

**Third Meeting  
Geneva, 5-9 December 2005**

## **REPORT OF THE MEETING OF STATES PARTIES**

### Introduction

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

“The Conference decided, by consensus, as follows:

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

- (b) All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.
- (c) Each meeting of the States Parties will be prepared by a two week meeting of experts. The topics for consideration at each annual meeting of States Parties will be as follows: items i and ii will be considered in 2003; items iii and iv in 2004; item v in 2005. The first meeting will be chaired by a representative of the Eastern Group, the second by a representative of the Group of Non-Aligned and Other States, and the third by a representative of the Western Group.
- (d) The meetings of experts will prepare factual reports describing their work.
- (e) The Sixth Review Conference will consider the work of these meetings and decide on any further action.”

2. In accordance with the decision of the Fifth Review Conference, the 2003 Meeting of States Parties was convened in Geneva from 10 to 14 November 2003, and was preceded by a Meeting of Experts held in Geneva from 18 to 29 August 2003. The 2004 Meeting of States Parties was convened in Geneva from 6 to 10 December 2004, and was preceded by a Meeting of Experts held in Geneva from 19 to 30 July 2004. The 2004 Meeting of States Parties approved the nomination by the Western Group of Ambassador John Freeman of the United Kingdom of Great Britain and Northern Ireland as Chairman of the Meeting of Experts and Meeting of States Parties in 2005. The 2004 Meeting of States Parties decided that the 2005 Meeting of Experts would be held in Geneva from 13 to 24 June 2005, and that the 2005 Meeting of States Parties would be held in Geneva from 5 to 9 December 2005.<sup>1</sup>

3. By resolution 59/110, adopted without a vote on 3 December 2004, the General Assembly, *inter alia*, requested the United Nations Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences, including all necessary assistance to the annual meetings of the States Parties and the meetings of experts.

4. The 2005 Meeting of Experts convened in Geneva from 13 to 24 June 2005. At its closing meeting on 24 June 2005, the Meeting of Experts adopted by consensus its Report (BWC/MSP/2005/MX/3).

#### Organization of the Meeting of States Parties

5. In accordance with the decisions of the Fifth Review Conference and the 2004 Meeting of States Parties, the 2005 Meeting of States Parties was convened at the Palais des Nations in Geneva from 5 to 9 December 2005, under the Chairmanship of Ambassador John Freeman of the United Kingdom of Great Britain and Northern Ireland.

6. At its first meeting, the Meeting of States Parties adopted its agenda (BWC/MSP/2005/1) and programme of work (BWC/MSP/2005/2) as proposed by the Chairman.

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<sup>1</sup> See BWC/MSP/2004/3

7. At the same meeting, following a suggestion by the Chairman, the Meeting of States Parties adopted as its rules of procedure, *mutatis mutandis*, the rules of procedure of the Fifth Review Conference, as contained in Annex II of the Final Document of the Review Conference (BWC/CONF.V/17).

8. Mr. Valere Mantels, Political Affairs Officer, United Nations Department for Disarmament Affairs, was in charge of the BWC issues in the Department for Disarmament Affairs. Mr. Richard Lennane, Political Affairs Officer, served as Secretary of the Meeting of States Parties. Ms. Melissa Hersh and Dr. Piers Millett, Associate Political Officers, served in the Secretariat.

#### Participation at the Meeting of States Parties

9. Eighty-seven States Parties to the Convention participated in the Meeting of States Parties as follows: Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bhutan, Bolivia, Bosnia-Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kuwait, Kyrgyzstan, Latvia, Lesotho, Libyan Arab Jamahiriya, Lithuania, Malaysia, Malta, Mauritius, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela, Viet Nam, and Yemen.

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

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

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

13. The International Centre for Genetic Engineering and Biotechnology (ICGEB), the International Committee of the Red Cross (ICRC), the Organisation for Economic Co-operation and Development (OECD), and the Organization for the Prohibition of Chemical Weapons (OPCW), were granted observer status to participate in the Meeting of States Parties in accordance with rule 44, paragraph 4.

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

15. A list of all participants in the Meeting of States Parties is contained in document BWC/MSP/2005/INF.2.

#### Work of the Meeting of States Parties

16. The Meeting of States Parties held four public meetings, on 5, 6 and 9 December respectively, and five working sessions between 5 and 9 December 2005. In accordance with the programme of work (BWC/MSP/2005/2), on 5 December the Meeting of States Parties heard a message from the Secretary-General of the United Nations and held a general debate in which 25 States Parties made statements. On 6 December the Meeting of States Parties continued the general debate in which four States Parties made statements. On 6 and 7 December, three meetings were devoted to discussing, and promoting common understanding and effective action on the content, promulgation, and adoption of codes of conduct for scientists (agenda item 6).

17. The Meeting of States Parties was preceded by a Meeting of Experts where measures relevant to agenda item 6 were discussed in detail. States Parties noted that the Meeting of Experts was helpful in promoting common understanding and effective action on this agenda item. They stressed the need for undertaking activities at the national and international levels on this agenda item in accordance with the decision adopted by consensus in the Final Document of the Fifth Review Conference of the States Parties to the Convention (BWC/CONF.V/17) in the section dealing with decisions and recommendations.

18. On the mandate to discuss, and promote common understanding and effective action on the content, promulgation and adoption of codes of conduct for scientists, the States Parties recognised that:

- (a) while the primary responsibility for implementing the Convention rests with States Parties, codes of conduct, voluntarily adopted, for scientists in the fields relevant to the Convention can support the object and purpose of the Convention by making a significant and effective contribution, in conjunction with other measures including national legislation, to combating the present and future threats posed by biological and toxin weapons, as well as by raising awareness of the Convention, and by helping relevant actors to fulfil their legal, regulatory and professional obligations and ethical principles;
- (b) codes of conduct should reflect the provisions of the Convention and contribute to national implementation measures;
- (c) a range of different approaches exist to develop codes of conduct in view of differences in national requirements and circumstances;
- (d) codes of conduct should avoid impeding scientific discovery, placing undue constraints on research or international cooperation and exchange for peaceful purposes;

- (e) science should be used for peaceful purposes only but has the potential to be misused in ways that are prohibited by the Convention, and therefore codes of conduct should require and enable relevant actors to have a clear understanding of the content, purpose and reasonably foreseeable consequences of their activities, and of the need to abide by the obligations contained in the Convention.

19. The States Parties recognised that all those with a responsibility for, or legitimate interest in, codes of conduct should be involved in their development, promulgation and adoption. The States Parties agreed on the value of codes of conduct applying not just to scientists, but to all those involved in scientific activity, including managers and technical and ancillary staff.

20. On the content of codes of conduct, recognising the principles listed in paragraph 18, the States Parties agreed on the importance of codes of conduct being:

- (a) compatible with national legislation and regulatory controls and contributing to national implementation measures;
- (b) simple, clear and easily understandable both to scientists and to wider civil society;
- (c) relevant, helpful and effective for guiding relevant actors in making decisions and taking action in accordance with the purposes and objectives of the Convention;
- (d) sufficiently broad in scope;
- (e) regularly reviewed, evaluated for effectiveness, and revised as necessary.

21. On the adoption of codes of conduct, recognising that it is important to build on and coordinate with existing efforts, and avoid imposing burdensome and duplicative measures, the States Parties agreed on the value of:

- (a) demonstrating the benefits of codes and encouraging relevant actors to develop codes themselves;
- (b) using existing codes, mechanisms, frameworks and bodies as far as possible; and
- (c) tailoring adoption strategies according to the needs of each relevant sector.

22. On the promulgation of codes of conduct, recognising that codes of conduct will be most effective if they, and the principles underlying them, are widely known and understood, the States Parties agreed on the value of continuous efforts on promulgation through appropriate channels.

23. The States Parties further considered that in pursuing the above understandings and actions, States Parties could, according to their respective circumstances, consider the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topic under discussion at the Meeting of Experts, as contained in Annex I of the Report of the Meeting of Experts (BWC/MSP/2005/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2005/L.1,

which is attached to this report as Annex I. This annex was not discussed or agreed upon and consequently has no status.

24. States Parties are encouraged to inform the Sixth Review Conference of, *inter alia*, any actions, measures or other steps that they may have taken on the basis of the discussions at the 2005 Meeting of Experts and of the outcome of the 2005 Meeting of States Parties in order to facilitate the Sixth Review Conference's consideration of the work undertaken at the meetings in 2005 and of a decision on any further action in accordance with paragraph 18 (e) of the decision adopted at the Fifth Review Conference (BWC/CONF.V/17).

#### Documentation

25. A complete list of official documents of the Meeting of States Parties is contained in Annex II to this Report. All documents on this list are available on the United Nations Official Document System (ODS), accessible on the internet at <http://documents.un.org>.

#### Conclusion of the Meeting of States Parties

26. At its closing meeting on 9 December 2005, the Meeting of States Parties noted the nomination by the Group of Non-Aligned and Other States of Ambassador Masood Khan of Pakistan to be President of the Sixth Review Conference and Chairman of the Preparatory Committee. The Meeting decided that in accordance with the decision of the Fifth Review Conference the Preparatory Committee for the Sixth Review Conference would be held in Geneva from 26 to 28 April 2006, and that the Sixth Review Conference would be held in Geneva within the period of 20 November to 8 December 2006, with the precise dates of the Conference to be decided by the Preparatory Committee. The Meeting approved the cost estimates for the Preparatory Committee and the Sixth Review Conference, as contained in document BWC/MSP/2005/INF.1\*.

27. At the same meeting, the Meeting of States Parties adopted its Report by consensus, as contained in document BWC/MSP/2005/CRP.1, as orally amended, to be issued as document BWC/MSP/2005/3.

Annex I

SYNTHESIS OF CONSIDERATIONS, LESSONS, PERSPECTIVES,  
RECOMMENDATIONS, CONCLUSIONS AND PROPOSALS DRAWN  
FROM THE PRESENTATIONS, STATEMENTS, WORKING PAPERS  
AND INTERVENTIONS ON THE TOPIC UNDER DISCUSSION AT  
THE MEETING OF EXPERTS

Prepared by the Chairman

**General considerations**Purpose and benefits

1. Recognising that codes of conduct for scientists can support the object and purpose of the Convention, it was suggested that codes of conduct can:

- (i) Make a significant and effective contribution, in conjunction with other measures, to combating the present and future threats posed by biological weapons and bioterrorism;
- (ii) Raise awareness of the Convention and of the potential risks inherent in scientific activity, and promote the need for reflection, consideration and discussion of the possible security implications of scientific work;
- (iii) Help build a culture of responsibility and accountability among the scientific community, and increase public confidence that the risks are being appropriately managed;
- (iv) Help scientists and others fulfil their legal, regulatory, professional and ethical obligations;
- (v) Extend the responsibility for implementing the provisions of the Convention to the level of the individual.

Desirable qualities

2. Recognising the requirement that codes of conduct should avoid impeding scientific discovery or placing excessive constraints on research, it was suggested that codes of conduct should:

- (i) Reflect the provisions of the Convention;
- (ii) Be compatible with, and complement, national legislation and regulatory controls;
- (iii) Be simple, clear and easily understandable both to scientists and to wider civil society;

- (iv) Be seen as relevant, helpful and effective by those they apply to, and thus actively supported and followed;
- (v) Be incorporated into existing working practices, funding and approval procedures, education and training;
- (vi) Be revised and updated as necessary.

### Scope, form and structure

3. Recognising that, although the principles underlying codes should reflect the Convention and be universal, a range of different approaches are needed to develop codes of conduct that apply to a wide variety of scientific activities and national circumstances, it was suggested that:

- (i) Building blocks, core guidelines or common elements could be developed, that could then be used to develop specific codes;
- (ii) Three layers of codes could be developed: a top layer describing the universal norms; a middle layer of more detailed codes developed or adapted by scientific bodies; and a bottom layer of operational codes specific to particular institutions;
- (iii) There should be no attempt to impose a particular form or format of code;
- (iv) Codes of conduct should apply not just to scientists, but to all relevant actors involved in scientific activity, including funders, publishers, managers and technical and ancillary staff;
- (v) Codes of conduct should be sufficiently broad in scope to apply to new and unexpected scientific results and developments.

### **Content of codes of conduct**

#### Principles

4. Recognising the dual-use dimension of much scientific activity and that in accordance with the Convention scientists should use their knowledge and abilities for the advancement of human and animal welfare in addition to respecting human rights and protecting the environment, it was suggested that codes of conduct should:

- (i) Be aimed at the individual consciences of scientists and others;
- (ii) Require individuals to refuse to participate in research, development or production of biological weapons or related materials or technology;
- (iii) Require individuals to be aware of the risks of inadvertently participating in or assisting such activity, and to take active steps to prevent or stop it;



- (iv) Require individuals to have a clear understanding of the content and purpose of their research or other work, and to consider its potential security consequences including dual-use implications;
- (v) Be aimed at the intent and potential of the research, rather than attempting to define permissible or forbidden experiments.

#### References to norms, laws and standards

5. Recognising that codes of conduct should reflect the norms established by the Convention and should be consistent with national legislative and regulatory frameworks as well as with relevant professional standards, it was suggested that codes of conduct should:

- (i) Refer to the Convention, and require awareness of and compliance with its provisions and with those of related national laws and regulations, including those dealing with export and transfer;
- (ii) Require individuals to follow appropriate standards and procedures for biosafety, biosecurity, good laboratory and manufacturing practices, risk management, environmental protection, and other standards and procedures that relate to the safe and secure handling, storage and transfer of potentially hazardous materials;
- (iii) Require individuals to be properly trained, qualified and licensed, as applicable, for the work they undertake, in accordance with relevant legislation and regulations.

#### Ethical guidance

6. Recognising that codes of conduct should help individuals make decisions and take action in accordance with the purposes and objectives of the Convention, it was suggested that codes of conduct should:

- (i) Require individuals to investigate thoroughly and take into account the reasonably foreseeable social, environmental, health and security consequences of any proposed research or other scientific work;
- (ii) Require individuals to analyse, assess and evaluate data throughout each step of the research process in order to be aware of emerging or unexpected implications that may be relevant to the Convention;
- (iii) Contain guidance on the criteria and procedures for determining whether or not certain research or other work entails unacceptable risks;
- (iv) Refer specifically, where appropriate, to areas of work with high potential for diversion or misuse, such as work aimed at increasing the pathogenicity, virulence, drug resistance or environmental persistence of microorganisms, altering host range or immune response, or synthesising pathogens;

- (v) Contain guidance on the handling, dissemination and publication of research results, data and other information;
- (vi) Encourage, as far as possible, transparency, peer review and open discussion of all scientific activity and its implications.

#### Notification, sanctions and consequences

7. Recognising that codes of conduct should help and encourage individuals prevent the misuse of science, it was suggested that codes of conduct should include:

- (i) A requirement to report abuse, to raise concerns about possible breaches of the code, and to notify others when unexpected results may have social, environmental, safety, security or health implications;
- (ii) Clear procedures for such notification, including nomination of a contact point;
- (iii) Measures to protect the person reporting a concern, as well as to protect the legitimate rights of those involved in the activity reported;
- (iv) Procedures for determining whether the code has been breached, and appropriate sanctions for those found to have breached the code.

#### **Adoption of codes of conduct**

##### Principles

8. Recognising that the involvement of scientists is crucial in the development and adoption of codes of conduct to ensure that codes are effective in preventing the misuse of science while not impeding scientific freedom, it was suggested that it is important to:

- (i) Explain and demonstrate the benefits of codes to scientists, including increased public confidence and avoiding the need for more stringent and restrictive laws and regulations;
- (ii) Demonstrate that the costs of development, promulgation and adoption of codes of conduct do not outweigh the benefits;
- (iii) Encourage scientists, societies and institutions to develop codes, rather than have them imposed on them;
- (iv) Avoid alienating scientists by suggesting that codes are aimed against them, or by implying that scientists need to be convinced to conduct responsible research.

##### Wider involvement

9. Recognising that all those with a responsibility for, or legitimate interest in, codes of conduct should be involved in their development and adoption, both individually and at organisational level, it was suggested this might involve the following:

- (i) National, regional and international academies of science;
- (ii) Academic and commercial scientists and their professional societies and unions;
- (iii) The pharmaceutical, biotechnology and other relevant industries;
- (iv) Scientific publishers and the mass media;
- (v) Scientific funders;
- (vi) Educational institutions;
- (vii) Relevant international organisations.

### Methods

10. Recognising that it is important to build on and coordinate with existing efforts, and avoid imposing burdensome and duplicative measures, it was suggested that:

- (i) As far as possible, existing codes, mechanisms, frameworks and bodies should be used;
- (ii) Adoption strategies should be tailored according to whether the code is to apply to government science, a professional body, industry, or individual institution;
- (iii) Codes of conduct could be incorporated into licensing procedures, working practices and standard operating procedures, and internal review, evaluation and project approval procedures;
- (iv) Codes of conduct could also be incorporated into employment procedures, conditions for suppliers, and conditions for the awarding of contracts or conclusion of other agreements;
- (v) Codes of conduct should be regularly reviewed, evaluated for effectiveness, and revised as necessary.

### **Promulgation of codes of conduct**

#### Principles

11. Recognising that codes of conduct will be most effective if they, and the principles underlying them, are widely known and understood, it was suggested that:

- (i) Codes of conduct should be promulgated and promoted through multiple channels;
- (ii) Discussion, exchange and networking, within and among institutions, societies, organisations and governments, both nationally and internationally, are important;

- (iii) Promulgation and promotion of codes should be incorporated into education, training and licensing;
- (iv) An active media, communication and outreach strategy is important for effective promulgation and promotion;
- (v) Senior scientists and other personnel have a responsibility to ensure that junior colleagues are aware of codes of conduct and the principles underlying them;
- (vi) Promulgation and promotion should be continuing efforts.

### Methods

12. Recognising that there are many possible means of promulgation, and that the requirements for particular codes are likely to vary, it was suggested that the following methods could be useful for effectively promulgating codes of conduct and raising awareness of the principles underlying them:

- (i) Use professional societies, industry bodies, institutional ethics and safety committees, and similar organs;
- (ii) Convene or encourage the convening of seminars, symposia and conferences, within institutions, nationally and internationally;
- (iii) Establish specific courses at undergraduate and postgraduate level, or include elements in existing courses, and consider targeting secondary schools also;
- (iv) Include in textbooks and other educational materials;
- (v) Incorporate into professional and technical training;
- (vi) Use the scientific press, mass media, internet, public relations activities and collaborative promotions;
- (vii) Offer incentives to institutions to promote codes of conduct and develop outreach programs;
- (viii) Establish networks of laboratories to increase exchange and cooperation internationally;
- (ix) Educate individuals on specific risks, provide case studies and practical examples.

Annex II

## LIST OF DOCUMENTS OF THE MEETING OF STATES PARTIES

<b>Symbol</b>	<b>Title</b>
BWC/MSP/2005/1	Provisional Agenda
BWC/MSP/2005/2	Provisional Programme of Work
BWC/MSP/2005/3	Report of the Meeting of States Parties
BWC/MSP/2005/L.1	Synthesis of Considerations, Lessons, Perspectives, Recommendations, Conclusions and Proposals Drawn from the Presentations, Statements, Working Papers and Interventions on the Topic under Discussion at the Meeting of Experts  Prepared by the Chairman
BWC/MSP/2005/INF.1*	Estimated Costs of the Preparatory Committee and Sixth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction  Note by the Secretariat
BWC/MSP/2005/INF.2 [ENGLISH/FRENCH/ SPANISH ONLY]	List of Participants
BWC/MSP/2005/CRP.1 [ENGLISH ONLY]	Draft Report of the Meeting of States Parties
BWC/MSP/2005/MISC.1 [ENGLISH/FRENCH/ SPANISH ONLY]	Provisional List of Participants
BWC/MSP/2005/WP.1 [ENGLISH ONLY]	India's Approach to Codes of Conduct for Scientists  Prepared by India
BWC/MSP/2005/WP.2 [ENGLISH ONLY]	Basic Principles (Core Elements) of the Codes of Conduct of Scientists Majoring in Biosciences  Prepared by the Russian Federation