

## Negotiation of a Legally-Binding Instrument: A Primer

On 30 March 2001, Ambassador Tibor Tóth, the Chairman of the Ad Hoc Group issued to delegations his composite Protocol text (CRP.8, 3 April 2001 and also Annex B to AHG/56, 18 May 2001) which is closely based on the rolling text (AHG/55-1 and 55-2, 1 March 2001) of the Protocol; indeed, over 99 per cent of the language in the Chairman's composite Protocol text is language that is already in the rolling text. The composite Protocol text has adopted compromises, based on the written elements of the text issued by the Chairman following his extensive and intensive bilateral negotiations over the last nine months with delegations to explore conceptual solutions based on the rolling text, to address the remaining issues where there were differing views. At the twenty-third session of the Ad Hoc Group held from 23 April to 11 May 2001, it was evident that whilst all States Parties had reservations about some of the compromises adopted, a number of States regarded the Chairman's composite Protocol text as the basis for further negotiation. The Procedural Report of that session (AHG/56-1 and 56-2, 18 May 2001) contained the composite Protocol text as Annex B and the rolling text as Annex A.

The following Table provides a comparison between the composite Protocol text and the rolling text.

<b>Composite Protocol text (Annex B to AHG/56)</b>	<b>The rolling text (Annex A to AHG/56)</b>
Preamble	Preamble
Article 1 General Provisions	Article I General Provisions
Article 2 Definitions	Article II Definitions
Article 3 Lists and Criteria, Equipment and Thresholds	Article III A, B, C Lists and Criteria, Equipment and Thresholds
Article 4 Declarations	Article III D I Declarations
Article 5 Measures to ensure submission of declarations	Article III D III Measures to ensure submission of declarations
Article 6 Follow-up after submission of declarations	Article III D II Follow-up after submission of declarations
Article 7 Measures to strengthen implementation of Article III of the Convention	Article III F Measures to strengthen implementation of Article III (of the Convention)
Article 8 Consultation, Clarification and Cooperation	Article III E Consultation, Clarification and Cooperation
Article 9 Investigations	Article III G Investigations
Article 10 Additional provisions on declarations, visits and investigations	Article III H Additional provisions on declarations, visits and investigations
Article 11 Confidentiality provisions	Article IV Confidentiality provisions
Article 12 Measures to redress a situation and to ensure compliance	Article V Measures to redress a situation and to ensure compliance
Article 13 Assistance and protection against bacteriological (biological) weapons	Article VI Assistance and protection against bacteriological (biological) weapons

Article 14 Scientific and technological exchange for peaceful purposes and technical co-operation	Article VII Scientific and technological exchange for peaceful purposes and technical co-operation
Article 15 Confidence-building measures	Article VIII Confidence-building measures
Article 16 The Organization	Article IX The Organization
Article 17 National implementation measures	Article X National implementation measures
Article 18 Relationship of the Protocol to the Convention	Article XI Relationship of the Protocol to the Convention
Article 19 Settlement of disputes	Article XII Settlement of disputes
Article 20 Review of the Protocol	Article XIII Review of the Protocol
Article 21 Amendments	Article XIV Amendments
Article 22 Duration and Withdrawal	Article XV Duration and Withdrawal
Article 23 Status of the Annexes and Appendices	Article XVI Status of the Annexes and Appendices
Article 24 Signature	Article XVII Signature
Article 25 Ratification	Article XVIII Ratification
Article 26 Accession	Article XIX Accession
Article 27 Entry into Force	Article XX Entry into Force
Article 28 Reservations	
Article 29 Depositary	Article XXII Depositary
Article 30 Authentic Texts	Article XXIII Authentic Texts
Annex on Lists (Annex A)	Annex A Declarations
Annex on Investigations (Annex B)	Annex C Investigations
Annex on Confidentiality Provisions (Annex C)	Annex D Confidentiality Provisions
Appendix A Declarations of Offensive and/or Defensive Biological and Toxin Programmes and/or Activities conducted prior to Entry into Force of the Convention/Protocol for each State Party	Appendix A Declarations of Offensive and/or Defensive Biological and Toxin Programmes and/or Activities conducted prior to Entry into Force of the Protocol for each State Party
Appendix B Declaration of Current National Biological Defence Programmes and/or Activities	Appendix B Declaration of Defensive Biological and Toxin Programmes and/or Activities conducted during the Previous Year
Appendix C Declaration Format for Facilities declared in accordance with Article 4 (6)	
Appendix D Declaration Format for Facilities declared in accordance with Article 4 (8) to (14)	Appendix C Facilities
Appendix E Listing of Facilities in accordance with Article 4 (7)	Appendix D Listing of Facilities participating in Biological Defensive Activities
Appendix F Listing of Facilities in accordance with Article 4 (15)	

Appendix G Facilities existing on the Territory of a State Party but falling under the jurisdiction or control of another State Party/State	Appendix E Facilities existing on the Territory of a State Party but falling under the jurisdiction or control of another State Party/State
Appendix H Information to be provided in the Declarations required under Article 14 (33)	Appendix F Information to be provided in the Declarations required under ... Article VII
Appendix I Format for Reporting International Transfers of Equipment	Appendix H Standardized Formats for Reporting International Transfers of Equipment

Although the States Parties are currently considering how to take forward the negotiations on a strengthened BTWC regime, it is apparent that several of the elements in the composite Protocol text and rolling text will be included in the eventual strengthened regime. Consequently, this Primer provides an appreciation of what is contained in the elements in the composite Protocol text and the rolling text.

This Primer has been prepared with references to both the Chairman's composite Protocol text and to the rolling text.

## **PREAMBLE**

A number of preliminary paragraphs setting the Protocol in the context of other relevant international treaties including the reaffirmation, among other things, that the States Parties to the Protocol reaffirm the purposes stated in the preamble to the BTWC and desire to further the Convention's objectives.

## **ARTICLE 1 /ARTICLE I : GENERAL PROVISIONS**

Article 1/Article I sets out that the purpose of the Protocol shall be to strengthen the effectiveness and improve the implementation of the Convention. It also includes some general provisions that apply to the Protocol.

## **ARTICLE 2/ARTICLE II : DEFINITIONS**

Article 2/Article II provides definitions of terms to be used in the implementation of the Protocol.

## **ARTICLE 3 /ARTICLE III A, B & C : LISTS AND CRITERIA, EQUIPMENT AND THRESHOLDS**

### **A. LIST OF AGENTS AND TOXINS**

The list of agents and toxins in Annex A is for use in conjunction with particular Articles including declarations of facilities and activities under Article 4/Article III.D in accordance with the formats set out in the relevant Appendices.

### **B. LIST OF EQUIPMENT**

Each State Party shall supply information concerning equipment specified in Annex A which is present at or used in certain facilities declared in accordance with Article 4/Article III. D and the relevant Appendices.

### **C. THRESHOLDS**

In order to enhance transparency, quantitative information shall be provided by States Parties on materials at facilities engaged in biological defence declared in accordance with the relevant paragraph of Article 4/Article III.D and the relevant Appendix.

## **ARTICLE 4/ ARTICLE III. I DECLARATIONS**

### **SUBMISSION OF DECLARATIONS**

Each State Party shall declare to the Organization, regardless of the form of their ownership and control, all activities and facilities listed in this Article which exist or existed on its territory or in any other place under its jurisdiction and control during the period specified.

All such declarations shall be completed in accordance with the appropriate format in the Appendices and be submitted to the Organization not later than 180 days after this Protocol enters into force for the State Party, and in respect of annual declarations no later than 30 April of each successive year thereafter.

### **INITIAL DECLARATIONS**

Initial declarations shall be submitted of:

- a. Offensive biological and toxin programmes and/or activities conducted prior to entry into force of the Convention for each State Party;
- b. National biological defence programmes and/or activities conducted prior to entry into force of the Protocol for each State Party;

### **ANNUAL DECLARATIONS**

Annual declarations shall be submitted of:

- a. National biological defence programmes and/or activities conducted during the previous year;
- b. Maximum biological containment facilities
- c. High biological containment facilities meeting certain requirements
- d. Plant pathogen containment facilities
- e. Work with listed agents/toxins meeting certain requirements
- f. Production facilities meeting certain requirements.

## **ARTICLE 5/ ARTICLE III. D. III. MEASURES TO ENSURE SUBMISSION OF DECLARATIONS**

If any State Party has not submitted its initial or annual declarations by the expiry of a specified period after the due date, then various provisions may apply either automatically or after review by the Executive Council.

## **ARTICLE 6/ ARTICLE III. D. II. FOLLOW-UP AFTER SUBMISSION OF DECLARATIONS**

The Technical Secretariat shall receive, process, analyse and store declarations submitted by States Parties. Copies shall be provided upon request to other States Parties which have submitted their own declarations.

In order to promote the fulfilment of the declaration obligations, the Technical Secretariat shall conduct a limited number of visits each year.

A State Party which identifies any ambiguity, uncertainty, anomaly or omission in the declaration of another State Party may seek clarification from the State Party concerned, in accordance with Article 8/Article III. E, or it may initiate the clarification process set out in this Article. **part B below.**

## **RANDOMLY-SELECTED TRANSPARENCY VISITS**

The Technical Secretariat shall conduct a limited number per year of randomly-selected transparency visits to facilities which will enhance transparency of facilities and help the Technical Secretariat acquire and retain a comprehensive understanding of the facilities and activities declared globally. Such visits shall be conducted in accordance with the terms of this Article and may be extended at the request of the State Party being visited for up to two days for the provision of technical assistance in accordance with Article 14/Article VII.

## **DECLARATION CLARIFICATION PROCEDURES**

Concerns related to the declaration of a State shall be sought to be resolved either through the process of consultation, clarification and cooperation as provided for in Article 8/Article III. E, or through the procedures set out in this section, which comprise a tiered approach commencing with written requests for clarification, followed, should the matter be unresolved, by consultations, including a consultative meeting, and, if still unresolved, a voluntary clarification visit. Should this not result in resolution of the issue then there is provision for Executive Council review.

## **VOLUNTARY ASSISTANCE VISITS**

Each State Party may invite the Technical Secretariat to visit facilities on its territory or in any other place under its jurisdiction or control to enhance transparency and promote confidence among States Parties, and to obtain relevant technical assistance, information, cooperation or advice under Article 14/Article VII.

## **ARTICLE 7/ARTICLE III. F MEASURES TO STRENGTHEN ARTICLE III OF THE CONVENTION**

This Article requires States Parties to review, amend or establish any legislation, regulatory or administrative provisions to regulate the transfer of agents, toxins, equipment and technologies relevant to Article III of the Convention in accordance with its obligations under this Protocol. The provisions include transfer guidelines, notifications, consultations and review.

## **ARTICLE 8/ ARTICLE III. E. CONSULTATION, CLARIFICATION AND COOPERATION**

This Articles provides for States Parties to consult and cooperate on any matter which may be raised relating to the object and purpose of the Convention, or the implementation of the provisions of this Protocol, and to clarify and resolve any matter which may cause concern about possible non-compliance with the obligations of this Protocol or the Convention.

For these purposes, States Parties can seek clarification from another State Party, according to the procedure set out in this Article. The Article also specifies the steps that may be taken if the requesting State Party considers that the clarification does not resolve the concern or if it has not received the clarification within the time specified.

## **ARTICLE 9/ ARTICLE III. G. INVESTIGATIONS**

### **TYPES OF INVESTIGATIONS**

Each State Party shall have the right to request an investigation to determine the facts relating to a specific concern about possible non-compliance with the Convention by any other State Party. The requesting State Party shall specify in each request which type of investigation it is requesting:

- a. A field investigation conducted in geographical areas where the exposure of humans, animals or plants to microbial or other biological agents and/or toxins has given rise to possible concern about possible non-compliance under Article I of the Convention;
- b. A facility investigation conducted inside the perimeter of a particular facility at which there is substantiated concern that it is involved in activities prohibited under Article I of the Convention.

### **OUTBREAKS OF DISEASE**

All outbreaks of disease which are due to natural causes do not pose a compliance concern under the Convention and shall not be a reason for an investigation of a non-compliance concern. If a State Party has a concern that an outbreak of disease is directly related to activities prohibited by the Convention, it shall have the right to request a field investigation to address the non-compliance concern.

## **CONSULTATION, CLARIFICATION AND COOPERATION**

States Parties should, without prejudice to their right to request an investigation, follow the procedures set out in Article 8/Article III. E on consultation, clarification and cooperation in order to clarify and resolve satisfactorily any matter which may cause concern about possible non-compliance.

## **INITIATION OF INVESTIGATIONS**

An investigation may be requested to be conducted on the territory of a State Party, or in any other place under its jurisdiction or control. An investigation may also be requested to be conducted in any place on the territory of a non-State Party which is under its jurisdiction or control, if any State Party has a concern that another State Party is the alleged cause of the non-compliance concern.

## **INFORMATION TO BE SUBMITTED WITH A REQUEST FOR AN INVESTIGATION TO ADDRESS A CONCERN OF NON-COMPLIANCE WITH THE CONVENTION**

This subsection specifies the information to be submitted with a request for an investigation.

## **FOLLOW-UP AFTER SUBMISSION OF AN INVESTIGATION REQUEST AND EXECUTIVE COUNCIL DECISION-MAKING**

Requests for investigations are to be followed up in accordance with procedures set out in this subsection.

## **ACCESS AND MEASURES TO GUARD AGAINST ABUSE DURING THE CONDUCT OF INVESTIGATIONS**

The receiving State Party shall provide access to the investigation team and, at the same time, have the right to take measures it deems necessary, in accordance with the provisions of this section, to protect its national security interests and/or to protect confidential information and data.

## **FINAL REPORT**

The preparation and handling of the final report shall be conducted in accordance with the appropriate Annex.

## **REVIEW AND CONSIDERATION OF THE FINAL REPORT**

The Executive Council shall consider the final report of the investigation team as soon as it is presented, and address any concern as to whether:

- (a) Any non-compliance has occurred;
- (b) The request had been in accordance with the provisions of this Protocol;
- (c) The right to request an investigation has been abused.

It shall also determine what further measures listed in this subsection are necessary.

### **ARTICLE 10/ARTICLE III. H. ADDITIONAL PROVISIONS ON DECLARATIONS, VISITS AND INVESTIGATIONS**

This specifies the provisions that apply in the case of a declaration, a visit or an investigation in which more than one State Party/State is involved.

### **ARTICLE 11/ARTICLE IV: CONFIDENTIALITY PROVISIONS**

The Organization shall conduct its activities in the least intrusive manner consistent with the timely and efficient accomplishment of its objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Protocol and shall use this data and information only for the purpose of this Protocol. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities in the implementation of this Protocol and, in particular, shall abide by the confidentiality provisions set forth in this Protocol.

Each State Party shall have the right to take measures as it deems necessary to protect confidential information in accordance with the provisions of the Protocol.

### **ARTICLE 12/ ARTICLE V: MEASURES TO REDRESS A SITUATION AND TO ENSURE COMPLIANCE**

The Conference shall take the necessary measures to ensure compliance with the Convention and this Protocol and to redress and remedy any situation which contravenes their provisions.

In cases where a State Party has been requested by the Conference or by the Executive Council to take measures to redress a situation raising problems with regard to its compliance, and where the State Party fails to fulfil the request within the specified time, the Conference may, *inter alia*, restrict or suspend the State Party's rights and privileges under this Protocol.

In cases where serious damage to the object and purpose of the Convention may result from non-compliance with the provisions of the Convention or this Protocol, the Conference may recommend to States Parties collective measures designed to ensure the fulfilment of the object and purpose of the Convention.

The Conference or the Executive Council may bring the issue to the attention of the United Nations.

### **ARTICLE 13/ ARTICLE VI: ASSISTANCE AND PROTECTION AGAINST BIOLOGICAL AND TOXIN WEAPONS**

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.

Each State Party undertakes to facilitate the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against biological and toxin weapons.

The Technical Secretariat shall establish and maintain a data bank containing freely available information concerning various means of protection against biological and toxin weapons. 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 identifying how its programs for the development and improvement of a protective capacity against biological and toxin weapons could be implemented.

Each State Party has the right to request and receive assistance and protection against the use or threat of use of biological and toxin weapons.

## **ARTICLE 14/ARTICLE VII: SCIENTIFIC AND TECHNOLOGICAL EXCHANGE FOR PEACEFUL PURPOSES AND TECHNICAL COOPERATION**

### **(A) GENERAL PROVISIONS**

Each State Party undertakes to implement specific measures designed to enhance compliance and ensure effective and full implementation of Article X of the Convention. The implementation of such measures shall be aimed at:

- (a) Promoting scientific and technological exchanges and fostering international cooperation in the field of peaceful biological and toxin activities;
- (b) Facilitating free trade and the fullest possible exchange in biological agents, toxins, equipment and materials for peaceful purposes;
- (c) Avoiding hampering the economic and technological development of States Parties.

The Organization shall provide a forum for consultation and creation of opportunities for cooperation on matters related to the promotion of scientific and technological exchange in the field of peaceful biological and toxin activities and review of the implementation of Article X assistance provisions of the Convention among the States Parties to the Protocol. The Organization shall also develop a framework for activities aimed at promoting scientific and technological cooperation and exchange and providing technical assistance, including protocol implementation assistance, upon request, to States Parties, in particular to developing countries which are States Parties.

### **(B) MEASURES TO PROMOTE SCIENTIFIC AND TECHNOLOGICAL EXCHANGES**

Each State Party undertakes to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes and to ensure that any transfers or exchanges of materials, equipment, technology, and any

information pursuant to this Article shall take place in compliance with the provisions of Articles III and X of the Convention.

### **(C) MEASURES TO AVOID HAMPERING THE ECONOMIC AND TECHNOLOGICAL DEVELOPMENT OF STATES PARTIES**

Nothing in this Protocol shall prejudice the rights of States Parties to, individually or collectively, conduct research with, develop, produce, acquire, retain, transfer and use biological agents and toxins for peaceful purposes.

### **(D) INSTITUTIONAL MECHANISMS FOR INTERNATIONAL COOPERATION AND PROTOCOL IMPLEMENTATION ASSISTANCE**

#### The Cooperation Committee

The Cooperation Committee, established by the Conference of States Parties in accordance with Article 16/ Article IX, shall be a forum for consultation aimed at promoting the effective and full implementation of the provisions of Article X of the Convention and this Article.

#### Role of the Technical Secretariat

The Director-General, assisted by the Technical Secretariat, shall promote and facilitate scientific and technical cooperation and exchange among States Parties and shall develop a framework of programs and activities to implement the decisions of the relevant organs of the Organization.

### **(E) REVIEW AND CONSIDERATION OF CONCERNS RELATED TO THE IMPLEMENTATION OF ARTICLE X OF THE CONVENTION AND THIS ARTICLE**

This subsection specifies the measures for review and consideration of concerns related to the implementation of Article X of the Convention and this Article.

### **(F) COOPERATIVE RELATIONSHIPS WITH OTHER INTERNATIONAL ORGANIZATIONS AND AMONG STATES PARTIES**

The Organization may conclude agreements and arrangements with relevant international organizations and agencies to enhance compliance and ensure effective and full implementation of Article X of the Convention and this Article.

### **DECLARATIONS**

Each State Party shall submit a declaration annually to the Director-General in accordance with the format set out in the relevant Appendix with a general description of measures taken in order to implement the provisions of Article X of the Convention and this Article.

### **ARTICLE 15/ARTICLE VIII: CONFIDENCE-BUILDING MEASURES**

## **(A) INVESTIGATION OF OUTBREAKS OF DISEASE**

Each State Party may investigate any outbreak of disease on its own territory or in any other place under its jurisdiction or control. A State Party may report the outcome of an investigation of any outbreak of disease, or any other information on disease outbreaks, to the Organization.

## **(B) NATIONAL LEGISLATION AND REGULATIONS**

Each State Party may provide a list of its national legislation and regulations regarding:

- a) Access to buildings or other structures in which pathogens or toxins are being produced, handled or stored;
- (b) Access to areas in which an outbreak of infectious disease affecting humans, animals or plants is suspected or is known to be occurring.

## **ARTICLE 16/ARTICLE IX: THE ORGANIZATION**

### **(A) GENERAL PROVISIONS**

The States Parties to this Protocol hereby establish the Organization for the Prohibition of Bacteriological (Biological) and Toxin Weapons ("the Organization") in order to strengthen the effectiveness and improve the implementation of the BTWC ("the Convention") and to ensure the implementation of this Protocol, and to provide a forum for consultation and cooperation among States Parties.

All States Parties shall be members of the Organization.

There are hereby established as organs of the Organization: the Conference of the States Parties, the Executive Council and the Technical Secretariat.

### **(B) THE CONFERENCE OF THE STATES PARTIES**

#### Composition, procedures and decision-making

The Conference of the States Parties ("the Conference") shall be composed of all States Parties. The Conference shall meet in regular sessions, which shall be held annually, unless it decides otherwise.

A special session of the Conference shall be convened when decided by the Conference, when requested by the Executive Council or when requested by any State Party and supported by a majority of the States Parties. The Conference may also be convened in the form of a Review Conference or an Amendment Conference.

The Conference shall take decisions on matters of procedure by a simple majority of members present and voting. Decisions on matters of substance shall be taken as far as possible by consensus. If consensus is not possible, the Conference shall take a

decision by a two-thirds majority of members present and voting unless specified otherwise in this Protocol.

### **(C) THE EXECUTIVE COUNCIL**

#### Composition, procedures and decision-making

The Executive Council shall consist of a specified number of members. Each State Party shall have the right, in accordance with the principle of rotation, to serve on the Executive Council. The members of the Executive Council shall be elected by the Conference for a term of two years.

The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as may be required for the fulfilment of its powers and functions.

The Executive Council shall take decisions on matters of procedure by a majority of all its members. The Executive Council shall take decisions on matters of substance by a two-thirds majority of all its members unless specified otherwise in this Protocol.

#### Powers and functions

The Executive Council shall be the executive organ of the Organization. It shall carry out the powers and functions entrusted to it in accordance with this Protocol. It shall be responsible to the Conference. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and ensure their proper and continuous implementation.

### **(D) THE TECHNICAL SECRETARIAT**

The Technical Secretariat shall assist States Parties in the implementation of this Protocol and assist the Conference and the Executive Council in the performance of their functions.

It shall comprise a Director-General, who shall be its head and chief administrative officer, and such scientific, technical, administrative and other personnel as may be required. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for only one further term.

### **(E) PRIVILEGES AND IMMUNITIES**

The Organization shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

## **ARTICLE 17/ ARTICLE X: NATIONAL IMPLEMENTATION MEASURES**

### **GENERAL UNDERTAKINGS**

In addition to its obligations under the Convention, each State Party shall take any measures required to implement its obligations under this Protocol. In particular, it shall, where appropriate and necessary, prohibit persons from undertaking any activity prohibited to a State Party under the Convention, including enacting penal legislation with respect to such a prohibition.

## **RELATIONS BETWEEN THE STATE PARTY AND THE ORGANIZATION**

In order to fulfil its obligations under this Protocol, each State Party shall, *inter alia*, designate or establish a National Authority, which shall serve as the national focal point for effective liaison with the Organization and with other States Parties.

## **ARTICLE 18/ ARTICLE XI: RELATIONSHIP OF THE PROTOCOL TO THE BTWC**

This Protocol being supplementary and additional to the Convention, shall not be interpreted as in any way modifying or amending the Convention, or limiting or detracting from the rights and obligations assumed by any State under the Convention. The provisions of this Protocol shall apply only to States Parties to this Protocol.

## **ARTICLE 19/ ARTICLE XII: SETTLEMENT OF DISPUTES**

When a dispute arises relating to the application, interpretation or implementation of this Protocol, the parties concerned shall engage in consultations with a view to the expeditious settlement of the dispute by negotiation or by other mutually agreed peaceful means, including recourse to appropriate organs of this Protocol or other organs established and entrusted by the Executive Council or the Conference of States Parties, and referral to the International Court of Justice. The Executive Council may contribute to the settlement of a dispute by negotiation by whatever means it deems appropriate, including offering its good offices.

## **ARTICLE 20/ ARTICLE XIII: REVIEW OF THE PROTOCOL**

The First Conference of States Parties to review the operation of the Protocol (a "Review Conference") shall be convened within five years after the entry into force of the Protocol with a view to assuring that the purposes of the Protocol are being realized. Further Review Conferences will be held at intervals of five years thereafter, unless otherwise decided by a majority of States Parties. The schedules of the Review Conferences shall be so decided as to coincide with the Review Conferences of the Convention.

## **ARTICLE 21/ ARTICLE XIV: AMENDMENTS**

Any time after the entry into force of this Protocol any State Party may propose amendments to this Protocol or its Annexes or Appendices. Any State Party may also propose changes, in accordance with paragraph 4 of this Article, to specified Annexes or Appendices.

The proposed amendment shall be considered only by an Amendment Conference. An Amendment Conference may be convened only with the support of a specified number of States Parties.

The procedures for considering changes of a technical or administrative nature are set out in paragraph 5 of this Article.

#### **ARTICLE 22/ARTICLE XV: DURATION AND WITHDRAWAL**

This Protocol shall remain in force so long as the Convention is in force.

Each State Party to this Protocol shall have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal three months in advance.

Any State Party that withdraws from the Convention shall be deemed to have withdrawn from this Protocol.

#### **ARTICLE 23/ARTICLE XVI: STATUS OF THE ANNEXES AND APPENDICES**

The Annexes and Appendices to this Protocol form an integral part of the Protocol. Any reference to this Protocol includes the Annexes and Appendices.

#### **ARTICLE 24/ARTICLE XVII: SIGNATURE**

This Protocol shall be open for signature to all States Parties to the Convention, before this Protocol enters into force.

#### **ARTICLE 25/ARTICLE XVIII: RATIFICATION**

This Protocol shall be subject to ratification by States Signatories according to their respective constitutional processes.

#### **ARTICLE 26/ARTICLE XIX: ACCESSION**

Any State Party to the Convention which does not sign this Protocol before its entry into force may accede to it at any time thereafter.

#### **ARTICLE 27/ARTICLE XX: ENTRY INTO FORCE**

This Protocol shall enter into force 180 days after the deposit of instruments of ratification by a specified number of states, but not earlier than two years after its opening for signature.

For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Protocol, it shall enter into force on the 30th day following the date of deposit of their instrument of ratification or accession.

## **ARTICLE 28/ ARTICLE XXI: RESERVATIONS**

The Articles and Annexes to this Protocol shall not be subject to reservations. The Appendices of this Protocol shall not be subject to reservations incompatible with the object and purpose of this Protocol.

## **ARTICLE 29/ ARTICLE XXII: DEPOSITARY**

This Article designates the depositary of the Protocol.

## **ARTICLE 30/ ARTICLE XXIII: AUTHENTIC TEXTS**

This Article states that the Arabic, Chinese, English, French, Russian and Spanish texts of the Protocol are equally authentic, and specifies with whom they are to be deposited.

## **ANNEXES**

### **ANNEX ON LISTS (ANNEX A) / ANNEX A. DECLARATIONS**

#### **A. LISTS OF AGENTS AND TOXINS / I. LISTS AND CRITERIA (AGENTS AND TOXINS)**

This section lists the agents and toxins referred to in Article 3/ Article III.A.

There are lists of:

Human and Zoonotic Pathogens

Animal Pathogens

Plant Pathogens

Toxins

#### **B. LIST OF EQUIPMENT/ II. LIST OF EQUIPMENT**

The list of equipment in this section is a component of the reporting format for facilities declared pursuant to Article 4/Article III, section D.

### **ANNEX ON INVESTIGATIONS (ANNEX B) / ANNEX C. INVESTIGATIONS**

#### **A./ I. GENERAL PROVISIONS**

This section specifies the procedures for the following:

Designation of Investigation Personnel

Designation and Certification of Laboratories

Standing Arrangements>

Post-Investigation Activities

## **B./ II. FIELD INVESTIGATIONS**

This section specifies the detailed procedures regarding field investigations.

## **C./ III. FACILITY INVESTIGATIONS**

This section specifies the detailed procedures regarding facility investigations.

## **ANNEX ON CONFIDENTIALITY PROVISIONS (ANNEX C)/ ANNEX D. CONFIDENTIALITY PROVISIONS**

### **A. GENERAL PRINCIPLES FOR THE HANDLING OF CONFIDENTIAL INFORMATION**

This section specifies the procedures governing the handling of confidential information, including the establishment of a classification system and regulation of access to confidential information.

### **B./ II. CONDITIONS OF STAFF EMPLOYMENT RELATING TO THE PROTECTION OF CONFIDENTIAL INFORMATION**

This section specifies conditions of staff employment relating to the protection of confidential information.

### **III. PROCEDURES IN CASE OF BREACHES OR ALLEGED BREACHES OF CONFIDENTIALITY**

This section specifies procedures in case of breaches or alleged breaches of confidentiality.

## **APPENDICES**

### **A: DECLARATIONS OF OFFENSIVE AND/OR DEFENSIVE BIOLOGICAL AND TOXIN PROGRAMMES AND/OR ACTIVITIES CONDUCTED PRIOR TO ENTRY INTO FORCE OF THE CONVENTION/ PROTOCOL FOR EACH STATE PARTY**

Provides the form to be used for initial declarations.

### **B. DECLARATION OF CURRENT NATIONAL BIOLOGICAL DEFENCE PROGRAMMES AND/OR ACTIVITIES/ B: DECLARATION OF DEFENSIVE BIOLOGICAL AND TOXIN PROGRAMMES AND/OR ACTIVITIES CONDUCTED DURING THE PREVIOUS YEAR**

Provides the form to be used for annual declarations.

**C. DECLARATION FORMAT FOR FACILITIES DECLARED IN ACCORDANCE WITH ARTICLE 4(6)**

Provides the form to be used for declarations of such facilities.

**D. DECLARATION FORMAT FOR FACILITIES DECLARED IN ACCORDANCE WITH ARTICLE 4 (8) to (14)/ C: FACILITIES**

Provides the form to be used for declarations of such facilities.

**E. LISTING OF FACILITIES IN ACCORDANCE WITH ARTICLE 4 (7)/ D. LISTING OF FACILITIES PARTICIPATING IN BIOLOGICAL DEFENSIVE ACTIVITIES**

Provides the form to be used for such facilities.

**F. LISTING OF FACILITIES IN ACCORDANCE WITH ARTICLE 4 (15)**

Provides the form to be used for such facilities.

**G./ E. FACILITIES EXISTING ON THE TERRITORY OF A STATE PARTY BUT FALLING UNDER THE JURISDICTION OR CONTROL OF ANOTHER STATE PARTY/STATE**

Provides the form to be used for submitting information about such facilities.

**H./ F. INFORMATION TO BE PROVIDED IN THE DECLARATIONS REQUIRED UNDER ARTICLE 14/ ARTICLE VII**

Sets out the information to be provided in such declarations.

**FORMATS FOR REPORTING INTERNATIONAL TRANSFERS OF EQUIPMENT**

Provides the formats to be used for reporting international transfers of equipment.