

Biological and Toxin Weapons Convention

Fifth Review Conference, part one

Draft Final Declaration, December 7, 2001.

Note: The draft Final Declaration which follows was released by the Chair of the Drafting Committee, Ambassador Munir Akram on the morning of the final day of the Review Conference, Friday, December 7. It is not an official document (a fact reflected in a number of missing words and inconsistencies of spelling) and some changes were reportedly agreed following its release. The text in bold marks contested language. Italicised and square-bracketed text of BWC articles inserted by the Editor of this journal for readers' reference.

Solemn Declaration

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 November 19 to December 7, 2001, to review the operation of the Convention, solemnly declare:

- The determination of the states parties to accomplish the total elimination of all weapons of mass destruction;
- The determination of the states parties also to achieve general and complete disarmament under strict and effective international control, which is the ultimate objective of the efforts of states in the disarmament process;
- Their reaffirmation that the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction is essential for international and regional peace and security;
- Their reaffirmation of their firm commitment to the purposes of the Preamble and the provisions of the Convention;
- Their dissatisfaction at the fact that, after a quarter of a century since the entry into force of the Convention, universality has not yet been achieved;
- Their reiteration that the effective contribution of the Convention to international peace and security would be enhanced through universal adherence to the Convention, and their call on signatories to ratify, and other non-states parties to accede to, the Convention at the earliest;
- Their reaffirmation that under any circumstances the use, development, production and stockpiling of bacteriological (biological) and toxin weapons is effectively prohibited under Article I of the Convention;
- Their continued determination, for the sake of humankind, 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 humankind;
- Their renewed determination to ensure, through the full implementation of Article I prohibitions that biological and toxin weapons are never acquired, developed, produced, stockpiled or used;
- Their conviction that terrorism in all its forms and manifestations and whatever its motivation, is abhorrent and unacceptable to the international community and that terrorists must be prevented from acquiring agents, toxins, biological weapons or associated knowledge;
- Their conviction that the full implementation of the provisions of the Convention should facilitate economic and technological development and international cooperation in the field of peaceful biological activities;

- Their recognition of the particular importance of responding to the threat posed by biological weapons by strengthening the Convention including through binding measures agreed by all states parties.

The states parties recognize that the important principles contained in this Solemn Declaration can also serve as a basis for further strengthening of the Convention.

Preamble

The Conference reaffirms the importance of the elements in the review of the Preamble to the Convention contained in the Final Declaration of the Second Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.

Article I

[Each state party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain: 1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; 2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.]

1. 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.
2. 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.
3. The Conference reaffirms that the use by the states parties, in any way and under any circumstances, including within their own territory, of microbial or other biological agents or toxins, as well as of weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I of the Convention.
4. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict, including by transmission by means of vectors of biological origin, in order to exclude completely and forever the possibility of their use.
5. 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.
6. The Conference, conscious of apprehensions arising from relevant scientific and technological developments, inter alia, in the fields of microbiology, biotechnology, molecular biology, genetic engineering, and any applications resulting from genome studies, and the possibilities of their use for purposes inconsistent with the objectives and the provisions of the Convention, reaffirms that the undertaking given by the states parties in Article I applies to all such developments.
7. The Conference notes that experimentation involving open-air release of pathogens or toxins harmful to humans is inconsistent with the undertakings contained in Article I; experimentation involving open-air release of pathogens or toxins harmful to animals or plants that has no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I.

8. The Conference appeals through the states parties to their scientific communities to lend their support only to activities that have justification for prophylactic, protective and other peaceful purposes, and refrain from undertaking or supporting activities which are in breach of the obligations deriving from provisions of the Convention.
9. The Conference condemns the use of all biological agents or toxins, including anthrax, as tools of terrorism and finds such acts reprehensible.
10. The Conference emphasizes, once more, the vital importance of full implementation by all states parties of all the provisions of the Convention, especially Article I. The Conference calls upon all states parties and signatories to comply fully with their obligations on the basis of the conviction that any non-compliance with its provisions could undermine confidence in, and achieving the basic provisions of, the Convention.

Article II

[Each state party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after entry into force of the Convention, 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. In implementing the provisions of this article all necessary safety precautions shall be observed to protect populations and the environment.]

1. The Conference recognizes that for any state acceding to the Convention after the entry into force of the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to the Convention. The Conference emphasizes that the destruction or diversion to peaceful purposes specified in Article II should be carried out completely and effectively.
2. The Conference stresses that states, which become parties to the Convention, in implementing the provisions of this Article, shall observe all necessary safety precautions to protect populations and the environment.

Article III

[Each state party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any state, group of states or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of this Convention.]

1. The Conference recognises the continuing importance of Article III and affirms that its provisions are sufficiently comprehensive to cover transfer to any recipient whatsoever, directly or indirectly, at international, national and sub-national levels.
2. The Conference notes that a number of states parties stated that they have taken concrete measures to give effect to their undertakings under this Article, and in this context also notes statements by states parties at the Conference about the legislative and administrative measures they have taken since the Fourth Review Conference.
3. The Conference calls for appropriate measures by all states parties, within their constitutional and legislative procedures, to ensure effective implementation of this Article. The Conference underlines that transfers relevant to the Convention should be authorised only for purposes not prohibited under the Convention.
4. The Conference urges states parties to take appropriate measures to prevent and respond to any violation, including by individuals or sub-national groups, of transfer regulations or legislation, including the qualification of such a violation as a punishable offence, consistent with the provisions of the Convention.

5. The Conference stresses that any recipient, including a state not party, must be prevented from acquiring biological agents or toxins of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; weapons, equipment or means of delivery, and information that would assist the development, production, stockpiling and means of delivery of biological and toxin weapons.
6. The Conference emphasises that terrorists and terrorist groups should be prohibited from receiving materials and capabilities relevant to the Convention.
7. 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.
8. The Conference encourages states parties to consider, within the framework of the Convention, ways to enhance the implementation of this Article, including elaboration of a set of common principles and guidelines in the field of export controls.
9. The Conference takes note with interest of the provisions of the Cartagena Protocol on Biosafety which addresses, inter alia, transboundary movements of living genetically modified organisms.

Article IV

[Each state party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such a state, under its jurisdiction or under its control anywhere.]

1. 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, 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. 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.
2. The Conference reaffirms that under all circumstances the use of bacteriological (biological) and toxin weapons is effectively prohibited by the Convention.
3. 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 the 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.
4. The Conference encourages states parties to adopt promptly, in accordance with their constitutional processes, measures to prevent terrorists from acquiring biological agents or toxins, dual use equipment and information on the production, stockpiling, acquisition or retention of the 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. The Conference calls upon states to make all possible efforts to prevent all terrorist acts including bio-terrorist acts in all their forms and manifestations.
5. The Conference stresses the importance of:

- Legislative, administrative and other measures designed to enhance domestic compliance with the Convention;
- Legislation, regulations and other measures regarding the physical protection of laboratories and facilities to prevent unauthorized access to and removal of microbial or other biological agents, or toxins;
- 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;
- Efforts by industry and scientific community to develop codes of conduct and/or ethical standards for work relevant to the prohibitions of the Convention, without prejudice to the primary responsibility of states parties to adopt legislative, administrative and other measures to implement the provisions of the Convention. Such codes could include, inter alia, a statement that scientists will use their knowledge and skills for the advancement of human welfare and will not conduct any activities directed toward use of microorganisms or toxins or other biological agents for hostile purposes or in armed conflict.

6. The Conference believes that such measures which states parties might undertake in accordance with their constitutional processes would strengthen the effectiveness of the Convention, as requested by previous Review Conferences.

7. The Conference notes that some states parties, as requested by the Second Review Conference, have provided to the United Nations Department for Disarmament Affairs information on the texts of specific legislation enacted or other measures taken to assure domestic compliance with the Convention. The Conference invites these states parties, and encourages all states parties, to provide such information and texts in the future. The Conference further notes that some states parties have provided information in response to the confidence-building measure agreed to at the Third Review Conference entitled "Declaration of legislation, regulations and other measures". The Conference encourages all states parties to provide such information in the future. In addition, the Conference encourages all states parties to provide any useful information on the implementation of such measures.

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

9. The Conference calls upon each state party to consider to adopt and implement national regulations to establish and maintain the protection of biological agents and toxins considered to be dangerous and relevant to the objectives of the Convention, including regulations on who may possess or acquire them and where and how they may be handled as well as regulations governing domestic and international transfers, and to enforce all such regulations by legislative or administrative measures, including penal measures, as appropriate.

10. The Conference encourages each state party to consider adopting and implementing, if it is not yet the case, national guidelines for genetic engineering work consistent with the objectives and purposes of the Convention.

11. The Conference urges each state party to provide appropriate legal assistance, in accordance with their national legislation and international agreements, in connection with criminal investigations or criminal proceedings relating to the development, production, acquisition, stockpiling or use by natural persons or legal entities of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention.

12. The Conference calls on each state party to enhance its ability to prosecute or, where appropriate, extradite individuals for biological weapons offenses, in accordance with their national law and bilateral extradition agreements.

13. The Conference invites states parties to consider, as appropriate, the negotiation of legal agreements to prevent and eliminate crimes involving biological and toxin weapons.

14. The Conference notes also that some states parties have provided proposals and suggestions of further strengthening international law and relevant national legislation, and believe those proposals and suggestions are worthy of further exploration and consideration. The Conference also welcomes and encourages other states parties to provide relevant comments, suggestions and proposals in this regard.

Article V

[The states parties to this Convention undertake to consult one another and to cooperate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. 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.]

1. The Conference notes 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 in the application 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 state party which identifies such a problem should, as a rule, use these procedures to address and resolve it.

2. 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 and which built on the agreements reached at the Second Review Conference. The Conference notes that the implementation provisions were invoked since the Fourth Review Conference and calls on any state 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.

3. The Conference stresses the need for all state parties to deal effectively and promptly with compliance issues. In this connection, states parties reconfirm their agreement to provide specific, timely responses in solving any problems which may arise in the application of any provision of the Convention. Such responses should be submitted, if appropriate, in accordance with the procedures agreed upon by the Second Review Conference and further developed by the Third Review Conference. The Conference reiterates its request that information on such efforts be provided to the Review Conferences. 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.

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

5. In accordance with the decision of the Fourth Review Conference, the Conference reviewed the effectiveness of the confidence building measures as agreed in the Final Declaration of the Third Review Conference and reaffirmed at the Fourth 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 Experts from states parties to the Convention, held in 1987.

6. The Conference notes the background information document providing, in summary tabular form, data on the participation of states parties in the agreed confidence building measures since the last Review Conference.

7. 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 April 15 each year. In this regard, the Conference also recognizes the technical difficulties experienced by some states parties with respect to preparing CBM responses.

8. The conference invites states parties to consider setting up or designating a national entity responsible for the national implementation of the CBMs.

9. The Conference takes note of proposals to expand the scope of existing confidence building measures, to improve existing measures and to create new measures, in order to provide a broader range of relevant information, consistent with the approach agreed upon in 1991. Therefore, the Conference invites states parties to further discuss modifications of CBMs.

Article VI

[(1) Any state party to this convention which finds that any other state party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council. (2) Each state party to this Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the states parties to the Convention of the results of the investigation.]

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

2. 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. The Conference emphasizes the provision of Article VI that such a complaint should include all possible evidence and documents 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.

3. 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 investigations which the Security Council may initiate.

4. The Conference invites states parties to consider the development by all states parties of a compliance mechanism within the framework of the Convention to conduct investigations regarding alleged breaches of the Convention.

5. 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 state party, regarding allegations of use or threat of use of bacteriological (biological) or toxin weapons and to cooperate fully with the United Nations Secretary-General in carrying out such investigations. Pending the establishment of the mechanism described in the paragraph above, 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.

6. The Conference invites the Security Council to inform each state party of the results of any investigation initiated under Article VI and to consider promptly any appropriate further action which may be necessary.

7. 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.

Article VII

[Each state party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any party to the Convention which so requests, if the Security Council decides that such party has been exposed to danger as a result of violation of the Convention.]

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

2. 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 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.

3. The Conference affirms that, should a request for assistance be made, it should be promptly considered and an appropriate response provided. In this context, pending consideration of a decision by the United Nations Security Council, timely emergency assistance could be provided by states parties or appropriate international organizations, if requested. The Conference takes note of the proposal that states parties might need to coordinate procedures for assistance in order to ensure that timely emergency assistance could be provided if requested.

4. The Conference invites each state party in a position to do so to identify possible types of medical, veterinary, or other assistance that might be made available. The Conference urges states parties to commit, to the extent that they are able, to provide, or contribute to, the training and operation of national and/or international rapid response teams for emergency medical assistance, as well as necessary materials and equipment, especially for detection.

5. The Conference expresses concern at the possibility of biological weapons use or threat of use. The Conference underlines the value of promoting, as appropriate, access to medicines, medical prophylaxis and treatment as a crucial condition in the combat of outbreaks of diseases resulting from a violation of the Convention.

6. 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 Organization (WHO), Office International des Epizooties (OIE) and the Food and Agriculture Organization (FAO), could play a coordinating role in providing assistance.

Article VIII

[Nothing in this 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, signed at Geneva on June 17, 1925.]

1. The Conference reaffirms the importance of Article VIII and stresses the significance 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 June 17, 1925.
2. The Conference acknowledges that the 1925 Geneva Protocol, by prohibiting the use of bacteriological methods of warfare, forms an essential complement to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.
3. The Conference reaffirms that nothing contained in the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction 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.
4. 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 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 fulfil their obligations assumed under that Protocol and urges all states parties not yet parties to the 1925 Geneva Protocol to accede to it without delay.
5. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons Convention.
6. 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 notify the Depositary of the Protocol of their withdrawals without delay.
7. The Conference notes that reservations concerning retaliation, implying the possible use of any of the objects prohibited by the Biological and Toxin Weapons Convention, even if 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

[Each state party to this Convention affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.]

1. The Conference reaffirms that Article IX identifies the recognised objective of the effective prohibition of chemical weapons. The Conference welcomes the entry-into-force on April 29, 1997 of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, thus fulfilling the provisions of this Article.
2. The Conference also welcomes the fact that 143 countries have become states parties to the Convention and some others have declared their intention to adhere to the Convention. It strongly urges all those that have not yet ratified or acceded to do so, in order to achieve the early universalization of the Convention and a world free of chemical weapons. In this connection, the Conference urges all states parties to persuade non-parties to the Chemical Weapons Convention to ratify or accede to the Convention to realise its universality.

3. The Conference also underlines the importance of effective and full implementation of the Convention in all its aspects.
4. The Conference takes note that the First Review Conference of the Chemical Weapons Convention will take place in 2003, and affirms the complementarity between the objectives of the two Conventions.

Article X

[(1) The states parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also cooperate in contributing individually or together with other states or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes. (2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of states parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.]

1. The Conference once more emphasizes the increasing importance of the provisions of Article X, especially in the light of recent scientific and technological developments - including innovative research on genome sequencing like the human genome project - 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 developing countries with a specific focus on least developed countries, in conformity with their interests, needs and priorities.
2. The Conference notes that, since the Fourth Review Conference, states parties - both bilaterally and multilaterally, including through specialized International Organizations such as WHO, UNDP, FAO, OIE and ICGEB and other relevant organisations - have increased their contributions to facilitate international cooperation in the field of biotechnology, which focused on, inter alia:
 - (a) Research activities aimed at improving the capabilities of states parties to monitor emerging and re-emerging diseases and to treat them;
 - (b) International cooperation on disease outbreaks;
 - (c) International cooperation on vaccine research and production and on global vaccination programs;
 - (d) Technology transfers;
 - (e) Training of national experts from developing countries on microbiology, molecular biology, immunology and pathology, plant biology, protein structure and function, virology, industrial biotechnology;
 - (f) Research activities on genome dynamics;
 - (g) Establishment of biological data bases;
 - (h) Publication, exchange and dissemination of relevant information.
3. The Conference, while acknowledging what has already been done towards this end, notes with concern the gap still existing between the developed and developing countries in the field of biotechnology, genetic engineering, microbiology and other related areas. The Conference urges all states parties to actively 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 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.

4. 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 other states parties in a position to do so to provide such information.

5. The Conference underlines the importance, in the context of Article X implementation, of the Convention on Biological Diversity and of the Rio Declaration and the Agenda 21 adopted by the United Nations Conference on Environment and Development held in Rio de Janeiro Brazil, 1992.

5 bis (previously paragraph 20) The Conference underlines the importance, in the context of Article X implementation, of the Convention on Biological Diversity and of the Rio Declaration and the Agenda 21 adopted by the United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, 1992. The Conference welcomes the adoption of the Protocol on Biosafety to the Convention on Biological Diversity in 2001 and looks forward to further steps being taken during the World Summit on Sustainable Development, to be held in Johannesburg, in 2002.

6. The Conference urges states parties to continue to implement specific measures designed to enhance compliance with and ensure effective and full implementation of Article X of the Convention among the states parties. The implementation of such measures shall, inter alia, be aimed at:

(a) Promoting scientific and technological exchanges and fostering international co-operation, as appropriate, on a multilateral, regional or bilateral basis in the field of peaceful bacteriological (biological) and toxin activities;

(b) Facilitating free trade and the fullest possible exchange in biological agents, toxins, equipment and materials for peaceful purposes in order to enhance the economic and technological development of states parties, and ensuring the right of states parties to participate in such exchanges to the fullest extent possible;

(c) Avoiding hampering the economic and technological development of states parties through any restrictions incompatible with the obligations undertaken under the Convention or limitations on the transfer, for purposes consistent with the objectives and the provisions of the Convention, of scientific knowledge, technology, equipment and materials.

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

8. The Conference reiterated the confirmation of the Forth Review Conference that the provisions of Article III should not be used to impose restrictions and/or limitations on the transfers for purposes consistent with the objectives and the purposes of the Convention, of scientific knowledge, technology, equipment and materials under Article X.

9. The Conference urges states parties to undertake or continue to promote and support the following activities, in furtherance of any current endeavors relevant to and in accordance with the Convention, where appropriate, individually, jointly, through arrangements with relevant international organizations including, but not limited to, the Food and Agriculture Organization, International Center for Genetic Engineering and Biotechnology, International Vaccine Institute, Office International des Epizooties, Organization for the Prohibition of Chemical Weapons, United Nations Environment Program, United Nations Industrial Development Organization or World Health Organization and the Secretariat of the Convention on Biological Diversity:

(a) The publication, exchange and dissemination of information on research and development on the peaceful uses of microbial or other biological agents and toxins, on bio-safety, prophylactics and protection, biotechnology, Good Laboratory Practice and current Good Manufacturing Practice, and

diagnosis, surveillance, detection, treatment and prevention of diseases caused by microbial or other biological agents and toxins;

(b) The improvement and development, as appropriate, of research capabilities, including research institutes, in relevant fields of biosciences and biotechnology for peaceful purposes, through collaborative research programs and projects, upon the specific request of, and in co-operation with, the state party concerned, in particular in the use of micro-organisms and other biological agents and toxins for medical, agricultural, veterinary and industrial purposes;

(c) International cooperation on the research, development and production of vaccines;

(d) Transfer and exchange of information concerning research programs in biosciences and greater cooperation in international public health and disease control;

(e) Technological exchange of information among states parties of technology for the peaceful uses of genetic engineering, the prevention, diagnosis and treatment of diseases caused by microbial and other biological agents or toxins, in particular infectious diseases, and for other relevant fields of biosciences and biotechnology for peaceful purposes;

(f) Participation on a fair and equitable basis and as wide a geographic basis as possible at the bilateral, regional or multilateral levels in the application of biotechnology and scientific research and development, for the prevention, surveillance, detection, diagnosis and treatment of diseases caused by microbial and other biological agents or toxins, in particular infectious diseases;

(g) The establishment or continuation of a framework for cooperation aimed at improving and strengthening the capabilities of states parties through research activities in the field of prophylaxis and protection against diseases caused by microbial and other biological agents or toxins, in particular infectious diseases;

(h) Transfer and exchange of information concerning research programmes in biosciences and greater cooperation in international public health and disease control;

(i) Increased technical cooperation and assistance including training programmes, workshops and scientific conferences for health workers and experts in developing countries through interaction with relevant international organizations such as WHO, FAO and OIE;

(j) Cooperation in providing information on epidemiological and epizootical study of diseases and data reporting systems on bilateral, regional and international levels in conjunction with relevant United Nations agencies within their competencies with a view to improve identification and timely reporting of outbreak of human, animal and plant diseases;

(k) Promotion of exchange of scientists and experts to enhance the capability of states parties in strengthening their disease surveillance programmes;

(l) Increased coordination, operation and updating of existing databases on infectious diseases in states parties as well as easy access to such databases by all states parties;

(m) Strengthening the existing global networks for disease surveillance and building up their capabilities to respond to disease outbreaks in a timely fashion particularly in humanitarian assistance to the states parties affected by disease outbreaks, utilizing relevant international organizations and agencies including WHO, and its global outbreak alert and response network launched in 2000 as well as its centre on communicable diseases surveillance and response established in Lyon in 2000, with the participation of relevant institutions of the states parties;

(n) Assisting the states parties through relevant international bodies within their competencies to strengthen national and local programmes of surveillance for infectious diseases and improving early notification, surveillance, control, protection and response capabilities.

10. The Conference invites WHO, FAO and OIE to enhance their coordination efforts on epidemiological surveillance and disease prevention by making use of existing international efforts for enhancing a system of global cooperation for surveillance of infectious diseases.

11. The Conference urges the use of existing institutional means within 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 programs in the biological field for peaceful purposes conducted by states parties, specialized agencies and other international organizations.

12. 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 next 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.

13. The Conference welcomes to elaborate an international programme of vaccine development for the prevention of diseases which would involve the scientific and technical personnel from developing countries that are states parties to the Convention. The Conference recognizes that such a program will not only enhance peaceful international cooperation in biotechnology but also contribute to improve health care in developing countries, assist in establishing systems for surveillance of communicable diseases, and provide transparency in accordance with the Convention.

14. The Conference, recognizing progress already achieved in this field, calls upon all states in a position to do so to enhance cooperation in promotion and financing the establishment of vaccine and prophylactic agents production facilities. The Conference recommends further that relevant multilateral organizations and world financial institutions continue to provide assistance for establishment and promotion of vaccine and prophylactic agents production projects in these countries.

15. The Conference welcomes the establishment, in 1997, of the International Vaccine Institute, an international institution devoted to strengthening the capacity of developing countries in vaccine development, production and use in immunization programs.

16. The Conference calls upon states parties to explore ways of implementing at a global level Good Laboratory Practices, including audit trails for the transfer of pathogens and toxins between, and within, laboratories, taking into account the views of the WHO, the OIE, the FAO, the ICGEB and other relevant organizations as appropriate.

17. The Conference considers that enhanced synergy among existing national and international data banks would facilitate the flow of information in the field of genetic engineering, biotechnology and other scientific developments. In this context, the Conference underlines the importance of monitoring all related developments in the field of frontiers science and high technology in the areas relevant to the Convention.

18. The Conference notes that existing institutional ways and means of ensuring cooperation between states parties would profit from continued development in order to promote international cooperation in peaceful activities in areas such as medicine, public health and agriculture as well as related advanced fields of biotechnology.

19. The Conference proposes that states parties consult bilaterally and/or multilaterally as appropriate on the creation of opportunities for cooperation on matters relevant to scientific and technological exchanges for peaceful purposes related to the implementation of the Convention.

20. The Conference calls for the establishment of a forum for consultation and creation of opportunities for cooperation on matters related to the promotion of scientific and technological exchange in the field of peaceful, bacteriological (biological) and toxin activities, and review of the implementation of Article X of the Convention among the states parties to the Protocol.

21. The Conference urges the states parties, the United Nations and its specialized agencies to take appropriate measures within their competence for the fullest possible exchange of equipment, materials, scientific and technological information and to promote technology transfer among

themselves in particular to developing countries for surveillance and control of disease caused by biological agents and toxins in humans, animals and plants. Such measures should include, inter alia;

- (a) Exchange of information concerning research programmes in biosciences and close cooperation in international public health and control of infectious diseases;
- (b) Increased technical cooperation and assistance including training programmes, workshops and scientific conferences for health workers and experts in developing countries through interaction with relevant international organizations such as WHO, FAO and OIE;
- (c) Cooperation in providing information on epidemiological and epizootological study of infectious diseases and data reporting systems on bilateral, regional and international levels in conjunction with relevant United Nations agencies with a view to improve identification and timely reporting of outbreak of human, animal and plant diseases;
- (d) Promotion of exchange of scientists and experts to enhance the capability of states parties in promoting their disease surveillance programmes;
- (e) Increased coordination, operation and updating of existing databases on infectious diseases in states parties as well as easy access to such databases by all states parties;
- (f) Implementation of a coordinating mechanism by the WHO, the FAO and OIE for epidemiological surveillance and disease prevention by making use of existing international effort for enhancing a system of global cooperation for surveillance of infectious diseases;
- (g) Strengthening the existing global networks for disease surveillance and building up their capabilities to respond to disease outbreaks in a timely fashion particularly in humanitarian assistance to the states parties affected by disease outbreaks, utilizing relevant international organizations and agencies including WHO, with the participation of relevant institutions of the states parties;
- (h) Assisting the states parties to strengthen national and local programmes of surveillance for infectious diseases and improving early notification, surveillance, control, protection and response capabilities.

22. The Conference considers that the WHO has made valuable contributions in the area of humanitarian assistance in cases of outbreak of diseases and recognises the WHO's mandate for global health, epidemiological alert and response to outbreaks of human disease.

Article XI

[Any state party may propose amendments to this Convention. Amendments shall enter into force for each state party accepting the amendments upon their acceptance by a majority of the states parties to the Convention and thereafter for each remaining state party on the date of acceptance by it.]

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

Article XII

[Five years after the entry into force of this Convention, or earlier if it is requested by a majority of parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of states parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realized. Such review shall take into account any new scientific and technological developments relevant to the Convention.]

1. The Conference decides that a Sixth Review Conference shall be held in Geneva at the request of the majority of states parties, or in any case, not later than 2006.
2. The Conference decides that the Sixth Review Conference shall consider, inter alia:

- The impact of scientific and technological developments relating to the Convention;
 - The relevance of the provisions of, and the implementation of the Chemical Weapons Convention on the effective implementation of the Biological and Toxin Weapons Convention, duly taking into account the degree of universality attained by such conventions at the time of the Fifth Review Conference;
 - The effectiveness of confidence-building measures as agreed at the Second and Third Review Conferences;
 - The requirement for, and the operation of, the requested allocation by the United Nations Secretary-General of staff resources and other requirements to assist the effective implementation of the relevant decisions of the Fourth Review Conference;
3. The Review Conference reaffirms that conferences of states parties to review the operation of the Convention should be held at least every five years.

Article XIII

[(1) This Convention shall be of unlimited duration. (2) Each state party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other states parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.]

The Conference notes the provisions of Article XIII and emphasises that the Convention is of unlimited duration and applies at all times.

Article XIV

[Entry into force, accession and ratification procedures.]

1. The Conference notes that eight states have ratified or acceded to the Convention since the Fourth Review Conference.
2. 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. In this connection, the Conference requests states parties to encourage universality of the Convention.

Article XV

[Convention's official languages.]

The Conference notes the importance of this Article as well as the legal status of the languages of the Convention and the United Nations system, including the Arabic language, which is an official language of the United Nations system, in the conduct of business related to the Convention.

(Language awaited from Facilitator on Follow-Up/AHG (President).)