action plan on the implementation of Article VII obligations and notes an action plan on universality, which had been adopted by the Council at its twenty-third meeting [see 21 Oct]. The Conference also adopts a budget for 2004, representing a 6.7 per cent increase over the 2003 budget.

24 October *Jane's Intelligence Digest* publishes an unsourced article on "Will Saudi go nuclear?" by its unidentified

“nuclear weapons expert”. The article also addresses the question of whether Saudi Arabia could produce chemical or biological weapons. It states that the extensive defensive CBW preparations which Saudi Arabia made before and during the 1991 Gulf War “could form the basis for a future CBW programme of its own as a potential deterrent against its six neighbours that have (or have had) such capabilities.” The article continues: “The Saudi chemical industry is certainly sophisticated enough to provide the technological potential for manufacturing chemical weapons. ... The industry is known to be capable of producing mustard gas, while toxicity and synthesis studies have been conducted on [organophosphorus] compounds ... since the mid-1980s. ... The country’s chemical and biological expertise is evident from published papers, including research on the bioagents that cause plague and brucellosis.”

24 October The German-US Sunshine Project posts on its website a March 2002 proposal from Vanek Prototype Company submitted to the US Department of Justice for the production of a “ring airfoil projectile” which could carry either chemical or kinetic payloads. The company proposes manufacturing prototypes of a projectile and a launcher which will be able to rapidly fire up to eight chemical rounds to a distance of 50 metres. The proposal states that the work will “concentrate on the delivery of a chemical payload on and about the target. Payloads of incapacitants, irritants, malodorants, and marking agents would be of first interest.” The proposal was approved to the amount of USD 339,000.

27 October The Paris *Libération* reports that France is soon to adopt a new doctrine for the use of its strategic nuclear deterrent by targeting “rogue states” that have weapons of mass destruction. In the longer term, the doctrine will also “take into account” China, according to the newspaper. The newspaper quotes an unidentified French Defence Ministry source as saying that France could attack rogue states to meet “the threat of a chemical attack”. *Libération* says the former French nuclear doctrine during the Cold War was described as “du faible au fort” (the weak facing down the strong), while the new doctrine has been described as “du fort au fou” (the strong facing down the mad).

28 October In Washington, US Secretary of Defense Donald Rumsfeld meets with senior officials to discuss reallocating intelligence resources in Iraq away from the search for weapons of mass destruction to dealing with the growing resistance against the occupation by coalition forces. While the military and Congress are reportedly keen to strengthen the counter-insurgency effort, the CIA is wary about undermining the search for evidence of Iraq’s WMD programmes. An unidentified Department of Defense official is quoted as saying: “What’s more important right now and what’s more destabilizing: the insurgency or knowing about the WMD?” however, Secretary Rumsfeld’s Chief of Staff says: “The ISG has a principal mission of WMD and that remains unchanged. And the emphasis remains unchanged.”

28 October In the US, the Director of the National Imagery and Mapping Agency General James Clapper tells reporters that satellite imagery showed a heavy flow of traffic from Iraq into Syria immediately prior to the US-UK invasion of Iraq, so the *New York Times* reports. Clapper, giving his “personal assessment” to journalists, says that the images led him to believe that illicit weapons material “unquestionably” had been moved out of Iraq. He says: “I think people below the Saddam Hussein-and-his-sons level saw what was coming and decided the best thing to do was to destroy and disperse.” He adds: “I

think probably in the few months running up to the onset of the conflict, I think there was probably an intensive effort to disperse into private hands, to bury it, and to move it outside the country’s borders.”

28 October In Spokane, Washington State, District Judge Frem Nielsen sentences Kenneth Olsen [see 18 Jul] to almost 14 years imprisonment for producing ricin. In passing sentence, Judge Nielsen says: “There really was no legitimate purpose. There were dozens and dozens of people who had access to that area, to that airspace. It’s a godsend none of it escaped. It was an evil intent. That amount of research supports that kind of conclusion.” Olsen is also ordered to repay his former employers USD 22,901 for decontamination.

28-30 October In Tokyo, there is the 11th Asian Export Control Seminar organized by the Centre for Information on Security Trade Control and the Japanese government. The seminar brings together governmental experts from Australia, Brunei Darussalam, Cambodia, China, Germany, Hong Kong, Indonesia, Japan, Lao People’s Democratic Republic, Macao, Mongolia, Myanmar, Philippines, Singapore, South Korea, Chinese Taipei, Thailand, UK, US and Vietnam. Among the presentations are: “Identification of end-users in export licensing process – How do we find the endusers of concern?” by Melvyn Tompkins from the UK; “Case study on procurement activities by countries of concern” by Andreas Kleine from Germany; “Cooperative actions to prevent circumventive activities of concern in the Asian region” by Katsushi Takehiro from Japan; and “North Korean companies and commercial activities in Southeast Asia” by Bertil Lintner of Jane’s Consultancy.

29 October In Tokyo District Court, Aum Shinrikyo member Tomomasa Nakagawa is sentenced to death for his part in the sarin gas attacks at Matsumoto [see 28 Jun 94] and on the Tokyo subway [see 20 Mar 95] as well as other murders. Nakagawa ranks only second to Aum leader Shoko Asahara in terms of the number of charges he faces, 11 as compared to 13. Nakagawa is also found guilty of the murders of lawyer Tsutsumi Sakamoto, his wife and their one year-old son, the murder of fellow Aum member Kotaro Ochida and the murder by VX poisoning of Tadahito Hamaguchi [see 4 Dec 95]. Nakagawa is the tenth Aum member to be sentenced to death but, like the other nine, he is also expected to appeal the sentence.

29 October In Brussels, the European Commission adopts a proposal for a new EU regulatory framework for chemicals. A Commission press release states: “Under the proposed new system called REACH (Registration, Evaluation and Authorisation of CHemicals), enterprises that manufacture or import more than one tonne of a chemical substance per year would be required to register it in a central database. The aims of the proposed new Regulation are to improve the protection of human health and the environment while maintaining the competitiveness and enhancing the innovative capability of the EU chemicals industry. REACH would furthermore give greater responsibility to industry to manage the risks from chemicals and to provide safety information on the substances.” The proposal will now be forwarded to the European Parliament and the EU’s Council of Ministers for adoption under the co-decision procedure.

29 October In Washington, visiting Russian Munitions Agency director-general Viktor Kholstov says that the US Administration “has shown an interest and readiness” to continue providing assistance to Russia’s chemdemil programme. During his visit, Kholstov had met with National Security Council Senior

Director for Proliferation Strategies, Counterproliferation and Homeland Defense Robert Joseph, high-ranking Department of Defense experts and a number of members of Congress. Kholstove says Russia will be able to complete the destruction of its chemical weapon by 2012.

29 October In two interviews with the *Los Angeles Times*, recently retired assistant secretary of State for intelligence and research Carl Ford says that the US intelligence community "badly underperformed" for years in assessing Iraq's weapons of mass destruction and that the community should accept responsibility for its failure. Ford adds: "The information we were giving the policy community was off the mark." Unlike others [see 9 Jul], Ford does not claim that intelligence was politicized by members of the Administration: "We push back on political pressure ... and the only problem is when there's a weasel in the intelligence community who does not have the backbone and starts giving the policymakers what they want to hear." While he says there may have been such "weasels", Ford argues that the intelligence community cannot blame its failure on pressure from politicians.

29-31 October In Singapore, the government and the OPCW Technical Secretariat organize the First Regional Meeting of National Authorities in Asia.

29 October–1 November In Toronto, The Canadian Public Health Association and the Centre for Emergency Preparedness and Response at Health Canada co-sponsor the *Canadian Conference on Counter-Terrorism and Public Health*.

30 October In London, US Undersecretary of State for Arms Control and International Security John Bolton addresses the conservative Bruges Group on *The New World After Iraq: The Continuing Threat of Weapons of Mass Destruction*. In his speech, Undersecretary Bolton says that the "greatest threat to international peace and stability comes from rogue states and terrorist groups that are unrestrained in their choice of weapon and undeterred by conventional means." He continues: "State sponsors of terrorism, such as Iran, North Korea, Syria and Libya, are aggressively working to acquire weapons of mass destruction and their missile delivery systems. Here lies a dangerous confluence of nefarious motives, and we must prevent the one from abetting the other. ... Rogue states such as Iran, North Korea, Syria, Libya and Cuba, whose pursuit of weapons of mass destruction makes them hostile to US interests, will learn that their covert programs will not escape either detection or consequences. And while we will pursue diplomatic solutions whenever possible, the United States and its allies must be willing to deploy more robust techniques, such as the interdiction and seizure of illicit goods, the disruption of procurement networks, sanctions, or other means. If rogue states are not willing to follow the logic of nonproliferation norms, they must be prepared to face the logic of adverse consequences. It is why we repeatedly caution that no option is off the table." Bolton then refers to Iran, North Korea and Syria in more detail.

On Iran, he focuses on its alleged nuclear weapons programme, but he does say that Iran has "robust BW, CW and missile programs".

On North Korea, Undersecretary Bolton says: "North Korea has acceded to the Biological and Toxin Weapons Convention (BWC), but nonetheless has probably continued a biological warfare capabilities effort that began in the 1960s. Pyongyang's resources include a rudimentary biotechnical infrastructure that could support the production of infectious biological warfare agents such as anthrax, cholera, and plague. North Korea is believed to possess a munitions-production

infrastructure that would allow it to weaponize biological agents, and may have biological weapons available for use. We believe North Korea has had a long-standing chemical weapons program. North Korea's chemical weapons capabilities include the ability to produce bulk quantities of nerve, blister, choking, and blood agents using its sizeable, although aging, chemical industry. We believe it possesses a sizeable stockpile of these agents and weapons, which it could employ should there be renewed fighting on the Korean peninsula." Bolton also mentions the interception in May by German authorities of 30 metric tons of sodium cyanide bound for North Korea and the off-loading of 158 barrels of phosphorus pentasulfide in Taiwan from the North Korean ship *Be Gaehung* [see 11 Aug].

On Syria, Undersecretary Bolton says: "Since the 1970s, Syria has pursued what is now one of the most advanced Arab state chemical weapons capabilities. It has a stockpile of the nerve agent sarin that can be delivered by aircraft or ballistic missiles, and has engaged in the research and development of more toxic and persistent nerve agents such as VX. Syria is fully committed to expanding and improving its CW program, which it believes serves as a deterrent to regional adversaries. It remains heavily dependent on foreign sources for key elements of its chemical warfare program, including precursor chemicals and key production equipment. As a result, Syria will need to continue foreign procurement activities in order to continue its CW program. We believe that Syria is continuing to develop an offensive biological weapons capability as well."

Undersecretary Bolton then goes on to describe various new initiatives including the Proliferation Security Initiative [see 8-10 Oct], the G8 Global Partnership [see 1-3 Jun] and a new State Department initiative that he now announces, the Dangerous Materials Initiative.

30 October In the US House of Representatives, the Terrorism, Unconventional Threats and Capabilities Subcommittee of the Armed Services Committee convenes a hearing on *The Destruction of the US Chemical Weapons Stockpile: Program Status and Issues*. Testifying are: Claude Bolton, Assistant Secretary of the Army for Acquisition, Technology, and Logistics; Pat Wakefield, Deputy Assistant to the Secretary of Defense for Chemical Demilitarization and Counterproliferation; Mike Parker, Director, US Army Chemical Material Agency; Craig Conklin, Chief, Nuclear and Chemical Hazards Branch Preparedness Division, Department of Homeland Security; and Henry Hinton, Managing Director, Defense Capabilities and Management, General Accounting Office.

A study by the GAO, which is presented to the Subcommittee, recommends a risk management plan to mitigate problems affecting programme schedules, costs and safety. The GAO was informed that total programme costs had risen by another USD 1.4 billion to exceed USD 25 billion and, the GAO believes, that the cost will rise higher still. The report also states that "because of schedule delays, the United States will not meet CWC's April 2004 deadline to destroy 45 percent of the chemical stockpile. The United States recently [see 3 Sep] asked the governing body of the convention for an extension beyond the April 2004 deadline. If the delays that the program has experienced continue, the United States also risks not meeting the 2007 deadline to destroy 100 percent of the stockpile. Unless the Chem-Demil Program is able to fix the problems that have caused these delays, the United States also risks not meeting CWC's deadline, if extended to 2012, to destroy the entire stockpile. The CWC allows extensions of up to 5 years to the 2007 deadline."

31 October The *Jerusalem Post* reports an unidentified

senior Israeli security official as saying that Palestinian terrorist organizations have the capability to carry out a chemical attack within Israel, but have refrained from doing so due to the repercussions of such an attack. The source is quoted as saying: "It is not a problem for terrorist organizations to obtain chemical materials, and they are aware of the advantages of such an attack; but on the other hand [they know] it would be considered breaking all the rules of the game." A police spokesman is quoted as saying that traces of rat poison, pesticides and other toxic chemicals have been found at the sites of more than five Palestinian bombings since the late 1990s.

31 October In the UK, the Government lays before Parliament two orders under the *Export Control Act 2002* [see 24 Jul 02], the *Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003* and the *Trade in Goods (Control) Order 2003*. The orders introduce completely new controls on trade in military goods between overseas countries, transfers of technology for military goods by electronic means, transfers of technology, by any means, for use in connection with weapons of mass destruction and provision of technical assistance for use in connection with WMD. The controls are described as "substantial new controls which will affect every aspect of the modern defence industry". They will come into force on 1 May 2004. In the intervening period, the Export Control Organization is organizing workshops, seminars and regional roadshows to raise awareness and understanding of the new controls.

31 October In Edinburgh, the High Court sentences Paul Smith, a 17 year-old school pupil, to three years detention in a young offenders institution for sending letters claiming to contain ricin and anthrax to public figures. Between August 2001 and February 2002, Smith sent 44 letters to, among others, Prince William, the Prime Minister's wife Cherie Blair [see 1 Mar 02], the House of Commons, the Scottish Parliament, Scotland Yard, the Home Office and the BBC. The Court was told that Smith sent the letters after being 'groomed' over the internet by the head of an anti-English Scottish terrorist organization [see 1 Mar 02]. The presiding judge, Lord Kingarth told Smith: "You became involved in a sinister and sustained campaign which was calculated to cause and did cause considerable distress and alarm to a number of people and a very considerable disruption." In passing sentence, Lord Kingarth says: "I also take account of what was said in your defence that you came under the malign influence and direction of someone apparently significantly older, whose extreme political views you do not share now even if you did then. It was a person by whom it seems clear you were used. Although you are a bright young man you are possessed with a certain naivety."

This Chronology was compiled by Nicholas Dragffy and Daniel Feakes from information supplied through HSP's network of correspondents and literature scanners.

Recent Publications

- Ackerman, Spencer, and John Judis. "The operator: George Tenet undermines the CIA", *New Republic*, issue 4627 (22 September 2003), p 18 ff. [available online at <http://www.tnr.com/thisweek.mhtml?i=20030922>].
- Amnesty International. *The Pain Merchants: Security Equipment and its Use in Torture and Other Ill-Treatment*, London: Amnesty International, 2 December 2003, 85 pp [available online at [http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/ACT400082003ENGLISH/\\$File/ACT4000803.pdf](http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/ACT400082003ENGLISH/$File/ACT4000803.pdf)].
- Annas, George. "Puppy love: bioterrorism, civil rights, and public health", *Florida Law Review*, vol 55 (December 2003), pp 1171-1190.
- Balmer, Brian. "Using the population body to protect the national body: germ warfare tests in the United Kingdom after World War II", in Jordan Goodman Anthony McElligott and Lara Marks, *Useful Bodies: Humans in the Service of Medical Science in the Twentieth Century*, Baltimore and London: The Johns Hopkins University Press, 2003, pp 27-52.
- Bartolome, Mariano, and Maria Jose Espona. "Chemical and biological terrorism in Latin America: the Revolutionary Armed Forces of Colombia", *ASA Newsletter*, no 98 (31 October 2003), pp 1 and 19-22.
- Ben Ouagrham, Sonia. "Biological weapons threats from the former Soviet Union", *CIAO Working Papers*, August 2003, 21 pp. [available online at <http://www.ciaonet.org/wps/ous02/index.html>].
- Benjamin, Georges, Patti Unruh, Michael Earls, and Shelley Hearne. *Animal-Borne Epidemics out of Control: Threatening the Nation's Health*: Trust for America's Health, August 2003, 24 pp.
- Black, John Logan. "Genome projects and gene therapy: gateways to next generation biological weapons", *Military Medicine*, vol 168 (November 2003), pp 864-71.
- Boehlert, Eric. "A shot in the dark", *Salon.com*, 10 December 2003 [on the US Anthrax Vaccine Immunization Program].
- Bohlen, Avis. "The rise and fall of arms control", *Survival*, [IISS] vol 45 no 3 (Autumn 2003), pp 7-34.
- Budowle, Bruce, Steven Schutzer, Anja Einseln, Lynda Kelley, Anne Walsh, Jenifer Smith, Babetta Marrone, James Robertson, and Joseph Campos. "Building microbial forensics as a response to bioterrorism", *Science*, vol 301 (26 September 2003), pp 1852-53.
- Buehler, James, Ruth Berkelman, David Hartley, and Clarence Peters. "Syndromic surveillance and bioterrorism-related epidemics", *Emerging Infectious Diseases*, vol 9 no 10 (October 2003), pp 1197-1204.
- Cleminson, Frank Ronald. "What happened to Saddam's weapons of mass destruction?" *Arms Control Today*, vol 33 no 7 (September 2003), pp 3-6.
- Cole, Leonard. "Gone today, here tomorrow?" *Bulletin of the Atomic Scientists*, vol 59 no 5 (September/October 2003), pp 66-69. [Review of: Elizabeth Anne Fenn. *Pox Americana: The Great Smallpox Epidemic of 1775-82*; Jonathan Tucker. *Scourge: The Once and Future Threat of Smallpox*; and Richard Preston. *The Demon in the Freezer: A True Story*].
- Cordesman, Anthony, and Ryan Faith. *Iran's Search for Weapons of Mass Destruction: Warfighting Capabilities, Delivery Options, and Weapons Effects*, Washington DC: Center for Strategic and International Studies [CSIS], 2003, 107 pp [available online at http://www.csis.org/burke/irans_search_wmd.pdf].
- Cote, Owen. "Weapons of mass confusion: a security strategy doomed to failure", *Boston Review*, vol 28 (April/May 2003), 4pp.
- Davey, Brian. "Health and safety issues during implementation of the Chemical Weapons Convention: lessons learned during 5 years of OPCW operations", *The ASA Newsletter*, no 98 (31 October 2003), pp 16-18.
- Deller, Nicole, and John Burroughs. "Arms control abandoned: the case of biological weapons", *World Policy Journal*, vol 20 no 2 (Summer 2003), pp 37-42.
- Domaradskij, Igor, and Wendy Orent. *Biowarrior: Inside the Soviet/Russian Biological War Machine*, Amherst, NY: Prometheus Books, 2003, 341 pp.
- Donahoo, Brian. *Chemical and biological warfare: a manageable problem*, Newport, Rhode Island: [US] Naval War College, 27 January 2003, 24 pp.
- Drogin, Bob. "Friendly fire: what David Kay really found", *New Republic*, issue 4632 (27 October 2003), pp 23 ff. [available online at <http://www.tnr.com/thisweek.mhtml?i=20031027>].
- Feakes, Daniel. "Global civil society and biological and chemical weapons", in Mary Kaldor, Helmut Anheier, and Marlies Glasius (eds), *Global Civil Society 2003*, Oxford University Press, 2003, pp 87-117.
- Flynn, Stephen. "Potential strange bedfellows? Homeland security and nonproliferation in the post-9/11 world", *The Monitor*, [CITS, University of Georgia], vol 9 no 3 (Fall 2003), pp 10-13.
- Goldstein, Alan. "Bioterror hysteria: the new 'Star Wars'", *Salon.com*, 9 December 2003.
- Goozner, Merrill. "Bioterror brain drain", *The American Prospect*, vol 14 no 9 (1 October 2003), 2 pp.
- Gormley, Dennis, and Richard Speier. "Controlling unmanned air vehicles: new challenges", *The Nonproliferation Review*, vol 10 no 2 (Summer 2003), pp 66-79.
- Gough, Michael. "The political science of Agent Orange", *Security Studies Program [MIT] Working Paper*, wp 02-1

- (May 2002), 19 pp. [available online at http://web.mit.edu/ssp/Publications/working_papers/wp02-1.pdf].
- Graysmith, Robert. *Amerithrax: The Hunt for the Anthrax Killer*, New York: Berkley Books, 2003, 454 pp.
- Gross, Michael. "Poisonous proteins", *Chemistry in Britain*, vol 39 no 10 (October 2003), pp 28-30.
- Guarner, Jeannette, John Jernigan, Wun-Ju Shieh, Kathleen Tatti, Lisa Flannagan, David Stephens, Tanja Popovic, David Ashford, Bradley Perkins, Sherif Zaki, and the Inhalational Anthrax Pathology Working Group. "Pathology and pathogenesis of bioterrorism-related inhalational anthrax", *American Journal of Pathology*, vol 163 no 2 (August 2003), pp 701-09.
- Iida, Kotaro. "Technical aspects of biological weapons: a viewpoint from industrial pharmacy", in Masaaki Sugishima (ed), *A Comprehensive Study on Bioterrorism*, Gifu, Japan: Asahi University Legal Research Institute, 2003, pp 32-36.
- Khatari, Shahriar, Mostafa Ghanei, Saeed Keshavarz, Mohammad Soroush, and David Haines. "Incidence of lung, eye, and skin lesions as late complications in 34,000 Iranians with wartime exposure to mustard agent", *Journal of Occupational and Environmental Medicine*, vol 45 no 11 (November 2003), pp 1136-43.
- Koplow, David. "That wonderful year: smallpox, genetic engineering, and bio-terrorism", *Maryland Law Review*, vol 62 no 3 (2003), pp 417-514.
- Kosai, Margaret. *The Basics of Chemical and Biological Weapons Detectors*, Monterey: Center for Nonproliferation Studies, 24 November 2003, 8 pp [available online at <http://cns.miis.edu/pubs/week/031124.htm>].
- Leitenberg, Milton. "Distinguishing offensive from defensive biological weapons research", *Critical Reviews in Microbiology*, vol 29 no 3 (2003), pp 223-57.
- Littlewood, Jez. "Substance hidden under a mountain of paper: the BWC Experts' Meeting in 2003", *Disarmament Diplomacy*, no 73 (October/November 2003), pp 63-6.
- Littlewood, Jez. "Preparing for a successful outcome to the BTWC Sixth Review Conference in 2006", in Graham Pearson and Malcolm Dando (eds), *Strengthening the Biological Weapons Convention*, [University of Bradford: Department of Peace Studies] Briefing Paper no 11 (second series), December 2003, 13 pp.
- MacKenzie, Debora. "How the US crackdown on bioterror is backfiring", *New Scientist*, vol 179 no 2420 (8 November 2003), p 6 ff.
- Madden, LV, and M Wheelis. "The threat of plant pathogens as weapons against US crops", *Annual Review of Phytopathology*, vol 41 (2003), pp 155-75.
- Manley, Ron. "The Iraq weapons report: a review", *OpenDemocracy* (9 October 2003), 5 pp [available online at <http://www.opendemocracy.com/articles/ViewPopUpArticle.jsp?id=2&articleId=1529>].
- Matsumoto, Gary. "Anthrax powder: state of the art?" *Science*, vol 302 (28 November 2003), pp 1492-97.
- Mauroni, Al. *Chemical Demilitarization: Public Policy Aspects*, Westport and London: Praeger, 2003, xv + 238 pp.
- Meier, Oliver, and Jan van Aken. "Politische Handlungsmöglichkeiten zur Kontrolle biologischer Waffen", *S+F Vierteljahresschrift für Sicherheit und Frieden*, [Hamburg Institute for Peace and Security Studies] vol 21 no 2 (2003), pp 75-81.
- Müller, Harald. "German national identity and WMD proliferation", *The Nonproliferation Review*, vol X no 2 (Summer 2003), pp 1-20.
- Netesov, Sergey. "Molecular epidemiology as a new approach in detecting terrorist use of infectious agents", in USA National Research Committee on Confronting Terrorism in Russia, *High-Impact Terrorism: Proceedings of a Russian-American Workshop*, Washington DC: National Academy Press, 2002, pp 89-101.
- Pearson, Graham. "Preparing for the first meeting of the States Parties: II: Security and oversight of pathogenic microorganisms and toxins", in Graham Pearson and Malcolm Dando (eds), *Strengthening the Biological Weapons Convention*, [University of Bradford: Department of Peace Studies] Briefing Paper no 9 (second series), October 2003, 16 pp.
- Pearson, Graham, and Nicholas Sims. "Preparing for the first meeting of the States Parties: I: National Implementing Legislation", in Graham Pearson and Malcolm Dando (eds), *Strengthening the Biological Weapons Convention*, [University of Bradford: Department of Peace Studies] Briefing Paper no 8 (second series), October 2003, 12 pp.
- Pennington, Hugh. "Smallpox and bioterrorism", *Bulletin of the World Health Organization*, vol 81 no 10 (October 2003), pp 762-67.
- Plunkett, Geoff. *Chemical Warfare Agent Sea Dumping off Australia*, Canberra: Department of Defence, [revised and updated edition], 2003, 36 pp [available online at <http://www.hydro.gov.au/n2m/dumping/cwa/cwa.htm>].
- Prescott, Elizabeth. "SARS: a warning", *Survival* [IISS], vol 45 no 3 (Autumn 2003), pp 207-26.
- Pullinger, Stephen. "The Hutton Inquiry: was Iraq a serious and current threat?" *Disarmament Diplomacy* no 73 (October/November 2003), pp 51-55.
- Pullinger, Stephen. "US policy: WMD, good and bad", *Disarmament Diplomacy* no 73 (October/November 2003), pp 55-63.
- Rappert, Brian. "Constructions of legitimate force: the case of CS sprays", *British Journal of Criminology*, vol 42 (2002), pp 686-708.
- Rappert, Brian. "Health and safety in policing: lessons from the regulation of CS sprays in the UK", *Social Science and Medicine*, vol 56 no 6 (March 2003), pp 1269-78.
- Reshetin, Vladimir, and James Regens. "Simulation modeling of anthrax spore dispersion in a bioterrorism incident", *Risk Analysis*, vol 23 no 6 (2003), pp 1135-45.
- Rosenheck, Dan. "WMDs: the biggest lie of all", *New Statesman*, vol 16 no 177 (25 August 2003), pp 16 ff.
- Schaad, Norman, Frederick Reid, Joe Shaw, William Schneider, Robert Hickson, Michael Petrillo, and Douglas Luster. "Advances in molecular-based diagnostics in meeting crop biosecurity and phytosanitary issues", *Annual Review of*

- Phytopathology*, vol 41 (September 2003), pp 305-22.
- Scheer, Christopher. "A plague of bioweapons", *AlterNet.org*, 4 December 2003, 7 pp [available online at <http://www.alternet.org/story.html?StoryID=17319>].
- Sims, Nicholas. "Towards the BTWC Sixth Review Conference: making best use of the 26 March 2005 anniversary" in Graham Pearson and Malcolm Dando (eds), *Strengthening the Biological Weapons Convention*, [University of Bradford: Department of Peace Studies] Briefing Paper no 10 (second series), December 2003, 12 pp.
- Spear, Joanna. "The emergency of a European 'strategic personality'", *Arms Control Today*, vol 33 no 9 (November 2003), pp 13-18.
- Spinney, Laura. "The killer bean of Calabar", *New Scientist*, vol 178 no 2401 (28 June 2003), pp 48-49 [about *Physostigma venenosum*].
- Sugishima, Masaaki. "Biocrimes in Japan", in Masaaki Sugishima (ed), *A Comprehensive Study on Bioterrorism*, Gifu, Japan: Asahi University, Legal Research Institute, 2003, pp 87-121.
- Sunshine Project. "Biosafety, biosecurity and bioweapons: three agreements on biotechnology, health, and the environment, and their potential contribution to biological weapons control", *Backgrounder*, no 11 (October 2003), 16 pp.
- Sunshine Project. "Emerging technologies: genetic engineering and biological weapons", *Backgrounder*, no 12 (November 2003), 16 pp.
- Tegneil, Anders, Philippe Bossi, Agoritsa Baka, Frank Van Loock, Jan Hendriks, Solvejg Wallyn, and Georgios Gouvras. "The European Commission's Task Force on Bioterrorism", *Emerging Infectious Diseases*, vol 9 no 10 (October 2003), pp 1330-32.
- Trapp, Ralf. "Erste Überprüfungskonferenz zum C-Waffen-Übereinkommen - so weit, so gut", *Nachrichten aus der Chemie*, vol 51 no 5 (May 2003), pp 542-46.
- Tucker, Jonathan. "Biosecurity: limiting terrorist access to deadly pathogens", *Peaceworks*, [US Institute of Peace] no 52 (November 2003), 47pp [available online at <http://www.usip.org/pubs/peaceworks/pwks52.pdf>].
- Turvey, Calum, Eduoard Mafoua, Brian Schilling, and Benjamin Onyango. *Economics, hysteresis and agroterrorism*, New Jersey: Food Policy Institute, Rutgers University, Principal Paper, May 2003, 28 pp.
- USA, Congress, General Accounting Office. *Bioterrorism: Public Health Response to Anthrax Incidents of 2001*, 15 October 2003, report no. GAO-04-152, 44pp.
- Valiante, Nicholas, Derek O'Hagan, and Jeffrey Ulmer. "Innate immunity and biodefence vaccines", *Cellular Microbiology*, vol 5 no 11 (2003), pp 755-60.
- Venkatesh, S, and Ziad Memish (King Abdulaziz Medical City, Riyadh). "Bioterrorism: a new challenge for public health", *International Journal of Antimicrobial Agents*, vol 21 (February 2003), pp 200-6.
- Wheelis, Mark. "Agricultural bioterrorism", in Masaaki Sugishima (ed), *A Comprehensive Study on Bioterrorism*, Gifu, Japan: Asahi University, Legal Research Institute, 2003, pp 38-47.
- Williamson, Kenny Mallow. "Proving causation in acts of bioterrorism", *Cumberland Law Review*, vol 33 (2002/2003), pp 709-26.
- Williamson, Richard. "Is international law relevant to arms control? Hard law, soft law, and non-law in multilateral arms control: some compliance hypotheses", *Chicago Journal of International Law*, vol 4 no 1 (Spring 2003), pp 59-82.
- Woodall, J, and R Aldis. "Gaps in global surveillance", *BioWeapons Prevention Project Occasional Papers* no 1, December 2003, 28 pp.
- Woodward, Angela. *Time to Lay Down the Law: National Legislation to Enforce the BWC*, London: Verification Research, Training and Information Centre [VERTIC], 2003, 48 pp.
- World Health Organization, Food Safety Department. *Terrorist Threats to Food: Guidance for Establishing and Strengthening Prevention and Response Systems*, Geneva: WHO, January 2003, 46pp.
- Zanders, Jean Pascal, John Hart, Frida Kuhlau, and Richard Guthrie. "Non-compliance with the Chemical Weapons Convention: lessons from and for Iraq", *SIPRI Policy Paper*, no 5 (October 2003), 50 pp.
- Zilinskas, Raymond. "Biotechnology and its possible risks including criminal applications", in Masaaki Sugishima (ed), *A Comprehensive Study on Bioterrorism*, Gifu, Japan Asahi University: Legal Research Institute, 2003, pp 8-30.

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