

**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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PROPOSALS

Working paper by the Islamic Republic of Iran

Introductory Part of the Final Declaration

Repeat of some agreed languages of introductory part of Final Declaration of Fourth Review Conference in the introductory part of Final Declaration of the Fifth Review Conference seems reasonable as follows:

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, WHICH MET IN GENEVA FROM 19 NOVEMBER TO 7 DECEMBER 2001 TO REVIEW THE OPERATION OF THE CONVENTION, SOLEMNLY DECLARE:

Their reaffirmation of their determination to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and their conviction that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control;

Their reaffirmation that under any circumstances the use, development, production and stockpiling of bacteriological (biological) and toxin weapons is effectively prohibited under Article I of the Convention;

Their continued determination, for the sake of mankind, to exclude completely the possibility of the use of bacteriological (biological) agents and toxins as weapons, and their conviction that such use would be repugnant to the conscience of mankind;

Their reaffirmation of their firm commitment to the purposes of the Preamble and the provisions of the Convention, and of their belief that universal adherence to the Convention would enhance international peace and security;

Their conviction that the full implementation of the provisions of the Convention should facilitate economic and technological development and International cooperation in the field of peaceful biological activities;

Their recognition that purposes of this Convention include the prohibition of the use of biological weapons as contrary to the purpose of the Convention;

The States Parties recognize that the important principles contained in this Solemn Declaration can also serve as a basis for further strengthening of the Convention.

Preamble

The Conference notes the importance of the elements in review of the Preamble to the Convention and reaffirms that the ninth paragraph of the Preamble clearly expresses the intention of the Convention to prevent the use of Biological Weapons

The Conference recognizes that the threat of biological weapons demonstrate the urgent need for the establishment of an international coalition against bio-terrorism under the auspices of the United Nations.

The Conference considers that under the convention and the legally binding instrument, which is multilaterally negotiated, the States Parties should be obliged to adopt practical and legislative measure to physically protect their peaceful biological activities and to prevent the terrorists from the access to biological agents and toxins.

The Conference convinced that this responsibility should be later transferred from the United Nations to the future Organization for the Prohibition of Biological Weapons (OPBW), which will be established on the Convention and the said legally binding instrument.

Article I

The Conference reaffirms that the use of biological agents or toxins in any way and under any circumstances that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I of the Convention.

The Conference emphasises that the use of insects and animals as pests and vectors against human, animals and plants for hostile purposes or in armed conflict is inconsistent with undertaking contained in Article I of the Convention.

The Conference expresses its concern about any research, development and production of ethnic weapons and considers it as a crime against humanity.

Article III

The Conference reiterates that the provisions of this Article should not be used to impose restrictions and/or limitations on the transfer for purposes consistent with the objectives and the provisions of the Convention of scientific knowledge, technology, equipment and materials under Article X.

The Conference calls upon states parties not to transfer equipment, materials (including biological agents and toxins), scientific and technological information to non-States Parties, in order to realize the universality of the Convention.

The Sixth Review Conference shall consider and review any development in this regard.

Article IV

The Conference calls upon States to prevent all terrorism acts including bio-terrorism in all their forms and manifestations in particular those where States are directly or indirectly involved, and also calls upon States to prevent covert operations in their or other territory.

Article V

The Conference notes that this Article provides an appropriate framework for resolving any problems, which may arise in relation to the objective of, or in the application of the provisions of the Convention. The Conference therefore, requests the States Parties to refrain from unilateral and discriminatory action in resolving any concerns with regard to the implementation of the Convention.

The Conference reaffirms the importance of the establishment of the formal consultative meeting by the Third Review Conference.

Article VI

The Conference notes with satisfaction that the provisions of this Article have not been invoked.

The Conference notes that the procedure outlined in this Article is without prejudice to the right of all States Parties to the convention to consider the cases of alleged non-compliance with the provisions of the Convention and make appropriate decisions approved by all States Parties. The abusive State Party may not attend the decision making process.

The Conference calls upon states Parties to refrain from baseless allegation and accusation against each other.

The Conference emphasises that any complaint of alleged non-compliance shall include factual and concrete evidences and documents confirming its validity. In cases of abuse, all States parties shall decide on appropriate measures against abusive State Party.

The Conference notes that consideration of any alleged breach of the convention shall be dealt within the framework of the legally binding instrument, which strengthens and improves the implementation of the Convention.

Article VII

The Conference reaffirms the necessity of consideration of the detailed procedure for assistance in order to ensure that States Parties if requested would provide timely emergency assistance. Should a request for assistance be made, the procedure shall facilitate the prompt response by States Parties in order to dispatch timely emergency and humanitarian assistance to the requesting State party, which has been exposed to danger as a result of the threat or use of biological weapons.

The Conference considered that the WHO has made valuable contributions in the area of the humanitarian assistance in cases of outbreak of diseases.

The Conference convinced that the involvement of the WHO in the verification and the subsequent inspections of the biological weapons shall deviate the WHO from its humanitarian mandate. Due to political and security orientation of the verification of the biological weapons the mutual trust among the WHO and the States Parties will be jeopardized and consequently the requests for assistance and the submission of the volunteer reports of the outbreaks shall be reduced.

Article VIII

The Conference reaffirms the importance of Article VIII of the Convention and stresses the importance of the Protocol for the Prohibition of the Use in War of Asphyxiating, poisonous or other Gases, and Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

The Conference acknowledges that the 1925 Geneva Protocol, by prohibiting the Use of bacteriological methods of warfare, forms an essential complement to the Biological and Toxin Weapons Convention.

The Conference reaffirms that nothing contained in the Biological and Toxin Weapons Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any States under the Protocol for the prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare.

The Conference appreciates the withdrawal of reservations by a number of States Parties from the Geneva Protocol since the last Review Conference, and calls upon all States, which continue to maintain reservation to the Geneva Protocol, to withdraw their reservations and support the resolution of the First Committee of the United Nations General Assembly in this regard, which every year is tabled.

The Conference stresses the importance of the withdrawal of all reservation to the 1925 Geneva Protocol related to the Bacteriological Methods of the Warfare.

The Conference notes that reservation concerning retaliation, through the use of any objects prohibited by the Biological and Toxin Weapons Convention even conditional, are totally incompatible to the absolute and Universal Prohibition of the Development, Production, Stockpiling,

Acquisition and Retention of Bacteriological (Biological) Toxin Weapons.

The Conference appeals to all States Parties to the Geneva Protocol to fulfil their obligations assumed under the Protocol and urges all States not yet Parties to the 1925 Geneva Protocol to accede to it without delay.

The Conference confirms that pending withdrawal of all reservations and/or amending the Convention, the issue of prohibition of use should be considered in the Sixth Review Conference and it remains to be considered by the subsequent Review Conferences.

Article IX

The Conference stresses the importance of the universality of the Chemical Weapons Convention. The Conference calls upon all non-Parties that have not yet done so to ratify or accede to the Convention without delay. In this connection, The Conference urges all States Parties through bilateral or multilateral means persuade non Parties to the Chemical Weapons Convention to ratify and/or accede to the Convention without further delay in order to realize its universality.

The Conference calls upon the States Parties to the Chemical Weapons Convention not to enact national legislation in contrary to the objectives and Provisions of the Convention, if so, to withdraw their legislations, as early as possible.

The Conference reaffirms the importance of non-discriminatory implementation of the Article XI of the CWC.

The Conference recommends that the First Review Conference of the CWC and the Sixth Review Conference of the BTWC consider and review the developments in this regard.

Article XII

The Conference reaffirms that the multilateral negotiation on a legally binding instrument shall be concluded and the text of such instrument be adopted by a Special Conference prior to the Sixth Review Conference.
