

**Seventh 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**

21 December 2011

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**Geneva, 5–22 December 2011**

Item 14 of the agenda

**Report of the Committee of the Whole**

**Report of the Committee of the Whole**

1. In accordance with rule 35 of its Rules of Procedure, the Review Conference established a Committee of the Whole to consider in detail the substantive issues relevant to the Convention with a view to facilitating the work of the Conference.

2. At its first plenary meeting, on 5 December 2011, the Conference elected by acclamation Ambassador Desra Percaya (Indonesia) as Chairman of the Committee of the Whole. The Conference also elected Ambassador Eric Danon (France) and Ambassador Gancho Ganev (Bulgaria) as Vice-Chairmen of the Committee.

3. In accordance with its mandate, the Committee of the Whole held 10 meetings during the period from 7 to 16 December 2011. In the course of this work, the Committee undertook the review of the various articles and provisions of the Convention under agenda items 10 (b) and 10 (c), as well as considering items 11 and 12 as follows:

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

(b) Articles I–XV;

(c) Preambular paragraphs and purposes of the Convention.

Agenda item 11. Consideration of issues identified in the review of the operation of the Convention as provided for in its Article XII and any possible consensus follow-up action.

Agenda item 12. Follow-up to the recommendations and decisions of the Sixth Review Conference and the question of future review of the Convention.

4. In the course of the work of the Committee a number of proposals were presented on the Articles of the Convention. These proposals appear in Annex I to this report (English only). Intensive discussions were held on these proposals, which included further verbal proposals and suggested amendments to the proposals.

5. Based on these discussions, the Chairman of the Committee produced, under his own responsibility, an outline of the draft final declaration of the Conference, which is attached to this report as Annex II. The Committee noted that the language in this outcome was not agreed, had not been fully discussed, and had been included without prejudice to the position of any delegation. The Committee decided to transmit the outline to the plenary of the Conference for further discussion and negotiation, as appropriate, with a view to reaching consensus on a final document as soon as possible.

6. At its tenth and final meeting on 16 December 2011, the Committee of the Whole adopted its report.

## **Annex I**

[ENGLISH ONLY]

### **Proposed language submitted to the Committee of the Whole**

#### **Solemn Declaration**

##### **Cuba**

Their understanding that the Convention forms a complete whole and it is necessary to deal with all of its provisions in a balanced and comprehensive manner.

Their conviction that the Convention would be strengthened through the adoption by States Parties of a non-discriminatory, legally-binding agreement dealing with all the articles of the Convention in a balanced and comprehensive manner.

##### **Iran (Islamic Republic of)**

Their conviction that the Convention mandates the elimination of bacteriological (biological) weapons, provides assistance and protection against bacteriological (biological) weapons and promotes international cooperation for the use of biological agents and toxins for peaceful purposes;

Their reaffirmation of their firm commitment to the purposes of the Preamble and all the provisions of the Convention, and their full compliance with their obligations under the Convention. Their conviction of the importance of this commitment in upholding the Convention's integrity and maximizing its contribution to international peace and security;

Their reaffirmation of the autonomous and independent status of the BWC, took cognizance of the resolutions of the United Nations on combating terrorism. The Conference, in this regard, invited States Parties to consult and cooperate both bilaterally and regionally on ways to prevent terrorists;

Their reiteration that the effective contribution of the Convention to international peace and security will be enhanced through universal adherence to the Convention, and their call on signatories to ratify and other states not party to accede to the Convention without any conditions and further delay;

##### **Norway**

Their determination to further facilitate the fullest possible of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and not hamper economic and technological development of States Parties, in accordance with the provisions of the Convention.

#### **Article I**

##### **Algeria**

The Conference reemphasizes the vital importance of full compliance by all States Parties with all provisions of the Convention.

**Cuba (on behalf of the Group of the Non-Aligned Movement and other States Parties to the BWC)**

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

**India**

The conference reaffirms that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention, and recognizing the possibility of the use of scientific and technological developments for purposes inconsistent with the objectives and provision of the Convention, emphasizes the importance of regular and systematic review of scientific and technological developments of direct relevance to Article I.

**United States of America**

The States Parties declare their determination to comply with all their obligations undertaken pursuant to the Convention and their recognition that States Parties not in compliance with their Convention obligations pose fundamental challenges to the Convention's viability, as would the use of bacteriological (biological) weapons by anyone at any time.

The Conference recognizes the importance of ensuring that those working in the biological sciences are aware of their obligations under the Convention and the relevant national legislation and guidelines, have a clear understanding of the content, purpose, and foreseeable social, environmental, health and security consequences of their activities, and are encouraged to take an active role in addressing the threats posed by the potential misuse of biological agents and toxins, including for bioterrorism.

**Article II**

**India**

The Conference emphasizes that States must take all necessary safety and security provisions to protect human populations and the environment, including animals and plants, when carrying out such destruction and/or diversion.

**Article III**

**Iran (Islamic Republic of)**

The Conference underlines that a non-discriminatory multilateral guidelines negotiated by all States Parties to the Convention concerning the transfer of bacteriological (biological) toxins, agents, equipment, materials and technology for peaceful purposes to States Parties would strengthen the Convention and contributes to the non-discriminatory implementation of its provisions. In this regard, the Conference requests the Meeting of states parties in intercessional process to address and develop such guidelines on transfer of biological agents, materials and technology for peaceful purpose.

The Conference underlines that States Parties shall have the right to report, through ISU any transfer denials on the exchange of equipment, material, and technology for the use of toxin and agents for peaceful purposes. In this regard, the Conference requested the ISU to submit a report on transfer denials to the annual meetings of States parties.

The Conference urged all State Parties to refrain from supplying or transferring any biological agents, toxins, equipment, materials and technologies to non-signatories. The Conference recognized that such transfers to non-signatories would jeopardize the universality of the Convention as well as global and regional peace and security.

#### **United States of America**

Having considered ways and means to enhance national implementation of the Convention, and recognizing the need to take into account their respective national circumstances and legal and constitutional processes, the Conference agreed on the fundamental importance of effective national measures in implementing the obligations of the Convention. The States Parties further agreed on the need to nationally manage, coordinate, enforce and regularly review the operation of these measures to ensure their effectiveness. It was recognized that full implementation of all the provisions of the Convention should facilitate economic and technological development and international cooperation in peaceful biological activities.

The Conference recognized the value of ensuring that national implementation measures include an effective system of export/import controls, adapted to national circumstances and regulatory systems.

#### **India**

The Conference reiterates that States Parties should not use the provision of this Article to impose restrictions and/or limitations on transfer for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology and equipment. The Conference notes that strengthened implementation of Article III would help to facilitate the exchange of equipment, materials, and scientific and technological information in accordance with Article X.

#### **Cuba**

The Conference underlines the importance of a non-discriminatory and universally acceptable approach to transfer of biological items and technology for peaceful purposes, including guidelines and redressal measures.

#### **UK**

Recognising that implementing the Convention is a continuing process, the States Parties agreed on the importance of regular national reviews of the adopted measures, including by ensuring the continued relevance of their national measures in light of scientific and technological developments; by updating lists of agents and equipment relevant to safety, security and transfer regimes; and by implementing additional measures as required.

### **Article IV**

#### **Belgium**

The Conference recognises that management standards with regard to biosafety and biosecurity, that are developed by regional and/or international standards organizations, and that enable certification of biological facilities and other life science institutions, can play a complementary and supportive role in the implementation of the BTWC.

### **Cuba**

The Conference reaffirms support for the multilateral treaties whose aim is to eliminate weapons of mass destruction or to prevent their proliferation.

### **Cuba (on behalf of the Group of the Non-Aligned Movement and other States Parties to the BWC)**

The Conference recognizes that biosafety and biosecurity measures are an appropriate means of implementing the Convention. States parties noted the discussions on biosafety and biosecurity during the intersessional period between the Sixth and the Seventh Review Conferences and agreed on the value of national authorities defining and implementing biosafety and biosecurity concepts in accordance with relevant national laws, regulations, and policies and consistent with the provisions of the Convention.

The Conference encourages those States Parties in a position to do so to provide assistance, upon request, to other States Parties to enact, in accordance with national procedures, and improve, if necessary, national legislation to implement biosafety and biosecurity; to strengthen laboratory infrastructure, technology, security and management; to conduct courses and provide training; and to help incorporate biosafety and biosecurity in existing efforts to address emerging or re-emerging diseases.

### **India**

The Conference affirms the determination of States Parties to further strengthen national measures, as appropriate, to prevent non-state actors from developing, producing, stockpiling, or otherwise acquiring or retaining and using under any circumstances, biological agents and toxins, equipment, or means of delivery of biological agents or toxins, for non-peaceful purposes.

The Conference notes the discussion on biosafety and biosecurity during the last intersessional period and recognizes that biosafety and biosecurity measures are an appropriate means of implementing the Convention. Biosafety and biosecurity concepts should be defined and implemented by national authorities in accordance with relevant national laws, regulations and policies consistent with the provision of the Convention.

The Conference encourages those States Parties in a position to do so to provide assistance upon request, to other States Parties to adopt and improve national measures regarding biosafety and biosecurity; to strengthen laboratory infrastructure, technology, security, and management; to conduct courses and provide training; and to help incorporate biosafety and biosecurity measures in the efforts to address emerging or re-emerging diseases.

The Conference stresses the importance of education and awareness raising among those working in the biological sciences and technology of their obligations under the Convention and relevant national legislation and guidelines. The Conference also stresses the importance of oversight measures in institutions which are engaged in biological activities including private and public sectors. Such measures should be practical and proportional to the risk and should not cause unnecessary burden or restrict permitted biological activities. The Conference notes that voluntary codes of conduct can complement national measures and help guide biological sciences so that they are not misused for prohibited purposes.”

### **Iran (Islamic Republic of)**

The Conference reiterates that national implementation measure of States Parties shall be in full conformity with all provisions of the Convention. In this regard, the Conference urges States Parties that have legislation imposing restrictions and or limitations on the transfer of

equipment, material and technology for peaceful purposes, to take necessary actions to ensure that their legislation avoid hampering the economic development of States parties.

The Conference underlined that national implementation also necessitates that the States parties shall take measures to ensure free trade in equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes.

The Conference takes cognizance of the resolutions of the United Nations on combating terrorism. The Conference, in this regard, invited States Parties to consult and cooperate both bilaterally and regionally on ways to prevent terrorists from acquiring and/or using biological weapons.

### **Nigeria**

States Parties encouraged those States Parties in a position to do so to provide assistance, upon request, to other States Parties to enact and improve national legislation to implement biosafety and biosecurity; to strengthen laboratory infrastructure, technology, security and management; to conduct courses and provide training; and to help incorporate biosafety and biosecurity in existing efforts to address emerging or re-emerging diseases. States Parties noted that where relevant assistance is currently available bilaterally and regionally, as well as through international organisations, those seeking assistance are encouraged, as appropriate, to make use of existing offers to the fullest extent possible.

### **Norway**

The Conference recognises that biosafety and biosecurity measures contribute to preventing the development, acquisition or use of biological and toxin weapons and are an appropriate means of implementing the Convention. The Conference calls upon States Parties to define and implement biosafety and biosecurity concepts in accordance with relevant national laws, regulations and policies, consistent with the provisions of the Convention and taking advantage of relevant guidance and standards, such as those produced by the FAO, OIE and WHO. States Parties, in a position to do so, are encouraged to provide relevant assistance upon request in this area.

### **Pakistan**

With respect to both topics of the Meeting, States Parties recognised the need for proportional measures, for carefully assessing risks, for balancing security concerns against the need to avoid hampering the peaceful development of biological science and technology, and for taking national and local circumstances into account.

### **Mexico**

States Parties noted that pursuing biosafety and biosecurity measures could also contribute to the fulfilment of their other respective international obligations and agreements, such as the revised International Health Regulations of the WHO, and relevant codes of the World Organisation for Animal Health (OIE). The States Parties recalled United Nations Security Council Resolution 1540 (2004) that places obligations on all states and is consistent with the provisions of the Convention<sup>1</sup>.

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<sup>1</sup> See BWC/CONF.VI/6, Part II, paragraph 17.

Recognising that biosafety and biosecurity measures contribute to preventing the development, acquisition or use of biological and toxin weapons and are an appropriate means of implementing the Convention, States Parties agreed on the value of:

(i) National authorities defining and implementing biosafety and biosecurity concepts in accordance with relevant national laws, regulations and policies, consistent with the provisions of the Convention and taking advantage of relevant guidance and standards, such as those produced by the FAO, OIE and WHO;

(ii) National governments taking the leading role, including by nominating a lead agency (or focal point), specifying mandates for participating departments or agencies, ensuring effective enforcement and regular review of relevant measures, and integrating such measures into relevant existing arrangements at the national, regional and international level;

(iii) National governments, supported by other relevant organisations as appropriate, using tools such as: accreditation, certification, audit or licensing for facilities, organizations or individuals; requirements for staff members to have appropriate training in biosafety and biosecurity; mechanisms to check qualifications, expertise and training of individuals; national criteria for relevant activities; and national lists of relevant agents, equipment and other resources.

(iv) Ensuring measures adopted are practical, sustainable, enforceable, are readily understood and are developed in concert with national stakeholders<sup>2</sup>, avoid unduly restricting the pursuit of the biological sciences for peaceful purposes, are adapted for local needs, and appropriate for the agents being handled and the work being undertaken, including through applying appropriate risk assessment and risk management strategies.

(v) Building networks between scientific communities and academic institutions and increasing interaction with professional associations and working groups at the national regional and international level, including through dedicated workshops, seminars, meetings and other events, as well as using modern information technologies and appropriate risk communication strategies and tools;

(vi) International cooperation on biosafety and biosecurity at the bilateral, regional and international levels, in particular to overcome difficulties encountered by some States Parties where additional resources, improved infrastructure, additional technical expertise, appropriate equipment and increased financial resources are needed to build capacity.

(vii) The Implementation Support Unit, in accordance with its mandate, facilitating networking activities, maintaining lists of relevant contacts, and acting as a clearing house for opportunities for international cooperation and assistance on biosafety and biosecurity, including through tools such as a database containing information on such opportunities for international cooperation and assistance.

States Parties agreed on the value of education and awareness programmes:

(i) Explaining the risks associated with the potential misuse of the biological sciences and biotechnology;

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<sup>2</sup> In this report, the term “stakeholders” refers, as appropriate according to national circumstances, to relevant actors such as scientists, researchers and other professionals in the life sciences; editors and publishers of life science publications and websites; and organizations, institutions, government agencies, and private companies acting in life sciences research or education, and any other legal entity that is involved in the stockpiling, transport or use of biological agents, toxins or other resources relevant to the Convention.



- (ii) Covering the moral and ethical obligations incumbent on those using the biological sciences;
- (iii) Providing guidance on the types of activities which could be contrary to the aims of the Convention and relevant national laws and regulations and international law;
- (iv) Being supported by accessible teaching materials, train-the-trainer programmes, seminars, workshops, publications, and audio-visual materials;
- (v) Addressing leading scientists and those with responsibility for oversight of research or for evaluation of projects or publications at a senior level, as well as future generations of scientists, with the aim of building a culture of responsibility;
- (vi) Being integrated into existing efforts at the international, regional and national levels.

The States Parties noted that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease. The States Parties noted that such aims are complementary with the objectives of the Convention.

### **United Kingdom**

Recognising that implementing the Convention is a continuing process, the States Parties agreed on the importance of regular national reviews of the adopted measures, including by ensuring the continued relevance of their national measures in light of scientific and technological developments; by updating lists of agents and equipment relevant to safety, security and transfer regimes; and by implementing additional measures as required.

Having considered the oversight of science, States Parties recognised the value of developing national frameworks to prohibit and prevent the possibility of biological agents or toxins being used as weapons, including measures to oversee relevant people, materials, knowledge and information, in the private and public sectors and throughout the scientific life cycle. Recognising the need to ensure that such measures are proportional to risk, do not cause unnecessary burdens, are practical and usable and do not unduly restrict permitted biological activities, States Parties agreed on the importance of involving national stakeholders in all stages of the design and implementation of oversight frameworks. States Parties also noted the value of harmonizing, where possible and appropriate, national, regional and international oversight efforts.

Having considered codes of conduct, States Parties agreed that such codes can complement national legislative, regulatory and oversight frameworks and help guide science so that it is not misused for prohibited purposes. States Parties recognised the need to further develop strategies to encourage national stakeholders to voluntarily develop, adopt and promulgate codes of conduct in line with the common understandings reached by the 2005 Meeting of States Parties and taking into account discussions at the 2008 Meeting of Experts.

### **United States of America**

The States Parties noted that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease. The States Parties noted that such aims are complementary with the objectives of the Convention.

States parties recognized 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 the use of biological and toxin agents in terrorist or criminal activities and to refrain from supporting by any means non-State actors from developing, acquiring, manufacturing, possessing, transporting, transferring or using biological weapons and

related materials, also recalling UNSCR 1540 (2004) that places such obligations on all states and is consistent with the provisions of the Convention.

The Conference encourages States Parties to take necessary measures, as an indispensable complement to formal laws and regulations, to promote awareness amongst relevant professionals of the need to report activities conducted within their territory or under their jurisdiction or under their control that could constitute a violation of the Convention or related national criminal law. In this context, the Conference recognizes the importance of codes of conduct and self-regulatory mechanisms, including peer-to-peer exchanges, in raising awareness, and calls upon States Parties to support and encourage their development, promulgation and adoption.

The Conference urges States Parties in accordance with the decisions of the Sixth Review Conference to designate a national focal point for coordinating national implementation of the Convention to facilitate the sharing of information on national implementation and regional cooperation and to inform the ISU of their national measures and of any updates or changes to them.

## **Article V**

### **Cuba**

The Conference stresses that only a multilaterally agreed mechanism for verification of compliance in the framework of the Convention can provide assurance of compliance and deter non-compliance

#### **Cuba (on behalf of the Group of the Non-Aligned Movement and other States Parties to the BWC)**

The Conference reaffirms that a multilaterally agreed mechanism for verification of compliance in the framework of the Convention can provide assurance of compliance and deter non-compliance. In this regard, the Conference recalls the negotiation on a multilaterally agreed instrument for strengthening the Convention, in the Ad Hoc Group between 1995 and 2001.

The States Parties stress that CBMs are not a tool to assess compliance, which requires a multilaterally agreed legally binding instrument with verification provisions.

### **Germany**

But at the same time must be seen as a unilateral and exclusively national statement by a State Party of how it complies legally and politically with the obligations under the Convention.

Confidence-building measures do not provide tools to address compliance concerns.

### **India**

The Conference reaffirms that only a multilaterally negotiated mechanism for verification of compliance in the framework of the Convention can provide assurance of compliance and deter non-compliance.

The Conference reaffirms that the data submitted in the framework of the annual exchange of information should be provided to the United Nations Office for Disarmament Affairs through the Implementation Support Unit and promptly forwarded by it to all States Parties according to existing modalities. The information supplied by a State Party must not be further circulated or made available without the express permission of that State Party.”

### **Iran (Islamic Republic of)**

The Conference urges all States Parties to refrain from baseless allegations that jeopardize the credibility of the Convention and trust exists among States Parties. The Conference, therefore, calls upon the States Parties to refrain from unilateral and discriminatory action concerning any problems which may raise in relation to the objective of or in the application of the provisions of the Convention.

### **South Africa**

23. The Conference emphasises the importance of the exchange of information among States Parties through the confidence-building measures agreed at the Second and Third Review Conferences.

24. The Conference notes that only a limited number of States Parties make an annual CBM submission. The Conference recognises the urgent need to increase the number of States Parties participating in CBMs. In this regard, the Conference also recognizes the technical difficulties experienced by some State Parties in completing full and timely declarations. The Conference agrees that the CBM mechanism need to be analysed and reviewed to address the following:

- (i) Its purpose
- (ii) How should it be developed to fulfill that purpose.

25. The Conference reaffirms that the data submitted in the framework of the annual exchange of information should be provided to the ISU and promptly forwarded by it to all States Parties according to the updated modalities in the appendix ... The information supplied by a State Party must not be further circulated or made available without the express permission of that State Party.

### **Switzerland**

The Conference emphasises the importance of the exchange of information among States Parties through the confidence-building measures (CBMs) agreed at the Second and Third Review Conferences. The Conference welcomes the exchange of information under these measures, which enables States Parties to demonstrate their compliance with the Convention, to enhance transparency and to build confidence.

The Conference reaffirms that the data submitted in the framework of the annual exchange of information should be provided by 30 April to the ISU, which shall make the submissions available electronically. The Conference, while recalling that the information supplied by a State Party must not be further circulated or made available without the express permission of that State Party, notes the increasing number of States who agree to make their submissions publicly available including on the public section of the ISU website.

The Conference encourages voluntary complementary measures and initiatives by States Parties to demonstrate their Compliance with the Convention, to enhance transparency and to build confidence.

The Conference reiterates the politically binding nature of the CBMs and notes in this regard that every State Party is to provide annual CBM returns. The Conference also notes that while the number of States Parties that have made an annual submission has remained relatively low, the level of participation has been increasing since the Sixth Review Conference and the establishment of the ISU.

The Conference notes the need to enhance the effectiveness of the CBM process and stresses the need to ensure that the CBMs remain relevant and provide appropriate

information to States Parties, by, amongst other things, a revision of the CBM forms, measures to facilitate or support the submission of CBMs, and revisiting the content of the information exchanged through the CBMs.

### **United Kingdom**

The Conference notes with regret that despite the recognition in the Final Declaration of the Sixth Review Conference of the urgent need to increase participation in the CBMs, and on the agreement of measures to update the mechanism of transmission of information, there has only been a slight increase in the percentage of States Parties submitting their CBMs. Increased and continuing participation therefore should remain an important objective for the States Parties in the next intersessional period.

The Conference urges those States Parties in a position to do so to provide technical assistance and support, through training for instance, to those States Parties requesting it to enable them to complete their annual CBM submissions.

### **United States of America**

The Conference reaffirms that the consultation procedures agreed at the Second and Third Review Conferences remain valid to be used by States Parties for consultation and cooperation pursuant to this Article, and calls on States Parties to take a constructive and cooperative approach to consultations under Article V. The Conference reaffirms that such consultation and cooperation may also be undertaken bilaterally and multilaterally, or through other appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

The Conference welcomes initiatives from States Parties to demonstrate transparency and openness with a view toward promoting confidence in compliance with the Convention. It encourages all States Parties to take appropriate actions to promote such initiatives at the national, regional and international level.

The Conference notes that only a limited number of States Parties make an annual CBM submission. The Conference recognizes the urgent need to increase the number of States Parties participating in CBMs and encourages those States Parties to participate annually. In this regard, the Conference also recognizes the technical difficulties experienced by some States Parties in completing full and timely declarations. The Conference welcomes steps to update the template and mechanism of transmission of information.

## **Article VI**

### **Argentina**

Recognising that the United Nations Secretary-General's investigative mechanism is an impartial and effective tool for investigating the alleged use of biological and toxin weapons that complements the provisions of the Convention, States Parties should encourage the Secretary-General to maintain and improve the mechanism, including by:

- (a) Updating and improving it to take into account developments in biological science and technology;
- (b) Building upon the highest level of expertise, both from experts and laboratories, provided by Member States of the United Nations;
- (c) Benefitting from closer technical collaboration with international partners for reviewing manuals, training and procedures as well as the provision of relevant support to

an investigation by seconding experts, sharing necessary equipment, field experience, and lessons learned;

- (d) Receiving sustainable funding from Member States of the United Nations;
- (e) Publishing the updated appendices.

#### **Canada**

The conference notes the importance of effectively investigating cases of alleged use of biological and toxin weapons, using appropriate expertise, both from experts and laboratories, and taking into account developments in biological science and technology. The Conference reaffirms the relevant mechanism established by Article VI of the Convention and notes that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons.

#### **Cuba**

The Conference decides to initiate discussions during the next intersessional period on the developing and establishment of a mechanism for investigating cases of alleged use of biological weapons and toxins

#### **Russian Federation**

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

The Conference emphasises the provisions of Article VI that such a complaint should include all possible evidence confirming its validity. It stresses that, as in the case 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.

The Conference invites the Security Council:

(i) To consider immediately any complaint lodged under this Article and to initiate any measures it considers necessary for the investigation of the complaint in accordance with the Charter;

(ii) To inform each State Party of the results of any investigation initiated under this Article and to consider promptly and appropriate further action which may be necessary.

The Conference reaffirms the agreement of States Parties to consult, at the request of any State Party, regarding allegations of use of threat of use of biological or toxin weapons. The Conference reaffirms the undertaking of each State Party to cooperate in carrying out investigations which the Security Council initiates.

#### **United States of America**

The Conference notes that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an important international institutional mechanism for investigating cases of alleged use of biological or toxin weapons. The Conference notes in this regard General Assembly resolution 60/288 (2006). The Conference welcomes national initiatives to provide relevant training to experts that could support the Secretary-General's investigative mechanism.

## Article VII

### Australia

On the provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, States Parties recognized that this is an issue that has health and security components, at both the national and international levels. States Parties highlighted the importance of pursuing initiatives in this area through effective cooperation and sustainable partnerships. States Parties noted the importance of ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plants or the environment. States Parties also recognised that capabilities to detect, quickly and effectively respond to, and recover from the alleged use of a biological or toxin weapon need to be in place before they are required.

States Parties noted that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon. States Parties, taking into account their commitments under Articles VII and X, emphasised the value of assisting other States Parties, including by:

- (a) enhancing relevant capabilities, including through promoting and facilitating the generation, transfer, and acquisition upon agreed terms, of new knowledge and technologies, consistent with national law and international agreements, as well as of materials and equipment;
- (b) strengthening human resources; identifying opportunities for collaborative research and sharing advances in science and technology;
- (c) sharing appropriate and effective practices for biorisk standards in laboratories handling biological agents and toxins.

### Cuba (on behalf of the Group of the Non-Aligned Movement and other States Parties to the BWC)

The Conference requests States Parties to prepare and adopt detailed guidelines for such coordination between the United Nations and States Parties.

The Conference notes that States Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons. In this regard the Conference underlines that there should be a database on protection, detection, decontamination, prophylactic and medical and other equipment that could be required to assist the States Parties in the event that a State Party is exposed to danger as a result of a violation of the Convention.

The Conference stresses the importance of increasing capacity building of the States Parties against the hostile use or threat of use of biological and toxin weapons. The Conference urges States Parties in particular developed States Parties to provide upon request necessary protection, detection, decontamination, prophylactic materials, and medical and other equipment to those States Parties.

The Conference urges the States Parties to discuss and elaborate detailed procedures for assistance in order to ensure that timely emergency assistance would be provided by States Parties, if requested, in the case of alleged use or use of biological or toxin weapons.

## **India**

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 of the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as result of violation of the Convention.

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, in view of the humanitarian imperative, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties if requested.

## **Mexico (and other states)**

Recognising that developing effective measures for the provision of assistance and coordination with relevant international organizations to respond to the use of a biological or toxin weapon is a complex task, States Parties noted the following challenges:

- (a) the need for clear procedures for submitting requests for assistance or for responding to a case of alleged use of biological or toxin weapons;
- (b) the need for additional resources in the human and animal health fields, and most acutely in the area of plant health, particularly in developing countries;
- (c) the potentially complex and sensitive interface between an international public health response and international security issues; and
- (d) the public health and humanitarian imperatives of a prompt and timely response.

States Parties noted that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon. States Parties, taking into account their commitments under Articles VII and X, emphasised the value of assisting other States Parties, including by:

- (a) enhancing relevant capabilities, including through promoting and facilitating the generation, transfer, and acquisition upon agreed terms, of new knowledge and technologies, consistent with national law and international agreements, as well as of materials and equipment;
- (b) strengthening human resources; identifying opportunities for collaborative research and sharing advances in science and technology;
- (c) sharing appropriate and effective practices for biorisk standards in laboratories handling biological agents and toxins.

Given their commitments under the Convention, in particular under Article VII, States Parties recognized that they bear the primary responsibility for providing assistance and coordinating with relevant organizations in the case of alleged use of biological or toxin weapons. States Parties underlined the importance of assistance being provided promptly, upon request, to any State Party that has been exposed to a danger as a result of violation of the Convention. As national preparedness contributes to international capabilities and cooperation, States Parties recognised the importance of working to build their national capacities according to their specific needs and circumstances.

Recognizing the importance of disease surveillance and detection efforts for identifying and confirming the cause of outbreaks, States Parties recognized the need to work, in accordance with their respective circumstances, national laws and regulations, to improve

their own capacities in this area, and cooperating, upon request, to build the capacity of other States Parties. This could include the development of:

- (a) diagnostic capacity for relevant diseases;
- (b) tools for sampling, epidemiological intelligence and investigation;
- (c) diagnostic and detection techniques, tools and equipment;
- (d) adequate technical expertise;
- (e) international, regional and national laboratory networks;
- (f) relevant standards, standard operating procedures and best practices;
- (g) effective information-sharing; and
- (h) cooperation, especially with developing countries, on research and development of vaccines and diagnostic reagents, and between international reference laboratories and research institutions.

### **United Kingdom**

On the provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, States Parties recognized that this is an issue that has health and security components, at both the national and international levels. States Parties highlighted the importance of pursuing initiatives in this area through effective cooperation and sustainable partnerships. States Parties noted the importance of ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plants or the environment. States Parties also recognised that capabilities to detect, quickly and effectively respond to, and recover from the alleged use of a biological or toxin weapon need to be in place before they are required.

Recognising that developing effective measures for the provision of assistance and coordination with relevant international organizations to respond to the use of a biological or toxin weapon is a complex task, States Parties noted the following challenges:

- (a) the need for clear procedures for submitting requests for assistance or for responding to a case of alleged use of biological or toxin weapons;
- (b) the need for additional resources in the human and animal health fields, and most acutely in the area of plant health, particularly in developing countries;
- (c) the potentially complex and sensitive interface between an international public health response and international security issues; and
- (d) the public health and humanitarian imperatives of a prompt and timely response.

Given their commitments under the Convention, in particular under Article VII, States Parties recognized that they bear the primary responsibility for providing assistance and coordinating with relevant organizations in the case of alleged use of biological or toxin weapons. States Parties underlined the importance of assistance being provided promptly, upon request, to any State Party that has been exposed to a danger as a result of violation of the Convention. As national preparedness contributes to international capabilities and cooperation, States Parties recognised the importance of working to build their national capacities according to their specific needs and circumstances.

The States Parties agree the phrase ‘exposed to danger’ in Article VII means circumstances involving the use or threat of use of biological and toxin weapons when:



(i) Biological or toxin weapons have been used by any State(s) or other entity against a State Party:

(ii) A State party is threatened by actions or activities of any State or other entity that are prohibited for States Parties by Article I.

### **United States of America**

The Conference considers that in the event that this Article might be invoked, the United Nations could play a coordinating role in providing assistance, with the help of States Parties as well as the appropriate intergovernmental organizations such as the World Health Organization (WHO), the World Organization for Animal Health (OIE), the Food and Agriculture Organization of the United Nations (FAO), and the International Plant Protection Convention (IPPC), many of whom may already be on the ground in view of their primary responsibilities.

The Conference notes that State Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease including those due to alleged use of biological or toxin weapons. As national preparedness contributes to international capabilities and cooperation, States Parties recognized the importance of working to build their national capacities according to their specific needs and circumstances.

The Conference noted that there are differences among States Parties in terms of their level of preparedness, national capabilities, regulations, and resources, and that these differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon. States Parties, taking into account their commitments under Article VII and X, emphasized the value of assisting other States Parties.

The Conference noted that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease. The Conference noted that such aims are complementary with the objectives of the Convention.

## **Article VIII**

### **Iran (Islamic Republic of)**

Calls for the withdrawal of reservations on 1925 Geneva Protocol without any delay

### **Russian Federation**

The Conference appeals to all States Parties to the 1925 Geneva Protocol to fulfill their obligations assumed under that Protocol and urges all states not yet party to the Protocol to ratify or accede to it without delay.

The Conference acknowledges that the 1925 Geneva Protocol, which prohibits the use in war of asphyxiating, poisonous or other gases, and bacteriological methods of warfare, and the Convention complement each other. The Conference reaffirms that nothing contained in the Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any state under the 1925 Geneva Protocol.

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

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 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.

The Conference notes that reservations concerning retaliation, through the use of any of the objects prohibited under the 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.

The Conference notes that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an international institutional mechanism for investigating violations of the 1925 Geneva Protocol or other relevant rules of international customary law.

## **Article IX**

### **Australia**

The Conference notes the increasing convergence of biology and chemistry and its potential challenges and opportunities for the implementation of the Convention.

### **Cuba (on behalf of the Group of the Non-Aligned Movement and other States Parties to the BWC)**

The Conference notes that the Conference of States Parties to the CWC at its Sixteenth session:

- (i) “reaffirmed the obligations of possessor States Parties to destroy their chemical weapons within the extended deadline, in accordance with the relevant decisions by the Conference at its Eleventh Session, and to that end emphasize the timely commencement of destruction activities at all chemical weapons destruction facilities.
- (ii) noted with concern that the final extended deadline of 29th April 2012 may not be fully met and urged all possessor States Parties to take every necessary measure with a view to ensuring their compliance with the final extended destruction deadline.
- (iii) stressed in this regard that no action should be undertaken that would undermine the Convention or that would raise questions about the commitment of States Parties, or lead to the rewriting of or reinterpreting of the Convention’s provisions.”

## **Article X**

### **Australia**

The Conference urges States Parties to continue to develop frameworks for disease surveillance in humans, animals and plants, and to support programmes for effective responses at the national, bilateral, regional and multilateral levels, including through the conclusion of appropriate agreements that would promote the regular exchange of scientific and technical information in these fields

### **Belgium**

The Conference calls upon states parties to exchange information on cooperation and assistance, related with Article X, by means of the Confidence Building Measures, and modify their format in this regard.

**Cuba (on behalf of the Group of the Non-Aligned Movement and other States Parties to the BWC)**

The Conference underlines that the full, effective and non-discriminatory implementation of Article X is essential for the realization of the object and purpose of the Convention. In this regard 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 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.

The Conference reiterates that the full, effective and non-discriminatory implementation of Article X would strengthen the implementation of the Convention by States Parties as it plays an important role in preserving the delicate balance between the rights and obligations under the Convention.

The Conference recalls the decisions adopted in previous Review Conferences regarding Article X and reaffirms the commitment of States Parties to the full and non-discriminatory implementation of this Article. The Conference recognises that while recent scientific and technological developments in the field of biotechnology would increase the potential for cooperation among States Parties and thereby strengthen the Convention, they could also increase the potential for the misuse of both science and technology. Therefore, the Conference 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, particularly with countries less advanced in this field, while promoting the basic objectives of the Convention, as well as ensuring that the promulgation of science and technology is fully consistent with the peaceful object and purpose of the Convention.

The Conference recognizes that there remain obstacles to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes to their full potential, and that addressing such problems, challenges, needs and restrictions will help States Parties to build sufficient capacity for disease surveillance, detection, diagnosis and containment. In this regard, the Conference stresses the need for strengthening cooperation and assistance within the framework of the Convention and notes that other channels of assistance and cooperation can complement the multilateral framework of the Convention but cannot and should not substitute it.

The Conference encourages States Parties to provide appropriate information on how this Article is being implemented to the United Nations Office for Disarmament Affairs, through the Implementation Support Unit and requests the Department to collate such information for the information of States Parties.

The Conference recognizes the need of a Plan of Action for the full, effective and non-discriminatory implementation of Article X of the Convention. In this context, the Conference agrees to start discussions in order to establish a mechanism under the Convention open to participation of all States parties, to perform, amongst others, the following tasks related to Article X:

- (i) Identify and address the needs in terms of equipment, materials and scientific and technological information regarding the use of the bacteriological and toxin agents for peaceful purposes.
- (ii) Identify and overcome the obstacles hampering the full, effective and non-discriminatory implementation of Article X of the Convention, including by addressing the denial cases of States parties.

(iii) Mobilize the necessary resources, including financial resources, to facilitate the widest possible exchange of equipment, material and scientific and technological information regarding the use of bacteriological (biological) and toxin agents for peaceful purposes, in particular from developed to developing States Parties;

(iv) Facilitate the development of human resources in developing States Parties in the implementation of the Convention, taking into account the special situation faced by them.

(v) Coordinate cooperation with other relevant international and regional organizations for the financial and technological support of activities for the use of bacteriological (biological) and toxin agents for peaceful purposes;

(vi) Establish sponsorship programme in the BWC to support participation of developing States Parties in the meetings and other activities of the Convention. This sponsorship programme could also be utilized, depending upon the availability of resources, to enhance participation of non-States Parties in order to promote the goal of universalization of the Convention.

The Conference agrees that a mechanism under Article X should provide, inter alia, an opportunity for States Parties to the BWC to submit offers of assistance and requests for assistance in different areas under the scope of Article X, through the establishment of a database to be administered by the ISU and detailed procedures to deal with settlement of disputes arising from lack of implementation of the Article X. This should include the development of an electronic database that will be open to all States Parties through a secured website. Such a database would allow for the matching of offers/requests for assistance. Once a match is made the States Parties will inform the ISU which will update the database accordingly. The ISU will submit an annual report on the operation of the database detailing the offers made, requests sought and matches made during a calendar year. The operation of the database for the implementation of Article X will be reviewed at the next Review Conference based on the reports and/or any recommendations by the Meeting of States Parties.

### **India**

The Conference stresses the importance of full and effective implementation of Article X by States Parties consistent with their obligations under the Convention.

The Conference recalls that the States Parties have a legal obligation to facilitate and have to right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) and toxins for peaceful purposes and not to hamper the economic and technological development of States Parties.

The Conference emphasizes the increasing importance of Article X provisions in the light of developments in the field of biological science and technology, 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.

The Conference recognizes that there remain challenges to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes to their full potential. The Conference agrees on the value of mobilizing resources, including financial resources, to facilitate the widest possible exchange of equipment, material and scientific and technological information in the framework of Article X of the Convention.

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.

### **Nigeria**

In order to build capacity in developing countries, and to provide educational and training opportunities for national officials involved in the implementation of the Convention in their countries, as well as supporting the intercessional programme and increasing the capacity of the ISY, the conference decides to establish an annual fellowship programme. The fellowship programme, which will be operated to the standard fellowship procedures of the United Nations will provide financial support to allow a national official to spend up to 12 months working with the ISU in Geneva. Applications will be invited from all States Parties, and the annual fellow will be selected by the Chairman of the Meeting of States Parties in consultation with the ISU, with priority being given to applications from developing countries.

### **United States of America**

Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, the Conference agreed on the value of working together to promote capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases as well as biological risk management. The Conference affirmed that building such capacity would directly support the objectives of the Convention.

The Conference recognized the importance of developing effective infrastructure for disease surveillance, detection, diagnosis and containment, as well as biological risk management, and noted that developing such infrastructure could also contribute to the fulfillment of their other respective international obligations and agreements, such as the revised International Health Regulations (2005).

The Conference recognized the range of bilateral, regional and multilateral assistance, cooperation and partnerships already developed and provided by States Parties in a position to do so, to support States Parties in need of assistance in meeting their national obligations under the Convention and in enhancing their biological risk management and disease surveillance, detection, diagnosis and containment capabilities. The Conference also recognized, however, that there remain challenges to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes and to their full potential, and that addressing such problems, challenges, needs and restrictions will help States Parties to build sufficient capacity for disease surveillance, detection, diagnosis and containment, and biological risk management. Keeping in mind Article X, the Conference agreed on the value of mobilizing resources to facilitate the widest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. Recognizing that all States Parties have a role to play, the Conference stressed that those States Parties seeking to build their capacity should identify their specific needs and requirements and seek partnerships with others, and that those States Parties in a position to do so should provide assistance and support.

The Conference affirmed the role of the Implementation Support Unit, consistent with its mandate, in supporting the capacity-building activities of the States Parties by facilitating communication and partnerships, and acting as a clearing-house for information on needs for and sources of assistance and cooperation. In this context, the Conference encouraged States Parties to access the compendium of assistance sources maintained by the Implementation Support Unit.

The Conference recognizes the important role of the private sector in the transfer of technology and information and the wide range of organizations within the United Nations systems that are already engaged in international cooperation relevant to this Convention. The Conference also recognizes that a broad range of life-sciences related cooperation, trade, and investment occurs through other bilateral, multilateral, non-governmental organizations, and private sector channels.

## **Article XII**

### **India**

The Conference reaffirms that Review Conferences constitute an effective method of reviewing the operation of the Convention with a view to assuring that the purposes of the Preamble and the provisions of the Convention are being realized, and that Review Conferences should continue to be held at least every five years

The Conference decides that the Eight Review Conference shall be held in Geneva not later than 2016 and should review the operation of the Convention, taking into account, *inter alia*:

(i) new scientific and technological developments relevant to the Convention, in accordance with the relevant decision of this Conference regarding regular and systematic review of S&T developments;

(ii) the progress made by States Parties on the implementation of the obligations under the Convention;

(iii) progress of the implementation of the decisions and recommendations agreed upon at the Seventh Review Conference, while taking into account the decisions reached in earlier Conferences held under the Convention

The Conference affirms that decision making powers are vested by the Convention in Review Conferences and that decisions regarding the operation and implementation of the Convention are taken by Review Conferences on the basis of consensus.

### **Iran (Islamic Republic of)**

The Conference reaffirmed that the practice of consensus decision making by the Review Conferences as well as the MSP have played an important role in achieving common goals, as well as in preserving the integrity of decisions made.

### **Russian Federation**

The Conference decides that the Eighth Review Conference shall be held in Geneva not later than 2016 and should review the operation of the Convention, taking into account. *Inter alia*:... progress in implementation of the decisions and recommendations agreed upon at the Seventh Review Conference and at all preceding Conferences, as appropriate.

## **Article XIV**

### **Algeria**

The Conference notes with satisfaction that ten States have acceded or ratified the Convention since the Sixth Review Conference. Despite this progress a significant number of States have not yet ratified, or acceded to the Convention.

The Conference stresses the vital importance of achieving universal adherence to the Convention, and urges the States that have not do so to ratify, or accede to the Convention without delay.

The Conference encourages States Parties to strengthen efforts and measures, in their bilateral relations and appropriate diplomatic channels to promote the universality of the Convention. In this context, more attention should be given to States in which the ratification, or accession process have started or are well advanced and to those States waiting for further information, assistance or that have other priorities (document BWC/CONF/.VII/INF.7 of the ISU on Status of universalization, page 3 and 4).

The Conference recognizes the value of targeted and adapted regional initiatives that would lead to wider accession and adherence to the Convention. In this respect, the Conference reaffirms the importance of the establishment of the Middle East zone free of nuclear weapons and other weapons of mass destruction. In this regard, the Conference urges the 2012 Conference to initiate negotiations on the establishment of the Middle Easy zone free of nuclear weapons and other weapons of mass destruction.

#### **India**

The Conference notes with satisfaction that ten states have acceded to or ratified the Convention since the Sixth Review Conference.

The Conference notes that the primary responsibility for promoting the universality of the Convention rests with the States Parties.

#### **Iran (Islamic Republic of)**

The Conference underlines that the objectives of the Convention will not be fully realized as long as there remains even a single state not party that could possess or acquire biological weapons. It stresses that the continued absence from the Convention of any country keeps open the risk that biological weapons could be developed, acquired, transferred or used.

The Conference strongly urges all remaining States not Party to the Convention to ratify or accede to it as a matter of urgency and without preconditions, in the interests of affirming their commitment to global peace and security and to the object and purpose of the Convention.

#### **United Kingdom**

The Conference urges those States Parties in a position to do so to provide assistance and support to states in the preparations for ratification or accession to the Convention.

#### **United States of America**

The Conference urges signatories to ratify the Convention, and urges those states which have not signed the Convention to accede to it without delay, thus contributing to the achievement of universal adherence to the Convention.

The Conference affirmed the particular importance of the ratification of the Convention by signatory states and accession to the Convention without delay by those which have not signed the Convention, contributing to the achievement of universal adherence to the Convention. States Parties agreed to continue to promote the universalization, and to support the universalization activities of the Chairman and the Implementation Support Unit, in accordance with the decisions of this Seventh Review Conference

## Annex II

[ENGLISH ONLY]

### **Outline of the Draft Final Declaration of the Seventh Review Conference**

**Prepared by the Chair of the Committee of the Whole**

#### **Solemn Declaration**

[Text to be discussed]

#### **Article I**

1. The Conference reaffirms the importance of Article I, as it defines the scope of the Convention. The Conference declares that the Convention is comprehensive in its scope and that all naturally or artificially created or altered microbial and other biological agents and toxins, as well as their components, regardless of their origin and method of production and whether they affect humans, animals or plants, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes, are unequivocally covered by Article I.
2. The Conference reaffirms that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention and emphasizes the importance of regular and systematic review of scientific and technological developments of relevance to Article I.<sup>3</sup>
3. The Conference reaffirms that under all circumstances the use of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively prohibited by the Convention. 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. The Conference affirms the determination of States Parties to condemn any use of biological agents or toxins other than for peaceful purposes, by anyone at any time.
4. The Conference reemphasizes the vital importance of full compliance by all States Parties with all provisions of the Convention. The Conference notes that experimentation involving open-air release of pathogens or toxins harmful to humans, animals and plants that have no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I.

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<sup>3</sup> See Part III: Forward-looking Agenda



## Article II

5. The Conference reaffirms for any state ratifying or acceding to the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to, or upon ratification of, the Convention.

6. The Conference emphasises that states must take all necessary safety and security provisions to protect human populations and the environment, including animals and plants, when carrying out such destruction and/or diversion. The Conference also stresses that these States Parties should provide appropriate information to all States Parties via the exchange of information (confidence-building measures form F).

7. The Conference welcomes statements made by States Parties, and newly acceding and ratifying States Parties, that they do not possess agents, toxins, weapons, equipment or means of delivery as prohibited by Article I of the Convention.

## Article III

8. The Conference reaffirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at the international, national or sub-national levels.

9. The Conference calls for appropriate measures in full conformity with all the provisions of the Convention, including effective national export controls, by all States Parties to implement this Article, in order to ensure that direct and indirect transfers relevant to the Convention, to any recipient whatsoever, are authorized only for purposes not prohibited under the Convention. The Conference calls for appropriate measures by all States Parties to ensure that biological agents and toxins relevant to the Convention are protected and safeguarded, including through measures to control access to and handling of such agents and toxins. The Conference reaffirms the need to nationally manage, coordinate, enforce and regularly review the operation of these measures to ensure their effectiveness. The Conference also recognises the value of such measures being updated in light of developments in science and technology and including an effective system for controlling imports.

10. The Conference reiterates that States Parties should not use the provisions of this Article 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. The Conference notes that strengthened implementation of Article III would help to facilitate the exchange of equipment, materials, and scientific and technological information in accordance with Article X.

11. The Conference underlines the importance of harmonizing approaches to transfers of biological items and technology for peaceful purposes in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and in order to improve international cooperation.

## Article IV

12. The Conference reaffirms the commitment of States Parties to take the necessary national measures under this Article. The Conference also reaffirms that the enactment and implementation of necessary national measures under this Article, in accordance with their constitutional processes, would strengthen the effectiveness of the Convention. In this context, the Conference calls upon States Parties to adopt, in accordance with their

constitutional processes, legislative, administrative, judicial and other measures, including penal legislation, designed to:

(i) enhance domestic implementation of the Convention and ensure the prohibition and prevention of the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipments and means of delivery as specified in Article I of the Convention;

(ii) apply within their territory, under their jurisdiction or under their control anywhere and apply, if constitutionally possible and in conformity with international law, to actions taken anywhere by natural or legal persons possessing their nationality;

(iii) ensure the safety and security of microbial or other biological agents or toxins in laboratories, facilities, and during transportation, to prevent unauthorized access to and removal of such agents or toxins.

13. The Conference urges States Parties in accordance with the decisions of the Sixth Review Conference to designate a national focal point for coordinating national implementation of the Convention to facilitate the sharing of information on national implementation and regional cooperation.

14. The Conference welcomes those measures taken by States Parties in this regard, and reiterates its call to any State Party that has not yet taken any necessary measures to do so without delay. The Conference encourages States Parties to provide appropriate information on any such measures they have taken, as well as any other useful information on their implementation, through the Implementation Support Unit to the United Nations Office for Disarmament Affairs.

15. The Conference recognizes the value of regular national reviews of the adopted measures, including by ensuring the continued relevance of their national measures in light of scientific and technological developments; by updating lists of agents and equipment relevant to safety, security and transfer regimes; and by implementing additional measures as required.

16. The Conference recognises the value of adopting and further strengthen national measures, as appropriate, to define and implement, in accordance with relevant national laws, regulations, and policies and consistent with the provisions of the Convention, biosafety and biosecurity measures taking into account the common understandings reached at the 2008 Meeting of States Parties.<sup>4</sup>

17. The Conference recognizes the value of States Parties taking advantage of relevant guidance and standards, such as those produced by the FAO, OIE and WHO.

18. The conference also recognizes the value of management standards that enable certification of biological facilities and other life science institutions in biosafety and biosecurity, which can complement efforts to implementation the Convention

19. States Parties notes that pursuing biosafety and biosecurity measures could also contribute to the fulfilment of their other respective international obligations and agreements, such as the International Health Regulations (2005) of the WHO, and relevant codes of the World Organisation for Animal Health (OIE).

20. The Conference reaffirms the commitment of States Parties to take the necessary national measures to strengthen methods and capacities for surveillance and detection of outbreaks of disease at the national, regional and international levels. The States Parties

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<sup>4</sup> BWC/MSP/2008/5. Paragraph 21

noted that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease. The States Parties noted that such aims are complementary with the objectives of the Convention.

21. The Conference recognises the value of adopting and further strengthen national measures, as appropriate, to oversee relevant people, materials, knowledge and information, in the private and public sectors and throughout relevant scientific and administrative activities. Recognising the need to ensure that such measures are proportional to risk, take into account national and local circumstances, do not cause unnecessary burdens, are practical and usable and do not unduly restrict permitted biological activities, the Conference affirm the importance of involving national stakeholders in all stages of the design and implementation of oversight frameworks. The Conference also notes the value of harmonizing, where possible and appropriate, national, regional and international oversight efforts.

22. The Conference recognizes the importance of those working in the biological sciences being aware of the obligations of States Parties under the Convention as well as relevant national legislation and guidelines, in order to avoid any potential misuse of biological agents and toxins by anyone at anytime.

23. The Conference urges the inclusion in medical, scientific and military educational materials and programmes of information on the Convention and the 1925 Geneva Protocol. The Conference urges States Parties to promote the development of training and education programmes for those granted access to biological agents and toxins relevant to the Convention and for those with the knowledge or capacity to modify such agents and toxins, taking into account the common understandings reached during the 2008 Meeting of States Parties.<sup>5</sup>

24. The Conference also encourages States Parties to adopt and further strengthen necessary measures to promote awareness amongst relevant professionals, including policy makers, the scientific community, industry, academia, media and the public in general, of the need to report activities conducted within their territory or under their jurisdiction or under their control that could constitute a violation of the Convention or related national criminal law. In this context, the Conference recognizes the importance of codes of conduct and self-regulatory mechanisms, including peer-to-peer exchanges, in raising awareness.

25. The Conference notes that voluntary codes of conduct can complement national measures and help guide biological sciences so that they are not misused for prohibited purposes. The Conference recognises the need to further develop strategies to encourage national stakeholders to voluntarily develop, adopt and promulgate such codes in line with the common understandings reached by the 2005 Meeting of States Parties and taking into account discussions at the 2008 Meeting of Experts.<sup>6</sup>

26. The Conference affirms the determination of States Parties to adopt and further strengthen national measures, as appropriate, including to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes.

27. The Conference welcomes assistance already provided and encourages those States Parties in a position to do so to provide assistance, upon request, to other States Parties to enact, in accordance with national procedures, and improve, if necessary, national

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<sup>5</sup> BWC/MSP/2008/5, Paragraph 27

<sup>6</sup> See BWC/MSP/2005/3

legislation to implement biosafety and biosecurity; to strengthen laboratory infrastructure, technology, security and management; to conduct courses and provide training; and to help incorporate biosafety and biosecurity in existing efforts to address emerging or re-emerging diseases. States Parties note that where relevant assistance is currently available bilaterally and regionally, as well as through international organisations, those seeking assistance are encouraged, as appropriate, to make use of existing offers to the fullest extent possible.

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

29. The Conference affirms the determination of States Parties to adopt and further strengthen national measures, as appropriate, to prevent non-state actors from developing, producing, stockpiling, or otherwise acquiring or retaining, transporting or transferring and using under any circumstances, biological agents and toxins, equipment, or means of delivery of biological agents or toxins, for non-peaceful purposes, including the use of biological and toxin agents in terrorist or criminal activities.

30. The Conference recalls United Nations Security Council Resolution 1540 (2004) that places obligations on all states and is consistent with the provisions of the Convention. The Conference notes that Resolution 1540 affirms support for the multilateral treaties whose aim is to eliminate or prevent proliferation of nuclear, chemical or biological weapons and the importance for all States Parties to these treaties to implement them fully in order to promote international stability. The Conference also notes that information provided to the United Nations by states in accordance with Resolution 1540 may provide a useful resource for States Parties in fulfilling their obligations under this Article.

## **Article V**

31. The Conference reaffirms that:

(i) this article provides an appropriate framework for States Parties to consult and cooperate with one another to resolve any problem and to make any request for clarification which may have arisen in relation to the objective of, or in the application of, the provisions of, the Convention;

(ii) any State Party which identifies such a problem should, as a rule, use this framework to address and resolve it;

(iii) States Parties should provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention.

32. The Conference reaffirms the constructive approach reflected in the provisions of Article V whereby States Parties undertake to consult and cooperate concerning any problems which may arise in relation to the objective or application of the provisions of the Convention. The Conference reaffirms that such consultation and cooperation may also be undertaken bilaterally and multilaterally, or through other appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

33. The Conference welcomes initiatives, including voluntary complimentary measures, from States Parties to demonstrate transparency and openness in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and in order to improve international cooperation.. The Conference requests the States Parties engaged in such initiatives to keep all States Parties updated about developments in that regard. The conference encourages States Parties to promote such transparency and openness at the national, regional and international level.

34. The Conference stresses the need for all States Parties to deal effectively with compliance issues with all provisions of the Convention. 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.

35. The Conference affirms the importance of strengthening the effectiveness and improving the implementation of the Convention by considering appropriate measures to strengthen the Convention.<sup>7</sup>

36. The Conference emphasises the importance of the exchange of information among States Parties through the confidence-building measures (CBMs) agreed at the Second and Third Review Conferences. The Conference welcomes the exchange of information carried out under these measures, and notes that this has contributed to enhancing transparency and building confidence.

37. The Conference reaffirmed that States Parties are to implement the CBMs in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and in order to improve international cooperation. The Conference emphasized that the CBMs are not a tool to assess compliance.

38. The Conference recognises the urgent need to increase the number of States Parties participating in CBMs and encourages all States Parties to participate annually. The Conference notes that since the Sixth Review Conference, there has only been a slight increase in the percentage of State Parties submitting their CBMs. Increased and continuing participation, therefore, should remain an important objective for the States Parties in the next intersessional programme.<sup>8</sup>

39. The Conference recognises the technical difficulties experienced by some States Parties in completing full and timely submissions. The Conference urges those States Parties in a position to do so to provide technical assistance and support, through training for instance, to those States Parties requesting it to enable them to complete their annual CBM submissions. The Conference notes the efforts to update the CBM forms.<sup>9</sup>

40. The Conference notes the need to enhance the effectiveness of the CBM process and stresses the need to ensure that the CBMs remain relevant and provide appropriate information to States Parties through the use of appropriate forms, content of information exchanged and facilitation or support for the submission of CBMs.

41. The Conference reaffirms that the data submitted in the framework of the annual exchange of information should be provided to the United Nations Office for Disarmament Affairs, through the Implementation Support Unit, by 15 April and promptly made available electronically by it to all States Parties according to the updated modalities in Annex .... The Conference, while recalling that information supplied by a State Party must not be further circulated or made available without the express permission of that State Party, welcomes efforts by States Parties to enhance the availability of the information they provide.

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<sup>7</sup> See Part III: Forward-looking Agenda

<sup>8</sup> See Part III: Forward-looking Agenda

<sup>9</sup> See Part III: Forward-looking Agenda

## Article VI

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

43. 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.

44. The Conference invites the Security Council:

(i) to consider immediately any complaint lodged under this Article and to initiate any measures it considers necessary for the investigation of the complaint in accordance with the Charter;

(ii) to request, if it deems necessary and in accordance with its resolution 620 of 1988, the United Nations Secretary-General to investigate the allegation of use, using the technical guidelines and procedures contained in Annex I of United Nations Document A/44/561;<sup>10</sup>

(iii) to inform each State Party of the results of any investigation initiated under this Article and to consider promptly any appropriate further action which may be necessary.

45. The Conference reaffirms the agreement of States Parties to consult, at the request of any States Party, regarding allegations of use or threat of use of biological or toxin weapons. The Conference reaffirms the undertaking of each State Party to cooperate in carrying out any investigations which the Security Council initiates.

46. The Conference notes that the procedure outlined in this Article is without prejudice to the prerogative of the States Parties 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

47. The Conference notes with satisfaction that these provisions have not been invoked.

48. 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, in view of the humanitarian imperative, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties if requested.

49. The Conference recognised that States Parties bear the primary responsibility for providing assistance and coordinating with relevant organizations in the case of alleged use of biological or toxin weapons. 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 State Party which so requests, if the Security Council decides that such State Party has been exposed to danger as a result of a violation of the Convention.

50. The Conference takes note of the willingness of States Parties, where appropriate, to provide or support assistance to any State Party which so requests, when that State Party has been exposed to danger or damage as a result of the use, or alleged use, of

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<sup>10</sup> See Article VIII, paragraph 62

bacteriological (biological) agents and toxins as weapons by anyone other than a State Party.

51. The Conference considers that in the event that this Article might be invoked, the United Nations could play a coordinating role in providing assistance, with the help of States Parties as well as the appropriate intergovernmental organizations such as the World Health Organization (WHO), the World Organisation for Animal Health (OIE), the Food and Agriculture Organization of the United Nations (FAO), and the International Plant Protection Convention (IPPC) ), many of whom may already be on the ground in view of their primary responsibilities. The Conference recognised the value of further elaborating guidelines for coordination between the United Nations and States Parties.

52. The Conference recognized the challenges identified at the 2010 Meeting of States Parties to developing effective measures for the provision of assistance and coordination with relevant international organizations to respond to the use of a biological or toxin weapon is a complex task.<sup>11</sup> The Conference underlines the importance of further strengthening the coordination of provision of protection, detection, decontamination, prophylactic and medical and other equipment that could be required to assist the States Parties in the event that a State Party is exposed to danger as a result of a violation of the Convention. The Conference also takes note of the proposal that States Parties may need to discuss the detailed procedure for assistance in order to ensure that timely emergency assistance would be provided by States Parties, if requested, in the event of use of biological or toxin weapons.<sup>12</sup>

53. The Conference notes that State Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons. The Conference noted that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon. The Conference emphasised the value of States Parties in a position to do so, assisting other States Parties, upon request, to build relevant capacity taking into account the common understandings reached at the 2010 Meeting of States Parties.<sup>13</sup>

54. The Conference recognized the need for States Parties to work to improve, in accordance with their respective circumstances, national laws and regulations, their own disease surveillance and detection capacities for identifying and confirming the cause of outbreaks and cooperating, upon request, to build the capacity of other States Parties taking into account the relevant common understandings reached at the 2010 Meeting of States Parties.<sup>14</sup>

55. The Conference noted that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease. The Conference noted that such aims are complementary with the objectives of the Convention.

56. On the provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, States Parties recognized that this is an issue that has health and security components, at both the national and international levels. States Parties highlighted the importance of pursuing

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<sup>11</sup> BWC/MSP/2010/6, paragraph 20

<sup>12</sup> See Part III: Forward-looking Agenda

<sup>13</sup> BWC/MSP/2010/6, paragraph 21

<sup>14</sup> BWC/MSP/2010/6, paragraph 23

initiatives in this area through effective cooperation and sustainable partnerships. States Parties noted the importance of ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plants or the environment. States Parties also recognised that capabilities to detect, quickly and effectively respond to, and recover from the alleged use of a biological or toxin weapon need to be in place before they are required.

## **Article VIII**

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

58. The Conference acknowledges that the 1925 Geneva Protocol, which prohibits the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, and the Convention complement each other. The Conference reaffirms that nothing contained in the Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any state under the 1925 Geneva Protocol.

59. The Conference calls for the withdrawal of all reservations to the 1925 Geneva Protocol related to the Convention.

60. The Conference welcomes the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the 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.

61. The Conference notes that reservations concerning retaliation, through the use of any of the objects prohibited by the 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.

62. The Conference notes that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons. The Conference notes in this regard General Assembly resolution 60/288 (2006). The Conference welcomes national initiatives to provide relevant training to experts that could support the Secretary-General's investigative mechanism.

## **Article IX**

63. The Conference reaffirms that this Article identifies the recognized objective of the effective prohibition of chemical weapons.

64. The Conference welcomes the fact that the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction entered into force on 29 April 1997 and that 188 instruments of ratification or accession have now been deposited with the United Nations. The Conference calls upon all states that have not yet done so to accede to that Convention without delay.



65. The Conference notes the increasing convergence of biology and chemistry and the value of determining its potential challenges and opportunities for the implementation of the Convention.<sup>15</sup>

## Article X

66. The Conference underlines that the full and comprehensive implementation of Article X is essential for the realization of the objective and purpose of the Convention. In this regard 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 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. To this end, the Conference decides to take a range of actions to strengthen the implementation of Article X.<sup>16</sup>

67. The Conference reiterates that the full and comprehensive implementation of Article X would strengthen the implementation of the Convention by States Parties, including facilitating the implementation of Article III, as it plays an important role in preserving the delicate balance between the rights and obligations under the Convention.

68. The Conference emphasizes the increasing importance of developments in the field of biological science and technology, 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. The Conference recalls the decisions adopted in previous Review Conferences regarding Article X and reaffirms the commitment of States Parties to the full and comprehensive implementation of this Article. Therefore, the Conference 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, particularly with countries less advanced in this field, while promoting the basic objectives of the Convention, as well as ensuring that the promulgation of science and technology is fully consistent with the peaceful object and purpose of the Convention.

69. The Conference emphasises that in the interest of facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxin agents for peaceful purposes, 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.

70. The Conference recognises the important role of the private sector in the transfer of technology and information and the wide range of organizations within the United Nations system that are already engaged in international cooperation relevant to this Convention. The Conference also recognizes that a broad range of life-sciences related cooperation, trade, and investment occurs through other bilateral, multilateral, non-governmental organizations, and private sector channels.

71. Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, the Conference agreed on the value of working together to promote capacity building in the

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<sup>15</sup> See Part III: Forward-looking Agenda

<sup>16</sup> See Part III: Forward-looking Agenda

fields of disease surveillance, detection, diagnosis, and containment of infectious diseases as well as biological risk management. The Conference affirmed that building such capacity would directly support the achievement of the objectives of the Convention.

72. The Conference:

(i) encourages the States Parties to continue strengthening existing international organizations and networks working on infectious diseases, in particular those of the WHO, FAO, OIE and IPPC, within their respective mandates;

(ii) notes that the role of these organizations is limited to the epidemiological and public/animal/plant health aspects of any disease outbreak, but recognises the added value of information exchange with them;

(iii) encourages States Parties to improve communication on disease surveillance at all levels, including between States Parties and with the WHO, FAO, OIE and IPPC;

(iv) calls upon States Parties to continue establishing and/or improving national and regional capabilities to survey, detect, diagnose and combat infectious diseases as well as other possible biological threats and integrate these efforts into national and/or regional emergency and disaster management plans;

(v) urges States Parties in a position to do so to continue supporting, directly as well as through international organizations, capacity-building in States Parties in need of assistance in the fields of disease surveillance, detection, diagnosis and combating of infectious diseases and related research;

(vi) calls upon States Parties to promote the development and production of vaccines and drugs to treat infectious disease through international cooperation and, as appropriate, public-private partnerships.

73. The Conference recognized the importance of developing effective infrastructure for disease surveillance, detection, diagnosis and containment, as well as biological risk management, and noted that developing such infrastructure could also contribute to the fulfillment of their other respective international obligations and agreements, such as the revised International Health Regulations (2005).

74. The Conference urges States Parties to continue to develop frameworks for disease surveillance in humans, animals and plants, and to support programmes for effective responses at the national, bilateral, regional and multilateral levels, including through the conclusion of appropriate agreements that would promote the regular exchange of scientific and technical information in these fields.

75. The Conference recognized the range of bilateral, regional and multilateral assistance, cooperation and partnerships already developed and provided by States Parties in a position to do so, to support States Parties in need of assistance in meeting their national obligations under the Convention and in enhancing their biological risk management and disease surveillance, detection, diagnosis and containment capabilities.

76. The Conference recognizes that there remain obstacles to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes to their full potential, and that addressing such problems, challenges, needs and restrictions will help States Parties to build sufficient capacity for disease surveillance, detection, diagnosis and containment. In this regard, the Conference stresses the need for strengthening cooperation and assistance within the framework of the Convention and notes that other channels of assistance and cooperation can complement the multilateral framework of the Convention.

77. The Conference agreed on the value of mobilizing resources to facilitate the widest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. Recognizing that all States Parties have a role to play, the Conference stressed that those States Parties seeking to build their capacity should identify their specific needs and requirements and seek partnerships with others, and that those States Parties in a position to do so should offer to provide assistance and support.

78. The Conference reaffirms that existing institutional ways and means of ensuring multilateral cooperation among all States Parties need to be developed further in order to promote international cooperation for peaceful uses in areas relevant to the Convention, including such areas as medicine, public health, agriculture and the environment.

79. The Conference calls for the use of the existing institutional means within the United Nations system and other international organizations, in accordance with their respective mandates, to promote the objectives of this Article. In this regard 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.

80. The Conference also recognises that there should be efficient coordination mechanisms between the specialized agencies of the United Nations system and international and regional organizations, in order to facilitate scientific cooperation and technology transfer.

81. The Conference urges States Parties to undertake to review their national regulations governing international exchanges and transfers in order to ensure their consistency with the objectives and provisions of all the articles of the Convention.

82. The Conference encourages, on a yearly basis, States Parties to provide appropriate information on how this Article is being implemented to the United Nations Office for Disarmament Affairs, through the Implementation Support Unit and requests them to collate such information for the information of States Parties. 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.

## **Article XI**

83. 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 the use of biological weapons.

84. The Conference takes note of the statement by the Government of the Russian Federation as a Depositary that it has notified all States Parties of the proposal by the Islamic Republic of Iran to amend the Convention. The Conference encourages all States Parties to convey their views to the Depositaries on the proposal by the Islamic Republic of Iran.

85. The Conference reaffirms that the provisions of this Article should in principle be implemented in such a way as not to affect the universality of the Convention.

## Article XII

86. The Conference reaffirms that Review Conferences constitute an effective method of reviewing the operation of the Convention with a view to assuring that the purposes of the Preamble and the provisions of the Convention are being realized. The Conference therefore decides that Review Conferences be held at least every five years.

87. The Conference affirms that decision-making powers are vested in review conferences and that all decisions are to be taken in accordance with Rule 28 of the Rules of Procedure.

88. The Conference decides that the Eighth Review Conference shall be held in Geneva not later than 2016 and should review the operation of the Convention, taking into account, *inter alia*:

(i) new scientific and technological developments relevant to the Convention, taking into account the relevant decision of this Conference regarding regular and systematic review of scientific and technological developments;

(ii) the progress made by States Parties on the implementation the Convention;

(iii) progress of the implementation of relevant decisions and recommendations.

89. The Conference reaffirmed the value of taking decisions by consensus at review conferences as well as Meetings of States Parties and the role that this has played in achieving States Parties' common goals, as well as in preserving the integrity of decisions made.

## Article XIII

90. The Conference reaffirms that the Convention is of unlimited duration and applies at all times, and expresses its satisfaction that no State Party has exercised its right to withdraw from the Convention.

## Article XIV

91. The Conference notes with satisfaction that ten states have acceded to or ratified the Convention since the Sixth Review Conference.

92. The Conference underlines that the objectives of the Convention will not be fully realized as long as there remains even a single state not party that could possess or acquire biological weapons. It stresses that the continued absence from the Convention of any country results in a risk that biological weapons could be developed, acquired, transferred or used.

93. In the interests of affirming their commitment to global peace and security, The Conference urges signatories to ratify the Convention, and urges those states which have not signed the Convention to accede to it without precondition or further delay, thus contributing to the achievement of universal adherence to the Convention.

94. Reaffirming the value of universalization, the Conference affirmed the particular importance of the ratification of the Convention by signatory states and accession to the Convention without delay by those which have not signed the Convention. States Parties

agreed to continue to promote the universalization in accordance with the decisions of the Seventh Review Conference.<sup>17</sup>

95. The Conference notes that the primary responsibility for promoting the universality of the Convention rests with the States Parties. The Conference urges States Parties to take action to persuade non-parties to accede to the Convention without delay, and particularly welcomes action by States Parties and regional initiatives to provide assistance and support that would lead to wider accession to the Convention.

96. The Conference recognizes the value of targeted and adapted regional initiatives that could lead to wider accession and adherence to the Convention. The Conference reaffirms the importance of the establishment of the Middle East zone free of nuclear weapons and other weapons of mass destruction and lends its support to the 2012 Conference.

97. The Conference urges those States Parties in a position to do so to offer assistance and support to States in their preparations for ratification or accession to the Convention.

## **Article XV**

98. The Conference decides that as well as the five languages listed in this Article, Arabic shall be considered an official language for the purposes of any meetings of the States Parties and other formal communications concerning the operation of the Convention.

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<sup>17</sup> See Part III: Forward-looking Agenda