
**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**

9 December 2011

English only

Geneva, 5–22 December 2011

**Proposals made to the Committee of the Whole
(as at 15.00, 9 December 2011)**

Submitted by the Chair of the Committee of the Whole

This document collates the proposals for the text of the Final Declaration of the Seventh Review Conference submitted during the first week of the Committee of the Whole. It has two parts.

(a) Part I contains text from the Final Declaration of the Sixth Review Conference corresponding to the articles considered by the 2011 Committee of the Whole until 13.00 on 9 December. A number of paragraphs in this text have been highlighted in **bold** to indicate that proposals have been made to alter this paragraph. The individual proposed amendments are not detailed in this document.

(b) Part II contains all the textual proposals submitted to the Secretariat by 15.00 on 9 December.

**I. Text from the Final Document of the Sixth Review
Conference**

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.**

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

4. 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.

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 populations and the environment 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. The Conference calls for appropriate measures, 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 when the intended use is for purposes not prohibited under the Convention.

9. 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;

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 under Article X.

Article IV

11. 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 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.

12. 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, to the United Nations Department for Disarmament Affairs.

13. 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.

14. 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, in order to raise awareness of the risks, as well as of the obligations of States Parties under the Convention.

15. The Conference encourages States Parties to take necessary measures 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 recognises the importance of codes of conduct and self-regulatory mechanisms in raising awareness, and calls upon States Parties to support and encourage their development, promulgation and adoption.

16. The Conference urges States Parties with relevant experience in legal and administrative measures for the implementation of the provisions of the Convention, to provide assistance on request to other States Parties. The Conference also encourages such initiatives on a regional basis.

17. 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.

18. The Conference encourages States Parties to designate a national focal point for coordinating national implementation of the Convention and communicating with other States Parties and relevant international organizations.

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

Article V

20. 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.

21. 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. 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.

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

23. 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.

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 recognises the technical difficulties experienced by some States Parties in completing full and timely declarations. In order to update the mechanism of transmission of information, the Conference has agreed on several measures.¹

25. The Conference reaffirms that the data submitted in the framework of the annual exchange of information should be provided to the United Nations Department for Disarmament Affairs and promptly forwarded by it to all States Parties according

¹ See Part III: Decisions and Recommendations

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.

Article VI

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

27. 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.

28. 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;

(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.

29. 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.

30. 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).

31. 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

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

33. The Conference takes note of desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided. In this context, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties if requested.

34. 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).

35. 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.

36. The Conference 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.

37. The Conference reaffirms the undertaking of States Parties to provide or support assistance 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.

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

Article VIII

39. 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.

40. 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.

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

42. 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.

43. 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.

Article IX

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

45. **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 181 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.**

Article X

46. The Conference stresses the importance of implementation of this Article and 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.

47. **The Conference reaffirms the commitment to the full and comprehensive implementation of this Article by all States Parties. 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.**

48. 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.

49. 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.

50. 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.

51. 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.

52. **The Conference recognises the need to effectively implement national measures in order to further implementation of Article X. In this regard, 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.

53. The Conference urges States Parties 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.

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

55. 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.

56. 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.

II. Textual proposals

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 NAM and Other States)

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

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**United States**

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 NAM and Other States)

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.”

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 Convention².

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 stakeholders³, 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.

² See BWC/CONF.VI/6, Part II, paragraph 17.

³ 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.

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;
- (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

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.

Proposed addition to language: 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.

Proposed modification to language: 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 (on behalf of the Group of NAM and Other States)

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.

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.”

Switzerland

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

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 inter-sessional 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 complain 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

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.

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.

United States

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

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 Depository 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 X

United States

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 seeks 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.
