

**SEXTA CONFERENCIA DE EXAMEN
DE LOS ESTADOS PARTES EN LA
CONVENCIÓN SOBRE LA PROHIBICIÓN
DEL DESARROLLO, LA PRODUCCIÓN
Y EL ALMACENAMIENTO DE ARMAS
BACTERIOLÓGICAS (BIOLÓGICAS) Y
TOXÍNICAS Y SOBRE SU DESTRUCCIÓN**

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ESPAÑOL
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Tema 13 del programa

Informe de la Comisión Plenaria

INFORME DE LA COMISIÓN PLENARIA

1. De conformidad con el artículo 35 de su reglamento, la Conferencia de Examen estableció una Comisión Plenaria para que examinara detalladamente las cuestiones de fondo relacionadas con la Convención con miras a facilitar la labor de la Conferencia.
2. En su primera sesión plenaria, celebrada el 20 de noviembre de 2006, la Conferencia eligió por aclamación al Embajador Doru Costea (Rumania) Presidente de la Comisión Plenaria. La Conferencia también eligió Vicepresidentes de la Comisión al Embajador Paul Meyer (Canadá) y al Embajador Bommetswe Mokgothu (Botswana).
3. De conformidad con su mandato, la Comisión Plenaria celebró 11 sesiones del 21 al 30 de noviembre de 2006. Además, la Comisión celebró consultas oficiosas. Como parte de su labor, la Comisión examinó diversos artículos y disposiciones de la Convención en el marco de los temas 10 *b*) y 10 *c*) y de los temas 11 y 12 del programa:

Tema 10 del programa. Examen de la aplicación de la Convención según lo dispuesto en su artículo XII:

b) Artículos I a XV;

c) Párrafos del preámbulo y propósitos de la Convención.

Tema 11 del programa. Consideración de las cuestiones identificadas en el examen de la aplicación de la Convención según lo dispuesto en su artículo XII, y posible acción complementaria consensual.

Tema 12 del programa. Otros asuntos, incluida la cuestión del futuro examen de la Convención.

4. Durante los trabajos de la Comisión se presentaron varias propuestas sobre los artículos de la Convención. Éstas figuran en el anexo II del presente informe (en inglés únicamente). Hubo intensos debates sobre estas propuestas, a las que se sumaron verbalmente otras nuevas y sugerencias de enmienda a las propuestas.

5. Sobre la base de estas deliberaciones, el Presidente de la Comisión elaboró un esquema del proyecto de documento final de la Conferencia, que se reproduce en el anexo I del presente informe. La Comisión observó que el texto de este documento no se había acordado, no se había debatido exhaustivamente y se había incluido sin perjuicio de la posición de delegación alguna. La Comisión decidió transmitir el esquema al pleno de la Conferencia para que lo siguiera examinando y negociando, según correspondiera, con miras a llegar lo antes posible al consenso para un documento final.

6. En su 11ª y última sesión, el 30 de noviembre de 2006, la Comisión Plenaria aprobó su informe.

Anexo I

ESQUEMA DEL PROYECTO DE DOCUMENTO FINAL DE LA SEXTA CONFERENCIA DE EXAMEN

Preparado por el Presidente de la Comisión Plenaria

Parte I

Informe de las actuaciones

[Se examinará.]

Parte II

Proyecto de Declaración Final

Preámbulo/Declaración solemne

[Se examinará. Podría contener párrafos tomados de artículos concretos porque tienen validez para toda la Convención, reafirmaciones generales de todos los artículos y compromisos anteriores, una referencia general a la resolución 1540 del Consejo de Seguridad, la importancia del cumplimiento de todos los artículos, la forma de abordar el incumplimiento, etc.]

Artículo I

1. La Conferencia reafirma la importancia del artículo I, que define el ámbito de aplicación de la Convención. La Conferencia declara que la Convención tiene un amplio alcance y que el artículo I se refiere inequívocamente a todos los agentes microbianos y otros agentes biológicos y toxinas natural o artificialmente creados o modificados, así como a sus componentes, independientemente de cuál sea su origen o método de producción o de que afecten a los seres humanos, los animales o las plantas.
2. La Conferencia reafirma que el artículo I es aplicable a todos los adelantos científicos y tecnológicos pertinentes. La Conferencia toma nota de los adelantos científicos y tecnológicos registrados en los campos de la microbiología, la biotecnología, la biología molecular, la ingeniería genética, la biología sintética, la bioinformática, la genómica, la proteómica y la nanotecnología, entre otros.
3. La Conferencia reafirma que el empleo por los Estados Partes, de cualquier modo y en cualquier circunstancia, de agentes microbianos u otros agentes biológicos o toxinas que no se justifique para fines profilácticos, de protección u otros fines pacíficos constituye efectivamente una violación del artículo I. La Conferencia expresa la determinación de los Estados Partes de condenar todo empleo, por cualquier persona y en cualquier momento, de agentes biológicos o toxinas como armas en una guerra o conflicto armado o con fines hostiles.

Artículo II

4. La Conferencia reafirma que desde que la Convención entró en vigor, todo Estado que se haga Parte deberá haber terminado en el momento de su adhesión la destrucción o el desvío hacia fines pacíficos especificado en el artículo II.

5. La Conferencia acoge con satisfacción las declaraciones hechas por los Estados Partes de que no poseen agentes, toxinas, armas, equipos o vectores prohibidos por el artículo I de la Convención.

6. La Conferencia subraya que los Estados deben adoptar todas las precauciones y medidas de seguridad necesarias para proteger a las poblaciones y el medio ambiente cuando procedan a dicha destrucción o desvío. Deberían facilitar la información pertinente a todos los Estados Partes mediante el intercambio de información (formulario F de las medidas de fomento de la confianza).

Artículo III

7. La Conferencia reafirma que el artículo III es lo suficientemente amplio como para abarcar a cualquier destinatario de transferencias a nivel internacional, nacional o subnacional. La Conferencia pide a todos los Estados Partes que adopten medidas apropiadas para aplicar este artículo y cerciorarse de que:

- i) Las transferencias de interés para la Convención sean autorizadas únicamente cuando el empleo previsto sea con fines no prohibidos por la Convención;
- ii) Se impida efectivamente que individuos o agentes no estatales adquieran, mediante transferencias directas o indirectas, agentes biológicos y toxinas con fines que no sean pacíficos;
- iii) Se proteja y se mantenga en condiciones seguras a los agentes biológicos y toxinas que puedan utilizarse tanto con fines permitidos como con fines prohibidos por la Convención, en particular aplicando medidas de control del acceso y la manipulación de dichos agentes y toxinas;
- iv) Se prohíba la desviación de los elementos prohibidos por la Convención hacia Estados o agentes nacionales o extranjeros mediante disposiciones apropiadas de seguridad y control de las exportaciones, comprendidas las cláusulas de control general ("catch.all"), en su caso;
- v) No se impongan, de ningún modo y en ninguna circunstancia, limitaciones o restricciones a la transferencia de conocimientos científicos, tecnología, equipo o materiales con fines pacíficos que sean compatibles con las disposiciones de la Convención.

Artículo IV

8. La Conferencia reafirma que la promulgación y aplicación de las medidas nacionales necesarias previstas en este artículo reforzarían la eficacia de la Convención. En este contexto, la Conferencia exhorta a los Estados Partes a adoptar medidas legislativas, administrativas, judiciales y de otra índole, comprendidas sanciones penales y administrativas, destinadas a:

- i) Promover el cumplimiento a nivel nacional de la Convención y prevenir el desarrollo, la producción, el almacenamiento, la adquisición por otros medios, la retención o el empleo de armas biológicas y tóxicas en conflictos armados, con fines hostiles o en actividades terroristas o delictivas;
- ii) Aplicarse en cualquier lugar del territorio bajo su jurisdicción o control y aplicarse, de permitirlo la Constitución y en conformidad con el derecho internacional, a actos cometidos en cualquier lugar por los nacionales del Estado Parte o las entidades jurídicas registradas en su territorio;
- iii) Garantizar la seguridad y protección de los agentes microbianos u otros agentes biológicos o toxinas en los laboratorios e instalaciones, entre otras cosas mediante la gestión de los riesgos, la protección de la tecnología de la información y la protección personal, operacional y física de los laboratorios e instalaciones para impedir el acceso no autorizado y la sustracción de dichos agentes o toxinas.

9. La Conferencia acoge con satisfacción las medidas adoptadas por los Estados Partes a este respecto, y reitera su llamamiento a todos los Estados Partes que aún no hayan adoptado las medidas necesarias a que lo hagan a la brevedad posible. La Conferencia invita a los Estados Partes a presentar los textos de las disposiciones que hayan tomado, así como toda información de utilidad sobre su ejecución, al Departamento de Asuntos de Desarme de las Naciones Unidas.

10. La Conferencia encarece la inclusión de información sobre la Convención y el Protocolo de Ginebra de 1925 en los materiales y programas de enseñanza médica, científica y militar. La Conferencia exhorta a los Estados Partes a apoyar el desarrollo de programas de formación y educación para las personas que tienen acceso a los agentes biológicos y toxinas que puedan utilizarse tanto con fines permitidos como con fines prohibidos por la Convención, y para las personas que tengan el conocimiento o la capacidad para modificar dichos agentes y toxinas a fin de crear conciencia en ellas de los riesgos y de las obligaciones de los Estados Partes en virtud de la Convención.

11. La Conferencia hace un llamamiento por conducto de los Estados Partes a sus comunidades científicas para que presten su apoyo únicamente a las actividades que se justifiquen para fines profilácticos, de protección u otros fines pacíficos y se abstengan de emprender o apoyar actividades que supongan incumplimiento de las obligaciones dimanantes de la Convención. La Conferencia pone de relieve la responsabilidad que incumbe a cada científico y tecnólogo y a sus asociaciones profesionales de apoyar la Convención e impedir el uso indebido. En este contexto, la Conferencia señala la importancia de los códigos de conducta y los mecanismos autorreguladores para la labor de sensibilización, y pide a todos los Estados Partes que apoyen y encarezcan su adopción.

12. La Conferencia alienta a los Estados Partes a adoptar todas las medidas necesarias para crear conciencia entre los ciudadanos de la necesidad de denunciar las actividades realizadas en su territorio o bajo su jurisdicción que puedan contravenir la Convención o la correspondiente legislación penal nacional.

13. La Conferencia insta a los Estados Partes a que adopten las medidas necesarias a nivel nacional, regional e internacional para fortalecer los métodos y medios de vigilancia y detección de los brotes de enfermedad naturales, accidentales, inusitados o sospechosos.

14. La Conferencia exhorta a los Estados Partes que tengan la experiencia pertinente en la adopción de medidas jurídicas y administrativas para la aplicación de las disposiciones de la Convención a que presten asistencia a otros Estados Partes a petición de éstos. La Conferencia también encarece tales iniciativas a nivel regional.

15. La Conferencia recuerda la resolución 1540 (2004) del Consejo de Seguridad de las Naciones Unidas, que establece obligaciones para todos los Estados y es compatible con las disposiciones de la Convención, en particular el presente artículo. La Conferencia observa que en la resolución 1540 el Consejo expresa su apoyo a los tratados multilaterales que tienen por objeto eliminar o prevenir la proliferación de las armas de destrucción en masa, incluidas las armas biológicas y tóxicas, a fin de promover la estabilidad internacional. La Conferencia también observa que la información presentada a las Naciones Unidas por los Estados de conformidad con la resolución 1540 puede ser de utilidad a los Estados para cumplir las obligaciones dimanantes de este artículo. [Se propuso trasladar este párrafo al preámbulo/declaración solemne, o bien mantenerlo aquí como única referencia a la resolución 1540.]

16. La Conferencia invita a los Estados Partes a designar a un enlace nacional para coordinar la aplicación de la Convención en sus países y comunicarse con otros Estados Partes y organizaciones internacionales pertinentes. [Podría trasladarse a la sección III: Decisiones y recomendaciones.]

Artículo V

17. La Conferencia reafirma que:

- i) Este artículo ofrece el marco adecuado para la consulta y la cooperación entre los Estados Partes con el fin de resolver los problemas que puedan surgir en relación con el objetivo de la Convención o en la aplicación de sus disposiciones;
- ii) Todo Estado Parte que encuentre un problema de este tipo deberá recurrir normalmente a este marco para abordarlo y resolverlo;
- iii) Los Estados Partes deben dar respuesta concreta y oportuna a toda preocupación que se plantee por el presunto incumplimiento de sus obligaciones dimanantes de la Convención.

18. La Conferencia recuerda que los procedimientos de consulta acordados en la Segunda y la Tercera Conferencias de Examen pueden ser utilizados por los Estados Partes para la consulta y la cooperación prevista en este artículo. La Conferencia reafirma que dicha consulta y cooperación también puede emprenderse de forma bilateral o multilateral o mediante otros procedimientos internacionales apropiados en el marco de las Naciones Unidas y en conformidad con la Carta.

19. La Conferencia insiste en la importancia del intercambio de información entre los Estados Partes por vía de las medidas de fomento de la confianza acordadas en la Tercera Conferencia de Examen. La Conferencia acoge con satisfacción el intercambio de información que ya ha tenido lugar en este contexto, que ha fomentado la transparencia y la confianza y, por ende, la seguridad internacional. Sin embargo, la Conferencia observa que la mayoría de los Estados Partes no participa regularmente y que no todas las respuestas se han presentado en forma oportuna. La Conferencia reconoce que es necesario mejorar la aplicación de las medidas para hacer participar a más Estados Partes. Con este fin, y el de facilitar la transmisión de información... [prosiguen las consultas/negociaciones]. La Conferencia exhorta a todos los Estados Partes a que en lo sucesivo presenten sus declaraciones de manera puntual y completa.

Artículo VI

20. La Conferencia observa que no se han invocado las disposiciones de este artículo.

21. La Conferencia invita al Consejo de Seguridad a que:

- i) Considere inmediatamente cualquier denuncia que se le presente en virtud de este artículo y adopte las medidas que considere necesarias para la investigación de la denuncia en conformidad con la Carta;
- ii) Si lo estima necesario y en conformidad con su resolución 620 de 1988, pida al Secretario General de las Naciones Unidas que investigue la denuncia, utilizando las directrices técnicas y procedimientos que figuran en el anexo I del documento A/44/561 de las Naciones Unidas;
- iii) Informe a cada Estado Parte de los resultados de cualquier investigación que se lleve a cabo de conformidad con este artículo y considere prontamente cualquier medida adicional que pueda ser necesaria.

22. La Conferencia observa que conforme a los propósitos establecidos en el preámbulo de la Convención, un Estado Parte puede pedir al Consejo de Seguridad que examine cualesquiera actos que no sean compatibles con el propósito y los objetivos de la Convención, incluso si han sido cometidos por Estados que no son partes en la Convención o por agentes no estatales.

23. La Conferencia reafirma el acuerdo de los Estados Partes de celebrar consultas, a petición de cualquiera de los Estados Partes, sobre las denuncias de empleo o amenaza de empleo de armas biológicas o tóxicas. La Conferencia reafirma el compromiso de cada Estado Parte de cooperar en toda investigación que ponga en marcha el Consejo de Seguridad y de cooperar plenamente con el Secretario General de las Naciones Unidas en el desarrollo de tales investigaciones.

24. La Conferencia invita al Secretario General de las Naciones Unidas a que, de conformidad con la resolución A/RES/60/288 de la Asamblea General, actualice con la asistencia de los expertos que designe la lista de expertos y laboratorios, así como las directrices técnicas y procedimientos de que dispone para la investigación oportuna y eficiente de los casos de presunto empleo. La Conferencia exhorta a los Estados Partes a mantener listas actualizadas de los expertos técnicos y laboratorios dentro de su jurisdicción que podrían prestar asistencia al Secretario General.

25. La Conferencia observa que el procedimiento esbozado en este artículo no prejuzga la prerrogativa de los Estados Partes de examinar conjuntamente los casos de presunto incumplimiento de las disposiciones de la Convención y de adoptar las decisiones apropiadas conforme a la Carta de las Naciones Unidas y las normas aplicables del derecho internacional.

Artículo VII

26. La Conferencia observa con satisfacción que no se han invocado estas disposiciones.

27. La Conferencia reafirma que si se invoca este artículo:

- i) Toda solicitud de asistencia que se presente en conformidad con este artículo deberá estudiarse con prontitud y recibir una respuesta adecuada;
- ii) Mientras el Consejo de Seguridad considere la decisión a adoptar, los Estados Partes podrían prestar asistencia de emergencia si se les solicitara;
- iii) Las Naciones Unidas, con la ayuda de los Estados Partes y de organizaciones intergubernamentales como la Organización de las Naciones Unidas para la Agricultura y la Alimentación (FAO), la Convención internacional de protección fitosanitaria, la Organización Mundial de Sanidad Animal (OIE) y la Organización Mundial de la Salud (OMS), podría contribuir a la coordinación de la asistencia.

28. La Conferencia observa que el estado de preparación nacional de los Estados Partes contribuye a la capacidad internacional de respuesta, investigación y mitigación de los brotes de enfermedades, comprendidos los que tienen su origen en el presunto empleo de armas biológicas o tóxicas.

29. La Conferencia reafirma que es necesario considerar un procedimiento detallado para la asistencia a fin de velar por que los Estados Partes puedan proporcionar oportunamente asistencia de emergencia si se les solicita. En este contexto, la Conferencia pide al Departamento de Asuntos de Desarme de las Naciones Unidas que establezca un inventario de los tipos de asistencia que los Estados Partes estarían en condiciones de prestar si se les solicitara de conformidad con este artículo.

30. La Conferencia afirma el compromiso de los Estados Partes de prestar o apoyar la prestación de asistencia a todo Estado Parte que la solicite, si el Consejo de Seguridad determina que el Estado Parte ha sido expuesto a peligros o daños por actos incompatibles con el propósito y los objetivos de la Convención cometidos por Estados que no son partes en la Convención o por agentes no estatales.

Artículo VIII

31. La Conferencia hace un llamamiento a todos los Estados Partes en el Protocolo de Ginebra de 1925 para que cumplan las obligaciones que han contraído en virtud de ese Protocolo, e insta a todos los Estados que todavía no sean partes en el Protocolo a que se adhieran a él sin demora.

32. La Conferencia reconoce que el Protocolo de Ginebra de 1925, en el que se prohíbe el empleo en la guerra de medios bacteriológicos, y la Convención se complementan mutuamente. La Conferencia reafirma que ninguna disposición de la Convención podrá interpretarse de forma que en modo alguno limite las obligaciones contraídas por cualquier Estado en virtud del Protocolo de Ginebra de 1925.

33. La Conferencia reitera su petición de que se retiren todas las reservas formuladas al Protocolo de Ginebra de 1925 relacionadas con la Convención. La Conferencia reafirma que las reservas, incluso condicionales, referentes a las represalias mediante el empleo de cualquiera de los objetos prohibidos por la Convención son totalmente incompatibles con ésta.

Artículo IX

34. La Conferencia reafirma que este artículo identifica el objetivo reconocido de la prohibición efectiva de las armas químicas.

35. La Conferencia acoge con satisfacción el hecho de que la Convención sobre la prohibición del desarrollo, la producción, el almacenamiento y el empleo de armas químicas y sobre su destrucción entrara en vigor el 29 de abril de 1997, y que hasta la fecha se hayan depositado 181 instrumentos de ratificación o de adhesión ante las Naciones Unidas. La Conferencia hace un llamamiento a todos los Estados Partes en la Convención sobre las armas químicas para que cumplan las obligaciones que han contraído en virtud de esa Convención, y pide a todos los Estados que todavía no lo hayan hecho que se adhieran a esa Convención sin demora.

Artículo X

36. La Conferencia subraya la importancia del cumplimiento y la aplicación de este artículo.

37. La Conferencia entiende que este artículo constituye un vehículo para que los Estados Partes faciliten el intercambio de equipo, materiales e información con fines pacíficos y participen en él.

38. La Conferencia destaca que las medidas destinadas a aplicar el artículo X deben ser compatibles con los objetivos y disposiciones de la Convención.

39. La Conferencia reafirma su compromiso respecto de la aplicación plena y cabal de este artículo por todos los Estados Partes. La Conferencia reconoce que, si bien los recientes adelantos científicos y tecnológicos en la esfera de la biotecnología aumentan las posibilidades de cooperación entre los Estados Partes y hacen que esas actividades sean esenciales para el fortalecimiento de la Convención, también podrían aumentar la posibilidad de que se usen indebidamente la ciencia y la tecnología. Por ello, la Conferencia insta a los Estados Partes, particularmente a los más avanzados en esta esfera, a que adopten medidas positivas para promover la cooperación internacional y la transferencia de tecnología en pie de igualdad y sin

discriminación, en especial con los países menos avanzados en esta esfera, y promuevan así los objetivos básicos de esta Convención, y que velen por que la difusión de la ciencia y la tecnología sea plenamente compatible con el objeto y el fin pacíficos de la Convención.

40. La Conferencia reafirma asimismo que es necesario desarrollar más aún los actuales medios institucionales para garantizar la cooperación multilateral entre todos los Estados Partes a fin de promover la cooperación internacional con fines pacíficos en las esferas pertinentes a la Convención, como la medicina, la salud pública, la agricultura y el medio ambiente.

41. La Conferencia pide que se utilicen los medios institucionales existentes dentro del sistema de las Naciones Unidas y de otras organizaciones internacionales, de conformidad con sus mandatos respectivos, para promover los objetivos de este artículo. A este respecto, la Conferencia insta a los Estados Partes, las Naciones Unidas y sus organismos especializados a que adopten nuevas medidas concretas que sean de su competencia para promover el más amplio intercambio posible de equipo, materiales e información científica y tecnológica para la utilización con fines pacíficos de los agentes bacteriológicos (biológicos) y toxinas y la cooperación internacional en esta esfera.

42. La Conferencia reconoce asimismo que debería haber mecanismos eficaces de coordinación entre los organismos especializados del sistema de las Naciones Unidas y las organizaciones internacionales y regionales, con el objetivo de facilitar la cooperación científica y la transferencia de tecnología.

43. La Conferencia destaca que los Estados Partes no deben servirse de las disposiciones de la Convención para imponer, en cualquier forma o circunstancia, restricciones o limitaciones a las transferencias, para fines compatibles con los objetivos y disposiciones de la Convención, de conocimientos científicos, tecnología, equipo y materiales.

44. La Conferencia reconoce la necesidad de ejecutar medidas eficaces a nivel nacional para promover la aplicación del artículo X. A este respecto, insta a los Estados Partes a que examinen las normas nacionales que rigen los intercambios y las transferencias internacionales para velar por que sean compatibles con los objetivos y las disposiciones de todos los artículos de la Convención.

45. La Conferencia insta a los Estados Partes a que creen marcos, incluso mediante contribuciones voluntarias, para la vigilancia de las enfermedades en seres humanos, animales y plantas, y para el apoyo de programas que den una respuesta eficaz a nivel nacional, bilateral, regional y multilateral, en particular mediante la concertación de acuerdos adecuados que promuevan el intercambio periódico de información científica y tecnológica en la esfera de la biología.

46. La Conferencia insta a los Estados Partes a que presenten anualmente informes sobre la aplicación de este artículo, y pide al Secretario General que los recopile todos los años para información de los Estados Partes.

47. La Conferencia:

- i) Insta a los Estados Partes a que sigan fortaleciendo las organizaciones y redes internacionales existentes, en especial las de la OMS, la FAO, la OIE y la Convención Internacional de Protección Fitosanitaria, dentro de sus respectivos mandatos, que trabajan en el campo de las enfermedades infecciosas;
- ii) Observa que el papel de esas organizaciones se limita a los aspectos epidemiológicos y de sanidad pública, animal y vegetal de todo brote de enfermedades, pero reconoce el valor añadido del intercambio de información con ellas;
- iii) Insta a los Estados Partes a que mejoren la comunicación sobre la vigilancia de las enfermedades a todos los niveles, en especial con la OMS, la FAO, la OIE y la Convención Internacional de Protección Fitosanitaria;
- iv) Pide a los Estados Partes que sigan creando y/o mejorando la capacidad nacional y regional para reconocer, detectar, diagnosticar y combatir las enfermedades infecciosas y otras posibles amenazas biológicas, entre otras cosas estableciendo centros regionales de vigilancia biológica, y que integren esas tareas en los planes nacionales y/o regionales de emergencia y gestión en casos de desastre;
- v) Pide a los Estados Partes que utilicen las normas, directrices y recomendaciones existentes siempre que sea posible;
- vi) Insta a los Estados Partes que estén en condiciones de hacerlo a que sigan apoyando, directamente y por conducto de organizaciones internacionales, el fomento de la capacidad en los Estados Partes que necesiten asistencia en las esferas de la vigilancia, la detección, el diagnóstico y la lucha en lo que se refiere a las enfermedades infecciosas, y las investigaciones conexas;
- vii) Pide a los Estados Partes que promuevan el desarrollo y la producción de vacunas y medicamentos para tratar las enfermedades infecciosas, en especial mediante la cooperación internacional y, según proceda, las asociaciones entre los sectores público y privado.

48. La Conferencia reconoce el importante papel del sector privado en la transferencia de tecnología y de información, y el gran número de organizaciones del sistema de las Naciones Unidas que ya participan en la cooperación internacional pertinente a esta Convención.

Artículo XI

49. La Conferencia reafirma que las disposiciones del artículo XI deberían aplicarse en principio de manera que no quede afectada la universalidad de la Convención.

50. La Conferencia reafirma que, en caso de formularse una propuesta en relación con este artículo, los Depositarios notificarán a los Estados Partes dicha propuesta y alentarán a todos los Estados Partes a que transmitan sus opiniones a los Depositarios sobre la necesidad de enmendar la Convención; y que los Depositarios adoptarán en ese momento las medidas que solicite una

mayoría de Estados Partes, incluida la opción de convocar una conferencia abierta a todos los Estados Partes en la Convención.

Artículo XII

51. La Conferencia reafirma que las conferencias de examen constituyen un método eficaz de examinar la aplicación de la Convención para asegurarse de que se estén cumpliendo los fines y disposiciones de la misma, en particular con respecto a todos los adelantos científicos y tecnológicos relacionados con la Convención. Por consiguiente, la Conferencia recomienda que se sigan celebrando conferencias de examen por lo menos cada cinco años.

52. La Conferencia decide que la Séptima Conferencia de Examen se celebre en Ginebra a más tardar en 2011, y que en ella se examine la aplicación de la Convención teniendo en cuenta, entre otras cosas:

- i) Los nuevos adelantos científicos y tecnológicos relacionados con la Convención;
- ii) Los progresos realizados por los Estados Partes con respecto al cumplimiento a nivel nacional de las obligaciones contraídas en virtud de la Convención;
- iii) Todo acontecimiento en el entorno de la seguridad internacional que pueda afectar la aplicación de la Convención;
- iv) Los resultados de las actividades y los procedimientos acordados en la Sexta Conferencia de Examen, incluso en el proceso entre períodos de sesiones de 2007 a 2010.

Artículo XIII

53. La Conferencia reafirma que la Convención tiene una duración ilimitada y se aplica en todo momento, y expresa su satisfacción por el hecho de que ningún Estado Parte haya ejercido su derecho a retirarse de ella.

Artículo XIV

54. La Conferencia toma nota con satisfacción de que nueve Estados se han adherido a la Convención o la han ratificado desde la Quinta Conferencia de Examen.

55. La Conferencia pide a los Estados que todavía no hayan ratificado la Convención o se hayan adherido a ella que así lo hagan sin demora, y a los Estados que no hayan firmado la Convención que se sumen a los Estados Partes en ella, contribuyendo así al logro de la adhesión universal a la Convención.

56. La Conferencia alienta a los Estados Partes a que adopten medidas para persuadir a los no partes a que se adhieran a la Convención sin demora, y acoge con especial agrado las iniciativas regionales que puedan contribuir a una mayor adhesión a la Convención.

Artículo XV

57. La Conferencia decide que, además de los cinco idiomas enumerados en este artículo, a los efectos de toda reunión de los Estados Partes y de otras comunicaciones oficiales relativas a la aplicación de la Convención, el árabe se considerará idioma oficial de la misma.

Parte III

Decisiones y recomendaciones

[Se examinará. Podría incluir el programa de trabajo entre períodos de sesiones, planes de acción, la dependencia de apoyo a la aplicación, etc.]

Annex II

[ENGLISH ONLY]

PROPOSED LANGUAGE SUBMITTED TO
THE COMMITTEE OF THE WHOLE

Preamble

Iran (Islamic Republic of)

1. 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:
2. 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;
3. Their conviction that strengthening the Convention will be realized through the full implementation of all its provisions in a comprehensive and non-discriminatory manner,
4. 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;
5. Their recognition that purposes of this Convention include the prohibition of the use of biological weapons;
6. 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;
7. 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;
8. 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;

9. 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;
10. 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;
11. Their affirmation that the Final Declarations of the previous BWC Review Conferences remain valid;
12. Have agreed as follows:

Article I

Cuba on behalf of the Non-Aligned Movement and other States

13. The Final Declaration should:
 - (i) Strongly support the provisions of Article I of the Convention;
 - (ii) Strongly reaffirm 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 of the Convention;
 - (iii) Reaffirm that the Convention unequivocally covers all microbial or other biological agents or toxins, naturally or artificially created or altered, as well as their components, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
 - (iv) Reaffirm other understandings under this Article, reflected in the Final Declarations of earlier Review Conferences;
 - (v) Reaffirm the undertaking given by the States Parties in previous review conferences that all developments and advances in science and technology relevant to the Convention apply to Article I.

Finland on behalf of the European Union

14. 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, are unequivocally covered by the prohibitions as defined in Article I. Further, that the Convention prohibits the development, production, stockpiling, other acquisition or retention of such agents and toxins which are harmful to humans, animals and plants, of types and in quantities that have no

justification for prophylactic, protective or other peaceful purposes. The Conference also declares that the prohibitions as defined in Article I apply to all scientific and technological developments in all fields of science relevant to the Convention.

15. The Conference recalls that use, in any way and under any circumstances, of such agents or toxins that is not consistent with prophylactic, protective or other peaceful purposes is a violation of the Convention. The Conference condemns any use of biological agents or toxins as weapons in war, armed conflict, or for hostile purposes, including as tools of terrorism.

India

16. The Conference reaffirms that the Convention prohibits the development, production, stockpiling, other acquisition or retention of microbial or other biological agents or toxins harmful to plants and animals, as well as humans, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes.

17. 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 of the Convention.

18. The Conference reaffirms the undertaking in Article I never in any circumstances 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.

19. The Conference also reaffirms that the Convention unequivocally covers all microbial or other biological agents or toxins, naturally or artificially created or altered, as well as their components, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes.

20. The Conference, conscious of apprehensions arising from relevant scientific and technological developments, inter alia, in the fields of microbiology, biotechnology, molecular biology, systems biology, synthetic biology, genetic engineering, genomics and proteomics, and the possibilities of their use inconsistent with the objectives and provisions of the Convention, reaffirms that the undertaking given by the States Parties in Article I applies to all such developments.

21. The Conference notes that experimentation involving open-air release of pathogens or toxins harmful to man, animals and plants that have no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I.

22. The Conference appeals through the States Parties to their scientific communities to lend their support only to activities that have justification for prophylactic, protective or other peaceful purposes, and refrain from undertaking or supporting activities which are in breach with the obligations deriving from provisions of the Convention.

Iran (Islamic Republic of)

23. The Conference considers biological weapons as a threat to humanity.
24. 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 Bacteriological Methods of Warfare.
25. The Conference expresses its concern on development, production and use of ethnic weapons and considers it as a crime against humanity.
26. 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.
27. 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.
28. 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 humans, 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.

New Zealand

29. The Conference reaffirms the understanding that the scope of Article I includes a prohibition on the use of biological weapons, as well as prohibitions on development, production, stockpiling, acquisition and retention.

Pakistan

30. The Conference recognizes that Article 1 provides a comprehensive scope of prohibitions. The scope of the Convention is robust enough to cover all substances produced by recent scientific and technological applications of biosciences which do not have peaceful applications.
31. The Conference notes that the scope of Article 1 cannot be constrained by the state of scientific and technological knowledge at a particular time. Taking into account additional understandings, it is to be interpreted to take into account all developments in science and technology which can be seen in violation of the general prohibitions contained in this Article.
32. The Conference reaffirms that the Convention effectively prohibits the use of biological and toxin weapons.

United States of America

33. The Conference notes the importance of Article I as the provision which defines the scope of the Convention. The Conference reaffirms its support for the provisions of this Article.

34. The Conference understands that the States Parties' compliance with their obligation not to "develop, produce, stockpile, or otherwise acquire or obtain, under any circumstances, biological agents or toxins, weapons, equipment, or means of delivery of agents for non-peaceful purposes" means that other States Parties or non-State actors will be effectively precluded from gaining access to such items from facilities operated by States Parties, thereby greatly complicating acquisition by such entities.

35. The Conference emphasises that States Parties should commit to take measures to preclude non-State actors from illicitly exploiting otherwise legitimate activities by national governments. They should effectively implement national measures, which may be of a legislative or regulatory nature, or may involve disease surveillance. The effective implementation of national measures is a central component of ensuring compliance, which is critical to stemming the new biological weapons threat.

36. The conference encourages States Parties to promote ethical and responsible behaviour of scientists, an action that complements national compliance objectives and contributes to overall international security. Such conduct is especially significant given the desire to preserve the free flow of information coupled with potential misuse of biotechnology.

37. The Conference urges States Parties to ensure oversight of activities and facilities within their jurisdiction that engage in dual-use research and development to ensure compliance with Article I obligations, which can be done by developing and implementing national oversight plans that establish measures to ensure that appropriate biosecurity plans are in place. Such plans should be subject to regular review.

Article II

Finland on behalf of the European Union

38. The Conference stresses the importance of the undertaking by each State Party, upon becoming a Party to the Convention, to destroy or to divert to peaceful purposes, all agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, which are in its possession or under its jurisdiction or control.

39. 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. They should provide appropriate information to all States Parties via the exchange of information under Form F.

40. The Conference notes that any State that requires assistance or advice on the fulfilment of its obligations under Article II may consult and seek the cooperation or any other State Party in accordance with Article V.

India

41. The Conference recognizes that for any State acceding to the Convention after 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. The Conference emphasizes that the destruction or diversion to peaceful purposes specified in Article II should be carried out completely and effectively.

42. The Conference notes the importance of Article II and welcomes the statements made by States which have become Parties to the Convention since the Third Review Conference that they do not possess agents, toxins, weapons, equipment or means of delivery referred to in Article I of the Convention.

43. The Conference stresses that States which become Parties to the Convention, implementing the provisions of this Article, shall observe all necessary safety precautions to protect population and the environment.

Iran (Islamic Republic of)

44. 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.

45. The Conference emphasizes that the destruction or diversion to peaceful purposes specified in Article II should be carried out completely and effectively.

Pakistan

46. The Conference emphasizes the obligation for the complete and effective destruction or diversion to peaceful purposes, all agents, toxins, weapons, equipment and means of delivery specified in Article 1, for any State acceding to the Convention.

United States of America

47. The Conference notes the importance of Article II, which requires States Parties to “destroy or divert to peaceful purposes ... all agents, toxin, weapons ... in its possession or under its jurisdiction or control.”

48. The Conference further notes that Article II obligates States Parties to ensure the identification and elimination of all illicit activities of either State or non-State actors, foreign or domestic, within their national territory or in other areas under their jurisdiction or control.

Article III

Brazil

49. In order to fulfill the obligations under this article and to facilitate import and export control, the States Parties to this Convention agree to elaborate a harmonized reference list of microbiological and biological agents, toxins, materials and technologies, related to the production, development, stockpiling and use of biological weapons .

China

50. The Conference reaffirms the conviction of States Parties that the provisions of this article should not be used, in any way or under any circumstance, to impose restrictions or limitations on the transfers for purposes consistent with the objectives and purposes of the Convention of scientific knowledge, technology, equipment and materials under Article X.

Finland on behalf of the European Union

51. The Conference notes the importance of Article III and affirms that this Article is sufficiently comprehensive to cover any recipient whatsoever at international, national or subnational levels.

52. The Conference acknowledges that the provision in Article III "...not to transfer..., directly or indirectly ..." obligates States Parties to take legislative and other measures to prohibit and prevent both direct and indirect transfers relevant to the scope of this Convention as specified in Article I to States or non-State actors for purposes prohibited under the Convention.

53. The Conference agrees that such measures must include control of authorised access to and handling of dangerous biological agents and toxins for purposes not prohibited by the Convention, including measures to protect and safeguard such materials.

54. The Conference notes that the provisions of Article III do not impose restrictions and/or limitations on transfers for purposes consistent with the objectives and purposes of the Convention.

India

55. The Conference notes the importance of Article III and reaffirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at international, national and sub-national levels.

56. The conference calls for appropriate measures by all States parties to give effect to their undertakings under this Article and emphasizes that transfers relevant to the Convention should be authorized only if the intended use is for purposes not prohibited under the Convention.

57. The Conference reiterates that the provisions of this Article should not be used to impose restrictions and/or limitations on the transfers for purposes consistent with the objectives and purposes of the Convention of scientific knowledge, technology, equipment and materials under Article X.

Iran (Islamic Republic of)

58. 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.

59. 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.

60. The Conference stresses that the implementation of Article III must be carried out in accordance with the provisions of the Convention.

Japan

61. The Conference urges States Parties to take any legislative or administrative measures, within their constitutional and legislative procedures, to ensure effective implementation of Article III. The Conference calls for implementation and enforcement of these national measures, including the introduction of catch-all controls as deemed necessary, in order to prevent any recipient, including a State not party, from acquiring biological agents or toxins of types and in quantities that have not jurisdiction for prophylactic, protective or other peaceful purposes. In this regard, the Conference recognises the need to ensure that the effective implementation and enforcement of Article III is consistent with national obligations under United Nations Security Council Resolution 1540 and 1673.

62. The Conference invites the States Parties to promote, as appropriate, educational outreach to stakeholders such as their domestic industry and research institutions on national measures relevant to Article III.

United States of America

63. The Conference recognises the key importance of Article III, and affirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at international, national or sub-national levels.

64. The Conference emphasises that the provisions of Article III that “Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly ...” obligates States Parties not only to refrain from direct transfers of items that are prohibited by the Convention, but also to take the steps necessary and foreseeable to preclude their indirect transfer. This step can be completed in part by enacting adequate security measures and export

controls that prohibit the diversion of such items to either State or non-State actors, foreign or domestic, for purposes prohibited under the Convention.

65. The Conference notes that, in order to minimise the possibility that an indirect transfer to a State or non-State actor may occur through negligence on the part of a State Party rather than from an intentional act, States Parties should implement laws that define who may rightly receive, hold, and work with dangerous biological agents.

66. The Conference encourages States Parties to ensure that all dangerous biological agents are adequately protected and safeguarded to avoid transfer to unauthorised entities.

67. The Conference notes that Article III does not preclude sharing information concerning prohibited items and activities that supports peaceful activities, including biodefence and public health, at the international, national or sub-national level.

68. The Conference also encourages States Parties to ensure that appropriate pathogen security practices are in place at relevant facilities to adequately control access and transfer of dangerous biological agents, and that programmes to assess the adequacy of such practices and the security of pathogens are established on a site-specific basis.

69. The Conference urges States Parties to support the development of training and education programmes for those granted access to dangerous agents to ensure they know the risks of working with such agents as well as their country's obligations under the Convention that impact the use of dual-use agents.

70. The Conference stresses that implementation of this Article is consistent with national obligations under United Nations Security Council Resolution 1540.

Article IV

Canada

71. The Conference underlines the importance of legislation and regulations regarding, inter alia, biosecurity which includes the protection of information technology, personnel, operational and physical protection of laboratories and facilities, to prevent unauthorised access to and removal of microbial and other biological agents and toxins.

72. The Conference notes the importance of codes of conduct and ethical standards as enablers of awareness.

China

73. The Conference recognises the necessity to establish a national focal point in facilitating implementation of the Convention and encourages all States Parties to have the national focal point in place as soon as possible.

Croatia

74. Suggestion – addressing natural and legal persons: If States Parties would like to address natural and legal persons Croatia suggest replacement of the phrase “persons possessing the nationality” by the phrase “nationals of the State Party and legal persons registered on its territory.”

75. Alternative suggestion – addressing exclusively natural persons: If States Parties would like to address only natural persons we suggest replacement of the phrase “persons possessing the nationality” by the single word “nationals”.

Finland on behalf of the European Union

76. The Conference underlines the importance of Article IV under which each State Party shall, in accordance with its constitutional process, take any necessary measures to prohibit and prevent any acts or actions that could contravene the Convention anywhere within the territory of such State, under its jurisdiction or control. States Parties welcomed the significant exchange of information on this issue at their Meeting in 2003 (BWC/MSP/2003/4 (Vol. I)) and endorsed the report of that Meeting.

77. The States Parties recognise the need to ensure, through the review and/or adoption of national legislative and other measures, including criminal and civil penalties, the fulfilment of their obligations under the Convention in order, *inter alia*, to exclude the use of biological and toxin weapons by non-State actors in terrorist or criminal activities. The Conference invites each State Party to consider, if constitutionally possible and in conformity with international law, the application of such measures to actions taken anywhere by persons possessing its nationality.

78. The Conference notes those measures already taken by a number of States Parties. In this context, the Conference also recalls United Nations Security Council Resolution 1540 (2004) that places obligations on all States.

79. The Conference invites States Parties that are in a situation to assist other States in developing such national action plans to offer and provide assistance, if invited to do so. The Conference also encourages such initiatives on a regional basis.

80. The Conference also notes the importance of inclusion of information dealing with prohibitions and provisions contained in the Biological and Toxin Weapons Convention and the Geneva Protocol of 1925 as well as respective national legislative and other measures in medical, scientific and military education programmes, and in this context recognises the value of codes of conduct. States Parties endorse the outcome of their Meeting in 2005 on this subject (BWC/MSP/2005/3).

India

81. The Conference underlines the importance of Article IV. It reaffirms the commitment of States Parties to take the necessary national measures under this Article, in accordance with their constitutional processes. These measures are to ensure the prohibition and prevention of the

development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipments and means of delivery specified in Article I of the Convention anywhere within their territory, under their jurisdiction or under their control, in order to prevent their use for purposes contrary to the Convention. The States Parties recognize the need to ensure, through the review and/or adoption of national measures, the effective fulfillment of their obligations under the Convention in order, inter alia, to exclude use of biological and toxin weapons in terrorist or criminal activity.

82. The Conference notes those measures already taken by a number of States Parties in this regard, for example the adoption of penal legislation, and reiterates its call to any State Party that has not yet taken any necessary measures to do so immediately, in accordance with its constitutional processes. Such measures should apply within its territory, under its jurisdiction or under its control anywhere. The Conference invites each State Party to consider, if constitutionally possible and in conformity with international law, the application of such measures also to actions taken anywhere by natural persons possessing its nationality.

83. The Conference notes the importance of:

- (i) Legislative, administrative and other measures designed to enhance domestic compliance with the Convention;
- (ii) Legislation regarding the physical protection of laboratories and facilities to prevent unauthorized access to and removal of microbial or other biological agents, or toxins;
- (iii) Inclusion in textbooks and in medical, scientific and military education programmes of information dealing with the prohibitions and provisions contained in the Biological and Toxin weapons Convention and the Geneva Protocol of 1925.

84. The Conference welcomes information provided by States parties in response to the confidence-building measure agreed to at the Third Review Conference entitled “Declaration of legislation, regulations and other measures”. In addition, the Conference encourages all States Parties to provide any useful information on the implementation of such measures.

85. The Conference encourages cooperation and initiatives, including regional ones, towards the strengthening and implementation of the Biological and Toxin Weapons Convention regime.

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

87. The Conference recalls that, at the 2003 Meeting of States Parties, States Parties had noted that, notwithstanding the differing legal and constitutional arrangements among the States parties to the Convention, States have adopted similar basic approaches and share common principles. The States Parties had stressed the need for undertaking activities at national level in keeping their obligations and responsibilities to strengthen and implement the Convention. The States Parties had agreed, to that end, on the value of reviewing, and where necessary, enacting

or updating national legal, including regulatory and penal, measures which ensure effective implementation of the prohibition of the Convention, and which enhance effective security of pathogens and toxins. They had also agreed on the need for comprehensive and concrete national measures to secure pathogen collections and their control of their use for peaceful purposes. There was a general recognition of the value of bio-security measures and procedures, which will ensure that such dangerous materials are not accessible to persons who might or could misuse them for purposes contrary to the Convention.

88. The Conference also recalls that, at the 2004 Meeting of States Parties, States Parties had recognized that:

- (i) infectious disease outbreaks can be contained and suppressed through early-detection, immediate response and co-operation and support at the national and international level;
- (ii) strengthening and broadening national and international surveillance, detection, diagnosis and combating of infectious disease may support the object and purpose of the Convention;
- (iii) the primary responsibility for surveillance, detection, diagnosis and combating of infectious diseases rests with States Parties, while the WHO, FAO and OIE have global responsibilities, within their mandates, in this regard. The respective structures, planning and activities of States Parties and the WHO, FAO and OIE should be co-ordinated with and complement one another;
- (iv) scientific and technological developments have the potential to significantly improve disease and surveillance and response.

89. The States Parties had consequently agreed on the value of:

- (i) supporting the existing networks of relevant international organizations for the surveillance, detection, diagnosis and combating of infectious diseases and acting to strengthen the WHO, FAO and OIE programmes, within their mandates, for the continued development and strengthening of, and research into, rapid effective and reliable activities for the surveillance, detection, diagnosis and combating of infectious diseases, including in the cases of emergencies of international concern;
- (ii) improving, wherever possible, national and regional disease surveillance capabilities, and, if in position to do so, assisting and encouraging, with the necessary agreement, other States Parties to do the same;
- (iii) working to improve communication on disease surveillance, including with the WHO, FAO and OIE, and among States Parties.

90. At the same Meeting, the States Parties had also recognized that:

- (i) capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease promote the object and purpose of the Convention;
- (ii) States Parties' national preparedness and arrangements substantially contribute to international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;
- (iii) The Secretary-General's investigation mechanism, set out in A/Res/45/561 and endorsed by the General Assembly in its resolution A/Res/45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons.

91. The States Parties had consequently agreed on the value of continuing to develop their own national capacities for response, investigation and mitigation, in cooperation with the relevant international and regional organizations, and, in a position to do so, assisting and encouraging, with the necessary agreement, other States Parties to do the same;

92. The Conference further recalls that at the 2005 Meeting of States Parties, the States Parties recognized that:

- (i) while the primary responsibility for implementing the Convention rests with States Parties, codes of conduct, voluntarily adopted, for scientists in the fields relevant to the Convention can support the object and purpose of the Convention by making a significant and effective contribution, in conjunction with other measures including national legislation, to combating the present and future threats posed by biological and toxin weapons, as well as by raising awareness of the Convention, and by helping relevant actors to fulfil their legal, regulatory and professional obligations and ethical principles;
- (ii) codes of conduct should reflect the provisions of the Convention and contribute to national implementation measures;
- (iii) a range of different approaches exist to develop codes of conduct in view of differences in national requirements and circumstances;
- (iv) codes of conduct should avoid impeding scientific discovery, placing undue constraints on research or international cooperation and exchange for peaceful purposes;
- (v) science should be used for peaceful purposes only but has the potential to be misused in ways that are prohibited by the Convention, and therefore codes of conduct should require and enable relevant actors to have a clear understanding of

the content, purpose and reasonably foreseeable consequences of their activities, and of the need to abide by the obligations contained in the Convention.

93. At the same Meeting, the States Parties had also recognized that all of those with a responsibility for, or legitimate interest in, codes of conduct should be involved in their development, promulgation and adoption. The States Parties agreed on the value of codes of conduct applying not just to scientists, but to all those involved in scientific activity, including managers and technical and ancillary staff. They had agreed on the importance of codes of conduct being:

- (i) compatible with national legislation and regulatory controls and contributing to national implementation measures;
- (ii) simple, clear and easily understandable both to scientists and to wider civil society;
- (iii) relevant, helpful and effective for guiding relevant actors in making decisions and taking action in accordance with the purposes and objectives of the Convention;
- (iv) sufficiently broad in scope;
- (v) regularly reviewed, evaluated for effectiveness, and revised as necessary.

94. Recognizing that it is important to build on and coordinate with existing efforts, and avoid imposing burdensome and duplicative measures, they had agreed on the value of:

- (i) demonstrating the benefits of codes and encouraging relevant actors to develop codes themselves;
- (ii) using existing codes, mechanisms, frameworks and bodies as far as possible; and
- (iii) tailoring adoption strategies according to the needs of each relevant sector.

Iran (Islamic Republic of)

95. 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 can not apply to the implementation of this Article.

Japan

96. The States Parties recognise 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 weapons in terrorist or criminal activity. The States Parties also recognise that the efficient fulfilment of such obligations requires broad and multi-layered measures including those as described below.

97. The Conference urges the States Parties to take or complement, as appropriate for their domestic systems and requirements, national measures in different fields related to the Convention, in order to ensure fully and effectively the prohibitions and preventions as required by the Convention.

98. The Conference welcomes that, during the Meeting of Experts and the Meetings of States Parties in 2003, 2004 and 2005, a number of States Parties provided information on discussed issues. The Conference further welcomes that some States Parties have provided information on any actions, measures or other steps that they have taken on the basis of the relevant discussions, and encourages all States Parties in this regard to continually provide any relevant information on such actions, measures or other steps.

99. Considering the work of the States Parties in 2003, as reported in BWC/MSP/2003/4, the Conference stresses the importance of legislative, administrative and other measures designed to enhance domestic compliance with the Convention, in particular the enactment of effective legislative measures, including penal legislation, to ensure the prohibitions set forth in the Convention. The Conference notes those measures taken by a number of States Parties in this regard, for example the adoption of penal legislation and reiterates its call to any State Party that has not yet taken any necessary measures to do so immediately, in accordance with its constitutional processes.

100. The Conference notes that such measures should apply within their territory, under their jurisdiction or control anywhere. The Conference invites each State Party to consider, if constitutionally possible and in conformity with international law, the application of such measures also to take actions taken anywhere, both domestically and abroad, by natural persons possessing its nationality.

101. The Conference urges each State Party to provide appropriate legal assistance, in accordance with its national legislation and international agreements to which it is party, in connection with criminal investigations or criminal proceedings relating to the prohibited activities specified in Article I of the Convention.

102. The Conference recognises the intricate relationship between the Convention and United Nations Security Council Resolution 1540 of 28 April 2004 and 1673 of 27 April 2006, and therefore, notes in this regard the importance of these resolutions. The Conference urges each State Party to fully implement the relevant Articles of the Convention consistent with those resolutions.

103. Considering the work of the States Parties in 2003, as reported in BWC/MSP/2003/4, the Conference recognises the importance of measures to prevent the intentional theft, misuse, diversion or release of pathogens and toxins, as well as preventative measures against the accidental exposure to those pathogens and toxins. The Conference, therefore, urges States Parties to consider, in accordance with their constitutional processes, adopting and implementing national legislation and regulations for the security and oversight of pathogens and toxins, and if necessary, with penalties.

104. The Conference also calls upon States Parties to ensure the effective operation of those measures in their laboratories and facilities processing and handling pathogens and toxins, for example, through the standardisation and promulgation of a series of those measures, and the encouragement of continuous and systematic training to laboratory workers.

105. Considering the work of States Parties in 2004, as reported in BWC/MSP/2004/3, the Conference calls for the continuous efforts of the States Parties for enhancing preventative and response capabilities for natural or deliberate epidemics in cooperation with relevant international mechanisms, for example:

- (i) Enhance national disease surveillance capabilities, including the establishment of mandatory reporting mechanisms, early detection and notification systems to enable rapid response, in coordination with appropriate international mechanisms for the surveillance and reporting of infectious diseases, such as the World Health Organization (WHO), Food and Agriculture Organization (FAO) and World Organization for Animal Health (OIE). In this regard, the Conference stresses the importance of enhanced coordination and cooperation between the States Parties to the Convention and the relevant international organizations;
- (ii) Enhance national capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease, in cooperation with the relevant international and regional organizations;
- (iii) Enhance and coordinate with existing initiatives relevant to bioterrorism, such as those in the framework of the Global Health Security Initiative, G8, APEC, and Interpol.

106. The Conference stresses the importance of the inclusion in textbooks and in medical, scientific and military education programmes of information dealing with the prohibitions and provisions contained in the Biological and Toxin Weapons Convention and the Geneva Protocol of 1925.

107. Considering the work of the States Parties in 2005, as reported in BWC/MSP/2005/3, the Conference encourages each State Party to make continuous efforts for development, promulgation, and adoption of codes of conduct and/or ethical standards for scientists with the involvement of domestic industry and scientific community.

108. The Conference recognises that while the primary responsibility to effectively implement above-mentioned national measures rests with each State Party, some States Parties may need assistance and cooperation to that end. The Conference, therefore, encourages each State Party in a position to do so to provide necessary assistance and cooperation to the extent possible, upon request, to those States, including States not party to the Convention, that have not yet taken the appropriate national measures or who aim to further develop their national measures.

Pakistan

109. The Conference reaffirms the importance of the following measures:
- (i) Legislative, administrative and other measures designed to enhance domestic compliance with the BTWC;
 - (ii) Inclusion of information of the BTWC in text books and medical and scientific and military education programmes;
 - (iii) Adoption of codes of conduct at the national level as well as by the scientific community within each State Party for those engaged in relevant areas of science and technology.

United States of America

110. The Conference reaffirms the commitment of States Parties to take the necessary measures, in accordance with their constitutional processes, to ensure the prohibition and prevention of the development, production, stockpiling, acquisition, or retention of the biological agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention anywhere within their territory, under their jurisdiction or under their control, in order to prevent their use for purposes contrary to the Convention.

111. The Conference calls to the attention of the States Parties two key phrases contained in Article IV relevant to the new biological weapon threat. Those phrases are “take any necessary measures” and “within the territory of such State, under its jurisdiction, or under its control anywhere.”

112. The Conference notes that these phrases clearly define an obligation for States Parties to ensure that the prohibitions of the Convention not only are applied and enforced, not only to government entities, but also to non-State actors within the jurisdiction or control of a State Party.

113. The Conference urges States Parties not only pass laws but to take necessary steps for effective enforcement of those laws.

114. The Conference understands that “necessary measures” to be taken by States Parties should include the promotion of public awareness of the need to report activities conducted within their territory that could conceivably be a violation of the Convention, and take action to mitigate the risk of Convention violations.

115. The Conference urges States Parties to strengthen methods for disease surveillance (both naturally-occurring disease outbreaks and unusual or suspicious outbreaks) as an early indicator that individuals or groups within their territories might be violating the obligations of the Convention, and work cooperatively with relevant regional and international organizations, in keeping with their respective roles and responsibilities.

116. The Conference reaffirms the commitment of States Parties to implement national legislation, including penal legislation, and to enforce the provisions of the Convention, and urges States Parties with relevant experience, and in a position to do so, to assist those States who request such assistance.

117. The Conference encourages States Parties to implement national mechanisms to identify dangerous pathogenic microorganisms and toxins as well establish and maintain security of these agents.

118. The Conference also encourages States Parties to promote a bottom-up national approach to adoption of codes of conduct for scientists working with dangerous pathogens and toxins.

119. The Conference stresses that, as with other articles of the Convention, the implementation of Article VI of the Convention is consistent with national obligations under UNSCR 1540.

Article V

China

120. The Conference reaffirms the important role of the confidence-building measures agreed upon at the Second and Third Review Conference in preventing ambiguity, doubt or suspicion and strengthening the trust among States Parties.

121. The Conference urges all States Parties to submit confidence-building measures declaration annually and in a timely manner.

122. The Conference recognises the need of further deliberation before the Seventh Review Conference, on ways and means of enhancing participation of States Parties in the confidence-building measures declaration.

Finland on behalf of the European Union

123. The Conference stresses the fundamental nature of the provisions of Article V and again calls upon any State encountering difficulties in relation to the objective of, or in the application of the provisions of, the Convention to make use of the procedures provided.

124. To prevent or limit any ambiguity, doubt or suspicion and to strengthen the trust which is essential to peaceful international cooperation in the field of biotechnologies, the Conference furthermore reiterates the importance of exchanges of information, as established at the Second and Third Review Conferences.

125. The Conference notes the limited information which the States Parties have hitherto submitted and exchanged in this context. It urges all States Parties to participate annually in this exchange and hence cooperate in preserving and reinforcing the transparency required to maintain the authority of the Convention.

126. With the aim of ensuring that all States Parties take part in the exchange of information and to facilitate the transmission of such information, the Conference has agreed on the following adjustments:

- (i) The procedure for exchanging information shall be secured and computerised. The data supplied by the United Nations Department for Disarmament Affairs (UN-DDA), and the information forwarded to it by the States Parties, shall be circulated by secure electronic means to other States Parties;
- (ii) The States Parties shall designate a national contact point, the contact details of which shall be sent to the UN-DDA. The contact point shall be informed each year by the UN Secretary-General and by the UN-DDA of the deadline for submitting information under the information exchange procedure (15 April). A reminder shall be issued after the deadline has passed if no data has been forwarded;
- (iii) The UN-DDA shall coordinate the exchange of information.

India

127. The Conference notes the importance of Article V and reaffirms the obligations assumed by States Parties to consult and cooperate with one and other in solving any problems which may arise in relation to the objective of, or in the applications of the provisions of, the Convention. The Conference reiterates its appeal to States Parties made at the Third Review Conference to make all possible efforts to solve any problems which may arise in relation to the objective of, or in the application of the provisions of the Convention with a view towards encouraging strict observance of the provisions subscribed to. The Conference notes that this Article provides an appropriate framework for resolving any such problems, and reaffirms that any States Party which identifies such a problem should, as a rule, use these procedures to address and resolve it.

128. The Conference also reviewed the operation of the procedures to strengthen the implementation of the Provisions of Article V, which were adopted in the final Declaration of the Third Review Conference. While noting that these procedures have not yet been invoked, the Conference reaffirmed their present validity. The Conference calls upon any States Party which identifies a problem arising in relation to the objective of, or in the application of the provisions of the Convention to use these procedures, if appropriate, to address and resolve it.

129. The Conference reaffirms that consultation and cooperation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

130. In accordance with the decision of the Third Review Conference, the Conference reviewed the effectiveness of the confidence-building measures as agreed in the Final Declaration of the Third Review Conference. The Conference notes the continued importance of the confidence-building measures agreed upon at the Second and Third Review Conferences, as

well as the modalities elaborated by the Ad Hoc Meeting of Scientific and Technical Expert from States Parties to the Convention, held in 1987.

131. The Conference notes the background information document prepared by the United Nations Secretary-General providing data on the participation of States Parties in the agreed confidence-building measures since the Third Review Conference. The Conference welcomes the exchange of information carried out under the confidence-building measures, and notes that this has contributed to enhancing transparency and building confidence. The Conference recognizes that participation in the confidence-building measures since the last Review Conference has not been universal, and that not all responses have been prompt or complete. In this regard, the Conference also recognizes the technical difficulties experienced by some States Parties with respect to preparing CBM responses. In this regard, the Conference urges all States Parties to complete full and timely declarations in the future.

132. The Conference stresses its determination to strengthen effectiveness and improved the implementation of the Convention, and its recognition that effective verification could reinforce the Convention.

Iran (Islamic Republic of)

133. 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.

134. 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.

135. 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.

Japan

136. The Conference underlines the importance of the confidence building measures as agreed in the Final Declaration of the Third Review Conference and reaffirmed at the Fourth Review Conference, as an additional measure to ensure information exchange among States Parties, thus to improve international security.

137. The Conference recognizes that participation with confidence building measures since last review conference has not been satisfactory nor universal and that not all responses have been prompt or complete. In this regard, the Conference urges all States Parties to complete full and timely declarations in the future, noting the value of nil returns. The Conference further

reminds all States Parties of the importance of submitting their CBMs to the United Nations by the 15 April each year.

138. The Conference in this regard underlines the importance of raising awareness of confidence building measures by demonstrating their potential security benefits.

Pakistan

139. The Conference recognizes the importance of consultation and cooperation in solving any problems that may arise in relation to the objective or provisions of the Convention. This should be done through appropriate international procedures within the framework of the United Nations and in accordance with the UN Charter.

Russian Federation, United Kingdom and United States of America

140. The Conference notes the agreed modalities (BWC/CONF.II/EX/2) for the annual exchange of information and reaffirms that the information should be provided to the United Nations Department for Disarmament Affairs in Geneva and be promptly forwarded by them only to States Parties and the World Health Organization. The information supplied by a State Party must not be circulated further without the express permission of that State Party.

United States of America

141. The Conference noted the importance of Article V and reaffirms the obligation assumed by States Parties to consult and cooperate with one another “in solving any problems which may arise in relation to the objective of, or application of the provisions of, the Convention.” The Conference understands that consultation and cooperation among States Parties may occur, both bilaterally and multilaterally, to strengthen the Convention, to assist States in implementing their obligations, and to limit the risk of potential violations of the Convention.

142. The Conference recognises that these consultation and cooperation may also occur through written submissions of information and, as such, urges all States Parties to submit CBM declarations every year.

143. The Conference encouraged States Parties to promote cooperation and outreach between those States Parties requesting assistance and that those in a position to do so provide assistance in the five areas of the 2003 – 2005 work programme.

144. The Conference also encouraged States Parties to work collaboratively with relevant regional and international organizations, including WHO, FAO and OIE, in keeping with their respective roles and responsibilities, to strengthen surveillance of, and response to, infectious diseases.

145. The Conference stressed the need for all States to deal seriously with compliance issues and emphasised that failure to do so undermines the Convention and the arms control and disarmament process in general.

146. The Conference urged States Parties to consider including, within their CBM declarations, information regarding their efforts to adopt national legislation to implement their obligations under the Convention.

147. The Conference stressed that implementation of Article V of the Convention is consistent with national obligations under United Nations Security Council Resolution 1540.

Article VI

Finland on behalf of the European Union

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

149. The Conference reaffirms the importance of Article VI, which, in addition to the procedures contained in Article V, provides that any State Party which finds that any other State Party is acting in breach of its obligations under the Convention may lodge a complaint with the United Nations Security Council. Such a complaint should include all possible evidence confirming its validity.

150. The Conference invites the United Nations Security Council to consider immediately any complaint lodged under Article VI and to initiate any measures it considers necessary for the investigation of the complaint. The Conference reaffirms the undertaking of each State Party to cooperate in good faith within the scope of the Convention in carrying out any investigation which the Security Council may initiate. The Conference further invites the Security Council to inform all State Parties of the results of any investigation initiated under Article VI and to consider promptly any appropriate further action which may be necessary.

151. In this context, the Conference recalls United Nations Security Council Resolution 620 (1988), which encouraged the United Nations Secretary General to carry out prompt investigations, in response to allegations brought to their attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons that could constitute a violation of the 1925 Geneva protocol or other relevant rules of customary international law. The Conference also recalls the technical guidelines and procedures contained in Annex I of United Nations document A/44/561 (of 1989) to guide the United Nations Secretary General on the timely and efficient investigation of reports of the possible use of such weapons.

152. Bearing in mind the extensive development of biotechnology since 1989 and its possible impact on guidelines and procedures contained in Annex I of United Nations document A/44/561, the Conference encourages the United Nations Secretary-General, in accordance with General Assembly Resolution A/RES/60/288, to update with the assistance of his appointed experts the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use.

India

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

154. The Conference reaffirms the importance of Article VI, which, in addition to the procedures contained in Article V, provides that any States Party which finds that any other State Party is acting breach of its obligations under the Convention may lodge a complaint with the United Nations Security Council. 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.

155. The Conference invites the Security Council to consider immediately any complaint lodged under Article VI and to initiate any measures it considers necessary for the investigation of the complaint in accordance with the Charter. The Conference reaffirms the undertaking of each State Party to cooperate in carrying out any investigation which the Security Council may initiate.

156. The Conference recalls, in this context, United Nations Security Council resolution 620 (1988), which at the time encouraged the United Nations Secretary-General to carry out prompt investigations, in response to allegations brought to its attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons that could entail a violation of the 1925 Geneva Protocol or of any other applicable rule of international treaty or customary law. The Conference also recalls the technical guidelines and procedures contained in Annex I of United Nations document A/44/561 to guide the United Nations Secretary-General on the timely and efficient investigation of reports of the possible use of such weapons. The States Parties reaffirm their agreement to consult, at the request of any States Party, regarding allegations of use of threat of use of bacteriological (biological) or toxin weapons and to cooperate fully with the United Nations Secretary-General in carrying out such investigations. The Conference stresses that in the case of alleged use the United Nations is called upon to take appropriate measures expeditiously, which could include a request to the Security Council to consider action in accordance with the Charter.

157. The Conference invited the Security Council to inform each State Party of the result of any investigation initiated under Article VI and to consider promptly any appropriate further action which may be necessary.

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

Iran (Islamic Republic of)

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

160. 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.

161. 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 evidences and documents confirming its validity. In cases of abuse, all States parties shall decide on appropriate measures against abusive State Party.

162. 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 to 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.

Japan

163. The Conference reaffirms the importance of Article VI, which, in addition to the procedures in Article V, provides that any State Party which finds that any other State Party is acting in breach of its obligation under the Convention may lodge a complaint with the United Nations Security Council. The Conference recognizes the positive aspect of these Articles as a mechanism to rebuild confidence among States Parties in such circumstance.

164. The Conference urges the appropriate use and coordination of existing multilateral mechanisms available to States Parties in response to allegations of the breach of obligations of the Convention.

Pakistan

165. The Conference notes that this article has never been invoked.

166. The Conference also notes the importance of the authenticity and verifiability of a complaint, in case this Article is invoked. It also stressed that in case of a complaint, it should be submitted in a responsible manner. The State Party lodging a complaint should identify which obligations have been breached and provide a report of all possible evidence relating to the alleged breach.

167. The Conference recognizes that:

- (i) capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease promote the object and purpose of the Convention;
- (ii) States Parties' national preparedness and arrangements substantially contribute to international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological and toxin weapons and suspicious outbreaks.

United States of America

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

169. The Conference reaffirms the importance of Article VI, which, in addition to the procedures contained in Article V, provides that any State Party may lodge a complaint against any other State Party it finds is acting in breach of the Convention. The Conference notes that this Article provides a mechanism, through the United Nations Security Council, to carry out an investigation of such a complaint, and it commits each State Party to cooperate with such an investigation.

170. The Conference recognises that, since States Parties are obligated under Article IV of the Convention to take “any necessary measures” to prohibit and prevent BWC-relevant activities within its territory, or under its jurisdiction or under its control anywhere, non-compliant activities, even if committed by non-State actors, could qualify for referral for investigation by the United Nations Security Council.

171. In this connection, the Conference stresses that it is therefore incumbent upon States Parties to provide the technical resources to the Security Council that it may need to conduct an investigation, and urges States Parties to maintain lists of technical experts and laboratories within their jurisdiction that could assist the United Nations Security Council with investigations and should update and provide those lists to the United Nations Security Council regularly.

172. The Conference understands that the possibility of having an investigation by the United Nations Security Council based on illicit actions by non-State actors within the territory of a State Party or under its jurisdiction or control anywhere underscores the importance of having effective national implementation measures.

173. The Conference stresses that implementation of Article VI of the Convention is consistent with Chapter VII authority under United Nations Security Council Resolution 1540.

Article VII

Canada

174. The Conference affirms that for the purposes of the application of Article VII of the Convention, any attack on a State Party using means prohibited under Article I of the Convention shall entitle the aggrieved State Party to request assistance from other States Parties, which undertake to provide or support it.

Finland on behalf of the European Union

175. States Parties reaffirm their undertaking to provide or support assistance in accordance with the Charter of the United Nations to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger or damage as a result of a violation of the Convention.

176. States Parties consider that in the event this Article is invoked, the United Nations could play a coordinating role in providing assistance, consulting the appropriate intergovernmental organisations such as the World Health Organization (WHO), World Organization for Animal Health (OIE), the Food and Agriculture Organization of the United Nations (FAO), and the International Plant Protection Convention (IPPC), as well as States Parties.

177. States Parties further consider that States Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of alleged use of biological or toxin weapons or suspicious outbreaks of disease and encouraged States Parties to keep the Department of Disarmament Affairs of the United Nations informed of their level of preparedness.

178. States Parties encourage prompt consideration and provision of an appropriate response in the event that this Article is invoked. In this context, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties if requested.

India

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

180. The Conference reaffirms the undertaking made by each State Party to provide or support assistance in accordance with the Charter of the United Nations to any Party of the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as result of violation of the Convention.

181. 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.

182. The Conference considers that in the event that this Article might be invoked, the United Nations, with the help of appropriate intergovernmental organizations such as the World Health Organization (WHO), could play a coordinating role.

Iran (Islamic Republic of)

183. The Conference reaffirms the necessity of consideration of 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.

Japan

184. The Conference underlines the importance of Article VII and reaffirms the undertaking made by each State Party to provide or support assistance in accordance with the Charter of the United Nations to any Party of the Convention which so requests, if the security Council decides that such Party has been exposed to danger or damage as a result of violation of the Convention.

185. The Conference considers that in the event this Article might be invoked, the United Nations, with the help of appropriate intergovernmental organizations such as the World Health Organizations (WHO), Office International des Epizooties (OIE) and the Food and Agriculture Organization (FAO), could play a coordinating role. In this regard, The Conference encourages States Parties to consider an efficient and effective way of coordination among relevant organizations in providing assistance.

Pakistan

186. The Conference recognizes that, in regard to the combating of infectious diseases affecting humans, animals and plants:

- (i) infectious disease outbreaks can be contained and suppressed through early detection, immediate response and cooperation and support at the national and international level;
- (ii) strengthening and broadening national and international surveillance, detection, diagnosis and combating infectious disease may support the object and purpose of the Convention;
- (iii) the primary responsibility for surveillance, detection, diagnosis and combating infectious disease rests with States Parties, while WHO, FAO and OIE have global responsibilities, within their mandates in this regard. These organizations should provide immediate assistance to developing countries facing such threats;
- (iv) Scientific and technological developments have the potential to significantly improve disease surveillance and response.

United States of America

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

188. The Conference reaffirms the undertaking made by each State Party to provide or support assistance in accordance with the Charter of the United Nations to any Part to the Convention which so requests, if the Security Council decides that such a Party has been exposed to danger as a result of violation of the Convention.

189. The Conference takes notes of the fact that, since violations of the Convention are not limited to the actions of States Parties, but also to the actions of individuals or groups within the territories of States Parties or territories under their jurisdiction or control anywhere, attacks by

non-State actors that are determined by the UNSC to expose a State Party to danger are subject to Article VII, and, as such, entitle the aggrieved State Party to assistance from other States Parties, upon request, and within the capacity of States Parties to provide assistance.

190. In this connection, the Conference urges States Parties to develop effective national implementation measures that include criminal penalties, operating together with bilateral and multilateral legal assistance agreements that are standard among States which will greatly facilitate the type and extent of assistance that States will be able to provide to each other in such a situation.

191. The Conference further urges States Parties to cooperate with other countries to improve both national and international disease surveillance capabilities to contain and suppress disease outbreaks regardless of cause.

Article VIII

Finland on behalf of the European Union

192. The Conference reaffirms the importance of Article VIII 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.

193. The Conference acknowledges that the 1925 Geneva Protocol, by prohibiting the use of bacteriological methods of warfare, and the Biological and Toxin Weapons Convention complement each other.

194. The Conference calls upon States Parties to the Protocol to withdraw their reservations to the 1925 Geneva Protocol.

195. The Conference appeals to all States that have not yet done so to ratify or accede to the 1925 Geneva Protocol without further delay and not later than 2011.

India

196. The Conference reaffirms the importance of Article VIII 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.

197. The Conference acknowledges that the 1925 Geneva Protocol, by prohibiting the use of bacteriological methods of warfare, and the Biological and Toxin Weapons Convention complement each other.

198. 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 State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.

199. Noting the actions in support of the Protocol taken by the Security Council and General Assembly of the United Nations and recalling the solemn reaffirmation of the prohibition as established in the Protocol, issued by the Conference of the States Parties to the 1925 Geneva Protocol and other interested States held in Paris from 7 to 11 January 1989, the Conference appeals to all States Parties to the Geneva Protocol to fulfill their obligations assumed under the Protocol and urges all States not yet Parties to the 1925 Geneva Protocol to accede to it without delay.

200. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons Convention.

201. The Conference welcomes the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons 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.

202. The Conference notes that reservations concerning retaliation, through the use of any of the 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) and toxin weapons, with the aim to exclude completely and forever the Possibility of their use.

Iran (Islamic Republic of)

203. 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 Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

204. 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.

205. 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 reservation to that Protocol, to withdraw their reservations and support the resolution of the General Assembly of the United Nations General Assembly in this regard, which is biannually tabled.

206. 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 to the absolute and Universal Prohibition of the Development, Production, Stockpiling, Acquisition and Retention of Bacteriological (Biological) Toxin Weapons.

207. 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.

Pakistan

208. The Conference notes that the Geneva Protocol of 1925 and this Convention, through understandings between State Parties at various Review Conferences effectively prohibit the use of biological and toxins weapons.

209. The Conference urges States Parties to the Geneva Protocol 1925 that have made reservations to the Protocol to withdraw all reservations.

Ukraine

210. The 1925 Geneva Protocol and the BTWC supplement each and its relevance is undiminished.

United States of America

211. The Conference reaffirms the importance of Article VIII 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.

212. The Conference acknowledges that the 1925 Geneva Protocol, by prohibiting the use of bacteriological methods of warfare, and the Biological and Toxin Weapons Convention complement each other.

213. 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 State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare.

214. Noting the actions in support of the Protocol taken by the Security Council and General Assembly of the United Nations, the Conference appeals to all States Parties to the Geneva Protocol to fulfil their obligations assumed under the Protocol and urges all States not yet Parties to the 1925 Geneva Protocol to accede to it without delay.

215. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons Convention.

216. The Conference welcomes the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons Convention, and calls upon those States Parties that continue to maintain pertinent reservations to withdraw those reservations, and to notify the Depositary without delay.

217. The Conference notes that reservations concerning retaliation, through the use of any of the 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) and toxin weapons, with the aim to exclude completely and forever the possibility of their use.

Article IX

China

218. The Conference notes with satisfaction on the overall implementation of the Convention on Prohibitions of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and appeals to the States Parties to the Convention to take all necessary measures to fulfil their obligation timely and completely under the Convention.

Finland on behalf of the European Union

219. The Conference reaffirms that Article IX identifies the recognised objective of the effective prohibition of chemical weapons.

220. 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 (Chemical Weapons Convention) entered into force on 29 April 1997 and that 180 States have deposited their instruments of ratification or accession with the United Nations.

221. The Conference calls upon all States that have not yet done so to ratify or accede to the Chemical Weapons Convention without further delay.

India

222. The Conference welcomes the entry into force of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction 29 April 1997 and expresses satisfaction that...States have become a party to it.

223. The Conference calls upon all States that have not yet done so to sign and/or ratify the Convention without delay.

Iran (Islamic Republic of)

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

225. 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 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.

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

Pakistan

227. The Conference recognizes that Article IX identifies the objective of the prohibition of chemical weapons.

228. The Conference calls upon all States that have not yet done so to ratify or accede to the Chemical weapons Convention.

Ukraine

229. The Conference reaffirms the importance of the regime established by the Chemical Weapons Convention. The Conference recognises that it is necessary to stress the important linkages between the Biological and Toxin Weapons Convention and the Chemical Weapons Convention, taking into account that both Conventions have as their subject the regulation of toxins and other substances of chemical and biological agents.

United States of America

230. The Conference reaffirms that Article IX identifies the recognised objective of effective prohibition of chemical weapons.

231. The Conference welcomes the fact that the Convention entered into force on 29 April 1997 and that 181 instruments of ratification or accession have now been deposited with the United Nations.

232. The Conference calls upon all States that have not yet done so to ratify or accede to the Convention without delay.

Article X

Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Peru and Uruguay

233. The use of all peaceful applications of biotechnology for economic and technological development constitutes a right of States parties under the Convention on the Prohibition on the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the Biological Weapons Convention).

234. From this perspective, the importance of promoting scientific cooperation and technology transfer in accordance with the purposes and principles of the Biological Weapons Convention is to be underscored.

235. Scientific cooperation and technology transfer constitute important incentives for the universalization of the Biological Weapons Convention - hence the need to intensify them and to call on the States parties to consider the following recommendations:

- (i) They should fully implement the agreements reached by previous Review Conferences, as well as the Special Conference of the parties to the Biological Weapons Convention;
- (ii) They should ensure scientific cooperation and technology transfer in peaceful activities such as those related to public health, agriculture, farming and animal husbandry;
- (iii) They should develop 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;
- (iv) They should report annually on steps taken in the area of scientific cooperation and technology transfer;
- (v) They should reiterate the request made to the United Nations Secretary-General to collect from and distribute among States parties, on a yearly basis, information on the implementation of article X of the Biological Weapons Convention, and on decisions adopted by the Review Conferences;
- (vi) They should encourage the adoption of measures to create networks between scientific communities and the academic sector regarding the peaceful use of biotechnology, genetic engineering, microbiology and other areas related to the Biological Weapons Convention;
- (vii) They should support the establishment of procedures to assist States parties which request such assistance under article VII of the Biological Weapons Convention;
- (viii) They should review the procedures for consultation and cooperation under article V of the Biological Weapons Convention;
- (ix) They should create a database containing information on opportunities for international cooperation and technology transfer.

China

236. The Conference reiterates the appeals of and ways and means identified by the previous Review Conference in implementing this Article.

237. The Conference stresses the utmost importance of full implementation of this Article, which serves as a key foundation for realizing the objectives of the Convention, and urges States Parties to take further measures to faithfully fulfill their obligations under this Article.

238. The Conference recognizes the need for further deliberations, during the intersessional process towards the Seventh Review Conference, on ways and means to ensure this article better implemented.

Cuba on behalf of the Non-Aligned Movement and other States

239. The Conference emphasizes that each and every article of the Convention bears the same value and significance. In this regard, it stresses the importance of compliance with Article X for the implementation of the Convention in its entirety.

240. The Conference reaffirms the 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 and render such activities critical for strengthening the Convention. Therefore this 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, particularly with countries less advanced in this field, thus promoting the basic objectives of this Convention.

241. The Conference reaffirms also 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. In this regard any new intersessional mechanism decided by this Conference must include consideration of effective implementation of Article X, through the adoption of concrete actions.

242. The Conference notes that existing institutional ways and means of ensuring multilateral cooperation between the developed and developing countries would need to be developed further in order to promote international cooperation in peaceful activities in such areas as medicine, public health and agriculture.

243. The Conference calls once again 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.

244. The Conference emphasizes that 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.

245. The Conference reiterates the need for effective national policies consistent with Article X. To this end, it urges States Parties to undertake to review their national regulations governing international exchanges and transfers in order to ensure its consistency with the objectives of the Convention and specifically the provisions of Article X.

246. The Conference urges the States Parties to develop a framework to provide technical and financial resources including through voluntary contributions, for States Parties to support an international system for the global monitoring of emerging and re-emerging diseases in humans, animals and plants and to support other specific programmes to improve the effectiveness of national and international efforts on the surveillance, diagnosis, prevention and treatment of

diseases caused by microbial and other biological agents and toxins, in particular infectious diseases, including collaborative vaccine research and development and relevant training programmes. The framework so devised should facilitate the conclusion of bilateral, regional and multilateral agreements providing, on a mutually advantageous, equal and non-discriminatory basis, the vehicle for coordination of national and regional programmes that would promote the regular exchange of scientific and technical information in the biological field.

247. The Conference reiterates its call upon the Secretary-General of the United Nations to propose for inclusion on the agenda of a relevant United Nations body, before the Seventh Review Conference, a discussion and examination of the means of 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, and recommends that invitations to participate in this discussion and examination should be extended to all States Parties, whether or not they are members of the United Nations or concerned specialized agencies.

248. The Conference also reiterates its request to the Secretary-General to provide, annually, a report on the implementation of Article X. The Conference urges the States parties who have not done so to provide the required national information to the Secretary-General to facilitate his report.

249. The Conference urges once again 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, and in this regard it stresses that the measures recommended by the Fourth Review Conference remain completely relevant.

Finland on behalf of the European Union

250. The Conference notes that scientific and technological developments have increased the potential for cooperation between States to assist economic and social development and scientific and technological progress. The conference welcomes the fact that there has been an increased level of peaceful cooperation in the biological sciences since the entry into force of the Convention and notes also the ongoing international, regional, bilateral, and national activities related to such peaceful cooperation.

251. The Conference stresses that measures to implement Article X need to be consistent with the objectives and provisions of the Convention.

252. The Conference welcomes the preparatory work done by the Meeting of the States Parties in 2004, reaffirms its conclusions, and accordingly the Conference:

- (i) encourages the States Parties to continue strengthening existing international organisations and networks, in particular those of the WHO, FAO, OIE and IPPC as well as non-governmental actors working on infectious diseases and to promote

cooperation and complementarity between the above-mentioned organisations, each acting within its mandate;

- (ii) reaffirms that the strengthening of WHO, FAO, OIE and IPPC programmes on diseases related to possible biological weapons agents should be undertaken strictly within the mandates of these organisations. The Conference notes that the role of these organisations 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) While recognizing that a well-functioning health services system is the key to ensuring adequate preparedness and response to disease outbreaks, calls upon States Parties to continue establishing and/or improving national and regional capabilities to survey, detect, diagnose and combat infectious diseases and integrate these efforts into national emergency and disaster management plans. For specialist capabilities, the Conference encourages States Parties to explore innovative arrangements that help to optimise use of scarce resources;
- (iv) calls upon States Parties to use existing standards, guidelines, and recommendations wherever possible. In particular, States Parties should endeavour to implement WHO Good Laboratory Practices and Good Clinical Practice, FAO Good Emergency Management Practice, IPPC Good Surveillance Practice and the WHO Laboratory Biosecurity Guidance;
- (v) encourages States Parties to improve communication on disease surveillance at all levels, including with the WHO, FAO, OIE, IPPC and non-governmental organisations, and among States Parties, also making use of information from civil society sources;
- (vi) urges States Parties in a position to do so to continue supporting, directly as well as through international organisations, capacity-building in States Parties in need of assistance in the fields of surveillance, detection, diagnosis and combating of infectious diseases and related research;
- (vii) calls upon States Parties to promote vaccine development and production, including through international cooperation and public-private partnerships;
- (viii) reaffirms that States Parties should continue exchanging experiences and best practices in the field and, in particular, consider discussing during the BTWC intersessional meeting for the period 2007-10 detection of pathogens and response to epidemics in real time.

253. The Conference recognises the important role of the private sector in the transfer of technology and information and the wide range of organisations within the United Nations system that are already engaged in international cooperation relevant to this Convention.

India

254. The Conference once more emphasizes the increasing importance of the provision of Article X, especially in light of recent scientific and technological developments in the field of biotechnology, bacteriological (biological) agents and toxins with peaceful applications, which have vastly increased the potential for cooperation between States to help promote economic and social development, and scientific and technological progress particularly in the developing countries, in conformity with their interests, needs and priorities.

255. The Conference, while acknowledging what has already been done towards this end, notes with concern the increasing gap between the developed and the developing countries in the field of biotechnology, genetic engineering, microbiology and other related areas. The Conference urges all States Parties actively to continue to promote international cooperation and exchange with States Parties in the peaceful uses of biotechnology and 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, in particular with the developing countries, for the benefit of all mankind. At the same time, the Conference stresses that measures to implement Article X need to be consistent with the objectives and provisions of the Convention.

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

257. The Conference emphasizes that States Parties should not use the provisions of the Convention to impose restrictions and/or limitation on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials.

258. The Conference notes that existing institutional ways and means of ensuring multilateral cooperation between the developed and developing countries would need to be developed further in order to promote international cooperation in peaceful activities in such areas as medicine, public health and agriculture.

259. The Conference shares the worldwide concern about new, emerging and re-emerging infectious diseases and considers that the international response to them offers opportunities for increased cooperation in the context of Article X application of strengthening the Convention. The Conference welcomes the efforts to establish a system of global monitoring of disease and encourages States Parties to support the World Health Organization, the FAO and the OIE, in these efforts directed at assisting Member States to strengthen national and local programmes of surveillance, detection, diagnosis and combating of infectious diseases and improve early notification, surveillance, control and response capabilities.

260. The Conference urges the use of existing institutional means with the United Nations system and the full utilization of the possibilities provided by the specialized agencies and other

international organizations, and considers that the implementation of Article X could be enhanced through greater coordination among international cooperation programmes in the biological field for peaceful purposes conducted by States Parties, specialized agencies and other international organizations.

261. 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.

262. The Conference requests the Secretary-General to collate on an annual basis, and for the information of States Parties, reports on how this article is being implemented.

263. The Conference welcomes the information provided by a number of States Parties on the cooperative measures they have undertaken towards fulfilling their Article X obligations and encourages States Parties in a position to do so to provide such information.

264. The Conference calls upon States Parties in a position to do so to fully cooperate with the developing States Parties to the Convention in the area of promotion and financing the establishment of vaccine production facilities. The Conference recommends further that the relevant multilateral organizations and world financial institutions provide assistance for establishment and promotion of vaccine production projects in these countries.

Iran (Islamic Republic of)

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

266. 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.

267. 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 human, animals and plants and to support other specific programs, including collaborative

vaccine R&D as well as relevant training programs, to improve the effectiveness of national, regional and international efforts on the diagnosis, surveillance, prevention, control, treatment of diseases caused by microbial and other biological agents and toxins, in particular infectious diseases. The Conference notes that establishment of a world-wide data bank can contribute to this end.

268. The Conference recognizes that 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.

269. 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.

270. 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 for 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 bio-sciences and genetic engineering for peaceful purposes;
- (v) Facilitation of the conclusion of bilateral, regional and multi-regional agreements providing, on a mutually advantageous, equal and non-discriminatory basis, for States Parties' participation in the development and application of biotechnology;
- (vi) Improvement of health care and hygiene levels particularly in the developing countries.

271. 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 mechanism 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.

272. The Conference underscores that States Parties have a legal obligation to refrain from imposing restrictions or limitations for transfers that would hamper economic or technological development of States Parties or international cooperation for peaceful applications in the field of biotechnology. Therefore, development of national export regulatory mechanisms should only be undertaken by harmonizing both the promotional and regulatory aspects and on a non-discriminatory basis. To this end, the Conference 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.

273. 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 precedence 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 to the Convention and multilaterally negotiated.

274. 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.

275. 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 peaceful application of biology and biotechnology, it should have the right to seek to redress the situation and to settlement of disputes through institutionalized measure. The Conference, therefore, is of the belief that an appropriate body should be established in order to promote the cooperation between States Parties and resolve all of the problems arising from the rejection or hampering of such exchanges and cooperation on the use of biological agents for peaceful purposes.

276. 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.

Japan

277. The Conference recognizes Article X as an important aspect of the Convention, and welcomes that a number of measures have been taken to implement Article X as declared in official documents including background documents, national reports and working papers submitted to the Conference.

278. The Conference stresses that measures to implement Article X need to be consistent with the objectives and provisions of the Convention. In this regard, the Conference recognizes the need to be effectively implement above-mentioned national measures in order to further facilitate the implementation of Article X.

279. The Conference stresses the importance of enhanced coordination and cooperation between States Parties to the Conventions and the relevant international organizations.

Pakistan

280. The Conference recognizes that the promotional aspects of Article X are crucial in strengthening the Convention and would also assist in achieving the objective of universal adherence.

281. The Conference recognizes that this article obligates implementation of the Convention in a manner designed to avoid hampering the economic or technological development of States Parties.

282. The Conference reaffirms the 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, that increase the potential for cooperation amongst States Parties and render such activities critical for strengthening the Convention.

283. The Conference also recommends that positive steps to taken to promote international cooperation and transfer of technology, on an equal and non-discriminatory basis, with countries less advanced in this field.

284. The Conference recognizes that States Parties have a legal obligation to refrain from imposing restrictions or limitations for transfers that would hamper economic or technological development of States Parties or international cooperation for peaceful applications in the field of biotechnology. Development of national export regulatory mechanisms should be undertaken by harmonizing both the promotional and regulatory aspects.

285. The Conference reiterates the need for effective national policies consistent with Article X intended to implement the same as these constitute complementary means of addressing concerns relating to potential proliferation risks.

286. The Conference urges States Parties to undertake to review their national regulations governing international exchanges and transfers in order to ensure its consistency with the objectives of the Convention and specifically the provisions of Article X.

287. The Conference also agrees upon developing a framework for States Parties to support an international system for the global monitoring of emerging diseases in humans, animals and plants and to support other specific programmes to improve the effectiveness of national and international efforts on the diagnosis, prevention and treatment of diseases caused by microbial and other biological agents and toxins, in particular infectious diseases, including collaborative vaccine research and development and relevant training programmes.

288. The Conference emphasizes the importance of providing technical and financial resources for establishing a system of global cooperation for surveillance, monitoring and control of disease and strengthening of national and local programmes of surveillance for infectious diseases for enhancing timely notification and response capabilities.

Ukraine

289. The Conferences recognises the many new and wide possibilities for progress in medicine, agriculture, economy and the environment as a result of biotechnological developments. Misuse of these developments intentional or unintentional may create biological threats, which are difficult to predict but necessary to overcome, in particular by implementing basic obligations pursuant to the articles of the Convention. To assist States in identifying and recognising new scientific and technological advances which are dual-use, Ukraine supports the idea of the establishment of a Scientific Advisory Body that could independently and transparently analyze global developments. These developments would be analysed in a manner consistent with the Convention by ensuring non-proliferation through compliance with Article IV national implementation legislation and national measures and promoting non-discriminatory cooperation between States Parties in the peaceful uses of biology.

290. To be effective the States Parties should also agree to report to the UN-DDA what is happening in their countries and to devote at least one of the intersessional meetings to education and codes of conduct. Without such mechanisms the States Parties will continue to lack the awareness and support amongst the worldwide life scientists community that are needed for the effective implementation of article X and article IV.

291. Another important point to be considered is that most of the countries have collections of naturally or artificially created microorganisms of other biological agents or toxins that could be used for protective of other peaceful purposes. All necessary means have to be implemented to safeguard and control such collections against deliberate or unintentional hostile purposes.

292. (The Conference) calls upon States Parties to continue establishing and/or improving national and regional capabilities to survey, detect, diagnose and combat infectious diseases but also other possible biothreats by *inter alia* establishing regional biomonitoring centres and integrate these efforts into national and/or regional emergency and disaster management plans.

United States of America

293. The Conference notes the importance of Article X and calls upon States Parties to affirm their obligations under Article X of the Convention.

294. The Conference understands that Article X provides a vehicle for States Parties to facilitate, and participate in, the exchange of equipment, materials, and information for peaceful purposes.

295. The Conference emphasises that the fact that States Parties have the right to work with biological agents for peaceful purposes does not mean they do not have the obligation to protect and secure those agents. The Conference therefore cautions States Parties that unsecured collections of dangerous biological agents create opportunities for theft or diversion of these agents for purposes prohibited by the Convention.

296. The Conference notes that the implementation of Article X must be carried out “in accordance with the provisions of the Convention.”

297. The Conference urges States Parties to make efforts to assist other States Parties to improve disease surveillance capabilities and encourage bottom-up developments of codes of conduct for scientists, both of which are consistent with the goals and objectives of the Convention.

298. The Conference understands that information on legislation and pathogen security are also examples of types of assistance that could be shared under Article X, as is public health assistance provided by many States Parties.

Article XI

India

299. The Conference reaffirms the importance of Article XI. In this context the Conference underlies that the provisions of Article XI should in principle be implemented in such a way as not to affect the universality of the Convention.

Iran (Islamic Republic of)

300. The Conference recalls that the Islamic Republic of Iran has 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 use of biological weapons.

301. 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 above- mentioned purpose.

302. 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.

303. 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.

Pakistan

304. The Conference stresses that any amendment to the Convention should not affect the universality of the Convention.

Article XII

China

305. The Conference recognises the importance of the intersessional process agreed in the Fifth Review Conference and decided to continue intersessional meetings annually until 2011 with a view to discussing and promoting common understandings and effective actions on:

- (i) Enhancing the participation of States Parties in the submission of the CBM declaration;
- (ii) Responding to the new developments of science and technologies related to the Convention;
- (iii) Promoting the international cooperation and exchange in the peaceful uses of biotechnology.

Finland on behalf of the European Union

306. The Conference decides that a Seventh Review Conference shall be held in Geneva at the request of the majority of the States Parties, or in any case, not later than 2011.

307. The Conference agrees that the Seventh Review Conference should consider the Convention in the light of:

- (i) new science and technological developments relevant to the Convention, including the possible misuse of such developments by States and non-State actors,
- (ii) the progress made by States Parties on national implementation of the obligations under the Convention, to reduce the risk of misuse of dangerous biological materials by States and non-State actors,

- (iii) any development of the international security environment that may change the perspective of the BW threat,
- (iv) the outcome of the activities and procedures discussed during the 2007 to 2010 intersessional process.¹

India

308. The Conference decides that the Seventh Review Conference shall be held in Geneva at the request of the majority of States Parties, or in any case, not later than 2011.

309. The Conference decides that the seventh Review Conference shall consider, inter alia, the impact of scientific and technological developments relating to the Convention and consider the work of the annual meetings of States Parties to be held during 2007-2011 and decide on any further action.

310. The Review Conference recommends that conferences of States Parties to review the operation of the Convention should be held at least every five years.

311. The Conference decides, by consensus, to hold four annual meetings of the States Parties of one week duration each commencing in 2007 until the Seventh Review Conference, to be held not later than the end of 2011, to discuss, and promote common understanding and effective action on :

- (i) Facilitation of scientific and technological cooperation and exchanges for peaceful purposes in pursuance of Article X;
- (ii) Regional and sub-regional cooperation on BWC implementation;
- (iii) Ways and means to enhance national implementation, including enforcement of national legislative, administrative and other measures;
- (iv) Recent advances in life sciences and bio-technology and their relevance to implementation of the Convention, in particular Article I;
- (v) Bio-security and bio-safety, including safety and security of pathogens and toxins, with a view to prevent non-State actors from gaining access to biological agents and toxins;
- (vi) Scientific oversight, education and raising awareness of biological risks;
- (vii) Disease surveillance, education and raising awareness of biological risks;

¹ Item (iv) may be replaced by specific language related to the topics of the intersessional process agreed at the Review Conference.

- (viii) Preparedness and response, including detection, diagnosis and response to epidemics.

312. Each meeting of the States Parties will be prepared by a one week meeting of experts. The topics for consideration at each annual meeting of Experts and States Parties will be as follows: items (i) and (ii) will be considered in 2007; items (iii) and (iv) in 2008; items (v) and (vi) in 2009 and items (vii) and (viii) in 2010.

313. The annual meetings of States Parties will also consider other issues relevant to the full and effective implementation of the Convention, including such recurring issues as national implementation, universal adherence to the Convention, confidence-building measures, international cooperation and assistance and implementation support.

314. The meetings of experts will prepare factual reports describing their work. All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus. The Sixth Review Conference will consider the work of these meetings and decide on any further action.

Iran (Islamic Republic of)

315. The Conference decides a Seventh Review Conference to be held in Geneva not later than 2011.

316. The Conference reaffirms multilateral negotiations on a legally binding instrument shall strengthen the Convention. Therefore the Conference decides these negotiations to be revived and concluded by consensus before commencement of the Seventh Review Conference.

317. The Conference decides that Seventh Review Conference shall consider the impact of scientific and technological developments relating to the Convention and progress on the implementation of Action Plan on Article X.

318. The Conference also decides to hold four annual meetings of the States Parties of one week 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.

319. The Conference further decides that Seventh Review Conference shall consider the work of above mentioned meetings and decide on further action by consensus.

Pakistan

320. The Conference decides that the Seventh Review Conference shall consider, *inter alia* the impact of scientific and technological developments relating to the Convention. The Conference recommends that conferences of States Parties to review the operation of the Convention should be held at least every five years

United States of America

321. The Conference decides that States Parties will meet between the Sixth Review Conference and the Seventh Review Conference to: [to be added]

322. The Conference notes that, since Article XII states that review must take into account “any new scientific and technological developments relevant the Convention, ” it must also take into account how such developments might be misused, not only by States, but also by terrorists or other non-State actors, thereby altering out perspective on the security of dangerous biological agents. As a result, the threat of illicit access to biological agents and toxins by non-State actors must be considered in any review of the Convention.

323. The Conference further notes that this Article also requires States Parties to consider how a dynamic security environment may or may not alter our perspective of the BW threat. The Conference calls to the attention of States Parties scientific reports in recent years that continue to show that biological materials that have the potential for uses contrary to the Convention are not adequately protected

324. The Conference decides that the Seventh review Conference should consider the Convention in the context of the strategic environment as well as in light of the progress that States Parties have made on implementing their obligations, as discussed during the 2003-2005 work program, and as reviewed at the Sixth Review Conference.

325. In addition, the Conference decides that States Parties should work to reduce the threat of non-State actors and should report on their progress to thwart these actors from escalating the biological weapons threat, and that States Parties should also constantly review risk and vulnerabilities of collections of dangerous biological materials and new developments for reducing those risks and, if appropriate, vulnerabilities should be regularly shared among States Parties

Article XIII

India

326. The Conference notes the provisions of Article XII and, while emphasizing that the Convention is of unlimited duration and applies at all items, expresses its satisfaction that no States Party to the Convention has exercised its right to withdraw from the Convention.

Iran (Islamic Republic of)

327. 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.

Pakistan

328. The Conference welcomes the fact that there have been no withdrawals from the Convention. This underscores the continued validity and importance of the Convention.

United States of America

329. The Conference notes the provision of Article XIII and, while emphasizing that the Convention is of unlimited duration and applies at all times, expresses its satisfaction that no State Party to the Convention has exercised its right to withdraw from the Convention

Article XIV

Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Peru and Uruguay

330. (The Conference recommends Status Parties:)

- (i) should welcome the fact that, since the last Review Conference, the Governments of Mali, Antigua and Barbuda, Palau, Timor-Leste, the Sudan, Azerbaijan, Kyrgyzstan, the Republic of Moldova and Tajikistan have acceded to the Biological Weapons Convention or deposited their instruments of ratification, bringing the number of States parties to 155;
- (ii) should call upon States that have not yet adhered to or ratified the Biological Weapons Convention to do so without delay;
- (iii) should call upon States to withdraw all the reservations made to the 1925 Geneva Protocol in order to strengthen the norm that prohibits the use of biological weapons;
- (iv) should underline the importance of promoting international cooperation and technology transfer as incentives to achieve universality;
- (v) should adopt an action plan to facilitate universalization of the Biological Weapons Convention, including:
 - (a) authorizing the Support Unit to take action to promote universalization, including: Scheduling of activities that enhance the interest of non-parties; Provision of assistance to States that request it in adapting their legislation to allow them to speed up their process of ratifying or acceding to the

Biological Weapons Convention; and Efforts to promote the participation of non-parties in regional meetings and other events related to the Biological Weapons Convention;

- (b) securing a commitment by States parties to intensify their efforts to achieve the universalization of the Biological Weapons Convention, through bilateral means as well as within the framework of regional and multilateral meetings. These efforts might include the exchange of information concerning legislative experience between States parties and non-parties;
- (c) inviting States parties to appoint a focal point responsible for coordinating actions aimed at securing the universalization of the Biological Weapons Convention. A report on these actions should be presented to the other States parties at annual meetings.

Finland on behalf of the European Union

331. The Conference notes with satisfaction that a number of States have acceded to the Convention since the Fifth Review Conference: 155 countries are presently States Party to the Convention, of which nine (9) States have acceded to the Convention since the Fifth Review Conference.

332. The Conference calls upon the States which have not yet ratified or acceded to the Convention to do so without delay, and by 2011 at the latest. The Conference welcomes the decision made by some States not Party to the Convention to participate as observers, during the intersessional period 2003-2005, in Expert Meetings and Meetings of States Parties, encourages these States to accede to the Convention and pending adherence, that they start implementing the provisions of the Convention.

333. The Conference requests States Parties to encourage wider adherence to the Convention. In this connection, the Conference also welcomes initiatives that could lead to wider accession to the Convention. In particular, the Conference appreciates the initiatives taken by States or group of States through common positions, joint actions, multilateral and bilateral demarches with non-member States, with a view to contribute to the universalization of the Convention, and welcomes the organization of Conferences and Seminars to reach States not Party to the Convention.

334. The Conference has agreed a strategy to help States Parties work towards the important objective of the universality of this Convention by 2011.

India

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

336. The Convention 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.

337. In this connection, the Conference requests States Parties to encourage wider adherence to the Convention. The Conference welcomes the adoption of the 'Action Plan' and encourages States Parties to work towards early realization of the goal of universal adherence to the Convention.

338. The Conference also welcomes regional initiatives that would lead to wider accession to the Convention.

339. The Conference appeals to those States Parties to the Biological and Toxin Weapons Convention which have taken part in the Conference to participate in the implementation of provisions contained in the Final Declaration of this Conference.

Iran (Islamic Republic of)

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

341. 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.

Pakistan

342. The Conference expresses satisfaction at the increased number of ratifications and accessions since the Fourth Review Conference. It also agreed on a plan of action to be devised to increase ratification or accession to the Convention.

United States of America

343. The Conference notes with satisfaction that [...] States have acceded to or ratified the Convention since the Fifth Review Conference.

344. The Conference calls upon States which have not yet ratified or acceded to the Convention to do so without delay, thus contributing to the achievement of universal adherence to the convention.

345. In this connection, the Conference notes that all collections of biological agents with the potential for use as biological weapons pose a potential risk to the global community, whether or not those collections are located in the territory of a State Party or under its jurisdiction or control.

346. As a result, the Conference urges all States Parties to work to universalize the Convention and to assist States in implementing their obligations under the Convention United Nations Security Council Resolution 1540.

Article XV

India

347. The Conference notes the importance of this Article as well as the importance of the legal status of the languages of the Convention and the United Nations system.

Pakistan

348. The Conference agrees to include Arabic as an official language of the Convention.

United States of America

349. The Conference notes the importance of this Article as well as the importance of the legal status of the languages of the Convention and the United Nations system.

Action Plan on Universalisation

Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Peru and Uruguay

350. (The Conference recommends that States Parties:) Adopt an action plan to facilitate universalization of the Biological Weapons:

- (i) authorizing the Support Unit to take action to promote universalization, including: Scheduling of activities that enhance the interest of non-parties; Provision of assistance to States that request it in adapting their legislation to allow them to speed up their process of ratifying or acceding to the Biological Weapons Convention; and Efforts to promote the participation of non-parties in regional meetings and other events related to the Biological Weapons Convention;
- (ii) securing a commitment by States parties to intensify their efforts to achieve the universalization of the Biological Weapons Convention, through bilateral means as well as within the framework of regional and multilateral meetings. These efforts might include the exchange of information concerning legislative experience between States parties and non-parties;
- (iii) inviting States parties to appoint a focal point responsible for coordinating actions aimed at securing the universalization of the Biological Weapons Convention. A report on these actions should be presented to the other States parties at annual meetings.

Australia

351. The Biological and Toxin Weapons Convention is a cornerstone of international security. A global ban on the development, production, stockpiling and use of such weapons requires universal adherence to the Convention and full compliance by all State Parties. Full implementation of the Convention is an obligation under UNSCR 1540 and UNSCR 1673. Moreover, universalisation and full implementation of the Convention is vital to the security of all against the threat of bio-terrorism.

352. The States Parties should thus reaffirm at the sixth Review Conference their commitment to ensuring the universalisation and full implementation of the Convention within their national legal frameworks. To this end, the States Parties should agree to an action plan including:

- (i) calling on all States not party to the Convention to ratify or accede to the Convention without delay and to adhere voluntarily to its provisions until such time as they become parties;
- (ii) calling on States Parties to introduce and strengthen legislative, administrative and other measures, including accountability, physical protection and enforcement of regulations and penal codes, to ensure the full implementation of the Convention;
- (iii) using, as appropriate, bilateral contacts with States not parties, and regional and multilateral fora, to promote the political, security and economic benefits of ratification or accession to the Convention;
- (iv) undertaking initiatives, whether on a national, regional or international basis, to promote universalisation and full implementation of the Convention;
- (v) providing, where States Parties are in a position to do so, assistance to States in the process of ratifying or acceding to the Convention, and to States Parties on measures, including on legislation, to implement the Convention;
- (vi) seeking as appropriate the support and assistance of relevant regional and multilateral organisations toward realising the universalisation and full implementation of the Convention;
- (vii) nominating voluntarily points of contact to facilitate information exchange on universalisation and implementation measures among the States Parties;
- (viii) submitting and, where possible, making publicly available (e.g. posted on the Internet) Confidence-Building Measures to make the process of implementing and adhering to the Convention more transparent;
- (ix) reporting to the Convention Meetings Secretariat details of all universalisation and implementation activities for the purposes of compilation and dissemination among the States Parties.

Finland on Behalf of the European Union

353. With 155 States Parties, of which 9 States have acceded to the Convention since the Fifth Review Conference, membership in the Biological and Toxin Weapons Convention is substantially behind the other major multilateral arms control/proliferation treaties. The Nuclear Non-Proliferation Treaty has 188 and the Chemical Weapons Convention presently 180 States Parties. Although the United Nations General Assembly annually calls for States to join the increased international concern about the proliferation of biological weapons, a concerted international effort is needed to persuade non-States Parties to join the BTWC.

354. The Conference agreed on an Action Plan on Universality with the goal of achieving universal membership to the BTWC by the time of the Seventh Review Conference in 2011.

355. To this end, the Conference:

- (i) Calls on all States Parties to actively seek, bilaterally and with other States or on a region basis, to persuade non States Parties to the BTWC to join and to keep the Implementation Support Unit established in UN-DDA informed about their efforts;
- (ii) Calls on signatories to ratify the Convention without delay and to keep the Implementation Support Unit established in UN-DDA informed about progress of their ratification;
- (iii) Urges States Parties to promote universality in regional fora and international organizations;
- (iv) Requests the President of the Review Conference, assisted by the Implemented Support Unit established in UN-DDA, to address each non-State Party to the BTWC, urging it to join and offering any necessary assistance with this process;
- (v) Requests each State Party that wishes to participate actively in carrying out the action plan to designate the Implementation Support Unit in UN-DDA a national universality “point of contact” to facilitate coordination among States Parties;
- (vi) Requests the Implementation Support Unit established in UN-DDA to support States Parties in the universality effort by maintaining lists of “points of contact”, facilitating communications with non-States Parties to the BTWC, consolidating information on the progress of non-States Parties towards ratification / accession, and facilitating information exchange;
- (vii) Requests the President of the Review Conference, in close consultation with States Parties, to designate a facilitator for the Action Plan on Universality, who shall coordinate activities between “points of contact”;

- (viii) Requests the appointed facilitator to convene an initial coordination session of the “points of contact” to exchange information and coordinate activities no later than 31 March 2007 and to convene subsequent sessions not less than annually on a schedule agreed by the participants;
- (ix) Requests the appointed facilitator to report at the annual meeting of States Parties to the States Parties on the implementation of the action plan;
- (x) Requests the appointed facilitator and the Implementation Support Unit established in UN-DDA to keep each other informed on respective activities;
- (xi) Requests the Implementation Support Unit established in UN-DDA to provide any support to the facilitator;
- (xii) On requests of the States Parties, the President of the Review Conference appointed Mr./Mrs. ... as facilitator for the Action Plan on Universality.

Action Plan on National Implementation

Finland on behalf of the European Union

356. In Article IV, the Biological Weapons Convention requires each States Party, in accordance with its constitutional processes, to “take any necessary measures to prohibit and prevent,” on its territory or anywhere under its jurisdiction or control, any activities prohibited by the Convention. Judging from submissions to the United Nations Security Council Resolution 1540 Committee, the 2003 BWC Meeting of Experts, and other publicly available information, many States have taken some steps to meet their obligations, while few have comprehensive measures in place. The progress achieved by the OPCW action plan in encouraging CWC States Parties to meet their obligations to enact national measures, including penal legislation, suggests that a similar effort should be agreed by the BTWC States Parties.

357. The Conference agreed on an Action Plan on National Implementation with the goal of achieving the enactment and implementation of legislative and other measures in accordance with BTWC Article III and IV obligations, including penal legislation, by all States Parties without further delay.

358. To this end, the Conference:

- (i) Requests each State Party:
 - (a) To provide the Implementation Support Unit established in UN-DDA, not later than [15 April 2006] [either with the amended CBM Form E or in a descriptive way], detailed information on the measures it has taken to implement its Article III and IV obligations;

- (b) Seeking assistance of any kind in meeting its national implementation obligations to inform the Implementation Support Unit established in UN-DDA of its needs and point of contact not later than [15 April 2007] [either by the new CBM Form ... or in a descriptive way];
 - (c) Able to provide assistance of any kind towards national implementation in other States Parties to inform the Implementation Support Unit established in UN-DDA of the assistance available and its point of contact no later than [15 April 2007] [either by the new CBM Form ... or in a descriptive way];
 - (d) To keep the Implementation Support Unit established in UN-DDA informed on their efforts to meet national obligations under Article III and IV or to assist other States Parties;
- (ii) Requests the Implementation Support Unit established in UN-DDA:
- (a) To compile and analyse official information available to it on measures taken by each State Party pursuant to Article III and IV, including any relevant clarifications received from States Parties, and to promptly distribute the analysis to all States Parties;
 - (b) To compile and disseminate to all States Parties information on assistance needed and assistance provided;
 - (c) To maintain close contacts with national points of contact, as well as international and non-governmental organizations that already provide assistance to States in meeting their Article III and IV obligations;
 - (d) To post relevant information on planned workshops, seminars, and similar events related to national implementation assistance on the website devoted to BTWC information;
 - (e) To periodically update information on the progress of States Parties in meeting their Article III and IV obligations, maintain lists of points of contact, facilitate communication among States Parties needing and providing assistance, and coordinate outreach activities;
 - (f) To provide annually to all States Parties a report on activities undertaken under the action plan and progress achieved.

Plan of Action on the Implementation of Article X

Cuba on behalf of the Non-Aligned Movement and Other States

359. The Sixth Review Conference:

- (i) Calls on States Parties:
 - (a) To actively seek, nationally, bilaterally, multilaterally or through regional mechanisms, the full implementation of the decisions adopted in previous review conferences regarding Article X;
 - (b) To submit to the Implementation Support Unit established within the UN-DDA a national report on implementation of Article X, including offers and requests for assistance in different areas under the scope of Article X. These reports may be published on the BWC Web site, with the approval of the State Party concerned;
 - (c) To utilise the point of contact designated by States Parties to the Implementation Support Unit established within the UN-DDA to facilitate coordination among States Parties;
 - (d) To undertake to review their national regulations governing international exchanges and transfers in order to ensure their consistency with the objectives and the provisions of Article X;
 - (e) To adopt positive measures to promote technology transfer and international cooperation, in particular to the developing countries, for the benefit of all mankind;
 - (f) To provide upon request, where in a position to do so, assistance to other States Parties in enacting and enhancing national legislation to implement the Convention;
 - (g) To facilitate cooperation, where in position to do so, in particular capacity building, as well as technology transfer in the areas of custom control to facilitate the implementation of relevant provisions of the Convention;
 - (h) To ensure scientific cooperation and technology transfer, as well as exchange of information, concerning research programmes in biosciences and greater cooperation in public health, detection, diagnosis, and containment of infectious diseases, and agriculture;
 - (i) To provide, where in a position to do so, financial and technical support, directly as well as through international organizations and relevant international institutions, with the view to building capacities in States

Parties in need of assistance in the fields of surveillance, detection, diagnosis and containment of infectious diseases and related research;

- (j) To promote, where in a position to do so, development and production of vaccine and drugs to prevent and treat infectious diseases through international cooperation and, as appropriate, public-private partnerships;
 - (k) To promote and facilitate regional workshops on scientific and technological cooperation and exchanges for peaceful purposes in pursuance of Article X;
 - (l) To promote, where appropriate, the development of efficient coordination mechanism between the United Nations and its relevant specialised agencies and relevant international and regional organizations to facilitate specific measures to promote scientific cooperation and technology transfer;
 - (m) To support the adoption of measures to create networks between scientific communities and academic institutions regarding the peaceful use of biotechnology, genetic engineering, microbiology and other areas related to the Biological Weapons Convention;
 - (n) To assist the Implementation Support Unit established with the UN-DDA in the development of a database containing information on opportunities for international cooperation and technology transfers;
- (ii) Request the Secretary-General of the United Nations to propose the inclusion in the agenda of the relevant United Nations specialised agencies a discussion and examination of the means of improving institutional mechanisms in order to facilitate the fullest possible exchange of equipment, materials, and scientific and technological information regarding the use of biological agents and toxins for peaceful purposes;
- (iii) Request the Implementation Support Unit established within the UN-DDA:
- (a) To receive from and distribute among States Parties, on an annual basis, information on the implementation of Article X of the Convention and on decisions adopted by the Sixth Review Conference;
 - (b) To disseminate information on needs conveyed by States Parties to enhance their capabilities to eradicate infectious diseases and to promote biological and biotechnological research and development for peaceful purposes;
 - (c) To develop, with the assistance of States Parties, and maintain a database containing information on opportunities for international cooperation and technology transfers;

- (d) To maintain regular contact with the national points of contact of States Parties;
- (e) To provide to States Parties at their annual meetings a progress report on activities undertaken by it under this Plan of Action.

360. The Sixth Review Conference decides that a full review of the progress made in the implementation of the provisions set out in this Action Plan be carried out at the Seventh Review Conference.

Implementation support

Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Peru and Uruguay

361. (The Conference decides) to create a permanent support unit/secretariat, whose main functions will be:

- (i) To analyse the information received from the States parties in their reports;
- (ii) To provide assistance to States parties on request in the submission of their reports;
- (iii) To provide assistance to States parties on request in the adaptation of their domestic legislation;
- (iv) To develop a database on national standards and legislation related to topics covered in the Biological Weapons Convention;
- (v) To devise a mechanism for the management of confidential information;
- (vi) To prepare documentation for the meetings of the Biological Weapons Convention;
- (vii) To provide support to the Chairman and the States parties at meetings of the Biological Weapons Convention in the form of advice on technical and procedural issues;
- (viii) To take steps designed to promote universalization;
- (ix) To facilitate links between States parties and the depositaries, international organizations, scientific and academic institutions and non-governmental organizations;
- (x) To update the Biological Weapons Convention website.

Finland on behalf of the European Union

362. Taking into account the importance of national implementation of the Convention, universality of the Convention, and improvement of the exchange of Confidence-Building Measures, States Parties agree that, for these specific purposes, an “Implementation Support Unit” shall be chartered and will consist of three full time staff members within the DDA, funded by States Parties for the period from 2007-2011.

363. The Implementation Support Unit shall:

- (i) Provide administrative support to any meetings during the period between the Sixth and Seventh Review Conferences;
- (ii) Receive and distribute Confidence Building Measures, including reminders to States Parties regarding their annual submissions and develop a secure website for review of Confidence Building Measures by States Parties;
- (iii) Compile data related to national implementation and universality [to be further elaborated in “Action Plans”];
- (iv) Serve as a clearinghouse for offers of assistance related to national implementation and preparation of CBMs.

364. The unit’s mandate will be limited to the above tasks. The unit will submit a concise annual written report to all States Parties and update States Parties at each Meeting of States Parties on its activities to implement this mandate. The unit’s existence and mandate will be reviewed by States Parties at the Seventh Review Conference.

Norway

365. (The Conference decides to establish an Implementation Support Unit whose tasks would include:)

- (i) Being in charge of the preparations for intergovernmental meetings;
- (ii) Receiving the States Parties’ Confidence-Building Measures reports. Encouraging and reminding States Parties to submit such reports on an annual basis, and, if necessary, providing assistance. Disseminating Confidence-Building Measures (CBMs) to other the States Parties;
- (iii) Drawing up an annual report on the CBMs for the States Parties;
- (iv) Functioning as a clearing house for technical cooperation on legislation, biosafety and biosecurity without duplicating other relevant institutions. The unit could also facilitate technical cooperation between the States Parties at their request, such as elaborations of project proposals;

- (v) Working systematically towards full universalisation of the BTWC;
- (vi) Maintaining regular contact with key institutions such as the World Health Organization (WHO), the World Organization for Animal Health (OIE) and the Food and Agriculture Organisation (FAO);
- (vii) Providing support to the UN Secretary-General in the event of a suspicious outbreak of disease, by updating the Secretary-General's response mechanism;
- (viii) Facilitating consultations between States Parties in cases where Article V has been invoked.

Intersessional programme of work

Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Peru and Uruguay

366. Although the ad hoc mechanism used in the period between the Fifth and Sixth Review Conferences of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the Biological Weapons Convention) has been useful for exchanging information and experience on some topics, it has suffered from limitations as regards the implementation of all the obligations contained in the Convention.

367. In order to remedy this situation, (the Review Conference decides) to establish a flexible ad hoc follow-up mechanism for the period between the sixth and seventh review conferences of the Biological Weapons Convention. This mechanism would:

- (i) Support annual meetings of governmental experts (one week) and of States parties (two weeks);
- (ii) Analyse, in meetings of governmental experts, developments in the fields of biotechnology, genetic engineering, microbiology and other related areas that may have an impact on the work of the Biological Weapons Convention;
- (iii) Examine systematically, in meetings of the States parties, the preamble as well as the operative section of the Biological Weapons Convention, as well as the work of the preceding meeting of governmental experts, if any, and specify the subjects to be discussed at the next meeting of governmental experts;
- (iv) Discuss, at the first meeting of governmental experts, the following subjects: ...;
- (v) Have, during the meetings of the States parties, the capacity to adopt decisions which provide a response to any challenges facing the Biological Weapons Convention;

- (vi) Facilitate the work of the follow-up mechanism through the Support Unit.

Finland on behalf of the European Union

368. The Conference of States Parties agreed by consensus to the following intersessional programme of work commencing in 2007 until the Seventh Review Conference, to be held not later than the end of 2011, to discuss, and promote common understanding and effective action on:

- (i) improvements to the Confidence Building Measures (linked to Art. V);
- (ii) Safety and security of pathogens and toxins (linked to Art. IV);
- (iii) Detection of pathogenic agents and response to epidemics in real time (linked to Arts. VI and X);
- (iv) Raising of the awareness of the biological risk in national populations (linked to Art. X);
- (v) Judicial, police and customs cooperation on the prevention of proliferation of high risk products and illicit trade in dual-use equipment (linked to Arts. III, IV and X);
- (vi) Redirection of scientists previously involved in military programmes (linked to Art. X);
- (vii) Regional and sub-regional cooperation on BTWC implementation (linked to Art. IV);
- (viii) Action in the event of suspected use of biological or toxin weapons by State and non-State actors (linked to Arts. V, VI and VIII).

369. States Parties will meet annually for [one] week, preceded by a [one/two] week Meetings of Experts which will prepare factual reports describing their work.

370. States Parties will address [which topic] on [which year], etc. In addition, [reporting on national implementation mechanisms, national enforcement of legislative and administrative arrangements, biosecurity, scientific and technological developments relevant to the Convention, awareness-raising and educational activities, peaceful uses of biological sciences and progress towards universal adherence to the Convention] will be discussed and reviewed on an annual basis. Where States Parties have agreed Action Plans, these will be discussed and reviewed annually.

371. The first meetings in 2007 will be chaired by [name/nation/regional group]; the 2008 meetings will be chaired by [name/nation/regional group]; the 2009 meetings will be chaired by [name/nation/regional group]; and the 2010 meetings will be chaired by [name/nation/regional group].

372. All meetings, both of experts and States Parties, will reach any conclusions or results by consensus. Where there is consensus the Meetings of States Parties could make decisions without referral to the Seventh Review Conference.

373. The Seventh Review Conference will consider the work or the intersessional programme of work and decide on any further action.

Cuba on behalf of the Non-Aligned Movement and Other States

374. (The Conference decides) to hold four annual meetings of the governmental experts and States Parties of the one week duration each, commencing in 2007 until the Seventh Review Conference, to be held not later the end of 2011, and to consider the following issues:

- (i) Advances in the life sciences and biotechnology and their relevance to the implementation of the Convention, in particular Article I;
- (ii) Ways and means to enhance national implementation;
- (iii) Review of the implementation of confidence-building measures;
- (iv) Practical and concrete measures to facilitate scientific and technological cooperation and exchanges for peaceful purposes in pursuance of Article X;
- (v) Disease surveillance, including international cooperation in improving health-care infrastructures and systems;
- (vi) Promotion of universalization of the Convention;
- (vii) Education and raising awareness of biological risks in national populations.

New Zealand

375. An intersessional work programme has demonstrated its potential to contribute effectively to the strengthening and implementation of the Convention as a whole. Accordingly, the practice should be continued during the next review cycle.

376. Intersessional topics for consideration during the next review cycle could include the following:

- (i) implementation and periodic review of a universalisation action plan;
- (ii) further development of confidence-building measures at national, regional, and multilateral levels;
- (iii) further development of biosafety and biosecurity practices at national, regional, and multilateral levels;

- (iv) the potential for mutually reinforcing activity programmes between the BWC and UNSCR 1540.

377. Any intersessional programme established should retain sufficient flexibility on a year-to-year basis to allow the consideration of new items, which may arise in the form of unforeseen developments and recent innovations that are relevant to the work of the Convention.

South Africa

378. (The Conference decides to establish) a more substantial process that will consist of expert meetings on one or more subjects (one week per subject) each year for the first three years.

379. These meetings will report to a meeting of States Parties, which will take place in the fourth year and will be two weeks in duration. The meetings of experts may make proposals to the meeting of States Parties.

380. The meeting of States Parties will consider the reports and any proposals made by the meetings of experts and then make proposals to the Seventh Review Conference for consideration.

381. The following subjects for discussion can be considered:

- (i) Identification of national and international measures and actions to improve Biosafety and Biosecurity;
- (ii) International cooperation to assess and improve the capacity of international and national primary health care systems to manage disease;
- (iii) To review the purposes, utility, formats, universalisation, and management of CBMs. This meeting could last two weeks and should make proposals to the meeting of States Parties;
- (iv) Discussion and examination of the means for improving international cooperation in the use of biotechnology for peaceful purposes.

382. The subjects discussed during the period between the Fifth and Sixth Review Conferences can be considered in terms of implementation and new developments during the meeting of States Parties.

Confidence-building measures

Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Peru and Uruguay

383. Confidence-building measures are necessary for better and more effective implementation of the provisions of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the Biological Weapons Convention).

384. Confidence-building measures prevent and reduce areas of ambiguity through greater transparency, and can be useful in carrying out a structured analysis of a compliance regime.

385. In order to achieve the desired improvement of such measures, States parties are invited to consider the following recommendations within the framework of their annual meetings, assisted by the Support Unit:

- (i) Provision of assistance and cooperation to States parties, when requested, in devising, presenting and implementing confidence-building measures;
- (ii) Review of existing measures and their format;
- (iii) Development of guidelines for enhancement of their implementation;
- (iv) Examination of the desirability of creating new forms with a more readable format, independently of the language in which the forms are presented, and of making them available in electronic format;
- (v) Devising of new measures, where necessary;
- (vi) Study of the possibility of establishing a panel of governmental experts to assist in the duties mentioned above, among other tasks.

Finland on behalf of the European Union

386. The review of Article V of the BTWC has shown the need for enhancing participation of States Parties in the Confidence building measures process.

387. The Conference therefore agrees to make the following decisions:

- (i) The [DDA]/[Implementation Support Unit within the United Nations Department for Disarmament Affairs], with the assistance of interested States Parties, shall develop an electronic version of the Confidence building measures forms. The completed forms shall be posted on a secure Internet site for the use of States Parties, to be developed under the auspices of the [DDA]/[Implementation Support Unit within the United Nations Department for Disarmament Affairs];

- (ii) States parties that wish to submit completed paper forms instead of electronic forms can do so. The [DDA]/[Implementation Support Unit within the United Nations Department for Disarmament Affairs] shall insert the submitted hard copy data in the secure Internet site in order to make it electronically available to all States Parties;
- (iii) The [DDA]/[Implementation Support Unit within the United Nations Department for Disarmament Affairs] shall centralize requests and offers of assistance regarding the submission of CBMs;
- (iv) The [DDA]/[Implementation Support Unit within the United Nations Department for Disarmament Affairs] shall regularly inform States Parties about CBM returns and provide statistics on the level of participation;
- (v) States Parties shall designate a national point of contact responsible for the submission of CBMs, the contact details of which shall be sent to the [DDA]/[Implementation Support Unit within the United Nations Department for Disarmament Affairs];
- (vi) The Point of contact shall be informed each year by the UN Secretary-General and by the [DDA]/[Implementation Support Unit within the United Nations Department for Disarmament Affairs], of the deadline for submitting information under the information exchange procedure (15 April). A reminder shall be issued by the [DDA]/[Implementation Support Unit within the United Nations Department for Disarmament Affairs] after the deadline has passed if no data has been forwarded.

388. Furthermore, the Conference agrees to review the formats of the CBM questionnaires and to endorse the appended forms.
