

**SIXTH REVIEW CONFERENCE OF THE STATES PARTIES TO THE
CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT,
PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL
(BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR
DESTRUCTION**

DRAFT FINAL DOCUMENT

Part I: Organization and Work of the Conference

Introduction

1. The Final Report of the Fifth 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 (BWC/CONF.V/17), in the section on decisions and recommendations, contained the following decision:

“... the Conference decided that the Sixth Review Conference would be held in Geneva in 2006, and would be preceded by a Preparatory Committee”.

2. By resolution 60/96, adopted without a vote on 8 December 2005, the General Assembly, *inter alia*, noted that, in accordance with the decision reached at the Fifth Review Conference, the Sixth Review Conference would be held in Geneva in 2006 and the dates would be formally agreed by the Preparatory Committee for that Conference, which would be open to all States Parties to the Convention and which would meet in Geneva during the week beginning 24 April 2006. The Meeting of States Parties to the Convention held in Geneva from 5 to 9 December 2005 decided that the Preparatory Committee would be held in Geneva from 26 to 28 April 2006.

3. The Preparatory Committee was held at Geneva from 26 to 28 April 2006. The following 78 States Parties to the Convention participated in the Preparatory Committee: Algeria, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Lithuania, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Viet Nam and Yemen.

4. At its first meeting, on 26 April 2006, the Preparatory Committee elected by acclamation Ambassador Masood Khan (Pakistan) as Chairman of the Preparatory Committee. At the same meeting, it also unanimously elected Ambassador Doru Costea (Romania) and Mr. Knut Langeland (Norway) as Vice-Chairmen of the Preparatory Committee. The Preparatory Committee authorized the Bureau to handle technical and other matters in the period before the Review Conference was convened.

5. On behalf of the Secretary-General of the United Nations, Mr. Tim Caughley, Director of the Geneva Branch, Department for Disarmament Affairs, opened the session of the Preparatory Committee. Mr. Richard Lennane, Political Affairs Officer, Geneva Branch, Department for Disarmament Affairs, served as Secretary of the Preparatory Committee. Mr. Piers Millett and Ms. Melissa Hersh served in the Secretariat.

6. The Preparatory Committee decided to take its decisions by consensus.

7. The Preparatory Committee decided to use Arabic, Chinese, English, French, Russian and Spanish as official languages.

8. The Preparatory Committee, taking note of their written requests, decided to invite the representatives of States Signatories of the Convention, namely, Egypt, Madagascar, Myanmar, Nepal, Syrian Arab Republic and United Arab Emirates, to participate in its discussions without the right to take part in the making of decisions.

9. The Preparatory Committee, taking note of a written request and in accordance with the draft rule 44, paragraph 2, decided to invite the representative of the State, not party to the Convention, namely Israel, to participate as an Observer.

10. In the course of its session, the Preparatory Committee considered the following questions relating to the organization of the Review Conference:

- (a) Date and duration
- (b) Provisional agenda
- (c) Draft rules of procedure

- (d) Background documentation
- (e) Publicity
- (f) Final document(s)
- (g) Appointment of a provisional Secretary-General
- (h) Financial arrangements for the Preparatory Committee and the Review Conference

11. At its last meeting, on 28 April 2006, the Preparatory Committee adopted its report, which was issued as a pre-session document of the Conference (BWC/CONF.VI/PC/2). The report contained, *inter alia*, the provisional agenda and the draft rules of procedure for the Conference (BWC/CONF.VI/PC/2, Annexes I and II, respectively).

12. Pursuant to the request of the Preparatory Committee, the following background documents were issued as pre-session documentation for the Conference:

- (i) A background information document on the history and operation of the confidence-building measures agreed at the Second Review Conference and revised at the Third Review Conference. The document should include data in summary tabular form on the participation of States Parties in the measures since the last Review Conference;
- (ii) A background information document on compliance by States Parties with all their obligations under the Convention. For the purpose of compiling this document, the Secretariat would request States Parties to provide information regarding compliance with all the provisions of the Convention;
- (iii) A background information document on new scientific and technological developments relevant to the Convention, to be compiled from information submitted by States Parties as well as from information provided by relevant international organizations;
- (iv) A background information document on developments since the last Review Conference in other international organizations which may be relevant to the Convention;
- (v) A background information document showing the additional understandings and agreements reached by previous Review Conferences relating to each article of the Convention, extracted from the respective Final Declarations of these conferences;
- (vi) A background information document on the status of universalization of the Convention.

Organization of the Conference

13. In accordance with the decision of the Preparatory Committee, the Conference was convened at the Palais des Nations in Geneva from 20 November to 8 December 2006.
14. On behalf of the Secretary-General of the United Nations, Mr. Nobuaki Tanaka, Under-Secretary-General for Disarmament Affairs, opened the Conference.
15. At its first meeting, on 20 November, the Conference elected by acclamation Ambassador Masood Khan (Pakistan) as President.
16. At the same meeting, the Secretary-General of the United Nations, Mr. Kofi Annan, addressed the Conference.
17. The Conference adopted its agenda as recommended by the Preparatory Committee (BWC/CONF.VI/1). The agenda as adopted is attached as Annex I to this Final Document.
18. The Conference took note with appreciation of the report of the Preparatory Committee (BWC/CONF.VI/PC/2).
19. The Conference adopted its Rules of Procedure as recommended by the Preparatory Committee (BWC/CONF.VI/PC/2, Annex II). The Rules as adopted are attached as Annex II of this Final Document. The Rules of Procedure provided, *inter alia*, for:
 - (i) a General Committee, chaired by the President of the Conference, and composed of the President, the 20 Vice-Presidents, the Chairman and the two Vice-Chairmen of the Committee of the Whole, the Chairman and the two Vice-Chairmen of the Drafting Committee, the Chairman and the Vice-Chairman of the Credentials Committee, the three Regional Group Coordinators and the Depositaries (see paragraph 21 of the report of the Preparatory Committee);
 - (ii) a Committee of the Whole;
 - (iii) a Drafting Committee; and
 - (iv) a Credentials Committee composed of a Chairman and Vice-Chairman elected by the Conference, and five other members appointed by the Conference on the proposal of the President.
20. The Conference elected by acclamation 20 Vice Presidents from the following States Parties: Austria, Belarus, Chile, China, Finland, Germany, India, Iran (Islamic Republic of), Italy, Japan, Malaysia, Mali, Mexico, Nigeria, Peru, Russian Federation, Slovakia, South Africa, Turkey and Ukraine. It also elected by acclamation the Chairmen and Vice-Chairmen of the Committee of the Whole, the Drafting Committee and the Credentials Committee, as follows:

Committee of the Whole:	Chairman	Ambassador Doru Costea (Romania)
	Vice-Chairman	Ambassador Paul Meyer (Canada)
	Vice-Chairman	Ambassador Boometswe Mokgothu (Botswana)
Drafting Committee:	Chairman	Mr. Knut Langeland (Norway)
	Vice-Chairman	Mr. Vladimir Bundin (Russian Federation)
	Vice-Chairman	Mr. Pedro Luiz Dalcero (Brazil)
Credentials Committee:	Chairman	Ambassador Philip Richard Owade (Kenya)
	Vice-Chairman	Ambassador Jürg Streuli (Switzerland)

The Conference also appointed the following five States Parties as members of the Credentials Committee: Bulgaria, Mongolia, Netherlands, New Zealand and Tunisia.

21. The Conference confirmed the nomination of Mr. Tim Caughley, Director of the Geneva Branch, Department for Disarmament Affairs, as Secretary-General of the Conference. The nomination had been made by the Secretary-General of the United Nations following an invitation by the Preparatory Committee. Mr. Richard Lennane, Political Affairs Officer, Department for Disarmament Affairs, served as Secretary of the Conference. Ms. Soo-Hyun Kim, Mr. Piers Millett and Ms. Melissa Hersh served in the Secretariat.

Participation at the Conference

22. One hundred and three States Parties to the Convention participated in the Conference as follows: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malaysia, Mali, Malta, Mexico, Moldova, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Thailand, The former Yugoslav Republic of

Macedonia, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.

23. In addition, ten States that had signed the Convention but had not yet ratified it participated in the Conference without taking part in the making of decisions, as provided for in rule 44, paragraph 1 of the Rules of Procedure: Burundi, Côte d'Ivoire, Egypt, Haiti, Madagascar, Myanmar, Nepal, Syrian Arab Republic, United Arab Emirates, and Tanzania.

24. One State, Israel, neither Party nor Signatory to the Convention, was granted Observer status in accordance with rule 44, paragraph 2 (a).

25. The United Nations, including United Nations Department for Disarmament Affairs (UNDDA), United Nations Institute for Disarmament Research (UNIDIR), and United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), attended the Conference in accordance with rule 44, paragraph 3.

26. The Food and Agriculture Organization (FAO), the International Committee of the Red Cross (ICRC), the International Criminal Police Organization (INTERPOL), the League of Arab States, the Organization for the Prohibition of Chemical Weapons (OPCW), the World Health Organization (WHO), and the World Organisation for Animal Health (OIE) were granted Observer Agency status in accordance with rule 44, paragraph 4.

27. Thirty-three non-governmental organizations and research institutes attended the Conference under rule 44, paragraph 5.

Work of the Conference

28. The Conference held [...] plenary meetings between 20 November and 8 December 2006.

29. At its first plenary meeting, on 20 November, the Conference adopted its indicative programme of work, as set out in BWC/CONF.VI/2.

30. The general debate, in which 40 States Parties, two signatories, the Food and Agriculture Organization, the International Committee of the Red Cross, the International Criminal Police Organization, the Organization for the Prohibition of Chemical Weapons, the World Health Organization and the World Organization for Animal Health made statements, took place from the first to the third plenary meetings, on 20 and 21 November 2006.

31. The Committee of the Whole held eleven plenary meetings between 21 November and 30 November, during which it reviewed the provisions of the Convention, article by article. The Committee also examined agenda items 11 and 12. It submitted its report (BWC/CONF.VI/3) to the Conference at the [...] plenary meeting, on 30 November. The Conference took note of the report.

32. Following the conclusion of the Committee of the Whole, the President conducted a series of informal consultations, and was assisted in his work by Facilitators in the following areas:

Solemn Declaration: Ambassador Paul Meyer (Canada);

Articles I-IV and XII: Ambassador Doru Costea (Romania)

Articles V-VII and XI: Mr. Knut Langeland (Norway)

Articles VIII-IX: Mr. Muhammad Shahrul Ikram Yaakob (Malaysia)

Article X: Mr. Ben Steyn (South Africa)

Implementation Support Unit (ISU): Mr. Marcelo Valle Fonrouge (Argentina)

Work of the 2003-2005 Meetings: Mr. Knut Langeland (Norway)

Universalisation: Mr. Enrique Ochoa (Mexico)

National Implementation: Mr. Craig Maclachlan (Australia)

2007-2010 Intersessional Topics: Ambassador Jayant Prasad (India)

Confidence-building Measures (CBMs): Ambassador Jean-François Dobbelle (France)

Cross-cutting Issues: Ambassador John Duncan (United Kingdom)

33. The Drafting Committee held no formal meetings. The Chairman and Vice-chairmen of the Committee met, and decided to assist the President with his informal consultations.

34. The Credentials Committee held three meetings. At its third and final meeting on 7 December, the Credentials Committee adopted its report (BWC/CONF.VI/5). The Conference took note of the report.

Documentation

35. A list of documents of the Conference is contained in Annex III of this Final Document. All documents are available on the United Nations Official Document System (ODS), accessible on the Internet at <http://documents.un.org>.

Conclusion of the Conference

36. At its [...] and final meeting, the Conference approved the cost estimates for the meetings of experts and meetings of States Parties to be held from 2007 to 2010, including provision for an Implementation Support Unit (ISU)¹, as contained in BWC/CONF.VI/4. The Conference

¹ See Part III: Decisions and Recommendations

decided that the 2007 Meeting of Experts would be held in Geneva from 20-24 August 2007 and that the 2007 Meeting of States Parties would be held in Geneva from 10-14 December 2007. The Conference approved the nomination by the Group of Non-Aligned and Other States of Ambassador Masood Khan (Pakistan) as Chairman of the 2007 meetings.

37. At the same meeting the Conference adopted by consensus its Final Document comprising three parts and three annexes, as follows:

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| Part I: | Organization and Work of the Conference. |
| Part II: | Final Declaration of the Conference. |
| Part III: | Decisions and Recommendations of the Conference. |
| Annex I: | Agenda of the Conference, as adopted. |
| Annex II: | Rules of Procedure of the Conference, as adopted. |
| Annex III: | List of Documents of the Conference. |

Part II: Final 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 20 NOVEMBER TO 8 DECEMBER 2006 TO REVIEW THE OPERATION OF THE CONVENTION, SOLEMNLY DECLARE:

- (i) Their conviction that the Convention is essential for international peace and security;
- (ii) Their determination also to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control including the prohibition and elimination of all weapons of mass destruction and their conviction that the prohibition of the development, production and stockpiling of bacteriological (biological) weapons and their elimination, will facilitate the achievement of this goal;
- (iii) Their reaffirmation of their firm commitment to the purposes of the Preamble and all the provisions of the Convention;
- (iv) Their determination to comply with all their obligations undertaken pursuant to the Convention and their recognition that States Parties not in compliance with their Convention obligations pose fundamental challenges to the Convention's viability, as would use of bacteriological (biological) weapons by anyone at any time;
- (v) Their continued determination, for the sake of humankind, to exclude completely the possibility of the use of bacteriological (biological) weapons, and their conviction that such use would be repugnant to the conscience of humankind;
- (vi) 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;
- (vii) 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 developing, producing, stockpiling, or otherwise acquiring or retaining, and using under any circumstances, biological agents and toxins, equipment, or means of delivery of agents or toxins for non-peaceful purposes, and their recognition of the contribution of full and effective implementation of UNSC Resolution 1540 by all States to assist in achieving the objectives of this Convention;
- (viii) Their conviction that the full implementation of all the provisions of the Convention should facilitate economic and technological development and international cooperation in the field of peaceful biological activities;

- (ix) Their reiteration that the effective contribution of the Convention to international peace and security will 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 without delay;
- (x) Their recognition that achieving the objectives of the Convention will be more effectively realized through greater public awareness of its contribution, and through collaboration with relevant regional and international organizations, in keeping within their respective mandates, and their commitment to promote this;
- (xi) Their recognition of their consideration of the issues identified in reviewing the operation of the Convention as provided for in Article XII, as well as their consensus on the follow-up actions contained herein.

Article I

1. The Conference reaffirms the importance of Article I, as it defines the scope of the Convention. The Conference declares that the Convention is comprehensive in its scope and that all naturally or artificially created or altered microbial and other biological agents and toxins, as well as their components, regardless of their origin and method of production and whether they affect humans, animals or plants, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes, are unequivocally covered by Article I.
2. The Conference reaffirms that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention.
3. The Conference reaffirms that the use by the States Parties, in any way and under any circumstances, of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict in order to exclude completely and forever the possibility of their use. The Conference affirms the determination of States Parties to condemn any use of biological agents or toxins for other than peaceful purposes, by anyone at any time.
4. The Conference notes that experimentation involving open-air release of pathogens or toxins harmful to man, animals and plants that have no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I.

Article II

5. The Conference reaffirms for any State ratifying or acceding to the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to, or upon ratification of, the Convention.
6. The Conference emphasises that states must take all necessary safety and security provisions to protect populations and the environment when carrying out such destruction and/or

diversion. The Conference also stresses that these States Parties should provide appropriate information to all States Parties via the exchange of information (confidence-building measures form F).

7. The Conference welcomes statements made by States Parties, and newly acceding and ratifying States Parties, that they do not possess agents, toxins, weapons, equipment or means of delivery as prohibited by Article I of the Convention.

Article III

8. The Conference reaffirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at the international, national or sub-national levels. The Conference calls for appropriate measures, including effective national export controls, by all States Parties to implement this article, in order to ensure that direct and indirect transfers relevant to the Convention, to any recipient whatsoever, are authorized only when the intended use is for purposes not prohibited under the Convention.

9. The Conference calls for appropriate measures by all States Parties to ensure that biological agents and toxins relevant to the Convention are protected and safeguarded, including through measures to control access to and handling of such agents and toxins;

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

Article IV

11. The Conference reaffirms the commitment of States Parties to take the necessary national measures under this Article. The Conference also reaffirms that the enactment and implementation of necessary national measures under this Article would strengthen the effectiveness of the Convention. In this context, the Conference calls upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other measures, including penal legislation, designed to:

- (i) enhance domestic implementation of the Convention and ensure the prohibition and prevention of the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipments and means of delivery as specified in Article I of the Convention;
- (ii) apply within their territory, under their jurisdiction or under their control anywhere and apply, if constitutionally possible and in conformity with international law, to actions taken anywhere by natural or legal persons possessing its nationality;
- (iii) ensure the safety and security of microbial or other biological agents or toxins in laboratories, facilities, and during transportation, to prevent unauthorized access to and removal of such agents or toxins.

12. The Conference welcomes those measures taken by States Parties in this regard, and reiterates its call to any State Party that has not yet taken any necessary measures to do so without delay. The Conference encourages States Parties to provide appropriate information on any such measures they have taken, as well as any other useful information on their implementation, to the United Nations Department for Disarmament Affairs.

13. The Conference reaffirms the commitment of States Parties to take the necessary national measures to strengthen methods and capacities for surveillance and detection of outbreaks of disease at the national, regional and international levels.

14. The Conference urges the inclusion in medical, scientific and military educational materials and programmes, of information on the Convention and the 1925 Geneva Protocol. The Conference urges States Parties to promote the development of training and education programmes for those granted access to biological agents and toxins relevant to the Convention and for those with the knowledge or capacity to modify such agents and toxins, in order to raise awareness of the risks, as well as of the obligations of States Parties under the Convention.

15. The Conference encourages States Parties to take necessary measures to promote awareness amongst relevant professionals of the need to report activities conducted within their territory or under their jurisdiction or under their control that could constitute a violation of the Convention or related national criminal law. In this context, the Conference recognises the importance of codes of conduct and self-regulatory mechanisms in raising awareness, and calls upon States Parties to support and encourage their development, promulgation and adoption.

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

17. The Conference recalls UN Security Council Resolution 1540 (2004) that places obligations on all states and is consistent with the provisions of the Convention. The Conference notes that Resolution 1540 affirms support for the multilateral treaties whose aim is to eliminate or prevent proliferation of nuclear, chemical or biological weapons and the importance for all States Parties to these treaties to implement them fully in order to promote international stability. The Conference also notes that information provided to the United Nations by states in accordance with Resolution 1540 may provide a useful resource for States Parties in fulfilling their obligations under this Article.

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

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

Article V

20. The Conference reaffirms that:

- (i) this article provides an appropriate framework for States Parties to consult and cooperate with one another to resolve any problem and to make any request for clarification which may have arisen in relation to the objective of, or in the application of, the provisions of, the Convention;
- (ii) any State Party which identifies such a problem should, as a rule, use this framework to address and resolve it;
- (iii) States Parties should provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention.

21. The Conference reaffirms that the consultation procedures agreed at the Second and Third Review Conferences remain valid to be used by States Parties for consultation and cooperation pursuant to this Article. The Conference reaffirms that such consultation and cooperation may also be undertaken bilaterally and multilaterally, or through other appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

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

23. The Conference emphasises the importance of the exchange of information among States Parties through the confidence-building measures agreed at the Second and Third Review Conferences. The Conference welcomes the exchange of information carried out under these measures, and notes that this has contributed to enhance transparency and building confidence.

24. The Conference notes that only a limited number of States Parties make an annual CBM submission. The Conference recognises the urgent need to increase the number of States Parties participating in CBMs. In this regard, the Conference also recognises the technical difficulties experienced by some States Parties to complete full and timely declarations. In order to update the mechanism of transmission of information, the Conference has agreed on several measures.

25. The Conference reaffirms that the data submitted in the framework of the annual exchange of information should be provided to the UNDDA and promptly forwarded by them to all States Parties according to existing modalities. The information supplied by a State Party must not be further circulated or made available without the express permission of that State Party.

Article VI

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

27. The Conference emphasizes the provision of Article VI that such a complaint should include all possible evidence confirming its validity. It stresses that, as in the case of the implementation of all the provisions and procedures set forth in the Convention, the procedures foreseen in Article VI should be implemented in good faith within the scope of the Convention.

28. The Conference invites the Security Council:

- (i) to consider immediately any complaint lodged under this Article and to initiate any measures it considers necessary for the investigation of the complaint in accordance with the Charter;
- (ii) to request, if it deems necessary and in accordance with its resolution 620 of 1988, the United Nations Secretary-General to investigate the allegation of use, using the technical guidelines and procedures contained in Annex I of United Nations Document A/44/561;
- (iii) to inform each State Party of the results of any investigation initiated under this Article and to consider promptly any appropriate further action which may be necessary.

29. The Conference reaffirms the agreement of States Parties to consult, at the request of any States Party, regarding allegations of use or threat of use of biological or toxin weapons. The Conference reaffirms the undertaking of each State Party to cooperate in carrying out any investigations which the Security Council initiates.

30. The Conference notes that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its Resolution A/Res/45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons. The Conference notes in this regard General Assembly Resolution A/Res/60/288 (2006).

31. The Conference notes that the procedure outlined in this Article is without prejudice to the prerogative of the States Parties to consider jointly the cases of alleged non-compliance with the provisions of the Convention and to make appropriate decisions in accordance with the Charter of the United Nations and applicable rules of international law.

Article VII

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

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

34. The Conference considers that in the event that this Article might be invoked, the United Nations could play a coordinating role in providing assistance, with the help of States Parties as well as the appropriate intergovernmental organizations such as the World Health Organization (WHO), World Organization for Animal Health (OIE), the Food and Agriculture Organization of the United Nations (FAO), and the International Plant Protection Convention (IPPC).

35. The Conference notes that State Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons.

36. The Conference takes note of the proposal that States Parties may need to discuss the detailed procedure for assistance in order to ensure that timely emergency assistance would be provided by States Parties, if requested, in the event of use of biological or toxin weapons.

37. The Conference reaffirms the undertaking of States Parties to provide or support assistance to any State Party which so requests, if the Security Council decides that such State Party has been exposed to danger as a result of a violation of the Convention.

38. The Conference takes note of the willingness of States Parties, where appropriate, to provide or support assistance to any State Party which so requests, when that State Party has been exposed to danger or damage as a result of the use of bacteriological (biological) agents and toxins as weapons by anyone other than States Parties.

Article VIII

39. The Conference appeals to all States Parties to the 1925 Geneva Protocol to fulfill their obligations assumed under that Protocol and urges all States not yet Parties to the Protocol to ratify or accede to it without delay.

40. The Conference acknowledges that the 1925 Geneva Protocol, which prohibits the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, and the Biological and Toxin Weapons Convention complement each other. The Conference reaffirms that nothing contained in the Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the 1925 Geneva Protocol.

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

42. 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 Depository of the 1925 Geneva Protocol of their withdrawals without delay.

43. The Conference notes that reservations concerning retaliation, through the use of any of the objects prohibited by the 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

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

45. The Conference welcomes the fact that the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction entered into force on 29 April 1997 and that 181 instruments of ratification or accession have now been deposited with the United Nations. The Conference calls upon all states that have not yet done so to accede to that Convention without delay.

Article X

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

47. The Conference reaffirms the commitment to the full and comprehensive implementation of this Article by all States Parties. The Conference recognises that while recent scientific and technological developments in the field of biotechnology, would increase the potential for cooperation among States Parties and thereby strengthen the Convention, they could also increase the potential for the misuse of both science and technology. Therefore, this Conference urges all States Parties possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, particularly with countries less advanced in this field while promoting the basic objectives of the Convention, as well as ensuring that the promulgation of science and technology is fully consistent with the peaceful object and purpose of the Convention.

48. The Conference reaffirms that existing institutional ways and means of ensuring multilateral cooperation among all States Parties need to be developed further in order to promote international cooperation for peaceful uses in areas relevant to the Convention, including such areas as medicine, public health, agriculture and the environment.

49. The Conference calls for the use of the existing institutional means within the UN system and other international organizations, in accordance with their respective mandates, to promote the objectives of this Article. In this regard the Conference urges States Parties, the United Nations and its specialized agencies to take further specific measures within their competence for the promotion of the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and of international cooperation in this field.

50. The Conference also recognises that there should be efficient coordination mechanisms between the specialized agencies of the United Nations system and international and regional organizations, in order to facilitate scientific cooperation and technology transfer.

51. The Conference emphasises that in the interests of facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxin agents for peaceful purposes, States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials.

52. The Conference recognises the need to effectively implement national measures in order to further implementation of Article X. In this regard, the Conference urges States Parties to undertake to review their national regulations governing international exchanges and transfers in order to ensure their consistency with the objectives and provisions of all the articles of the Convention.

53. The Conference urges States Parties to develop frameworks for disease surveillance in humans, animals and plants, and to support programmes for effective responses at the national, bilateral, regional and multilateral levels, including through the conclusion of appropriate agreements that would promote the regular exchange of scientific and technical information in these fields.

54. The Conference encourages States Parties to provide appropriate information on how this article is being implemented to the UN-DDA and requests the UN-DDA to collate such information for the information of States Parties.

55. 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, within their respective mandates, working on infectious diseases.
- (ii) 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) encourages States Parties to improve communication on disease surveillance at all levels, including between States Parties and with the WHO, FAO, OIE, IPPC.
- (iv) 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 biological threats and integrate these efforts into national and/or regional emergency and disaster management plans.
- (v) urges States Parties in a position to do so to continue supporting, directly as well as through international organisations, capacity-building in States Parties in need of assistance in the fields of disease surveillance, detection, diagnosis and combating of infectious diseases and related research.

- (vi) calls upon States Parties to promote the development and production of vaccines and drugs to treat infectious disease through international cooperation and, as appropriate, public-private partnerships.

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

Article XI

57. The Conference notes that the Islamic Republic of Iran has formally presented a proposal to amend Article I and the title of the Convention to include explicitly the prohibition of the use of biological weapons.

58. The Conference takes note of the statement by the Government of the Russian Federation as a Depositary that it has notified all States Parties of the proposal by Iran to amend the Convention. The Conference encourages all States Parties to convey their views to the Depositaries on the proposal by the Islamic Republic of Iran.

59. The Conference reaffirms that the provisions of this Article should in principle be implemented in such a way as not to affect the universality of the Convention.

Article XII

60. The Conference reaffirms that Review Conferences constitute an effective method of reviewing the operation of the Convention with a view to assuring that the purposes of the Preamble and the provisions of the Convention are being realized. The Conference therefore recommends that Review Conferences should continue to be held at least every five years.

61. The Conference decides that the Seventh Review Conference shall be held in Geneva not later than 2011 and should review the operation of the Convention, taking into account, inter alia:

- (i) new scientific and technological developments relevant to the Convention;
- (ii) the progress made by States Parties on the implementation of the obligations under the Convention;
- (iii) progress of the implementation of the decisions and recommendations agreed upon at the Sixth Review Conference.

Article XIII

62. The Conference reaffirms that the Convention is of unlimited duration and applies at all times, and expresses its satisfaction that no State Party has exercised its right to withdraw from the Convention.

Article XIV

63. The Conference notes with satisfaction that nine states have acceded to or ratified the Convention since the Fifth Review Conference.

64. The Conference calls upon signatories to ratify the Convention, and upon those States which have not signed the Convention to accede to it without delay, thus contributing to the achievement of universal adherence to the Convention.

65. The Conference encourages States Parties to take action to persuade non-parties to accede to the Convention without delay, and particularly welcomes regional initiatives that would lead to wider accession to the Convention.

Article XV

66. The Conference decides that as well as the five languages listed in this Article, Arabic shall be considered an official language for the purposes of any meetings of the States Parties and other formal communications concerning the operation of the Convention.

Part III: Decisions and Recommendations

Work of the 2003-2005 Meetings of States Parties

1. In accordance with the decision taken by the resumed session of the Fifth Review Conference, these Meetings of States Parties of one week duration were held each year, commencing in 2003, to discuss, and promote common understanding and effective action on five specified topics. Each Meeting of States Parties was prepared by a two week Meeting of Experts. Those five topics were:

- (i) the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
- (ii) national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
- (iii) enhancing 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;
- (iv) strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants;
- (v) the content, promulgation, and adoption of codes of conduct for scientists.

2. The Conference notes that the Meetings of States Parties and Meetings of Experts functioned as an important forum for exchange of national experiences and in depth deliberations among States Parties. The Meetings of the States Parties engendered greater common understanding on steps to be taken to further strengthen the implementation of the Convention.

3. The Conference notes the contribution by the WHO, FAO, OIE and other relevant international organizations, as well as scientific and academic institutions and non-governmental organizations to the Meetings of States Parties and Meetings of Experts.

4. The Conference endorses the consensus outcome documents from the Meeting of States Parties (BWC/MSP/2003/4, BWC/MSP/2004/3, BWC/MSP/2005/3).

Implementation Support Unit

5. Taking into account the importance of providing administrative support to meetings agreed by the Review Conference as well as comprehensive implementation and universalisation of the Convention and the exchange of Confidence-Building Measures, the Conference decides that an "Implementation Support Unit" (ISU) shall be established and will consist of three full time staff members within the DDA Branch in Geneva, funded by States Parties for the period from 2007-2011 to perform the following tasks:

Administrative support:

- (i) Providing administrative support to and preparing documentation for meetings agreed by the Review Conference;
- (ii) Facilitating communication among States Parties and, upon request, with international organizations;
- (iii) Facilitating, upon request, States Parties' contacts with scientific and academic institutions, as well as non-governmental organizations;
- (iv) Serving as a focal point for submission of information by and to States Parties related to the Convention.
- (v) Supporting, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference.

Confidence Building Measures:

- (i) Receiving and distributing Confidence Building Measures to/from States Parties.
- (ii) Sending information notices to States Parties regarding their annual submissions;
- (iii) Compiling and distributing data on CBMs and to inform on participation at each Meeting of States Parties;
- (iv) Developing and maintaining a secure website on CBMs to be accessible only to States Parties;
- (v) Serving as an information exchange point for assistance related to preparation of CBMs;
- (vi) Facilitating activities to promote participation in the CBM process, as agreed by the States Parties.

6. The unit's mandate will be limited to the above mentioned tasks. The unit will submit a concise annual written report to all States Parties on its activities to implement this mandate. The unit's performance will be evaluated and its mandate will be reviewed by States Parties at the Seventh Review Conference.

Intersessional Programme 2007-2010

7. The Conference decides:

- (a) To hold four annual meetings of the States Parties of one week duration each year commencing in 2007, prior to 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) Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions.
 - (ii) Regional and sub-regional cooperation on BWC implementation.

- (iii) National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.
 - (iv) Oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim to prevent misuse in the context of advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention.
 - (v) With a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: (1) for States Parties in need of assistance, identifying requirements and requests for capacity enhancement, and (2) from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields.
 - (vi) Provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems.
- (b) 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 States Parties will be as follows: items i and ii will be considered in 2007; items iii and iv in 2008; item v in 2009; and item vi in 2010. The first meeting will be chaired by a representative of the Group of Non-Aligned and Other States, the second by a representative of the Eastern Group, the third by a representative of the Western Group, and the fourth by a representative of the Group of Non-Aligned and Other States.
- (c) The meetings of experts will prepare factual reports describing their work.
- (d) All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.
- (e) The Seventh Review Conference will consider the work and outcome of these meetings and decide on any further action.

Confidence-building measures

8. The Conference notes that the review of Article V of the Convention has shown the need for enhancing participation of States Parties in the Confidence building measures process. The Conference therefore decides that:

- (i) The Implementation Support Unit within the United Nations Department for Disarmament Affairs, with the assistance of interested States Parties, shall develop an electronic format of the existing Confidence building measures forms.
- (ii) Once completed, the electronic forms shall, with the consent of the State party submitting them, be posted on a secure Internet site and made available for the use of States Parties, to be developed under the auspices of the Implementation Support Unit within the United Nations Department for Disarmament Affairs. The information thus supplied by a State party must not be circulated further without express permission of that State Party.
- (iii) States parties are invited to submit forms using the electronic format. States parties that wish to submit completed paper forms instead of electronic forms can do so. The Implementation Support Unit within the United Nations Department for Disarmament Affairs shall insert the submitted hard copy data in the secure Internet site with the consent of the State party providing this data in order to make it electronically available to all States Parties.
- (iv) The Implementation Support Unit within the United Nations Department for Disarmament Affairs shall centralize requests and offers of assistance regarding the submission of CBMs.
- (v) The 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 at the annual meetings of States parties.
- (vi) States Parties shall designate a national point of contact in charge of preparing the submission of CBMs, the contact details of which shall be sent to the Implementation Support Unit within the United Nations Department for Disarmament Affairs.
- (vii) The Implementation Support Unit within the United Nations Department for Disarmament Affairs circulates to points of contact a notice informing States parties of the deadline for submitting information under the information exchange procedure (15 April) at least three months prior to this deadline.

9. Furthermore, the Conference reviewed the implementation of the confidence building measures during its session and agreed that the issue merits further and comprehensive attention at the Seventh Review Conference.

Promotion of Universalisation

10. The Conference notes that although the Convention is a cornerstone of international security, with only 155 States Parties, membership of the Convention falls behind other major multilateral arms control, disarmament and non-proliferation treaties. The Conference agrees that a concerted effort by States Parties is needed to persuade States not Parties to join the Convention.

11. The Sixth Review Conference calls upon signatories to ratify the Convention and other States not Party to accede to it without delay. The States Parties reaffirm their commitment to ensuring the universalisation of the Convention. To this end, the Conference:

(a) Requests States Parties to:

- (i) promote universalisation of the Convention through bilateral contacts with States not Parties,
- (ii) promote universalisation of the Convention through regional and multilateral fora and activities,
- (iii) inform the Implementation Support Unit (ISU) of their designated national point of contact for facilitating information exchange of universalisation efforts,
- (iv) report, as appropriate, on their activities at annual meetings of States Parties
- (v) provide, as appropriate, the ISU with relevant information on activities related to the promotion of universalisation of the Convention.

(b) Agrees that:

- (i) The Chairs of Meetings of States Parties shall coordinate universalisation activities, address States not Party to the Convention, provide an annual report on universalisation activities at meetings of States Parties, and provide a progress report to the Seventh Review Conference, bearing in mind the primary responsibility of the States Parties on the implementation of this decision.

(c) Tasks the ISU to:

- (i) support the President of the Review Conference and subsequent Chairs of Meetings of States Parties in the implementation of this decision.
- (ii) support States Parties by maintaining a list of national points of contact,
- (iii) consolidate and make available information on progress made by States not Parties towards ratification.
