

**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**

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**Working paper submitted by China, Cuba, India, Indonesia,
Islamic Republic of Iran , Libyan Arab Jamahirya and Pakistan**

(A) A preambular reference in the Final Declaration relating to Article X is necessary. The proposed formulation is:

- (1) The States Parties declare their conviction that facilitation of and participation in the fullest possible exchanges and enhanced international cooperation in the field of peaceful biotechnological activities, aimed at facilitating economic and social development, is a vital element in strengthening implementation.

(B) The following language is proposed for the substantive section dealing with Article X:

- (1) The Conference reaffirms the commitment to the full and comprehensive implementation of Article X, especially in the light of recent scientific and technological developments in the field of biotechnology, which increase the potential for cooperation amongst States Parties and render such activities critical for strengthening the Convention. Therefore, this Conference urges States Parties, particularly those most advanced in this field, to adopt positive steps aimed at promoting international cooperation and transfer of technology, on an equal and non-discriminatory basis, particularly with countries less advanced in this field, thus promoting the basic objectives of this Convention.
- (2) The Conference believes that existing institutional mechanisms for promoting international cooperation are inadequate and need to be developed further. In this context, the Conference calls for the establishment of a Cooperation Committee, functioning in accordance with mutually agreed guidelines, tasked with monitoring effective implementation of Article X. The Conference calls upon the Secretary-General of the United Nations to convene a meeting of States Parties, at appropriate level, to develop the guidelines for setting up such a Committee at the earliest possible date.
- (3) At the same time, the Conference calls for the use of existing institutional means within the United Nations system, including possibilities provided by other

international organizations and specialized agencies, to promote the basic objectives of Article X.

- (4) The Conference emphasizes that States Parties have a legal obligation to refrain from imposing restrictions or limitations for transfers that would hamper economic or technological development of States Parties or international cooperation for peaceful applications in the field of biotechnology. Therefore, development of national export regulatory mechanisms should only be undertaken by harmonizing both the promotional and regulatory aspects, vital to sustaining a successful Convention dealing with all dual-use technology.
- (5) The Conference reiterates the need for effective national policies consistent with Article X intended to implement the same as these constitute complementary means of addressing concerns relating to potential proliferation risks. The national measures for implementation of Article X should include, *inter alia*:
 - a mechanism of submitting to the States Parties, as per a specified periodicity, detailed and specific relevant information regarding transfers made in accordance with the provisions of Article X;
 - a national level mechanism in harmony with a global effort to co-ordinate transparency and respond to transfer denial bilaterally or collectively to resolve the concern arising from such denials;
 - a mechanism for adequately and effectively addressing concerns, indicated by the States Parties, regarding suspected violation of the agreed provisions of Article X.
- (6) To this end, this Conference urges States Parties to undertake to review their national regulations governing international exchanges and transfers in order to ensure its consistency with the objectives of the Convention and specifically the provisions of Article X.
- (7) The Conference urges the States Parties to develop a framework, including through voluntary contributions, for States Parties to support an international system for the global monitoring of emerging diseases in humans, animals and plants and to support other specific programmes to improve the effectiveness of national and international efforts on the diagnosis, prevention and treatment of diseases caused by microbial and other biological agents and toxins, in particular infectious diseases, including collaborative vaccine research and development and relevant training programmes. The framework so devised should facilitate the conclusion of bilateral, regional and multilateral agreements providing, on a mutually advantageous, equal and non-discriminatory basis, the vehicle for coordination of national and regional programmes that would promote the regular exchange of scientific and technical

information in the biological field between developed and developing countries as a first step towards the building of a world-wide data bank.

- (8) The Conference emphasizes the importance of providing technical and financial resources for establishing a system of global cooperation for surveillance, monitoring and control of disease and strengthening of national and local programmes of surveillance for infectious diseases for enhancing timely notification and response capabilities. The Conference recognizes the successful efforts of the World Health Organization, through its organs, in this regard.
 - (9) The Conference reiterates its request to the Secretary-General to provide, annually, a report on the implementation of Article X as a mechanism of monitoring compliance and confidence building among the States Parties to the Conference regarding the implementation of Article X. The Conference urges the States Parties who have not done so to provide the required national information to the Secretary-General to facilitate his report.
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