

**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/12
14 December 2001

Original: ENGLISH

Geneva, 19 November - 7 December 2001

**FIFTH REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON
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INTERIM REPORT

Introduction

1. The Final Declaration of the Fourth Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, in the section dealing with the review of Article XII of the Convention, contained the following decision:

“The Conference decides that a Fifth Review Conference shall be held in Geneva at the request of the majority of States Parties, or in any case, not later than 2001”.¹

2. By resolution 55/40, adopted without a vote on 20 November 2000, the General Assembly, *inter alia*, noted that, at the request of the States Parties, a Fifth Review Conference of the States Parties to the Convention would be held at Geneva from 19 November to 7 December 2001, and that, following appropriate consultations, a Preparatory Committee for that Conference had been formed, open to all States Parties to the Convention, and that the Preparatory Committee would meet in Geneva from 25 to 27 April 2001.

3. The Preparatory Committee held three meetings at Geneva from 25 to 27 April 2001. The following 68 States Parties to the Convention participated in the session of the Preparatory Committee: Albania, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Guatemala, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kuwait, Libyan Arab Jamahiriya, Lithuania, Malaysia, Malta, Mexico, Mongolia, Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South

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Africa, Spain, Sri Lanka,

Sweden, Switzerland, Thailand, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan, Venezuela and Viet Nam.

4. At its 1st meeting, on 25 April 2001, the Preparatory Committee elected by acclamation Ambassador Tibor Tóth (Hungary) as Chairman of the Preparatory Committee. At the same meeting, it also unanimously elected Ambassador Markku Reimaa (Finland) and Ambassador Munir Akram (Pakistan) as Vice-Chairmen of the Preparatory Committee. The Preparatory Committee authorized the Bureau to handle technical and other matters in the period before the Review Conference was convened.

5. On behalf of the Secretary-General of the United Nations, Mr. Enrique Roman-Morey, Director of the Geneva Branch, Department for Disarmament Affairs, opened the session of the Preparatory Committee. Mr. Vladimir Bogomolov, Political Affairs Officer, Geneva Branch, Department for Disarmament Affairs, served as Secretary of the Preparatory Committee.

6. The Preparatory Committee decided to take its decisions by consensus.

7. The Preparatory Committee decided to use Arabic, Chinese, English, French, Russian and Spanish as official languages.

8. The Preparatory Committee, taking note of their written requests, decided to invite the representatives of States Signatories of the Convention, namely, Egypt and Morocco, to participate in its discussions without the right to take part in the making of decisions.

9. The Preparatory Committee, taking note of a written request and in accordance with the draft rule 44, paragraph 2, decided to invite the representative of the State, not party to the Convention, namely the Federal Republic of Yugoslavia, to participate as an Observer.

10. In the course of its session, the Preparatory Committee considered the following questions relating to the organization of the Review Conference:

- (a) Date and duration;
- (b) Provisional agenda;
- (c) Draft rules of procedure;
- (d) Background documentation;
- (e) Publicity;
- (f) Final document(s).

11. At its last meeting, on 27 April 2001, the Preparatory Committee adopted its report, which was issued as a pre-session document of the Conference (BWC/CONF.V/PC/1). The report contained, *inter alia*, the provisional agenda and the draft rules of procedure for the Conference (BWC/CONF.V/PC/1, Annexes I and II, respectively). In this connection, the Committee recommended that its report, without annexes, be annexed to the Final Document of the Fifth Review Conference.
12. Pursuant to the request of the Preparatory Committee, the following background documents were issued as pre-session documentation for the Conference:
 1. Background information document providing, in summary tabular form, data on the participation of States Parties in the agreed Confidence-Building Measures since the last Review Conference. (BWC/CONF.V/2, and Corr.1, 2 and 3)
 2. Background information document on compliance by States Parties with all their obligations under the Convention, compiled from information provided by them. (BWC/CONF.V/3, Corr.1, and Add.1 to 9)
 3. Background information on new scientific and technological developments relevant to the Convention and covering the applications being made of such developments and their relevance to various aspects of the Convention, compiled from information provided by the States Parties (BWC/CONF.V/4, Add.1-2).

Organization of the Conference

13. In accordance with the decision of the Preparatory Committee, the Conference was convened on 19 November 2001 at the Palais des Nations in Geneva for a period of three weeks.
14. At its 1st meeting, on 19 November, the Conference elected by acclamation Ambassador Tibor Tóth (Hungary) as President.
15. At the same meeting, a message from the Secretary-General of the United Nations was read out by Mr. Jayantha Dhanapala, Under Secretary-General for Disarmament Affairs.
16. The Conference adopted its agenda as recommended by the Preparatory Committee (BWC/CONF.V/1 and BWC/CONF.V/PC/1, Annex I).
17. The Conference took note with appreciation of the report of the Preparatory Committee (BWC/CONF.V/PC/1).
18. The Conference adopted its Rules of Procedure as recommended by the Preparatory Committee (BWC/CONF.V/PC/1, Annex II). The Rules of Procedure provided, *inter alia*, for:
 - (a) a General Committee, composed of the President of the Conference and chaired by him, the 20 Vice-Presidents, the Chairman and the two Vice-Chairmen of the Committee of the Whole, the

Chairman and the two Vice-Chairmen of the Drafting Committee, the Chairman and the Vice-Chairman of the Credentials Committee, the three Regional Group Coordinators and the Depositories (see paragraph 20 of the report of the Preparatory Committee); (b) a Committee of the Whole; (c) a Drafting Committee, composed of representatives of the same 35 States Parties that are represented on the General Committee; and (d) a Credentials Committee composed of a Chairman and Vice-Chairman elected by the Conference and five other members appointed by the Conference on the proposal of the President.

19. The Conference elected by acclamation 20 Vice-Presidents from the following States Parties: Belgium, Brazil, Bulgaria, Canada, China, Cuba, Czech Republic, France, Germany, India, Indonesia, Libyan Arab Jamahiriya, Malaysia, Mexico, Peru, Poland, Republic of Korea, Russian Federation, South Africa and Sweden. It also elected by acclamation the Chairmen and Vice-Chairmen of the Committee of the Whole, the Drafting Committee and the Credentials Committee, as follows:

Committee of the Whole:	Chairman	Ambassador Markku Reimaa (Finland)
	Vice-Chairman	Mr. Alfredo Labbé Minister Counsellor (Chile)
	Vice-Chairman	Ambassador Krzysztof Jakubowski (Poland)
Drafting Committee:	Chairman	Ambassador Munir Akram (Pakistan)
	Vice-Chairman	Mr. Gennady Lutay (Russian Federation)
Vice-Chairman	Ambassador Christian Faessler (Switzerland)	
Credentials Committee:	Chairman	Ambassador Ali-Asghar Soltanieh (Islamic Republic of Iran)
	Vice-Chairman	Ambassador Chris Sanders (The Netherlands)

The Conference also appointed the following five States Parties as members of the Credentials Committee: Australia, Colombia, Romania, Ukraine, and Venezuela.

20. The Conference confirmed the nomination of Mr. Enrique Roman-Morey as Secretary-General of the Conference. The nomination had been made by the Secretary-General of the United Nations following an invitation by the Preparatory Committee.

Participation at the Conference

21. Ninety-one States Parties to the Convention participated in the Conference as follows: Albania, Algeria, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Ethiopia, Federal Republic of Yugoslavia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Viet Nam and Yemen.

22. In addition, five States that had signed the Convention but had not yet ratified it participated in the Conference without taking part in the making of decisions, as provided for in rule 44, paragraph 1 of the Rules of Procedure: Egypt, Morocco, Myanmar, Nepal and the United Arab Emirates.

23. Two States, Holy See and Israel, neither Parties nor Signatories of the Convention, were granted Observer status in accordance with rule 44, paragraph 2 (a).

24. The United Nations, including the United Nations Institute for Disarmament Research (UNIDIR) attended the Conference in accordance with rule 44, paragraph 3.

25. The International Committee of the Red Cross (ICRC) and the World Health Organization (WHO), upon their request, were granted Observer status. Eighteen non-governmental organizations and research institutes attended the Conference under rule 44, paragraph 5.

Work of the Conference

26. The Conference held six plenary meetings between 19 November and 7 December 2001.

27. The general debate, in which 34 States Parties, Egypt and the ICRC made statements, took place from the 1st to the 4th plenary meetings, on 19 and 20 November 2001.

28. The General Committee, at its 1st meeting, on 19 November, considered item 9 of the agenda, "Programme of work", and decided, *inter alia*, to make the following recommendations to the Conference:

(1) The Committee of the Whole should consider the following substantive items:

10. Review of the operation of the Convention as provided for in its Article XII

(b) Articles I-XV

- (c) Preambular paragraphs and purposes of the Convention
11. Consideration of issues identified in the review of Article XII contained in the Final Declaration of the Fourth Review Conference, and possible follow-up action.
 12. Work done to strengthen the Convention in accordance with the decision of the 1994 Special Conference.
 13. Other matters, including the question of future review of the Convention.
- (2) The Drafting Committee should undertake the task of preparing and submitting to the plenary the draft Final Document of the Conference, including the Final Declaration.
29. At its 3rd plenary meeting, on 20 November, the Conference adopted its indicative programme of work, as set out in BWC/CONF.V/1, Annex I.
30. The Committee of the Whole held seven plenary meetings between 21 November and 29 November, during which it reviewed the provisions of the Convention, article by article, followed by consideration of the Preamble. The Committee also examined agenda items 11, 12 and 13. It submitted its draft report (BWC/CONF.V/COW/L.1) to the Conference at its 5th plenary meeting, on 30 November. The Conference took note of the draft report.
31. The Drafting Committee held 13 meetings between 30 November and 7 December 2001. Based on a request by the Conference to the President, the Chairman of the Drafting Committee and the Chairman of the Committee of the Whole, the Chairman of the Drafting Committee was assisted in his work by Facilitators in the following areas:
- Solemn Declaration: Ambassador David Broucher (United Kingdom of Great Britain and Northern Ireland);
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 - Use: Minister Counsellor Alfredo Labbé (Chile);
 - Legislation/Criminalization: Ambassador Gustavo Albin (Mexico);
 - Safety: Ambassador Volker Heinsberg (Germany);
 - Investigations: Ambassador Rakesh Sood (India);
 - Assistance: Ambassador Christopher Westdal (Canada);
 - Disease Surveillance: Ambassador Ali-Asghar Soltanieh (Iran);

- Confidence-Building Measures: Ambassador Hubert de La Fortelle (France);

- Cooperation (other than on disease and assistance): Minister Counsellor
F. S. Duque Estrada Meyer (Brazil);
- Follow-up/Ad Hoc Group: President of the Conference.

Documentation

32. A preliminary list of documents of the Conference is contained in the Annex to this Interim Report.

Adjournment of the Conference

33. At its 6th plenary meeting on 7 December 2001, the Conference decided by consensus to adjourn its proceedings and reconvene at Geneva from 11 to 22 November 2002.

Annex

PRELIMINARY LIST OF DOCUMENTS

<u>Document symbol number</u>	<u>Title</u>
BWC/CONF.V/1	Provisional agenda for the Fifth Review Conference
BWC/CONF.V/2 and Corrs.1 to 3 [English Only]	Background information document on the participation of States Parties in the agreed Confidence-Building Measures (CBMs)
BWC/CONF.V/3 and Adds.1 to 9	Background document on compliance by States Parties with all their obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
BWC/CONF.V/3/Corr.1 [Arabic, English, Russian, Spanish Only]	Background document on compliance by States Parties with all their obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
BWC/CONF.V/4 and Add.1	Background paper on new scientific and technological developments relevant 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/5	Legislation in the Federal Republic of Germany on the Prohibition of Biological Weapons
BWC/CONF.V/6	Technical assistance, exchange and cooperation undertaken by Australia in the field of biotechnology
BWC/CONF.V/7	Federal Republic of Germany - Developments in non-profit and industrial applications of genetic engineering, biotechnology and other areas of life

BWC/CONF.V/8	sciences Federal Republic of Germany - Transparency in biodefence
BWC/CONF.V/9	Implementation of Article X of the 1972 Convention - France's policy on scientific cooperation in biology and medicine in the field of health
BWC/CONF.V/10	Background information on the compliance of Article IV - Brazil
BWC/CONF.V/10/Corr.1 [English Only]	Background information on the compliance of Article IV - Brazil
BWC/CONF.V/11	The reply of the Libyan Arab Jamahiriya
BWC/CONF.V/12	Interim Report - 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/DC/WP.1	Working paper by the Islamic Republic of Iran - Article XI
BWC/CONF.V/COW/WP.1	Strengthening Confidence-Building Measures - Working paper by South Africa
BWC/CONF.V/COW/WP.2	Article I - Working paper submitted by China
BWC/CONF.V/COW/WP.3	Article III - Working paper submitted by China
BWC/CONF.V/COW/WP.4	Article IV - Working paper submitted by China
BWC/CONF.V/COW/WP.5	Article V - Working paper submitted by China
BWC/CONF.V/COW/WP.6	Proposals for 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 - Working paper by the Libyan Arab Jamahiriya

BWC/CONF.V/COW/WP.7	Proposal concerning Article 10 - Working paper by the Libyan Arab Jamahiriya
BWC/CONF.V/COW/WP.8	Fifth BWC Review Conference - Article X review - Working paper by Australia, France and Italy
BWC/CONF.V/COW/WP.9	Working paper submitted by China, Cuba, India, Indonesia, Islamic Republic of Iran, Libyan Arab Jamahiriya and Pakistan
BWC/CONF.V/COW/WP.10/Rev.1	The universality of the Biological Weapons Convention - Working paper by NAM and Other States
BWC/CONF.V/COW/WP.11	The prohibition of the use of biological weapons - Working paper by NAM and Other States
BWC/CONF.V/COW/WP.12 and Corr.1	Measures to strengthen Article X: Scientific and technological exchange for peaceful purposes and technical cooperation - Working paper by NAM and Other States
BWC/CONF.V/COW/WP.13	The work of the Ad Hoc Group to the Biological Weapons Convention - Working paper by NAM and Other States
BWC/CONF.V/COW/WP.14	Working paper by Japan
BWC/CONF.V/COW/WP.15	Working paper by Canada and Poland
BWC/CONF.V/COW/WP.16	Proposal for the Final Declaration - Working paper by Argentina and Australia
BWC/CONF.V/COW/WP.17	Proposals - Working paper by the United States of America
BWC/CONF.V/COW/WP.18	Proposal on Article VIII - Working paper submitted by the Russian Federation
BWC/CONF.V/COW/WP.19	Proposal - Working paper by Brazil, Chile, Mexico and Peru
BWC/CONF.V/COW/WP.20	Proposal - Working paper by Chile

BWC/CONF.V/COW/WP.21

Proposal - Working paper by Pakistan

BWC/CONF.V/COW/WP.22	Proposal - Working paper by Canada and Switzerland
BWC/CONF.V/COW/WP.23	Proposals - Working paper submitted by the European Union
BWC/CONF.V/COW/WP.24	Proposal - Article 15 - Working paper by Iraq, Jordan, Kuwait, Libyan Arab Jamahiriya and Oman
BWC/CONF.V/COW/WP.25	Transfer of equipment and biological materials for peaceful application - Working paper by China, Cuba, India, Indonesia, Islamic Republic of Iran, Libyan Arab Jamahiriya, Pakistan and Sri Lanka
BWC/CONF.V/COW/WP.26	Proposal - Working paper by Mexico and Peru
BWC/CONF.V/COW/WP.27	Proposal concerning Article V - Working paper by the Libyan Arab Jamahiriya
BWC/CONF.V/COW/WP.28 and Add.1	Proposals - Working paper by the Islamic Republic of Iran
BWC/CONF.V/COW/WP.29	Working paper by Mexico
BWC/CONF.V/COW/WP.30	Working paper by Australia, Canada and New Zealand
BWC/CONF.V/COW/WP.31	Article X - Institutional mechanisms for international cooperation and assistance - Working paper by NAM and Other States
BWC/CONF.V/COW/1	Report of the Committee of the Whole
BWC/CONF.V/COW/L.1 [English Only]	Draft report of the Committee of the Whole
BWC/CONF.V/COW/CRP.1 [English Only]	Annex to the draft report of the Committee of the Whole
BWC/CONF.V/CC/1	Report of the Credentials Committee
BWC/CONF.V/SR.1	Summary record (partial) of the 1st meeting

BWC/CONF.V/SR.2	Summary record (partial) of the 2nd meeting
BWC/CONF.V/SR.3	Summary record (partial) of the 3rd meeting
BWC/CONF.V/SR.4	Summary record (partial) of the 4th meeting
BWC/CONF.V/SR.5	Summary record (partial) of the 5th meeting
BWC/CONF.V/SR.6	Summary record (partial) of the 6th meeting
BWC/CONF.V/INF.1	List of 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/INF.2	Organization of the Conference
BWC/CONF.V/INF.3	List of participants
BWC/CONF.V/MISC.1	Informal paper by the Chairman of the Committee of the Whole
BWC/CONF.V/MISC.2	Provisional list of participants
BWC/CONF.V/CRP.1 [English Only]	BTWC Fifth Review Conference - Facilitators
BWC/CONF.V/CRP.2 [English Only]	Note from the Secretariat - Reproduction of the Annex on Confidence-Building Measures from the Final Declaration of the Third Review Conference
