

**SIXTH 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**

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Item 10 of the agenda

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

PROPOSALS FOR THE FINAL DECLARATION

Submitted by the Islamic Republic of Iran

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, which met in Geneva from 20 November to 8 December 2006 to review the operation of the convention, solemnly declare:

Preamble

Their reaffirmation of their determination to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and their conviction that the prohibition of development, production, use and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control;

Their conviction that strengthening the Convention will be realized through the full implementation of all its provisions in a comprehensive and non-discriminatory manner;

Their reaffirmation that under any circumstances the development, production, use, and stockpiling of bacteriological (biological) and toxin weapons is effectively prohibited under Article I of the Convention;

Their recognition that purposes of this Convention include the prohibition of the use of biological weapons;

Their continued determination, for the sake of mankind, to exclude completely the possibility of the use of bacteriological (biological) agents and toxins as weapons, and their conviction that such use would be repugnant to the conscience of mankind;

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Their reaffirmation of their firm commitment to the purposes of the Preamble and the provisions of the Convention, and of their belief that universal adherence to the Convention would enhance international peace and security;

Their strong conviction that non-Parties to the Convention that enjoy advanced biotechnology, in particular those situated in volatile regions, are considered as a source of threat to the international and regional peace and security;

Their conviction that the implementation of the provisions of the Convention should not hamper economic, scientific and technological development and international cooperation in the field of peaceful biological activities;

Their belief that imposing restrictions and/or limitations on transfer for peaceful purposes of science, information, technology, equipment and materials is a violation of the Convention;

Their affirmation that the Final Declarations of the previous BWC Review Conferences remain valid;

Have agreed as follows:

Article I

1. The Conference considers biological weapons as a threat to humanity.
2. The Conference emphasizes that the use of biological and toxin weapons, in any way and under any circumstances, is effectively a violation of Article I of the Convention and the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.
3. The Conference expresses its concern on development, production and use of ethnic weapons and considers it as a crime against humanity.
4. The Conference considers the development and use of biological agents and toxins for hostile purposes under any pretext and in any form as a violation of Article I of the Convention.
5. The Conference underlines that “hostile purposes” referred to in Article I of the Convention includes the use of biological agents and toxins in a military or covert operation against humans, animals and plants.
6. The Conference emphasizes that “microbial or other biological agents, or toxins” referred to in Article I of the Convention include only the agents capable of being transformed to biological weapons against human, animals and plants. The Conference also emphasizes that “Types and quantities” referred to in the same Article needs to be defined in the framework of a multilaterally negotiated legally binding instrument to strengthen the Convention.

Article II

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

Article III

1. The Conference reiterates that the provisions of this Article should not be used in any way and under any circumstance to impose restrictions and/or limitations on the transfer for purposes consistent with the objectives and the provisions of the Convention of scientific knowledge, technology, equipment and materials under Article X.
2. The Conference calls upon States Parties not to transfer any biological agents, toxins, equipment and materials which may be used for hostile purposes to non-Parties, in order to facilitate the realization of the universality of the Convention.
3. The Conference stresses that the implementation of Article III must be carried out in accordance with the provisions of the Convention.

Article IV

1. The Conference underlines that the “necessary measures” referred to in Article IV of the Convention may take different forms, such as legislation, regulations, etc. Each State Party can determine and adopt the above-mentioned measures in accordance with its constitutional process. A “one size fits all” approach cannot apply to the implementation of this Article.

Article V

1. The Conference notes that Article V provides an appropriate framework for resolving any problem which may arise in relation to the objective of, or in the application of, the provisions of the Convention. The Conference therefore calls upon the States Parties to refrain from unilateral and discriminatory action in resolving any concerns with regard to the implementation of the Convention.
2. The Conference underscores that a multilaterally negotiated legally binding instrument to strengthen the implementation of the Convention can serve as a basis to effectively remove any probable concern regarding non-compliance of a State Party to the Convention.
3. The Conference encourages States Parties to hold a special conference in order to strengthen the Convention through finalizing the negotiation on the draft Additional Protocol according to the mandate contained in the Final Declaration of the 1994 Special Conference of the States Parties to the Convention.

Article VI

1. The Conference notes with satisfaction that the provisions of this Article have not been invoked.
2. The Conference notes that the procedure outlined in this Article is without prejudice to the right of all States Parties to the Convention to consider the cases of alleged non-compliance with the provisions of the Convention and make appropriate decisions approved by all States Parties.
3. The Conference calls upon States Parties to refrain from raising any baseless allegation and accusation against each other. In this regard, any complaint of alleged non-compliance shall include factual and concrete evidence and documents confirming its validity. In cases of abuse, all States Parties shall decide on appropriate measures against an abusive State Party.
4. The Conference notes that Article VI does not comprise the details on the issue of non-compliance by a State Party. Therefore, there is an urgent need for a multilaterally negotiated legally binding instrument to strengthen the implementation of the Convention, including that of this Article in a comprehensive and non-discriminatory manner.

Article VII

1. The Conference reaffirms the necessity to consider the detailed procedure for assistance in order to ensure that States Parties, if requested, would provide timely emergency assistance. Should a request for assistance be made, the procedure shall facilitate the prompt response by States Parties in order to dispatch timely emergency and humanitarian assistance to the requesting State party which has been exposed to danger as a result of the threat or use of biological weapons.

Article VIII

1. The Conference reaffirms the importance of Article VIII of the Convention and stresses the importance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.
2. The Conference reaffirms that nothing contained in the Biological and Toxin Weapons Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any States under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare.
3. The Conference appreciates the withdrawal of reservations by a number of States Parties from the above-mentioned Protocol since the last Review Conference, and calls upon all States which continue to maintain reservations to that Protocol to withdraw their reservations and support the resolution of the General Assembly of the United Nations in this regard, which is biannually tabled.
4. The Conference notes that reservations concerning retaliation through the use of any objects prohibited by the Biological and Toxin Weapons Convention, even conditional, are

totally incompatible with the absolute and Universal Prohibition of the Development, Production, Stockpiling, Acquisition and Retention of Bacteriological (Biological) Toxin Weapons.

5. The Conference appeals to all States Parties to the Protocol to fulfil their obligations assumed under it and urges all States not yet Parties to the Protocol to accede to it without delay.

Article IX

1. The Conference stresses the importance of the universality of the Chemical Weapons Convention.

2. The Conference calls upon all Non-Parties that have not yet done so to ratify or accede to the Convention without delay. In this connection, the Conference urges all States Parties, through bilateral or multilateral means, to persuade Non-Parties to the Chemical Weapons Convention to ratify and/or accede to the Convention without further delay in order to realize its universality.

3. The Conference reaffirms the importance of non-discriminatory implementation of Article XI of the CWC.

Article X

1. The Conference underlines that each and every article of the Biological Weapons Convention bears the same value and importance. As such, non-compliance with Article X by a State Party is regarded as a violation of the Convention.

2. The Conference stressed that facilitation of and participation in the fullest possible exchanges and enhanced international cooperation in the field of peaceful biotechnological activities, aimed at facilitating economic and social development, is a fundamental element in strengthening the implementation of the Convention. In this regard, the States Parties to the Convention should reaffirm their commitment to the full and comprehensive implementation of Article X, especially in the light of recent scientific and technological developments in the field of biotechnology, which increase the potential for cooperation amongst States Parties. Therefore, the Conference urges States Parties, particularly those most advanced in this field, to adopt positive steps aimed at promoting international cooperation and transfer of technology, on an equal and non-discriminatory basis, in particular with countries less advanced in this field, thus promoting the basic objectives of this Convention.

3. The Conference believes that lack of proper implementation of Article X prevents the less developed and developing States Parties from fulfilling their plans to control and eradicate infectious diseases. Therefore, the Conference calls upon States Parties to support an international system for combating and eradicating the emerging and re-emerging diseases in humans, animals and plants and to support other specific programs, including collaborative vaccine R&D as well as relevant training programs, to improve the effectiveness of national, regional and international efforts on the diagnosis, surveillance, prevention, control and treatment of diseases caused by microbial and other biological agents and toxins. The Conference notes that establishment of a world-wide data bank can contribute to this end.

4. The Conference recognizes that the existing gap between countries in the field of biotechnology, genetic engineering, microbiology and other related areas is a source of concern. In this regard, all States Parties, particularly those possessing advanced biotechnology, are urged to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, in particular with developing countries.

5. The Conference emphasizes that the imposition of restrictions on dual use application of know-how, material and equipment necessary for the production of diagnostic and medicinal goods, vaccines and agricultural biologic pesticides is a blatant discriminatory action in direct violation of Article X.

6. The Conference is of the belief that using the existing institutional means within the United Nations system and full utilization of the possibilities provided by the specialized agencies and other international organizations should be seriously considered. In this line, the Conference 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 on the use of bacteriological (biological) agents and toxins for peaceful purposes and of international cooperation in this field. Such measures could include, *inter alia*:

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

7. The Conference recalls that, due to inadequacy of the existing institutional mechanisms for promoting international cooperation, the Secretary-General of the United Nations has already been requested to propose for inclusion on the agenda of a relevant United Nations body, a discussion on the means for improving institutional mechanisms in order to facilitate the fullest possible exchange of equipment, materials and scientific and technological information regarding the use of bacteriological (biological) agents and toxins for peaceful purposes.

Moreover, the Conference encourages States Parties to establish an open-ended governmental Expert Group to consider this issue and make the relevant recommendations in this regard.

8. The Conference underscores that States Parties have a legal obligation to refrain from imposing restrictions or limitations on transfers that would hamper economic or technological development of States Parties or international cooperation for peaceful applications in the field of biotechnology. Therefore, development of national export regulatory mechanisms should only be undertaken by harmonizing both the promotional and regulatory aspects and on a non-discriminatory basis. To this end, the Conference urges States Parties to undertake to review their national regulations governing international exchanges and transfers in order to ensure their consistency with the objectives of the Convention and specifically the provisions of Article X.

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

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

11. The Conference recognizes that, in case a State Party is being fully committed to all provisions of the Convention is denied by another State Party for receiving equipment and materials for the peaceful application of biology and biotechnology, it should have the right to seek to redress the situation and to settlement of disputes through institutionalized measures. The Conference, therefore, is of the belief that an appropriate body should be established in order to promote cooperation between States Parties and resolve all of the problems arising from the rejection or hampering of such exchanges and cooperation in the use of biological agents for peaceful purposes.

12. The Conference reiterates its request to the United Nations Secretary-General to provide, annually, a report on the implementation of Article X as a mechanism of monitoring compliance and confidence building among the States Parties to the Conference regarding the implementation of Article X. The Conference urges the States Parties to provide the required national information to the Secretary-General to facilitate his report. Moreover, the Conference solicits the UN Secretary-General to anticipate a non-compliance reporting mechanism to identify and rectify measures inconsistent with the provision of Article X.

Article XI

1. The Conference recalls that the Islamic Republic of Iran formally presented a proposal in the Fourth BWC Review Conference to amend Article I and the title of the Convention to include explicitly the prohibition of the use of biological weapons.

2. The Conference notes that the Islamic Republic of Iran, in view of the persistent risk of use or threat of use of biological weapons, once more submitted a formal request to the Conference for the above- mentioned purpose.
3. The Conference notes that the Depositaries have notified all States Parties of the proposal and calls upon all States Parties to convey their views to the Depositaries on whether the Convention needs to be amended to make clear explicitly that the use of biological weapons is effectively prohibited.
4. The Conference requests the Depositaries to take such measures as may be requested by a majority of States Parties, including the option of convening a conference open to all States Parties to the Convention at the earliest appropriate opportunity to take a decision on the proposal, should a majority of the States Parties so decide.

Article XII

1. The Conference decides that a Seventh Review Conference be held in Geneva not later than 2011.
2. The Conference reaffirms that multilateral negotiations on a legally binding instrument shall strengthen the Convention. Therefore the Conference decides that these negotiations be revived and concluded by consensus before commencement of the Seventh Review Conference.
3. The Conference decides that the Seventh Review Conference shall consider the impact of scientific and technological developments relating to the Convention and progress on the implementation of the Action Plan on Article X.
4. The Conference also decides to hold four annual meetings of the States Parties of one week's duration, commencing in 2007, to discuss and promote common understanding and effective action by consensus on:
 - (i) Reviving multilateral negotiations on a legally binding instrument to strengthen the Convention;
 - (ii) Facilitation of scientific and technological cooperation and exchanges for peaceful purposes in pursuance of Article X;
 - (iii) Promotion of universality of the Convention;
 - (iv) Disease surveillance, including international cooperation in improving health-care infrastructures and systems.
5. The Conference further decides that Seventh Review Conference shall consider the work of the above-mentioned meetings and decide on further action by consensus.

Article XIII

1. The Conference notes the provisions of Article XIII and expresses its satisfaction that no State Party to the Convention has exercised its right to withdraw from the Convention.

Article XIV

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

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