

Geneva, 20 November – 8 December 2006

Item 10 of the agenda

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

ARTICLE X OF THE CONVENTION

Submitted by the Islamic Republic of Iran

1. Each and every article of the Biological Weapons Convention bears the same value and importance. As such, a breach of Article X by a State Party is regarded as a violation of the Convention as a whole.
2. The Islamic Republic of Iran is of the view 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 fundamental element in strengthening the implementation of the Convention. In this regard, the States Parties to the Convention should reaffirm their 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. Therefore, the Conference should urge 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.
3. Lack of proper implementation of Article X prevents the less developed and developing States Parties from fulfilling their plans to control and eradicate infectious diseases. Therefore the States Parties should support an international system for combating and eradicating the emerging diseases in humans, animals and plants and to support other specific programs, including collaborative vaccine R&D as well as relevant training programs, to improve the effectiveness of national, regional and international efforts on the diagnosis, surveillance, prevention, control, treatment of diseases caused by microbial and other biological agents and toxins, in particular infectious diseases. The establishment of a world-wide data bank can contribute to this end.
4. The existing gap between countries in the field of biotechnology, genetic engineering, microbiology and other related areas is a source of concern. In this regard all States Parties,

particularly those possessing advanced biotechnology, are urged to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, in particular with developing countries.

5. The imposition of restrictions on dual use application of know-how, materials and equipment necessary for the production of diagnostic and therapeutic materials and vaccines as well as for biological plant pest control is considered as a blatant discriminatory action in direct violation of Article X.

6. Use of existing institutional means within the United Nations system and full utilization of the possibilities provided by the specialized agencies and other international organizations should be seriously considered. In this line, the Conference should urge 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 biological agents and toxins, for peaceful purposes and of international cooperation in this field. Such measures could include, *inter alia*.

- (i) Exchange of information concerning research programs in relevant bio-sciences and greater cooperation in international public health and control of diseases caused by microbial and other biological agents or toxins, in particular infectious diseases.
- (ii) Wider exchange of information, materials and equipment among States on a systematic and long-term basis.
- (iii) Active promotion of contacts between scientists and technical personnel on a reciprocal basis, in relevant fields;
- (iv) Increased technical cooperation and assistance, including provision of training programs for developing countries in the use of relevant bio-sciences and genetic engineering for peaceful purposes;
- (v) Facilitation of the conclusion of bilateral, regional and multi-regional agreements providing, on a mutually advantageous, equal and non-discriminatory basis, for States Parties' participation in the development and application of biotechnology;
- (vi) Improvement of health care and hygiene levels particularly in the developing countries.

7. In the meantime, due to inadequacy of the existing institutional mechanisms for promoting international cooperation, the Secretary-General of the United Nations has already been requested to propose for inclusion on the agenda of a relevant United Nations body, a discussion on the means for improving institutional mechanisms in order to facilitate the fullest possible exchange of equipment, materials and scientific and technological information regarding the use of biological agents and toxins for peaceful purposes. In addition, the I.R. of Iran believes an open-ended Governmental Expert Group should be established to consider the above-mentioned issue and make the relevant recommendations.

8. The 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 and on a non-discriminatory basis. To this end, the Conference should urge 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.

9. The I.R. of Iran strongly believes any politically motivated measures such as arbitrary export control regimes which restrict transfer, development and promotion of equipment, materials and scientific and technological knowledge would hamper the economic and technological progress of States Parties and clearly violate Article X of the Convention. As such, they set a dangerous precedent for other articles of the Convention to be disregarded by other States Parties and therefore should be removed. Furthermore, any additional measures to the Convention should be consistent with the Convention and multilaterally negotiated.

10. Any limitation on biological experts, particularly on those from developing States Parties, that may hamper their education or their participation in the relevant seminars and training programs as well as their access to the relevant information sources is contrary to the letter and spirit of the Convention.

11. The Conference should recognize that in case a State Party being fully committed to all provisions of the Convention is denied by another State Party for receiving equipment and materials for peaceful application of biology and biotechnology it should have the right to seek to redress the situation and to settlement of disputes through institutionalized measure. Therefore an appropriate independent body should be established in order to promote the cooperation between States Parties 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.

12. The Conference should reiterate its request to the United Nations 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 should urge the States Parties to provide the required national information to the Secretary-General to facilitate his report. Moreover, the Secretary General should be solicited to anticipate a non-compliance reporting mechanism to identify and rectify inconsistent behaviour with the provisions of Article X.
