

**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**

20 December 2011

Original: English

Geneva, 5–22 December 2011

Item 10 of the agenda

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

**The full, effective and non-discriminatory implementation of
Article X**

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I. Introduction

1. The importance of international cooperation in the field of peaceful uses of bacteriological (biological) agents and toxins for effective and comprehensive implementation of the Convention has been recognized since the inception of the BWC. At previous Review Conferences, the States Parties had decided for implementation of Article X.
2. There is a delicate balance between the rights and obligations of States Parties in all international disarmament and arms control instruments including the BWC. Therefore, both regulatory and promotional aspects of all these instruments should be implemented and strengthened in a balanced and non-discriminatory manner.
3. The Article X constitutes one of the pillars of the Biological Weapons Convention which stipulates “The States Parties to this Convention undertake 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. Parties to the Convention in a position to do so shall cooperate in contributing individually or together with other States or international organizations to the further development and application of science and technology in the field of bacteriology (biology) for prevention of disease or for other peaceful purposes. This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) and toxins and equipment for peaceful purposes in accordance with the provisions of the Convention.”

II. Current challenges to international cooperation

4. In light of rapid scientific and technological developments in life science, there is a need to strengthen the international cooperation among States Parties in order to bridge the ever increasing gaps in the fields of biotechnology, genetic engineering, microbiology and other related areas.

5. The afore-mentioned gaps between countries is a source of serious concern and requires all States Parties, particularly those with advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, in particular with developing countries.

6. Lack of implementation of Article X prevents the less developed and developing States Parties from fulfilling their peaceful biological programs inter alia to prepare for prevention, control, elimination and eradication of communicable diseases.

7. The imposition of undue restrictions and/or limitations on transfer of know-how, materials and equipment necessary for promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of communicable diseases including production of vaccines and other biological materials is considered a systematic and gross violation of the Article X. Nevertheless, the implementation of this fundamental Article by certain States Parties has regrettably been subjected to the politically motivated considerations in contravention of the provisions of the Convention.

8. The States Parties of the Convention shall have the right to submit the cases of transfer denials to ISU for further consideration.

III. Recommendations and decisions by the Review Conference

9. Against this background, The Conference should recognize an effective mechanism for the full, effective and non discriminatory implementation of the Article X and there is a need for systematic and regular review of this Article. In this regard, the Conference should decide that the review shall take place in the annual meeting of States Parties as a standing agenda item.

10. The Conference should decide that the review of the full, effective and non-discriminatory implementation of the Article X inter alia includes the adoption of an Action Plan based on the following measures:

(a) Identify and address the needs of the States Parties in terms of equipment, materials and scientific and technological information for the use of the bacteriological (biological) agents and toxins for peaceful purposes.

(b) Identify and remove all undue restrictions and/or limitations hampering the full, effective and non-discriminatory implementation of the Article X of the Convention, including by addressing the denial cases of States Parties through the ISU.

(c) Mobilize the necessary resources, including financial resources, to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the uses of bacteriological (biological) agents and toxin for peaceful purposes, in particular from developed to developing States Parties;

(d) Coordinate cooperation with other relevant international and regional organizations for the financial and technological support of activities for the use of bacteriological (biological) agents, toxin, materials and equipment for peaceful purposes.

(e) Establish a database to submit including inter alia offers of assistance and request for assistance in different areas under the scope of the Article X through the establishment of a database to be administered by the ISU.

(f) Develop procedures for the settlement of disputes arising from concern raised on the implementation of the Article X. In this regard, a mechanism should be devised to deal with the issue of settlement of disputes arising from transfer denials. As a first step, in that mechanism, the States Parties shall have the right to submit the cases of denial to the ISU. The ISU is mandated to prepare a report on all denials. The States Parties concerned will do their utmost efforts to resolve the situation of denial among themselves through consultation and clarification. The denial cases will be referred to a Standing Committee if consultation and clarification process fail to resolve the situation. The members of the Standing Committee should be duly experienced, competent and well qualified governmental individuals appointed on the basis of balanced geographical distribution.
