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**Working Paper by the Friend of the Chair on Assistance : Assistance and Protection Against Biological and Toxin Weapons (WP.226)**

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

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on Assistance

**ARTICLE VI**

**ASSISTANCE AND PROTECTION AGAINST BIOLOGICAL AND TOXIN WEAPONS**

1. For the purposes of this Article, "Assistance" means the coordination and delivery to States Parties of protection against Biological and Toxin weapons, including, inter alia, the following: detection equipment and alarm systems; protective equipment; decontamination equipment and decontaminants; medical antidotes and treatments; and advice on any of these protective measures.
2. Nothing in this Protocol shall be interpreted as impeding the right of any State Party to conduct research into, develop, produce, acquire, transfer or use means of protection against Biological and Toxin weapons, for purposes not prohibited under the Convention.
3. Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against Biological and Toxin weapons.

4. For the purposes of increasing the transparency of national programmes related to protective purposes, each State Party shall provide annually to the [Technical] Secretariat information on its programme, in accordance with procedures to be considered and approved by the Conference pursuant to Article IX, paragraph ...

5. The [Technical] Secretariat shall establish, not later than 180 days after entry into force of this Protocol and maintain, for the use of any requesting State Party, a data bank containing freely available information concerning various means of protection against Biological and Toxin weapons as well as such information as may be provided by States Parties.

The [Technical] Secretariat shall also, within the resources available to it, and at the request of a State Party, provide expert advice and assist the State Party in

GE.97-64337

**BWC/AD HOC GROUP/WP.226**  
**page 2**

identifying how its programmes for the development and improvement of a protective capacity against Biological and Toxin weapons could be implemented.

6. Nothing in this Protocol shall be interpreted as impeding the right of States Parties to request and provide assistance bilaterally and to conclude individual agreements with other States Parties concerning the emergency procurement of assistance.

7. Each State Party undertakes to provide assistance through the [Organization] and to this end elect to take one or more of the following measures:

(a) To contribute to the [voluntary fund] for assistance to be established by the Conference at its first session;

(b) To conclude, if possible not later than 180 days after this Protocol enters into force for it, agreements with the [Organization] concerning the procurement, upon demand, of assistance;

(c) To declare, not later than 180 days after this Protocol enters into force for it, the kind of assistance it might provide in response to an appeal by the [Organization]. If, however, a State Party subsequently is unable to provide the assistance envisaged in its declaration, it is still under the obligation to provide assistance in accordance with this paragraph.

8. Each State Party has the right to request and, subject to the procedure set forth in paragraphs 9, 10 and 11 to receive assistance and protection against the use or threat of use of Biological and Toxin weapons if it considers that:

(a) Biological and Toxin weapons have been used against it;

(b) Biological and Toxin weapons have been used against it as a method of warfare; or

(c) It is threatened by actions or activities of any State that are prohibited for States Parties by Article I of the Convention.

9. The request, substantiated by relevant information, shall be submitted to the [Director-General], who shall transmit it immediately to the [Executive Council] and to all States Parties. The [Director-General] shall immediately forward the request to States Parties which have volunteered, in accordance with paragraphs 7(b) and (c), to dispatch emergency assistance in case of use of Biological and Toxin weapons or its use as a method of warfare, or humanitarian assistance in case of serious threat of use of Biological and Toxin weapons or serious threat of its use as a method of warfare to the State Party concerned not later than [12] hours

**BWC/AD HOC GROUP WP.226**

**page 3**

after receipt of the request. The [Director-General] shall initiate, not later than [24] hours after receipt of the request, an investigation in order to provide foundation for further action. He shall complete the investigation within [72] hours and forward a report to the [Executive Council]. If additional time is required for completion of the investigation, an interim report shall be submitted within the same time-frame. The additional time required for investigation shall not exceed [72] hours. It may, however, be further extended by similar periods. Reports at the end of each additional period shall be submitted to the [Executive Council]. The investigation shall, as appropriate and in conformity with the request and the information accompanying the request, establish relevant facts related to the request as well as the type and scope of supplementary assistance and protection needed.

10. The [Executive Council] shall meet not later than [24] hours after receiving an investigation report to consider the situation and shall take a decision by simple majority within the following [24] hours on whether to instruct the [Technical] Secretariat to provide supplementary assistance. The [Technical] Secretariat shall immediately transmit to all States Parties and relevant international organizations the investigation report and the decision taken by the [Executive Council]. When so decided by the [Executive Council], the [Director-General] shall provide assistance immediately. For this purpose, the [Director-General] may cooperate with the requesting State Party, other States Parties and relevant international organizations. The States Parties shall make the fullest possible efforts to provide assistance.

11. If the information available from the ongoing investigation or other reliable sources would give sufficient proof that there are victims of use of Biological and Toxin weapons and immediate action is indispensable, the [Director-General] shall notify all States Parties and shall take emergency measures of assistance, using the resources the Conference has placed at his disposal for such contingencies. The [Director-General] shall keep the [Executive Council] informed of actions undertaken pursuant to this paragraph.

