

Monday, 26 November 2001

Informal paper by the Chairman of  
the Committee of the Whole

BWC/CONF.IV/9 PART II. FINAL DECLARATION

PROPOSALS PUT BEFORE THE COMMITTEE OF THE WHOLE

**SOLEMN DECLARATION**

- Their conviction that the Convention is essential to international peace and security;
- 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.

(Proposal by the NAM and Other States.)

1. Their reaffirmation that the Convention on the Prohibition of the Development, production and Stockpiling of Bacteriological (biological) and Toxin Weapons and on their Destruction is essential for the maintenance of international and regional peace and security,
2. Their recognition of the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol to the Convention.
3. Their reiteration that the effective contribution of the Convention to international and regional peace and security would be enhanced through universal adherence to the Convention.
4. Their dissatisfaction at the fact that after three decades, since the entry into force of the Convention, universality has not yet been achieved and believe that non-adherence or non-ratification by non-States Parties to the Convention pose a threat to international and regional peace and security,
5. Their call on all non-States parties, particularly those that are advanced in the field of biological science and technology, to accede to the Convention at the earliest

- 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 determination to enhance the implementation and effectiveness of the Convention and to further strengthen its authority, including through the confidence-building measures and agreed procedures for consultations agreed by the Second and Third Review Conferences, and through the fulfilment of the mandate entrusted to the Ad Hoc Group established by the Special Conference in 1994;
- Their recognition that effective verification could reinforce the Convention;
- 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;

earliest.

6. Their commitment to spare no effort, whether through bilateral or multilateral means, to call on non-States parties to ratify or accede to the Convention without further delay in order to realise its universality.

(Proposal by Argentina and Australia)

7. Their conviction that terrorism, in all its manifestations and whatever its motivation, is abhorrent and unacceptable to the international community, and their renewed determination to ensure, through the full implementation of their obligations under the Convention, that biological and toxin weapons are never acquired, developed, produced, stockpiled or used by terrorist, criminal or other groups or individuals.

- 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 reaffirms the importance of the elements in review of the Preamble to the Convention contained in the Final Declaration of the Second 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.

#### **Article I**

1. The Conference notes the importance of Article I as the provision which defines the scope of the Convention. The Conference reaffirms its support for the provisions of this Article.

2. The Conference reaffirms that the Convention prohibits the development, production, stockpiling, other acquisition or retention of microbial or other biological agents or toxins harmful to plants and animals, as well as humans, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes.

#### **Preamble**

(Proposal by China, Cuba, India, Indonesia, Iran, Libyan Arab Jamahiriya and Pakistan)

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.

#### **Article I**

(A)

(Proposal by the United States of America)

1. The Conference notes the importance of Article I as the provision which defines the scope of the Convention. The Conference reaffirms its support for the provisions of this Article.

2. The Conference reaffirms that the Convention prohibits the development, production, stockpiling, other acquisition or retention of microbial or other biological agents or toxins harmful to plants and animals, as well as humans, of types and in quantities that have no justification for prophylactic, protective or other peaceful

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

4. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict, in order to exclude completely and forever the possibility of their use.

5. The Conference also reaffirms that the Convention unequivocally covers all microbial or other biological agents or toxins, naturally or artificially created or altered, as well as their components, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes.

6. The Conference, conscious of apprehensions arising from relevant scientific and technological developments, inter alia, in the fields of microbiology, biotechnology, molecular biology, genetic engineering, and any applications resulting from genome studies, and the possibilities of their use for purposes inconsistent with the objectives and the provisions of the Convention, reaffirms that the undertaking given by the States Parties in Article I applies to all such developments.

7. The Conference notes that experimentation involving

purposes.

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

4. The Conference condemns the recent use of anthrax as a tool of terrorism and finds these acts reprehensible.

5. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict, in order to exclude completely and forever the possibility of such use.

6. The Conference also reaffirms that the Convention unequivocally covers all microbial or other biological agents or toxins naturally or artificially created or altered, as well as their components, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes.

7. The Conference, conscious of apprehensions arising from relevant scientific and technological developments, inter alia, in the fields of microbiology, biotechnology, molecular biology, genetic engineering, and any applications resulting from genome studies, and the possibilities of their use for purposes inconsistent with the objectives and the provisions of the Convention, reaffirms that the undertaking given by the States Parties in Article I applies to all such developments.

8. The Conference notes that experimentation involving open-air release of pathogens or toxins harmful to humans, animals or plants that have no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I.

9. The Conference appeals through the States Parties to their scientific

open-air release of pathogens or toxins harmful to man, animals or plants that have no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I.

8. The Conference appeals through the States Parties to their scientific communities to lend their support only to activities that have justification for prophylactic, protective and other peaceful purposes, and refrain from undertaking or supporting activities which are in breach of the obligations deriving from provisions of the Convention.

9. The Conference emphasizes, once more, the vital importance of full implementation by all States Parties of all the provisions of the Convention, especially Articles I, II and III. The Conference agrees that the application by States Parties of positive approaches in accordance with the provisions of the Convention is in the interest of all States Parties and that any non-compliance with its provisions could undermine confidence in the Convention. Non-compliance should be treated with determination in all cases, without selectivity or discrimination.

communities to lend their support only to activities that have justification for prophylactic, protective and other peaceful purposes, and refrain from undertaking or supporting activities which are in breach of the obligations deriving from provisions of the Convention.

10. The Conference emphasizes, once more, the vital importance of full implementation by all States Parties of all the provisions of the Convention, especially Articles I, II, and III. The Conference calls upon non-compliant BWC States Parties to terminate their offensive biological weapons programmes and comply fully with their obligations. The Conference also calls upon States Signatories pursuing offensive biological weapons programmes to terminate these programmes. The Conference agrees that the application of the Convention is in the interest of all States Parties and that any non-compliance with its provisions could undermine confidence in the Convention.

(B)

(Proposal by the NAM and Other States.)

1. The Conference reaffirms that biological weapons pose a serious threat to mankind, and any use of biological weapons would be a violation of the Convention and the Geneva Protocol of 1925, and a crime against humanity;
2. The Conference emphasises that the principles and objectives of, and obligations assumed under, the Geneva Protocol of 1925 and the Convention represent an unequivocal determination for the sake of all humankind to exclude completely the possibility of microbial and other biological agents, and toxins being used as weapons,
3. The Conference reaffirms the determination of the States Parties to accomplish the total elimination of all weapons of mass destruction,
4. The Conference reaffirms the determination of the States Parties also to achieve general and complete disarmament under strict and effective international control, which is the ultimate objective of the efforts of States in the disarmament process,

5. The Conference reaffirms that the use by the States parties, in any way and under any circumstances, of microbial or other biological agents or toxins, that is not consistent with the prophylactic, protective or other peaceful purposes, is effectively a violation of Article 1 of the Convention;

6. The Conference reaffirms the undertaking in Article 1 never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict, in order to exclude completely and forever the possibility of their use.

(C)

(Proposal by Brazil)

1. The Conference reaffirms the commitment of all States Parties to respect the prohibitions established in Article I.

2. The Conference regrets and condemns the recent incidents involving the use of anthrax with clear lethal purposes.

3. The Conference underlines that, in view of the rapid scientific and technological evolution in the fields of biotechnology, microbiology, molecular biology and genetic engineering, among others, and their possible uses for non-peaceful purposes, it is imperative to keep the broad conception of biological weapons so as not to debilitate the BWC.

4. Under these circumstances, the Conference considers that the development of microbiological or other biological agents or toxins, and their means of delivery, for protective purposes should deserve a special attention on the part of States Parties and, when necessary, might justify the application of the provisions under Articles V and VI.

(D)

(Proposal by Chile)

1. The Conference notes the importance of Article I as the fundamental provision which defines the scope of the Convention.
2. The Conference reaffirms that the use of microbial or other biological agents, or toxins, whatever their origin or method of production, in any way that is not consistent with prophylactic, protective or other peaceful purposes, is violation of Article I of the Convention.
3. The Conference solemnly recalls the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict, in order to exclude completely and forever the possibility of their use.
4. The Conference also reaffirms that the Convention unequivocally covers all microbial or other biological agents or toxins, naturally or artificially created or altered, whatever their origin or method of production, as well as chemical components and products of living organisms and their analogs and modified derivatives, whether isolated, synthesized, cloned or produced by any combination of means, with a capacity for generating potentially adverse physiological effects.
5. The Conference reaffirms as well that the undertaking contained in Article I applies to all relevant scientific and technological developments in the fields of microbiology, biotechnology, and genetic engineering, including all developments in respect to the human genome and its present and future applications.
6. The Conference appeals through their States Parties to their scientific communities to lend their support only to activities that have justification under the Convention for prophylactic, protective and other peaceful purposes and refrain from undertaking or supporting activities which are in breach of the obligations deriving from provisions of the Convention.

(E)

**Article II**

1. The Conference recognizes that for any State acceding to the Convention after the entry into force of the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to the Convention. The Conference emphasizes that the destruction or diversion to peaceful purposes specified in Article II should be carried out completely

(Proposal by Libyan Arab Jamahiriya)

1. Biological and Toxin weapons shall never be used in any circumstances.
2. The Conference stresses strict compliance with the undertaking provided for in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment, or means of delivery for hostile purposes or in armed conflict, in order to permanently preclude the use thereof.

(F)

(Proposal by the European Union)

1. The Conference calls upon States Parties to establish a Scientific Advisory Panel (SAP) for an annual update of scientific and technological developments relevant to the Convention to report to States Parties.
2. The Conference invites States Parties to support educational programmes in academia and NGO circles to raise awareness in professional courses for biologists, chemists and other relevant professional categories, with the aim of establishing a norm in the profession against offensive CBW use. In particular the Conference invites States Parties to consider the possibility that professionals be required to take a pledge similar to the Hippocratic Oath.

(Proposal by China)

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**Article II**

(Proposal by the European Union)

1. The Conference recognises that for any State acceding to the Convention after the entry into force of the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to the Convention. The Conference emphasises that the destruction or diversion to peaceful

specified in Article II should be carried out completely and effectively.

2. The Conference notes the importance of Article II and welcomes the statements made by States which have become Parties to the Convention since the Third Review Conference that they do not possess agents, toxins, weapons, equipment or means of delivery referred to in Article I of the Convention.

3. The Conference notes that the submission to the Centre for Disarmament Affairs of appropriate information on destruction by States Parties which had stockpiles and have destroyed them in fulfilment of their Article II obligations and which have not already made such submissions could enhance confidence in the Convention and its objectives.

4. The Conference stresses that States which become Parties to the Convention, implementing the provisions of this Article, shall observe all necessary safety precautions to protect populations and the environment.

### **Article III**

1. The Conference notes the importance of Article III and welcomes the statements which States that have acceded to the Convention have made to the effect that they have not transferred agents, toxins, weapons, equipment or means of delivery as specified in Article I of the Convention, to any recipient whatsoever and have not furnished assistance, encouragement or inducement to any State, group of States or international organizations to manufacture or otherwise acquire them. The Conference affirms that Article III is sufficiently comprehensive to

purposes specified in Article II should be carried out completely and effectively

2. The Conference stresses that states, which become parties to the Convention, in implementing the provisions of this Article, shall observe all necessary safety precautions to protect populations and the environment.

### **Article III**

(A)

#### (Proposal by the European Union)

1. The Conference notes the continuing importance of Article III. The Conference affirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at international, national or sub-national levels.

2. The Conference recalls that a number of States Parties have reported that they have already taken concrete measures to give effect to their undertakings under this Article. The Conference urges all those States Parties that have not already done

cover any recipient whatsoever at international, national or subnational levels.

2. The Conference notes that a number of States Parties stated that they have already taken concrete measures to give effect to their undertakings under this Article and in this context also notes statements made by States Parties at the Conference about the legislative or administrative measures they have taken since the Third Review Conference. The Conference calls for appropriate measures by all States Parties. Transfers relevant to the Convention should be authorized only when the intended use is for purposes not prohibited under the Convention.

3. The Conference discussed the question whether multilaterally-agreed guidelines or multilateral guidelines negotiated by all States Parties to the Convention concerning the transfer of biological agents, materials and technology for peaceful purposes to any recipient whatsoever might strengthen the Convention. In the development of implementation of Article III, the Conference notes that States Parties should also consider ways and means to ensure that individuals or subnational groups are effectively prevented from acquiring, through transfers, biological agents and toxins for other than peaceful purposes. The Conference notes that these issues are being considered as part of the ongoing process of strengthening the Convention.

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

so, to take all the necessary measures to give effect in their national legislation to the obligations that they have assumed under this Article. The Conference reiterates the call of the Third and Fourth Review Conferences for appropriate measures by all States Parties. Transfers relevant to the Convention should be authorised only when the intended use is for purposes not prohibited under the Convention.

3. The Conference invites States Parties to explore a possible set of common principles in the field of export controls to be applied on a voluntary basis.

4. The Conference calls upon all States Parties that have not yet done so to adopt legislative and regulatory measures to ensure export control over dual-use items, in accordance with Articles III and IV of the Convention.

5. In the development of implementation of Article III, the Conference recommends that States Parties should also consider ways and means, including through legislation or other regulatory provision, to ensure that any individuals or sub-national groups are effectively prevented from acquiring, through transfers, microbial or other biological agents and toxins for other than peaceful purposes.

6. The Conference invites States Parties to take appropriate measures in the case of any violation of their export control regulations or legislation, including the qualification of such a violation as a criminal offence.

7. Considering the utility of a global overview of international transfers in the current context of enhanced vigilance, the Conference invites States Parties to explore the possibility of voluntary notification of authorisations of transfers subject to licensing on an annual, aggregated basis.

8. The Conference reiterates that the provisions of this Article should be implemented in manner consistent with the provisions of Article X of the Convention.

(B)

(Proposal by the United States of America)

and materials under Article X.

1. The Conference recognizes the key importance of Article III and welcomes the statements which States that have acceded to the Convention have made to the effect that they have not transferred agents, toxins, weapons, equipment or means of delivery as specified in Article I of the Convention, to any recipient whatsoever and have not furnished assistance, encouragement or inducement to any State, group of States or international organizations to manufacture or otherwise acquire them. The Conference affirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at international, national or subnational levels.

2. The Conference notes that a number of States Parties stated that they have taken concrete measures to give effect to their undertakings under this Article and in this context also notes statements made by States Parties at the Conference about the legislative or administrative measures they have taken since the Fourth Review Conference. The Conference calls for appropriate measures by all States Parties. Transfers relevant to the Convention should be authorized only when the intended use is for purposes not prohibited under the Convention.

3. The Conference notes that national export licensing measures should be an effective means of implementing obligations under Article III to avoid the possibility of inadvertent supply of any item, which could be used in a BW programme.

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

5. The Conference stresses that terrorists or terrorist groups must be prevented from acquiring, through transfers, biological agents, toxins, weapons, equipment or means of delivery.

(C)

(Proposal by Brazil)

1. The Conference notes that the threat represented by bio-terrorism has made the adoption of effective controls of transfers of biological agents and equipments,

**Article IV**

1. The Conference underlines the importance of Article IV. It reaffirms the commitment of States Parties to take the necessary national measures under this Article, in accordance with their constitutional processes. These measures are to ensure the prohibition and prevention of the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention anywhere within their territory, under their jurisdiction or under their control, in order to prevent their use for purposes contrary to the Convention. The States Parties recognize the need to ensure, through the review and/or adoption of national measures, the effective fulfilment of their obligations under the Convention in order, inter alia, to exclude use of biological and toxin weapons in terrorist or criminal activities.

especially to Non-State Parties, individuals and sub-nationals groups, all the more imperative.

2. Under these circumstances, the Conference emphasizes the importance that all States Parties adopt national controls of international transfers of equipments and biological agents of dual use, which should be objective and transparent.

3. To assure the effectiveness of those controls, the Conference considers that the implementation of Article III should be regulated multilaterally, in the framework of the Convention, and be based on a multilaterally negotiated list, taking into account the “general purpose criterion” in Article I.

(Proposal by China)

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**Article IV**

(A)

(Proposal by Canada and Switzerland)

1. The Conference underlines the importance of Article IV. It reaffirms the commitment of States Parties to take the necessary national measures under this Article, in accordance with their constitutional processes. These measures are to ensure the prohibition and prevention of the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention anywhere within their territory, under their jurisdiction or under their control, in order to prevent their use for purposes contrary to the Convention. The States Parties recognize the need to ensure, through the review and/or adoption of national measures, the effective fulfilment of their obligations under the Convention in order, inter alia, to exclude use of biological and toxin weapons in terrorist or criminal activity.

activity.

2. The Conference notes those measures already taken by a number of States Parties in this regard, for example the adoption of penal legislation, and reiterates its call to any State Party that has not yet taken any necessary measures to do so immediately, in accordance with its constitutional processes. Such measures should apply within its territory, under its jurisdiction or under its control anywhere. The Conference invites each State Party to consider, if constitutionally possible and in conformity with international law, the application of such measures also to actions taken anywhere by natural persons possessing its nationality.

3. The Conference notes the importance of:

- Legislative, administrative and other measures designed to enhance domestic compliance with the Convention;
- Legislation regarding the physical protection of laboratories and facilities to prevent unauthorized access to and removal of microbial or other biological agents, or toxins:
- Inclusion in textbooks and in medical, scientific and military education programmes of information dealing with the prohibitions and provisions contained in the Biological and Toxin Weapons Convention and the Geneva Protocol of 1925.

4. The Conference believes that such measures which

2. The Conference notes those measures taken by a number of States Parties in this regard, for example the adoption of penal legislation, and reiterates its call to any State Party that has not yet taken the necessary measures to do so immediately, in accordance with its constitutional processes. Such measures should apply within its territory, under its jurisdiction or under its control anywhere. The Conference encourages each State Party to consider, if constitutionally possible and in conformity with international law, the application of such measures also to actions taken anywhere by natural persons possessing its nationality.

3. The Conference urges States Parties to provide legal assistance in connection with criminal investigations or criminal proceedings relating to the development, production, acquisition, stockpiling or use by natural persons or legal entities of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention.

4. The Conference notes the importance of:

- Legislative, administrative and other measures designed to enhance domestic compliance with the Convention;
- Legislation, regulations and other measures regarding the physical protection of laboratories and facilities to prevent unauthorized access to and removal of microbial or other biological agents, or toxins:
- Inclusion in textbooks and in medical, scientific and military education programmes of information dealing with the prohibitions and provisions contained in the Biological and Toxin Weapons Convention and the Geneva Protocol of 1925.
- Self-regulation of industry and the scientific community, through codes of conduct and ethical standards.

5. The Conference believes that such measures which States Parties might undertake in accordance with their constitutional processes would strengthen the

States Parties might undertake in accordance with their constitutional processes would strengthen the effectiveness of the Convention, as requested by the Second and Third Review Conferences.

5. The Conference notes that some States Parties, as requested by the Second Review Conference, have provided to the United Nations Department for Disarmament Affairs information on the texts of specific legislation enacted or other measures taken to assure domestic compliance with the Convention. The Conference invites these States Parties, and encourages all States Parties, to provide such information and texts in the future. In this regard the Conference welcomes information provided by States Parties in response to the confidence-building measure agreed to at the Third Review Conference entitled "Declaration of legislation, regulations and other measures". In addition, the Conference encourages all States Parties to provide any useful information on the implementation of such measures.

6. The Conference encourages cooperation and initiatives, including regional ones, towards the strengthening and implementation of the Biological and Toxin Weapons Convention regime.

7. The Conference reaffirms that under all circumstances the use of bacteriological (biological) and toxin weapons is effectively prohibited by the Convention.

effectiveness of the Convention, as requested by previous Review Conferences.

6. The Conference notes that some States Parties, as requested by the Second Review Conference, have provided to the United Nations Department for Disarmament Affairs information on the texts of specific legislation enacted or other measures taken to assure domestic compliance with the Convention. The Conference invites these States Parties, and encourages all States Parties, to provide such information and texts in the future. The Conference further notes that some States Parties have provided in response to the confidence-building measure agreed to at the Third Review Conference entitled "Declaration of legislation, regulations and other measures". The Conference encourages all States Parties to provide such information in the future. In addition, the Conference encourages all States Parties to provide any useful information on the implementation of such measures.

7. The Conference encourages cooperation and initiatives, including regional ones, towards the strengthening and implementation of the Biological and Toxin Weapons Convention regime.

8. The Conference reaffirms that under all circumstances the use of bacteriological (biological) and toxin weapons is effectively prohibited by the Convention.

(B)

(Proposal by the European Union)

The Conference calls upon States Parties to implement nationally regulatory mechanisms to control domestic transfers.

The Conference calls upon States Parties to implement nationally regulatory mechanisms to establish and maintain physical protection of biological agents and toxins.

The Conference calls upon States Parties to implement penal legislation to enforce national regulatory measures for transfers and physical protection.

The Conference calls upon States Parties to establish, if it is not yet the case, a national procedure of approval of genetic engineering experiments based on ethical criteria and consistent with the Convention.

The Conference invites States Parties to explore possible standards for penal legislation to be implemented nationally to enforce the prohibitions of Article I of the Convention.

(C)

(Proposal by the United States of America)

I. National Criminal Legislation Supplemented by an Enhanced Extradition Regime

1. The Conference reaffirms the commitment of States Parties to take the necessary national measures, in accordance with their constitutional processes, to ensure the prohibition and prevention of the development, production, stockpiling, acquisition, or retention of the biological agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention anywhere within their territory, under their jurisdiction or under their control, in order to prevent their use for purposes contrary to the Convention.

2. The Conference encourages States Parties to enact measures to ensure suspected or known terrorist organizations or groups are precluded from acquiring biological agents or toxins specified in Article I of the Convention anywhere within their territory, under their jurisdiction or under their control. Noting the recent horrific increase in the magnitude of terrorist attacks and the use of anthrax for terrorist purposes, the Conference stresses the need for a prompt worldwide response to the rapidly increasing threat of biological attacks by non-state actors and encourages States Parties that may not yet have done so to enact such measures immediately, in accordance with their constitutional processes.

3. The Conference urges all States Parties to enact national criminal legislation

as part of their implementation of Article IV of the BWC. The Conference recommends that such legislation include provisions making it a criminal offense, punishable by imprisonment and fines, for anyone to conduct any activity prohibited by Articles I, II, or III of the BWC.

4. The Conference calls on States Parties to commit to enhance their ability to prosecute or extradite individuals for biological weapons offenses. The Conference recommends that this be achieved by acting to extend application of currently available bilateral extradition agreements to biological weapons offenses by amending existing agreements, practice or procedure, or passing legislation, as appropriate, or, where possible, by creating new bilateral agreements for extradition of such individuals.

5. The Conference urges States Parties to consider national legislation that requires those who possess particularly dangerous biological agents to report their possession to a competent governmental authority.

## II. Standards for Security of Pathogenic Microorganisms

6. The Conference urges States Parties to commit themselves to adopt and implement strict national regulations for access to particularly dangerous microorganisms, including regulations governing domestic and international transfers.

7. The Conference encourages States Parties promptly to report internationally any adverse events involving the handling of pathogenic agents, such as accidental release of a highly infectious pathogen from containment.

8. The Conference recommends that States Parties consider possible national restrictions on who may possess or acquire specific organisms that are categorized as particularly dangerous and where they may be handled.

## III. Genetic Engineering Oversight

9. The Conference encourages States Parties to commit themselves to sensitize their scientists working in the field of genetic modification to possible biological

**Article V**

1. The Conference notes the importance of Article V and reaffirms the obligation assumed by States Parties to consult and cooperate with one another in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. The Conference reiterates its appeal to States Parties made at the Third Review Conference to make all possible efforts to solve any problems which may arise in relation to the objective of, or in the application of the provisions of the Convention with a view towards encouraging strict observance of the provisions subscribed to. The Conference notes that this Article provides an appropriate framework for resolving any such problems, and reaffirms that any State Party which identifies such a problem should, as a rule, use these procedures to address and resolve it.

weapons implications of such work and to explore what type of national oversight might be appropriate.

IV. Professional Code of Conduct

10. The Conference encourages States Parties to commit to support development and adoption of a code of conduct for scientists working with pathogenic microorganisms. The Conference recommends that such a code include, inter alia, a statement that scientists will use their knowledge and skills for the advancement of human welfare and will not conduct any activities directed toward use of microorganisms or toxins for hostile purposes or in armed conflict.

(Proposal by China)

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**Article V**

(A)

(Proposal by the European Union)

1. The Conference notes the importance of Article V and reaffirms the obligation assumed by States Parties to consult and co-operate with one another in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention.

2. The Conference reviewed the operation of the consultative procedures to strengthen the implementation of the provisions of this Article which were adopted in the Final Declaration of the Third Review Conference and which built on the agreement reached at the Second Review Conference. The Conference notes that a State Party invoked this procedure in 1997 and that a Consultative Meeting was convened under the chairmanship of the United Kingdom of Great Britain and

these procedures to address and resolve it.

2. The Conference also reviewed the operation of the procedures to strengthen the implementation of the provisions of Article V which were adopted in the Final Declaration of the Third Review Conference and which built on the agreements reached at the Second Review Conference. While noting that these procedures have not yet been invoked, the Conference reaffirmed their present validity. The Conference calls on any State Party which identifies a problem arising in relation to the objective of, or in the application of the provisions of the Convention to use these procedures, if appropriate, to address and resolve it.

3. The Conference reaffirms that consultation and cooperation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

4. In accordance with the decision of the Third Review Conference, the Conference reviewed the effectiveness of the confidence-building measures as agreed in the Final Declaration of the Third Review Conference. The Conference notes the continued importance of the confidence-building measures agreed upon at the Second and Third Review Conferences, as well as the modalities elaborated by the Ad Hoc Meeting of Scientific and Technical Experts from States Parties to the Convention, held in 1987.

5. The Conference notes the background information document prepared by the United Nations Secretary-General providing data on the participation of States Parties in

Northern Ireland. The Conference recalls the nature of the concern brought before the Consultative Meeting, the consideration of the non-compliance concern and the statements and submissions made by those States Parties participating in the meeting.

3. The Conference notes the report of the Consultative meeting circulated by Ambassador Ian Soutar of the United Kingdom of Great Britain and Northern Ireland in December 1997. It notes in particular the comment that due to the technical complexity of the subject and to the passage of time, it has not proved possible to reach a definitive conclusion with regard to the concerns raised by the Government of Cuba. The Conference also notes with satisfaction the comment in the report that there had been general agreement throughout the consultative process that the requirements of Article V of the Convention and of the consultative process established by the Third Review Conference had been fulfilled in an impartial and transparent manner.

4. The Conference noting the invocation and outcome of the Consultative process reaffirms the validity of that process. The Conference calls on any State Party which identifies a problem arising in relation to the objective of, or in the application of the provisions of the Convention, to use these procedures, if appropriate, to address and resolve it.

5. The Conference reaffirms that consultation and co-operation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

6. In accordance with the decision of the Fourth Review Conference, the Conference reviewed the effectiveness of the confidence building measures as agreed in the Final Declaration of the Third Review Conference. The Conference notes the continued importance of the confidence building measures agreed upon at the Second and Third Review Conferences, as well as the modalities elaborated by the Ad Hoc Meeting of Scientific and Technical Experts from States Parties to the Convention, held in 1987.

7. The Conference notes the 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.

the agreed confidence-building measures since the Third Review Conference. The Conference welcomes the exchange of information carried out under the confidence-building measures, and notes that this has contributed to enhancing transparency and building confidence. The Conference recognizes that participation in the confidence-building measures since the last Review Conference has not been universal, and that not all responses have been prompt or complete. In this regard, the Conference also recognizes the technical difficulties experienced by some States Parties with respect to preparing CBM responses. In this regard, the Conference urges all States Parties to complete full and timely declarations in the future. The Conference notes that the Ad Hoc Group of States Parties established by the Special Conference in 1994 is, as part of its continuing work, considering the incorporation of existing and further enhanced confidence-building and transparency measures, as appropriate, in a regime to strengthen the Convention.

6. The Conference stresses its determination to strengthen effectiveness and improve the implementation of the Convention, and its recognition that effective verification could reinforce the Convention.

7. In this regard, the Conference recalls that:

- The Third Review Conference established the Ad Hoc Group of Governmental Experts open to all States Parties to identify and examine potential verification measures from a scientific and technical standpoint.

8. Concerned by the low level of participation in providing CBMs and convinced that annual comprehensive declarations do contribute to enhance confidence in States Parties' biological related activities, the Conference strongly urges all States parties to participate in CBM exchanges, noting the value of nil returns.

9. The Conference further reminds all States Parties of the importance of submitting their CBMs to the United Nations by the 15 April each year. In this regard, the Conference also recognises the technical difficulties experienced by some States Parties with respect to preparing CBM responses.

10. With a view to increasing the transparency of CBM declarations, the Conference calls upon the UN Secretary General to set up a database, easy to consult, of States Parties' annual declarations.

11. The Conference acknowledges that the scope for declaration could be extended under some specific measures in order to provide a broader range of relevant information, consistent with the approach agreed in 1991. Therefore, the Conference recommends the following modifications:

- + measure B: the exchange of information on any outbreak of contagious disease or any other disease caused by pathogens or toxins shall include not only humans but also animals and plants
- + measure E: the declaration relative to the export and import of micro-organisms and toxins shall incorporate the States Parties' relevant legislation, regulations and procedures, including those on transfer of dual-use equipment, health and safety issues and penal legislation, as well as the changes therein
- + measure G: the declaration of vaccine production facilities shall be extended to also cover animal vaccines, microbially based pesticides and biocontrol agents

Therefore the Conference invites States Parties to review existing declaration formats to adjust them accordingly.

12. The Conference calls upon States Parties to set up or designate a national entity responsible for the national implementation of CBMs and any subsequent

- The Group held four sessions in 1992-1993 and circulated its report to all States Parties in September 1993.
- A Special Conference was held in September 1994 to consider the report, and decided to establish an Ad Hoc Group open to all States Parties. The Conference considered the work of the Ad Hoc Group under agenda item 12 and its conclusions are reflected in the section of this document entitled "Consideration of the work of the Ad Hoc Group established by the Special Conference in 1994".

8. The Conference stresses the need for all States Parties to deal effectively with compliance issues. In this connection, the States Parties had agreed to provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention. Such responses should be submitted in accordance with the procedures agreed upon by the Second Review Conference and further developed by the Third Review Conference. The Conference reiterates its request that information on such efforts be provided to the Review Conferences.

follow-up.

13. The Conference calls upon States Parties to consider as mandatory the requirement to provide information under:

- + measure E (including penal legislation)
- + measure G (including animal vaccines, microbially based pesticides and biocontrol agents)

14. The Conference invites the States Parties to explore the possibility of making measure C (scientific programmes) more focussed and effective.

15. The Conference calls upon States Parties to consider means of strengthening and revising bilateral consultation mechanisms, for consideration of CBM returns and for clarification of suspected non-compliance. This would include information exchange, and the possibility of a bilateral visit with a mechanism to involve an appropriate international body, for example the UN, in the case where a visit is not offered voluntarily after inconclusive bilateral exchange of information.

16. The Conference stresses its determination to strengthen the effectiveness and improve the implementation of the Convention, and its recognition that effective verification could reinforce the Convention.

17. The Conference notes with regret that the Ad Hoc Group has, as yet, been unable to complete its work. The Conference recalls that the Chairman of the Ad Hoc Group presented a composite text of a possible legally binding instrument based on the rolling text on 30 March 2001. The Conference notes that this text has been unable to command consensus as a basis for a legally binding instrument to strengthen the Convention.

18. The Conference stresses the need for all State Parties to deal effectively and promptly with compliance issues. In this connection the States Parties reconfirm their agreement to provide specific, timely responses to any compliance concern alleging a breach of their obligations under the Convention. Such responses should be submitted, if appropriate, in accordance with the procedures agreed upon by the Second Review Conference and further developed by the Third Review Conference. The Conference reiterates its request that information on such efforts be provided to

the Review Conferences.

(B)

(Proposal by the United States of America)

1. The Conference notes the importance of Article V and reaffirms the obligation assumed by States Parties to consult and cooperate with one another in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. The Conference reiterates its appeal to States Parties made at the Third and Fourth Review Conferences to make every possible effort to solve any problems which may arise in relation to the objective of, or in the application of the provisions of the Convention with a view towards encouraging strict observance of the provisions subscribed to. The Conference notes that this Article provides an appropriate framework for resolving any such problems, and reaffirms that any State Party which identifies such a problem should, as a rule, use these procedures to address and resolve it.
2. The Conference also reviewed the operation of the procedures to strengthen the implementation of the provisions of Article V which were adopted in the Final Declaration of the Third Review Conference and which built on the agreements reached at the Second Review Conference. The Conference notes that the implementation provisions were satisfactorily invoked since the Fourth Review Conference and calls on any State Party which identifies a problem arising in relation to the objective of, or in the application of the provisions of the Convention to use these procedures, if appropriate, to address and resolve it.
3. The Conference reaffirms that consultation and cooperation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.
4. The Conference stresses the need for all States Parties to deal effectively with compliance issues. The Conference calls upon non-compliant BWC States Parties to terminate their offensive biological weapons programmes and comply fully with their obligations. In this connection, States Parties agree to clarify and resolve

compliance concerns by mutual consent.

The Conference endorsed the following procedures:

Any State Party may request any other State Party to clarify and resolve any matter which may cause doubt about compliance with the BWC or gives rise to concerns about a related matter which may be considered ambiguous.

The State Party receiving the request shall respond promptly and fully, explaining how the information provided resolves the matter.

States Parties may arrange among themselves by mutual consent for exchanges of information, voluntary visits or any other procedures to clarify and resolve any matter which may cause doubt about compliance or gives rise to a concern about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any Party under other provisions of the Convention.

5. The Conference stresses its determination to strengthen effectiveness and improve the implementation of the Convention through establishment of a procedure for international investigations of suspicious disease outbreaks and/or alleged biological incidents. Further, the Conference endorsed a procedure for investigation of outbreaks that appear to be related to illicit BW activities or alleged use:

Any State Party may request any other State Party to clarify and resolve concerns about an outbreak of disease that is potentially related to illicit BW activities or alleged use of BW;

Any State Party may request an investigation to resolve a concern regarding a suspicious outbreak of disease or alleged BW use in violation of the Biological Weapons Convention or the BW use provisions of the 1925 Geneva Protocol;

When requested, a State Party shall be required to provide access to the site of the outbreak on a timely basis;

Any investigation would be conducted by an international team, drawn as appropriate from a list of national experts nominated by States Parties, and commissioned by the United Nations Secretary-General, in close consultation with the President of the United Nations Security Council, to conduct the investigation;

All access within an area of investigation shall be controlled by the investigated State Party. States Parties agree to cooperate with the investigating team in addressing the stated concern and, if requested access is not granted, to make every reasonable effort to clarify the concern that generated the investigation;.

The team shall prepare a factual report that would be distributed by the United Nations Secretary-General to all States Parties.

6. In accordance with the decision of the Fourth Review Conference, the Conference reviewed the effectiveness of the Confidence-Building Measures (CBMs) as agreed in the Final Declaration of the Third Review Conference and reaffirmed at the Fourth Review Conference. The Conference notes the continued importance of the Confidence Building Measures agreed upon at the Second and Third Review Conferences, as well as the modalities elaborated by the Ad Hoc Meeting of Scientific and Technical Experts from States Parties to the Convention, held in 1987.

7. The Conference notes the background information document prepared by the United Nations Secretary-General providing data on the participation of States Parties in the agreed Confidence-Building Measures since the Fourth Review Conference. The Conference welcomes the exchange of information carried out under the Confidence-Building Measures, and notes that this has contributed to enhancing transparency and building confidence. The Conference recognizes that participation in the Confidence-Building Measures since the last Review Conference has not been universal, and that not all responses have been prompt or complete. In this regard, the Conference urges all States Parties to complete full and timely declarations in the future.

(C)

(Proposal by South Africa)

CONFIDENCE BUILDING MEASURE “A”

The Fifth Review Conference agreed that data should be provided by States Parties on each facility, within their territory or under their jurisdiction or control anywhere, which has any maximum containment laboratories meeting those criteria for such maximum containment laboratories as specified in the 1993 WHO Laboratory Biosafety Manual such as those designated as biosafety level 4 (BL4) or P4 or equivalent standards; or those designed and used to handle and work with biological agents causing disease and known or suspected to meet the classification criteria of Group 4 animal pathogens, as determined by each State Party for itself and specified in the Amendment to the International Animal Health Code adopted by the International Committee of the Organisation Internationale des Epizootics during its 66th General Session, 1998.

CONFIDENCE-BUILDING MEASURE “G”

- Declaration of Vaccine production facilities

To further increase the transparency of biological research and development related to the Convention and to broaden scientific and technical knowledge as agreed in Article X, each State Party will declare all facilities, both governmental and non-governmental, within its territory or under its jurisdiction or control anywhere, producing:

- (a) Any vaccine for humans that is for the general public or for armed forces, or which was licensed, registered or otherwise approved by a component of the government of the State Party for distribution or sale;
- (b) Any vaccine for animals that is available to the general public, or which was licensed, registered or otherwise approved by a component of the government of the State Party for distribution or

sale.

Information shall be provided on Form G attached.

#### ADDITIONAL CONFIDENCEBUILDING MEASURE “H”

##### - Declaration of plant inoculant and biocontrol agent production facilities

To further increase the transparency of biological research and development related to the Convention and to broaden scientific and technical knowledge as agreed in Article X, each State Party will declare all facilities, both governmental and non-governmental, within its territory or under its jurisdiction or control anywhere, producing biocontrol agents or plant inoculants. Information shall be provided on Form “H” attached.

##### Modalities

The Fifth Review Conference agreed the following definitions:

Biocontrol agent means a living organism or biologically active substance originating from such an organism used for the prevention, elimination or reduction of plant diseases, pests or unwanted plants.

Plant inoculant means any formulation containing a pure culture or a predetermined mixture of micro-organisms that alter the properties of plants or crops.

##### Form H

##### Declaration of biocontrol agent and plant inoculant production facilities

1. Name of facility:
2. Location (mailing address) :
3. General description of the products produced:

## Article VI

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

2. The Conference reaffirms the importance of Article VI, which, in addition to the procedures contained in Article V, provides that any State Party which finds that any other State Party is acting in breach of its obligations under the Convention may lodge a complaint with the United Nations Security Council. The Conference notes that the provisions of Article VI will be taken into account, as appropriate, for any future verification regime resulting from the consideration by the Ad Hoc Group of a system of measures to promote compliance with the Convention. The Conference emphasizes the provision of Article VI that such a complaint should include all possible evidence confirming its validity. It stresses that, as in the case of the implementation of all the provisions and procedures set forth in the Convention, the procedures foreseen in Article VI should be implemented in good faith within the scope of the Convention.

3. The Conference invites the Security Council to consider immediately any complaint lodged under Article VI and to initiate any measures it considers necessary

(Proposal by China)

...

## ARTICLE VI

(A)

(Proposal by the European Union)

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

2. The Conference reaffirms the importance of Article VI, which, in addition to the procedures contained in Article V, provides that any State Party which finds that any other State Party is acting in breach of its obligations under the Convention may lodge a complaint with the United Nations Security Council. The Conference emphasizes the provision of Article VI that such a complaint should include all possible evidence confirming its validity. It stresses that, as in the case of the implementation of all the provisions and procedures set forth in the Convention, the procedures foreseen in Article VI should be implemented in good faith within the scope of the Convention.

3. The Conference invites the Security Council to consider immediately any complaint lodged under Article VI and to initiate any measures it considers necessary for the investigation of the complaint in accordance with the Charter. The Conference reaffirms the undertaking of each State Party to cooperate in carrying out any investigations which the Security Council may initiate.

4. The Conference calls upon the States Parties to establish a compliance mechanism under an appropriate international body to investigate suspicious

for the investigation of the complaint in accordance with the Charter. The Conference reaffirms the undertaking of each State Party to cooperate in carrying out any investigations which the Security Council may initiate.

4. The Conference recalls, in this context, United Nations Security Council resolution 620 (1988), which at the time encouraged the United Nations Secretary-General to carry out prompt investigations, in response to allegations brought to its attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons that could entail a violation of the 1925 Geneva Protocol or of any other applicable rule of international treaty or customary law. The Conference also recalls the technical guidelines and procedures contained in Annex I of United Nations document A/44/561 to guide the United Nations Secretary-General on the timely and efficient investigation of reports of the possible use of such weapons. The States Parties reaffirm their agreement to consult, at the request of any State Party, regarding allegations of use or threat of use of bacteriological (biological) or toxin weapons and to cooperate fully with the United Nations Secretary-General in carrying out such investigations. The Conference stresses that in the case of alleged use the United Nations is called upon to take appropriate measures expeditiously, which could include a request to the Security Council to consider action in accordance with the Charter.

5. The Conference invites the Security Council to inform each State Party of the results of any investigation initiated under Article VI and to consider promptly any appropriate further action which may be necessary.

outbreaks of diseases, alleged use and suspicious facilities.

5. The Conference recalls, in this context, United Nations Security Council resolution 620 (1988), which at the time encouraged the United Nations Secretary-General to carry out prompt investigations, in response to allegations brought to its attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons that could entail a violation of the 1925 Geneva Protocol or of any other applicable rule of international treaty or customary law. The Conference also recalls the technical guidelines and procedures contained in Annex I of United Nations document A/44/561 to guide the United Nations Secretary-General on the timely and efficient investigation of reports of the possible use of such weapons. The States Parties reaffirm their agreement to consult, at the request of any State Party, regarding allegations of use or threat of use of bacteriological (biological) or toxin weapons and to cooperate fully with the United Nations Secretary-General in carrying out such investigations. Pending the establishment of the mechanism described in the paragraph above, the Conference stresses that in the case of alleged use the United Nations is called upon to take appropriate measures expeditiously, which could include a request to the Security Council to consider action in accordance with the Charter.

6. The Conference invites the Security Council to inform each State Party of the results of any investigation initiated under Article VI and to consider promptly any appropriate further action which may be necessary.

7. The Conference notes that the procedure outlined in this Article is without prejudice to the prerogative of the States Parties to the Convention to consider jointly the cases of alleged non-compliance with the provisions of the Convention and to make appropriate decisions in accordance with the Charter of the United Nations and applicable rules of international law.

(B)

(Proposal by the United States of America)

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

6. The Conference notes that the procedure outlined in this Article is without prejudice to the prerogative of the States Parties to the Convention to consider jointly the cases of alleged non-compliance with the provisions of the Convention and to make appropriate decisions in accordance with the Charter of the United Nations and applicable rules of international law.

7. The Conference notes that provisions for investigating alleged breaches of the Convention, including measures for the investigation of alleged use of biological and toxin weapons, continue to be considered by the Ad Hoc Group of States Parties, in accordance with its mandate.

2. The Conference reaffirms the importance of Article VI, which, in addition to the procedures contained in Article V, provides that any State Party which finds that any other State Party is acting in breach of its obligations under the Convention may lodge a complaint with the United Nations Security Council. The Conference emphasizes the provision of Article VI that such a complaint should include all possible evidence confirming its validity. It stresses that, as in the case of the implementation of all the provisions and procedures set forth in the Convention, the procedures foreseen in Article VI should be implemented in good faith within the scope of the Convention.
3. The Conference invites the Security Council to consider immediately any complaint lodged under Article VI and to initiate any measures it considers necessary for the investigation of the complaint in accordance with the Charter. The Conference reaffirms the undertaking of each State Party to cooperate in carrying out any investigations which the Security Council may initiate.
4. The Conference recalls, in this context, United Nations Security Council resolution 620 (1988), which at the time encouraged the United Nations Secretary-General to carry out prompt investigations, in response to allegations brought to its attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons that could entail a violation of the 1925 Geneva Protocol or of any other applicable rule of international treaty or customary law. The Conference also recalls the technical guidelines and procedures contained in Annex I of United Nations document A/44/561 to guide the United Nations Secretary-General on the timely and efficient investigation of reports of the possible use of such weapons. The States Parties reaffirm their agreement to consult, at the request of any State Party, regarding allegations of use or threat of use of bacteriological (biological) or toxin weapons and to cooperate fully with the United Nations Secretary-General in carrying out such investigations. The Conference stresses that in the case of alleged use the United Nations is called upon to take appropriate measures expeditiously, which could include a request to the Security Council to consider action in accordance with the Charter.

#### Article VII

1. The Conference notes with satisfaction that these provisions have not been invoked.
2. The Conference reaffirms the undertaking made by each State Party to provide or support assistance in accordance with the Charter of the United Nations to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.
3. The Conference takes note of desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided. In this context, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties if requested.
4. The Conference takes note of the proposal that the Ad Hoc Group might need to discuss the detailed procedure for assistance in order to ensure that timely emergency

5. The Conference invites the Security Council to inform each State Party of the results of any investigation initiated under Article VI and to consider promptly any appropriate further action which may be necessary.
6. The Conference notes that the procedure outlined in this Article is without prejudice to the prerogative of the States Parties to the Convention to consider jointly the cases of alleged non-compliance with the provisions of the Convention and to make appropriate decisions in accordance with the Charter of the United Nations and applicable rules of international law.

#### ARTICLE VII

(A)

##### (Proposal by the United States of America)

1. The Conference notes with satisfaction that these provisions have not been invoked.
2. The Conference reaffirms the undertaking made by each State Party to provide or support assistance in accordance with the Charter of the United Nations to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.
3. The Conference takes note of the desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided. The Conference endorses that States Parties commit to provide coordinated rapid response teams to provide appropriate rapid emergency medical and investigative assistance. In this context, pending coordination of a decision by the United Nations Security Council, timely emergency assistance could be provided by States Parties, if requested.

assistance would be provided by States Parties if requested.

5. The Conference considers that in the event that this Article might be invoked, the United Nations, with the help of appropriate intergovernmental organizations such as the World Health Organization (WHO), could play a coordinating role.

4. The Conference endorses that in the event this Article might be invoked, if appropriate, intergovernmental organization such as the World Health Organization (WHO), may play a coordinating role in providing assistance.
5. The Conference urges States Parties to commit to support the WHO's efforts to strengthen the global system for disease surveillance and its capabilities to respond in a timely fashion to assist in controlling disease outbreaks.

(B)

(Proposal by Brazil)

1. The Conference underlines the importance of Article VII and reminds the undertaking made by each State Party to provide mutual assistance in the event of any State Party being exposed to danger as a result of violation of the Convention.
2. The Conference expresses concern at the possibility of biological weapons attacks through the spread of infectious diseases and, in these circumstances, underlines that access to medication is a crucial condition in the combat of outbreaks of infectious diseases and emphasizes the importance of international cooperation in enhancing the capabilities of States Parties in such areas as surveillance, prevention, detection, diagnosis and treatment of diseases caused by microbial and other biological agents and toxins.

(C)

(Proposal by the European Union)

1. The Conference reaffirms the commitment of States Parties to provide assistance in cases of alleged use or suspicious outbreaks of disease.
2. The Conference invites States Parties to explore the identification of possible types of medical, veterinary, financial or other assistance that might be made available.

## Article VIII

1. The Conference reaffirms the importance of Article VIII and stresses the importance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.
2. The Conference acknowledges that the 1925 Geneva Protocol, by prohibiting the use of bacteriological methods of warfare, and the Biological and Toxin Weapons Convention complement each other.
3. 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 State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.
4. Noting the actions in support of the Protocol taken by the Security Council and General Assembly of the United Nations, through Security Council resolution 620 (1988) and General Assembly resolutions 41/58 C, 42/37 C, 43/74 A, 44/115 B and 45/57 C and recalling the solemn reaffirmation of the prohibition as established in the Protocol, issued by the Conference of the States Parties to the 1925 Geneva Protocol and other interested States held in Paris from 7 to 11 January 1989, 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.

## ARTICLE VIII

(A)

### (Proposal by the European Union)

1. The Conference reaffirms the importance of Article VIII and stresses the importance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.
2. The Conference acknowledges that the 1925 Geneva Protocol, by prohibiting the use of bacteriological methods of warfare, forms an essential complement to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.
3. The Conference reaffirms that nothing contained in the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.
4. Noting the actions in support of the Protocol taken by the Security Council and General Assembly of the United Nations, and recalling the solemn reaffirmation of the prohibition as established in the Protocol, issued by the Conference of States Parties to the 1925 Geneva Protocol and other interested States held in Paris from 7 to 11 January 1989, the Conference appeals to all States Parties to the Geneva Protocol to fulfil their obligations assumed under that Protocol and urges all States Parties not yet Parties to the 1925 Geneva Protocol to accede to it without delay.
5. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to Bacteriological Methods of Warfare.

5. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons Convention.

6. The Conference welcomes the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons Convention, and calls upon those States Parties that continue to maintain pertinent reservations to the 1925 Geneva Protocol to withdraw those reservations, and to notify the Depositary of the 1925 Geneva Protocol of their withdrawals without delay.

7. The Conference notes that reservations concerning retaliation, through the use of any of the objects prohibited by the Biological and Toxin Weapons Convention, even conditional, are totally incompatible with the absolute and universal prohibition of the development, production, stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use.

6. The Conference welcomes the actions which States parties have taken to withdraw their reservations to the 1925 Geneva Protocol, and calls upon those States Parties that continue to maintain their reservations to the 1925 Geneva Protocol to withdraw those reservations, and to notify the Depositary of the 1925 Geneva Protocol of their withdrawals without delay.

(B)

(Proposal by the United States of America)

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

2. The Conference acknowledges that the 1925 Geneva Protocol, by prohibiting the use of bacteriological methods of warfare, and the Biological and Toxin Weapons Convention complement each other.

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

4. Noting the actions in support of the Protocol taken by the Security Council and General Assembly of the United Nations, through Security Council Resolution 620 (1988) and General Assembly Resolutions 41/58 C, 42/37 C, 43/74 A, 44/115 B and 45/57 C and recalling the solemn reaffirmation of the prohibition as established in the Protocol, issued by the Conference of the States Parties to the 1925 Geneva Protocol and other interested States held in Paris from 7 to 11 January 1989, the Conference appeals to all States Parties to the Geneva Protocol to fulfill their obligations assumed under the Protocol and urges all States not yet Parties to the 1925 Geneva Protocol to accede to it without delay.

5. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons Convention.

6. The Conference welcomes the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons Convention, and calls upon those States Parties that continue to maintain pertinent reservations to withdraw those reservations, and to notify the Depository without delay.

7. The Conference notes that reservations concerning retaliation, through the use of any of the objects prohibited by the Biological and Toxin Weapons Convention, even conditional, are totally incompatible with the absolute and universal prohibition of the development, production, stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use.

(C)

(Proposal by Brazil, Chile, Mexico and Peru)

The Conference, notwithstanding and without prejudice to the legal positions of all States Parties, reiterates that the reservation of a purported right to retaliation, even conditional, through the use of any of the objects prohibited by the Convention is totally incompatible with the absolute and universal prohibition of the development, production, stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use.

(D)

(Proposal by the Russian Federation)

#### Article IX

1. The Conference reaffirms that Article IX identifies the recognized objective of effective prohibition of chemical weapons. The Conference welcomes conclusion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, which was opened for signature on 13-15 January 1993 in Paris.

2. The Conference welcomes the fact that sixty-five instruments of ratification have now been deposited, and that the Convention will therefore enter into force on 29 April 1997.

3. The Conference stresses the importance to the Convention that all possessors of chemical weapons, chemical weapons production facilities or chemical weapons development facilities should be among the original parties to the Convention and, in this context, the importance of the United States of America and the

1. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol.

2. The Conference welcomes the withdrawal by certain States Parties of the reservations to the 1925 Geneva Protocol, and urges those States Parties that continue to maintain any reservations to the 1925 Geneva Protocol to withdraw those reservations immediately, and to notify the Depository of the 1925 Geneva Protocol of their withdrawals without delay.

#### ARTICLE IX

(A)

#### (Proposal by Canada and Poland)

1. The Conference reaffirms that Article IX identifies the recognized objective of the effective prohibition of chemical weapons. The Conference welcomes the entry-into-force on April 29, 1997 of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, whose goal is the complete exclusion of the use of chemical weapons.

2. The Conference also welcomes the fact that 143 countries have become States Parties to the Convention and strongly urges all those that have not yet ratified or acceded to do so, in order to achieve the early universalization of the Convention and a world free of chemical weapons.

3. The Conference recognizes the contribution made by the verification regime of the Convention towards the fulfilment of its goals, stresses the importance of the implementation of the provisions of the Convention, welcomes the progress that has been made to date, and calls upon all States Parties to continue and reinforce efforts

Russian Federation, having declared possession of chemical weapons, being among the original States Parties to the Convention.

4. The Conference calls upon all States that have not yet done so to sign and/or ratify the Convention without delay.

5. The Conference notes that the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons, at its fourteenth session (22-26 July 1996) entrusted the Chairman of the Commission, in close consultation with its member States, with the task of convening, as necessitated by circumstances in connection with the occurrence of the trigger point, a meeting of the Commission to provide appropriate guidance.

to comply fully with the Convention and to ensure its full and effective implementation, both nationally and internationally.

4. The Conference also welcomes the progress that has been made in the destruction of chemical weapons stockpiles and facilities, and calls upon possessor States to complete this process in accordance with the provisions of the Convention.

5. The Conference recognizes the key role of the Organisation for the Prohibition of Chemical Weapons (OPCW) and stresses the importance of effective implementation of the Convention.

(B)

(Proposal by the United States of America)

1. The Conference reaffirms that Article IX identifies the recognized objective of effective prohibition of chemical weapons.

2. The Conference welcomes the fact that the Convention entered into force on 29 April 1997 and that 144 instruments of ratification or accession have now been deposited with the United Nations.

3. The Conference calls upon all States that have not yet done so to ratify or accede to the Convention without delay.

(C)

(Proposal by Pakistan)

The Conference, taking note that the Chemical Weapons Convention has entered into force on 29 April 1997, recommends to the States Parties to consider updating this article, as appropriate, in accordance with the relevant provision of the Convention.

## Article X

1. The Conference once more emphasizes the increasing importance of the provisions of Article X, especially in the light of recent scientific and technological developments in the field of biotechnology, bacteriological (biological) agents and toxins with peaceful applications, which have vastly increased the potential for cooperation between States to help promote economic and social development, and scientific and technological progress, particularly in the developing countries, in conformity with their interests, needs and priorities.

2. The Conference, while acknowledging what has already been done towards this end, notes with concern the increasing gap between the developed and the developing countries in the field of biotechnology, genetic engineering, microbiology and other related areas. The Conference urges all States Parties actively to continue to promote international cooperation and exchange with States Parties in the peaceful uses of biotechnology, and urges all States Parties possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, in particular with the developing countries, for the benefit of all mankind. At the same time, the Conference stresses that measures to implement Article X need to be consistent with the objectives and provisions of the Convention.

3. The Conference recalls that the States Parties have a legal obligation to facilitate and have the right to participate in the fullest possible exchange of

## ARTICLE X

(A)

### (Proposal by the European Union)

1. The Conference invites the WHO, the FAO and the OIE to establish mechanisms for epidemiological prevention and surveillance by making use of existing international efforts to include:

- + international reporting system, for example a register for diseases
- + detection and diagnosis
- + medical response teams

2. The Conference invites the WHO, the OIE, the FAO and other relevant organisations as appropriate to each establish a coordination mechanism on epidemiological prevention and surveillance.

3. The Conference calls upon States Parties to explore ways of implementing at a global level Good Laboratory Practices, including audit trails for the transfer of pathogens and toxins between, and within, laboratories, taking into account the views of the WHO, the OIE, the FAO, the ICGEB and other relevant organisations as appropriate.

4. The Conference invites States Parties to establish an integrated network among them and relevant international organisations to exchange information on and with a view to improving the monitoring, diagnosis and detection of outbreaks of diseases.

5. The Conference calls upon States Parties to promote synergies among national research activities, with a view to strengthening the capabilities of States Parties in the field of prophylaxis, control and protection against infectious diseases.

6. The Conference calls upon States Parties to enhance international cooperation on research, development and production of vaccines.

equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and not to hamper the economic and technological development of States Parties.

4. The Conference emphasizes that States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials.

5. The Conference notes that existing institutional ways and means of ensuring multilateral cooperation between the developed and developing countries would need to be developed further in order to promote international cooperation in peaceful activities in such areas as medicine, public health and agriculture.

6. The Conference reiterates its call upon the Secretary-General of the United Nations to propose for inclusion on the agenda of a relevant United Nations body, before the next Review Conference, a discussion and examination of the means of improving institutional mechanisms in order to facilitate the fullest possible exchange of equipment, materials and scientific and technological information regarding the use of bacteriological (biological) agents and toxins for peaceful purposes.

7. The Conference recommends that invitations to participate in this discussion and examination should be extended to all States Parties, whether or not they are members of the United Nations or concerned specialized

(B)

(Proposal by the United States of America)

1. The Conference notes the importance of Article X and calls upon States Parties to affirm their obligations under Article X of the Convention. The Conference welcomes the statements of those countries which have participated with other States Parties in the exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes.

2. The Conference urges all States Parties to the extent possible under current national and international legislation to promote international cooperation and exchange with States Parties for peaceful purposes.

3. The Conference, recognizing the danger of cooperating and exchanging information with terrorist groups or organizations, therefore calls upon States Parties not to further the development and application of scientific discoveries in the field of bacteriology (biology) even for peaceful purposes for terrorist groups or organizations.

4. The Conference recognizes the surveillance and response capabilities of the World Health Organization and its logical association with Convention goals.

5. While the Conference realizes that this article was not meant to impose restrictions and/or limitations on exchanges for purposes consistent with the objectives and provisions of the Convention on scientific knowledge, technology, equipment and materials, the Conference is also assured that this article does not impose any obligation mandating transfers between States Parties.

6. The Conference recognizes that existing institutional ways and means could be utilized to ensure multilateral cooperation in order to promote international cooperation in peaceful activities in such areas as medicine, public health and

agencies.

8. The Conference, at the same time, notes that the Ad Hoc Group of States Parties was mandated by the Special Conference in September 1994 to consider specific measures designed to ensure effective and full implementation of Article X, which also avoid any restrictions incompatible with the obligations undertaken under the Convention, emphasizing that the provisions of the Convention 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.

9. The Conference takes note of the significant steps forward in promoting cooperation in the biological field taken by the United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, in 1992, including the adoption of Agenda 21 and the Rio Declaration, and by the Convention on Biological Diversity, and underlines their importance in the context of Article X implementation.

10. The Conference shares the worldwide concern about new, emerging and re-emerging infectious diseases and considers that the international response to them offers opportunities for increased cooperation in the context of Article X application and of strengthening the Convention. The Conference welcomes the efforts to establish a system of global monitoring of disease and encourages States Parties to support the World Health Organization, including its relevant newly established division, the FAO and the OIE, in these efforts directed at assisting Member States to strengthen national and

agriculture in a manner that is consistent with the spirit of the Convention.

(C)

(Proposal by the NAM and Other States.)

1. The Conference emphasizes the importance of the full and effective implementation of Article X and the necessity of strengthening it.
2. The Conference underlines the extent of the provisions on scientific and technological cooperation for peaceful purposes negotiated by the Ad Hoc Group established by the 1994 Special Conference and considers the results of the work of the Ad Hoc Group constitute a basis for strengthening Article X in the future:

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

- (a) Promoting scientific and technological exchanges and fostering international co-operation, as appropriate, on a multilateral, regional or bilateral basis in the field of peaceful bacteriological (biological) and toxin activities;
- (b) Facilitating free trade and the fullest possible exchange in biological agents, toxins, equipment and materials for peaceful purposes in order to enhance the economic and technological development of States Parties, and ensuring the right of States Parties to participate in such exchanges to the fullest extent possible;
- (c) Avoiding hampering the economic and technological development of States Parties through any restrictions incompatible with the obligations undertaken under the Convention or limitations on the transfer, for purposes consistent with the objectives and the

local programmes of surveillance for infectious diseases and improve early notification, surveillance, control and response capabilities.

11. The Conference urges the use of existing institutional means within the United Nations system and the full utilization of the possibilities provided by the specialized agencies and other international organizations, and considers that the implementation of Article X could be enhanced through greater coordination among international cooperation programmes in the biological field for peaceful purposes conducted by States Parties, specialized agencies and other international organizations.

12. The Conference urges States Parties, the United Nations and its specialized agencies to take further specific measures within their competence for the promotion of the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and of international cooperation in this field. Such measures could include, inter alia:

1. Transfer and exchange of information concerning research programmes in biosciences and greater cooperation in international public health and disease control;
2. Wider transfer and exchange of information, materials and equipment among States on a systematic and long-term basis;
3. Active promotion of contacts between

provisions of the Convention, of scientific knowledge, technology, equipment and materials.

Each State Party undertakes to facilitate, and has the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of microbial and other biological agents, and toxins for peaceful purposes and, in its implementation of these measures, to ensure that any transfers or exchanges of materials, equipment, technology shall take place in compliance with the provisions of Articles III and X of the Convention.

Each State Party undertakes to promote and support the following activities, in furtherance of any current endeavours relevant to and in accordance with the Convention, where appropriate, individually, jointly, through arrangements with relevant international organisations and agencies including, but not limited to the Food and Agricultural Organisation, International Centre for Genetic Engineering and Biotechnology, International Vaccine Institute, Organisation International des Epizooties, Organisation for the Prohibition of Chemical Weapons, United Nations Environment Programme, United Nations Industrial Development Organisation or World Health Organisation and the Secretariat of the Convention on Biological Diversity:

- (a) The publication, exchange and dissemination of information, including through workshops, training programmes and conferences, on current and recent developments, as well as research and development on the peaceful uses of microbial or other biological agents and toxins, on biosafety, prophylactics and protection, biotechnology, Good Laboratory Practice and current Good Manufacturing Practice, and diagnosis, surveillance, detection, treatment and prevention of diseases caused by microbial or other biological agents and toxins, in particular infectious diseases;
- (b) The work of existing laboratories on the prevention, surveillance, detection and diagnosis of diseases caused by microbial and other biological agents or toxins, in particular infectious diseases and to improve the capabilities of such laboratories and their

scientists and technical personnel on a reciprocal basis, in relevant fields;

4. Increased technical cooperation and assistance, including training programmes to developing countries in the use of biosciences and genetic engineering for peaceful purposes through active association with United Nations institutions, including the International Centre for Genetic Engineering and Biotechnology (ICGEB);
5. Facilitating the conclusion of bilateral, regional and multiregional agreements providing, on a mutually advantageous, equal and non-discriminatory basis, for their participation in the development and application of biotechnology;
6. Encouraging the coordination of national and regional programmes and working out in an appropriate manner the ways and means of cooperation in this field;
7. Cooperation in providing information on their national epidemiological surveillance and data reporting systems, and in providing assistance, on a bilateral level and/or in conjunction with WHO, FAO and OIE regarding epidemiological and epizootical surveillance, with a view to improvements in the identification and timely reporting of significant outbreaks of human and animal diseases;

effectiveness, through, inter alia, the provision of training and technical advice, equipment and reagents;

- (c) The improvement and development of the capabilities of States Parties, including laboratories, upon the specific request of, and in co-operation with, the State Party concerned, in the surveillance, prevention, detection, diagnosis and treatment of diseases caused by microbial and other biological agents or toxins, in particular infectious diseases, as an integral part of a global effort to improve the monitoring of emerging and re-emerging diseases in humans, animals and plants;
- (d) The improvement and development of research capabilities, including research institutes, in relevant fields of biosciences and biotechnology for peaceful purposes, through collaborative research programmes and projects, upon the specific request of, and in co-operation with, the State Party concerned, in particular in the use of micro-organisms and toxins for medical, agricultural, veterinary and industrial purposes;
- (e) The establishment, operation and updating of biological data bases on information relevant to the purposes of the Convention, as well as improving accessibility to such data bases;
- (f) The monitoring, diagnosis, detection, prevention and control of outbreaks of diseases, and international co-operation on the research, development and production of vaccines;
- (g) Transfer among States Parties of technology for the peaceful uses of genetic engineering, the prevention, diagnosis and treatment of diseases caused by microbial and other biological agents or toxins, in particular infectious diseases, and for other relevant fields of biosciences and biotechnology for peaceful purposes;
- (h) Participation on a fair and equitable basis and as wide a geographic basis as possible at the bilateral, regional or multilateral levels in

8. The promotion of programmes for the exchange and training of scientists and experts, and the exchange of scientific and technical information in the biological field between developed and developing countries.

13. The Conference considers that a worldwide data bank might be a suitable way of facilitating the flow of information in the field of genetic engineering, biotechnology and other scientific developments. In this context, the Conference underlines the importance of monitoring all related developments in the field of frontier science and high technology in the areas relevant to the Convention.

14. The Conference requests the Secretary-General to collate on an annual basis, and for the information of States Parties, reports on how this article is being implemented.

15. The Conference welcomes the information provided by a number of States Parties on the cooperative measures they have undertaken towards fulfilling their Article X obligations and encourages States Parties in a position to do so to provide such information.

16. The Conference welcomes efforts to elaborate an international programme of vaccine development for the prevention of diseases which would involve the scientific and technical personnel from developing countries that are States Parties to the Convention. The Conference recognizes that such a programme will not only enhance peaceful international cooperation in biotechnology but also contribute to improving health care in developing countries, assist in establishing systems for worldwide

the application of biotechnology and scientific research and development, for the prevention, surveillance, detection, diagnosis and treatment of diseases caused by microbial and other biological agents or toxins, in particular infectious diseases;

- (i) The establishment and conduct of training programmes on the diagnosis, surveillance, detection, prevention and treatment of diseases caused by microbial and other biological agents or toxins, in particular infectious diseases;
- (j) The establishment of a framework of co-operative research activities aimed at improving and strengthening the capabilities of States Parties in the field of prophylaxis and protection against diseases caused by microbial and other biological agents or toxins, in particular infectious diseases;

(D)

(Proposal by Australia, France and Italy)

1. The Conference once more emphasizes the increasing importance of the provisions of Article X, especially in the light of recent scientific and technological developments - including innovative research on genome sequencing like the human genome project - in the field of biotechnology, bacteriological (biological) agents and toxins with peaceful applications, which have vastly increased the potential for cooperation between States to help promote economic and social development, and scientific and technological progress, particularly in developing countries, with a specific focus on least developed countries, in conformity with their interests, needs and priorities.

2. The Conference acknowledges progress already achieved towards this end. Since the Fourth Review Conference, States Parties developed – both bilaterally and multilaterally, including through specialized International Organizations such as WHO, UNDP, FAO, OIE and ICGEB – an enhanced framework for international

monitoring of communicable diseases, and provide transparency in accordance with the Convention.

17. The Conference calls upon all States Parties in a position to do so to fully cooperate with the developing States Parties to the Convention in the area of promotion and financing the establishment of vaccine production facilities. The Conference recommends further that the relevant multilateral organizations and world financial institutions provide assistance for establishment and promotion of vaccine production projects in these countries.

cooperation in the field of biotechnology, with growing allocation of financial resources, which focused on, inter alia:

- research activities aimed at improving the capabilities of States Parties to monitor emerging and re-emerging diseases and to treat them;
- international cooperation on disease outbreaks;
- international cooperation on vaccine research and production and on global vaccination programs;
- technology transfers;
- training of national experts from developing countries on microbiology, molecular biology, immunology and pathology, plant biology, protein structure and function, virology, industrial biotechnology;
- research activities on genome dynamics;
- establishment of biological data bases;
- publication, exchange and dissemination of relevant information.

3. The Conference notes nonetheless with concern the gap still existing between countries in the field of biotechnology, genetic engineering microbiology and other related areas. The Conference urges all States Parties to actively continue to promote international cooperation and exchange with States Parties in the peaceful uses of biotechnology, and urges all States Parties possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, in particular with developing countries, with a specific focus on least developed countries, for the benefit of all mankind. At the same time, the Conference stresses that measures to implement Article X need to be consistent with the objectives and provisions of the Convention.

4. The Conference emphasizes that States Parties should not use the provisions of the Convention to hamper the economic or technological development of States Parties to the Convention by imposing restrictions and/or limitations on exchange of scientific knowledge, technology, equipment and materials, for peaceful purposes in accordance with the objectives and provisions of the Convention.

5. The Conference, at the same time, notes that the Ad Hoc Group of States Parties, mandated by the Special Conference in September 1994, considered, inter alia, specific measures designed to ensure effective and full implementation of

Article X, which would avoid any restrictions incompatible with the obligations undertaken under the Convention, emphasizing that the provisions of the Convention should not be used to impose restrictions and/or limitations on exchanges for purposes consistent with the objectives and the provisions of the Convention of scientific knowledge, technology, equipment and materials.

6. The Conference underlines the importance, in the context of Article X implementation, of the Convention on Biological Diversity and of the Rio Declaration and the Agenda 21 adopted by the United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, 1992. The Conference welcomes the adoption of the Protocol on Biosafety to the Convention on Biological Diversity in 2001 and looks forward to further steps being taken during the World Summit on Sustainable Development, to be held in Johannesburg, in 2002.

7. The Conference shares the global concerns about emerging and re-emerging infectious diseases, including, inter alia, AIDS, Bovine Spongiform Encephalitis and Foot and Mouth Disease. This underscores the need for a concerted international effort, including in the context of the implementation of Article X of the Convention. The Conference welcomes the efforts to establish a system of global monitoring of disease and encourages States Parties to further support the World Health Organization, including its Global Outbreak Alert and Response Network launched in 2000 and the WHO Centre on Communicable Diseases Surveillance and Response established in Lyon in 2000, the FAO and the OIE, in these efforts directed at assisting Member States to strengthen national and local programs of surveillance for infectious diseases and improve early notification, surveillance, control and response capabilities.

8. The Conference also welcomes the establishment, in 1997, of the International Vaccine Institute, an international institution devoted to strengthening the capacity of developing countries in vaccine development, production and use in immunization programmes.

9. The Conference urges the use of existing institutional means within the United Nations system and the full utilization of the possibilities provided by the specialized agencies and other international organizations, and considers that the implementation of Article X could be enhanced through greater coordination among

international cooperation programs in the biological field for peaceful purposes conducted by States Parties, specialized agencies and other international organizations.

10. The Conference urges States Parties, the United Nations and its specialized agencies to take further specific measures within their competence for the promotion of the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins, for peaceful purposes and of international cooperation in this field. Such measures could include, inter alia:

1. Exchange of information concerning research programs in biosciences and greater cooperation in international public health and control of diseases caused by microbial and other biological agents or toxins, in particular infectious diseases;
2. Wider exchange of information, materials and equipment among States on a systematic and long-term basis;
3. Active promotion of contacts between scientists and technical personnel on a reciprocal basis, in relevant fields;
4. Increased technical cooperation and assistance, including provision of training programs for developing countries in the use of biosciences and genetic engineering for peaceful purposes through active association with United Nations institutions, including the International Centre for Genetic Engineering and Biotechnology (ICGEB);
5. Facilitation of the conclusion of bilateral, regional and multiregional agreements providing, on a mutually advantageous, equal and non-discriminatory basis, for States Parties' participation in the development and application of biotechnology;
6. Encouragement of the coordination of national and regional programmes and working out, in an appropriate manner, the ways and means of cooperation in this field;
7. Cooperation in providing information on their national epidemiological surveillance and data reporting systems, and in providing assistance, on a bilateral level and/or in conjunction with

WHO, FAO, IVI, and OIE, regarding epidemiological and epizootical surveillance, with a view to improvements in the identification and timely reporting of significant outbreaks of human and animal diseases;

8. The promotion of programs for the exchange and training of scientists and experts, and the exchange of scientific and technical information in the biological field between developed and developing countries.
11. The Conference considers that enhanced synergy among existing national and international data banks would facilitate the flow of information in the field of genetic engineering, biotechnology and other scientific developments. In this context, the Conference underlines the importance of monitoring all related developments in the field of frontier science and high technology in areas relevant to the Convention.
12. The Conference welcomes the information provided by a number of States Parties on the cooperative measures they have undertaken towards fulfilling their Article X obligations and encourages other States Parties in a position to do so to provide such information.
13. The Conference encourages efforts to further elaborate international vaccine development programmes for the prevention of diseases which would involve the scientific and technical personnel, in particular from developing countries that are States Parties to the Convention, with a specific focus on least developed countries. The Conference recognizes that such programmes will not only enhance peaceful international cooperation in biotechnology, but also contribute to improving health care, assist in establishing systems for worldwide monitoring of communicable diseases, and provide transparency consistent with the objectives of the Convention.
14. The Conference, recognizing progress already achieved in this field, calls upon all States Parties in a position to do so to enhance cooperation in promotion and financing the establishment of vaccine production facilities, in particular with the developing States Parties to the Convention, with a specific focus on least developed countries. The Conference recommends further that relevant multilateral organizations and world financial institutions continue to provide assistance for establishment and promotion of vaccine production projects in these countries.

(E)

(Proposal by China, Cuba, India, Indonesia, Iran, Libyan Arab Jamahiriya and Pakistan)

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 UN 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 UN 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.

(F)

(Proposal by Libyan Arab Jamahiriya)

1. The Conference urges the States Parties to avoid hampering economic and technical development or imposing or maintaining any restrictions that are incompatible with the spirit of the Convention.

2. The Conference invites the States Parties to refrain from taking any discriminatory measures that may hamper or limit the transfer of scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes, particularly in the fields of biotechnological research and genetic engineering and their applications in medicine, agriculture and pharmaceuticals manufacturing.

3. The Conference urges the relevant organizations and agencies to intensify their cooperation on the use of bacteriological (biological) agents and toxins for peaceful purposes, particularly in regard to the identification, treatment and prevention of diseases caused by biological agents.

## Article XI

1. The Conference notes that the Islamic Republic of Iran has formally presented a proposal to amend Article I and the title of the Convention to include explicitly the prohibition of use of biological weapons.

2. The Conference notes that the Depositaries are notifying all States Parties of the proposal. The Conference encourages all States Parties to convey their views to the Depositaries on whether the Convention needs to be amended to make clear explicitly that the use of biological weapons is effectively prohibited.

3. The Conference requests the Depositaries to take such measures as may be requested by a majority of States Parties, including the option of convening a conference open to all States Parties to the Convention at the earliest appropriate opportunity to take a decision on the proposal, should a majority of the States Parties so decide.

4. The Conference meanwhile reaffirms the importance of Article XI. In this context the Conference underlines that the provisions of Article XI should in principle be

4. With a view to facilitating the fullest possible exchange of technical equipment, materials and information on the peaceful use of bacteriological (biological) agents and toxins between the States Parties without distinction or impediment, particularly from developed to developing States, the Conference calls for the establishment of an appropriate, independent body that will promote such cooperation and resolve all of the problems arising from the rejection or hampering of such exchanges and cooperation on the use of biological agents for peaceful purposes.

## ARTICLE XI

(A)

### (Proposal by the European Union)

1. The Conference recalls the 1996 formally presented proposal of the Islamic Republic of Iran to amend Article I and the title of the Convention to include explicitly the prohibition of use of biological weapons. The Conference notes that the proposal did not attract the support of a majority of States Parties for the amendment to enter into force. The Conference also recalls in this respect the reaffirmation of the Fourth Review Conference that the use by States Parties, in any way and under any circumstances, of microbial or other biological agents or toxins that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I of the Convention.

2. The Conference notes the importance of Article XI. In this context the Conference underlines that the provisions of Article XI should in principle be implemented in such a way as not to affect the universality of the Convention.

implemented in such a way as not to affect the universality of the Convention.

#### Article XII

1. 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.

2. The Conference decides that the Fifth Review Conference shall consider, inter alia,

- The impact of scientific and technological developments relating to the Convention;
- The relevance of the provisions of, and the implementation of the Chemical Weapons Convention on the effective implementation of the Biological and Toxin Weapons Convention, duly taking into account the degree of universality attained by such conventions at the time of the Fifth Review Conference;
- The effectiveness of confidence-building measures as agreed at the Second and Third Review Conferences;
- The conclusions of a Special Conference, to which the Ad Hoc Group shall submit its report, including a legally-binding instrument to strengthen the Biological and Toxin Weapons Convention, which shall be adopted by consensus, to be held as soon as possible before the commencement of the Fifth

#### ARTICLE XII

(A)

(Proposal by the United States of America)

1. The Conference decides that States Parties will meet between the Fifth Review Conference and the Sixth Review Conference to:

- (a) Consider and assess progress by BWC States Parties in implementing the new measures adopted at the Fifth Review Conference; and
- (b) Consider new measures or mechanisms for effectively strengthening the BWC.

2. The Conference decides that a Sixth Review Conference shall be held in Geneva at the request of the majority of States Parties, or in any case, not later than 2006.

3. The Conference decides that the Sixth Review Conference shall consider, inter alia,

- The sixth Review Conference in 2006 should consider:
- Progress on measures and mechanisms agreed to at the Fifth Review Conference, and reviewed in the intervening period;
- The impact of scientific and technological developments relating to the Convention;
- Efforts to enhance universality of the Convention, pursuant to Article XIV of the Convention;

Review Conference; and further action as appropriate;

- The requirement for, and the operation of, the requested allocation by the United Nations Secretary-General of staff resources and other requirements to assist the effective implementation of the relevant decisions of the Fourth Review Conference;

3. The Review Conference recommends that conferences of States Parties to review the operation of the Convention should be held at least every five years.

#### **Article XIII**

1. The Conference notes the provisions of Article XIII and, while emphasizing that the Convention is of unlimited duration and applies at all times, expresses its satisfaction that no State Party to the Convention has exercised its right to withdraw from the Convention.

#### **Article XIV**

1. The Conference notes with satisfaction that a number of States have acceded to the Convention since the Third Review Conference.

- The relevance of the provisions of, and the implementation of the Chemical Weapons Convention on the effective implementation of the Biological and Toxin Weapons Convention, duly taking into account the degree of universality attained by such conventions at the time of the Sixth Review Conference;
- The effectiveness of confidence-building measures as agreed at the Second and Third Review Conferences and reaffirmed at the Fourth Review Conference.

4. The Review Conference recommends that conferences of States Parties to review the operation of the Convention should be held at least every five years.

(B)

...

#### **ARTICLE XIII**

#### **ARTICLE XIV**

(A)

(Proposal by the United States of America)

2. The Convention calls upon States which have not yet ratified or acceded to the Convention to do so without delay and upon those States which have not signed the Convention to join the States Parties thereto, thus contributing to the achievement of universal adherence to the Convention.

3. In this connection, the Conference requests States Parties to encourage wider adherence to the Convention.

4. The Conference particularly welcomes regional initiatives that would lead to wider accession to the Convention.

5. The Fourth Review Conference appeals to those States Parties to the Biological and Toxin Weapons Convention which have taken part in the Conference to participate in the implementation of provisions contained in the Final Declaration of this Conference. The Conference also appeals to all States Parties to participate actively in the Ad Hoc Group of States Parties, with a view to the early completion of its work to strengthen the Convention.

1. The Conference notes with satisfaction that eight States have acceded to or ratified the Convention since the Fourth Review Conference.

2. The Conference calls upon States which have not yet ratified or acceded to the Convention to do so without delay, thus contributing to the achievement of universal adherence to the Convention.

3. In this connection, the Conference requests States Parties to encourage universality of the Convention.

4. The Conference particularly welcomes regional initiatives that would contribute to universality of the Convention.

5. The Fifth Review Conference appeals to those States Parties to the Biological and Toxin Weapons Convention which have taken part in the Conference to participate in the implementation of provisions contained in the Final Declaration of this Conference.

(B)

(Proposal by Libyan Arab Jamahiriya)

1. The Conference invites peace-loving States to bear responsibilities for the implementation of the Convention and for making it universal by taking all appropriate measures to urge States which are not parties to the Convention to accede thereto without delay.

2. The Conference notes that there are States which have not yet acceded to the Convention, in particular those States with advanced biological capabilities, and that their failure to accede to the Convention shall deprive it of any real effectiveness.

3. The Conference appeals to the States Parties that have not participated in the

## Article XV

The Conference notes the importance of this Article as well as the importance of the legal status of the languages of the Convention and United Nations system in the work of the Ad Hoc Group established by the Special Conference in 1994.

### **Consideration of the work of the Ad Hoc Group established by the Special Conference in 1994**

The Conference welcomes the report on the progress of the Ad Hoc Group as contained in BWC/AD HOC GROUP/32 and notes in particular the following:

- The Special 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 (September 1994) agreed to establish an Ad Hoc Group open to all States Parties to consider appropriate measures, including possible verification measures, and draft proposals to strengthen the Convention.

Ad Hoc Group to recall the necessity of taking part in its work.

## ARTICLE XV

### (Proposal by the United States of America)

The Conference notes the importance of this Article as well as the importance of the legal status of the languages of the Convention and the United Nations system.

### **WORK DONE TO STRENGTHEN THE CONVENTION IN ACCORDANCE WITH THE DECISION OF THE 1994 SPECIAL CONFERENCE**

(A)

### (Proposal by the NAM and Other States.)

1. The Conference is convinced that the Convention is essential to international and regional peace and security.
2. The Conference reaffirms its continued determination, for the sake of humankind, to exclude completely the possibility of any use of bacteriological (biological) agents and toxins as weapons, and its conviction that such use would be repugnant to the conscience of humankind.
3. The Conference notes with regret that the Ad Hoc Group, established by the Special Conference in 1994, was unable to fulfil its mandate, since by the end of the twenty-fourth session it was not able to complete its work and submit its report, to be adopted by consensus, including a draft of a legally-binding instrument to the States Parties to the Convention.

- Since its establishment, the Ad Hoc Group has held one short organizational session and four substantive sessions of a duration of two weeks each.
- In accordance with its mandate, as contained in the Final Report of the Special Conference (BBC/SPCONF/1), the Ad Hoc Group has been considering appropriate measures, including possible verification measures, to strengthen the Convention. Where relevant, consideration of issues has sought to build on the considerable body of technical work connected with strengthening the Biological and Toxin Weapons Convention regime undertaken by the Ad Hoc Group of Technical Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint (VEREX) in 1992 and 1993.
- The Ad Hoc Group has made significant progress towards fulfilling the mandate given by the Special Conference, including by identifying a preliminary framework and elaborating potential basic elements of a legally-binding instrument to

4. The Conference believes that the threat of biological weapons as instruments of war and terror have reinforced the necessity and urgency to strengthen the effectiveness and improve the implementation of the Convention.

5. In this regard, the Conference reaffirms that the mandate of the Ad Hoc Group, as agreed by the Special Conference in 1994, remains valid and determines any future work of the Ad Hoc Group.

6. The Conference stresses the importance for all States Parties to restart and continue the work of the Ad Hoc Group, so as to achieve the objectives that were set forth by the Fourth Review Conference.

(B)

(Proposal by Libyan Arab Jamahiriya)

1. The Conference notes with deep regret that the Ad Hoc Group has been unable to complete its work and submit its final report, including a draft Protocol to strengthen the provisions of the Convention, to the Fifth Review Conference.

2. The Conference affirms the importance of continuing the mandate of the Ad Hoc Group which was agreed upon by the Special Conference providing namely for the establishment of an Ad Hoc Group to draft a legally binding instrument to strengthen the Convention and complete these negotiations from the point where they had stopped, on the basis of the two rolling, composite texts being discussed by the Ad Hoc Group.

3. A Special Conference shall be convened to review the work of the Ad Hoc Group and renew its mandate until its work has been completed.

...

strengthen the Convention.

- Nevertheless, the Ad Hoc Group was not able to complete its work and submit its report including a draft of the future legally-binding instrument to the States Parties for consideration at the Fourth Review Conference. In this context it is noted that the cumulative period allocated to substantive negotiations in the Ad Hoc Group has been eight weeks.

The Conference welcomes the decision of the Ad Hoc Group, in order to fulfil its mandate, to intensify its work with a view to completing it as soon as possible before the commencement of the Fifth Review Conference and submit its report, which shall be adopted by consensus, to the States Parties, to be considered at a Special Conference. The Conference encourages the Ad Hoc Group to review its method of work and to move to a negotiating format in order to fulfil its mandate.

The Conference notes that the Ad Hoc Group is considering, as part of its continuing work, definitions of terms and objective criteria, such as lists of bacteriological (biological) agents and toxins, their threshold quantities, as well as equipment and types of activities, where relevant for specific measures designed to strengthen the Convention.

**Follow up**  
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