

ADDITIONAL UNDERSTANDINGS AND AGREEMENTS REACHED BY REVIEW CONFERENCES RELATING TO EACH ARTICLE OF THE BIOLOGICAL WEAPONS CONVENTION

Introduction

This document shows the text for each article of the Convention, followed by the additional understandings and agreements relating to that article reached by the various Review Conferences. For the purposes of this document, an "additional understanding or agreement" is one which:

- (i) interprets, defines or elaborates the meaning or scope of a provision of the Convention; or
- (ii) provides instructions, guidelines or recommendations on how a provision should be implemented.

This document therefore does not include agreements reached by previous Review Conferences to undertake substantially new activities, such as the VEREX process, the Ad Hoc Group negotiations on a legally-binding instrument to strengthen the Convention, or the Confidence-building Measures (the Confidence-building Measures are described in detail in BWC/CONF.VI/INF.3). Neither does it include observations or statements of a general nature, expressions of approval or concern, or re-statements of the provisions of the Convention.

The source of each understanding or agreement is shown by a reference key in square brackets, in the form [C.A.P], where C is the number of the Review Conference (I, II, III, IV, VI), A is the article of the Convention (I-XV), and P is the paragraph number. For example [IV.V.8] refers to paragraph 8 of the Article V section of the Final Declaration of the Fourth Review Conference. The document symbols of the respective final documents containing the final declarations are as follows:

BWC/CONF.I/10	Final Document of the First Review Conference (1980)
BWC/CONF.II/13	Final Document of the Second Review Conference (1986)
BWC/CONF.III/23	Final Document of the Third Review Conference (1991)
BWC/CONF.IV/9	Final Document of the Fourth Review Conference (1996)
BWC/CONF.VI/6	Final Document of the Sixth Review Conference (2006)

This document has been prepared only for the purpose of providing background information for the States Parties, and in no way alters the status of the respective final declarations of previous Review Conferences, which remain the authoritative texts. The inclusion or omission of any understanding or agreement in this document should not be taken as implying any judgment on its validity or importance.

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Preamble to the Convention

Convention Text

"The States Parties to this Convention,

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

Recognizing the important 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, and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,

Reaffirming their adherence to the principles and objectives of that Protocol and calling upon all States to comply strictly with them,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of June 17, 1925,

Desiring to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,

Desiring also to contribute to the realization of the purposes and principles of the United Nations,

Convinced of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents,

Recognizing that an agreement on the prohibition of bacteriological (biological) and toxin weapons represents a first possible step towards the achievement of agreement on effective measures also for the prohibition of the development, production and stockpiling of chemical weapons, and determined to continue negotiations to that end,

Determined for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,

Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimize this risk,

Have agreed as follows:"

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Additional Understandings

The Sixth Review Conference asserted *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 recognised the contribution of full and effective implementation of United Nations Security Council Resolution 1540 by all states to assist in achieving the objectives of this Convention.* [VI,Solemn Declaration,vii]

The Sixth Review Conference also recognised *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.* [VI,Solemn Declaration,x]

Article I

Convention Text

"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."

Additional Understandings and Agreements

On the scope of the article:

- (i) The Third and Fourth Review Conferences reaffirmed *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.* [IV.I.2, III.I.2]
- (ii) The Second¹, Third¹ and Fourth Review Conferences reaffirmed *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.* The Second Review Conference added, *consequently, toxins (both proteinaceous and non-proteinaceous) of a microbial, animal or vegetable*

¹ slightly different wording

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nature and their synthetically produced analogues are covered. [IV.I.5, III.I.3, II.I.5]

- (iii) The Sixth Review Conference reaffirmed *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. [VI.I.1]*

On the use of biological agents and toxins:

- (i) The Fourth and Sixth Review Conferences reaffirmed *that the use by 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. [VI.I.3, IV.I.3]*
- (ii) The Sixth Review Conference reaffirmed *the determination of States Parties to condemn any use of biological agents or toxins for other than peaceful purposes, by anyone at any time. [VI.I.3]*
- (iii) The Sixth Review Conference reaffirmed *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. [VI.I.3]*
- (iv) The Third, Fourth and Sixth Review Conferences noted that *experimentation involving open-air release of pathogens or toxins harmful to humans, animals and plants that have no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I. [VI.I.4, IV.I.7, III.I.4]*
- (v) The Third Review Conference stressed that *States parties should take all necessary safety precautions to protect populations and the environment in relation to activities not prohibited by the Convention. [III.I.5]*

On scientific and technological developments:

- (i) The Second Review Conference concluded *that the scope of Article I covers scientific and technological developments relevant to the Convention. [II.I.2]*
- (ii) The Second, Third and Fourth Review Conferences, *conscious of apprehensions arising from relevant scientific and technological developments, inter alia, in the fields of microbiology, genetic engineering and biotechnology, and the possibilities of their use for purposes inconsistent with the objectives and the provisions of the Convention, reaffirmed that the undertaking given by the States Parties in Article I applies to all such developments. The Fourth Review Conference supplemented the list of scientific and technological developments with molecular biology... and any applications resulting from genome studies. [IV.I.6, III.I.3, II.I.4]*

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- (iii) The Sixth Review Conference reaffirmed *that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention.* [VI.I.2]
- (iv) The Third² and Fourth Review Conferences appealed *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.* [IV.I.8, III.I.7]

Article II

Convention Text

"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."

Additional Understandings and Agreements

On the timing of activities under the article:

- (i) The Fourth Review Conference emphasized that *the destruction or diversion to peaceful purposes specified in Article II should be carried out completely and effectively.* [IV.II.1]
- (ii) The Fourth Review Conference recognised 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.* [IV.II.1]
- (iii) The Sixth Review Conference reaffirmed that *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.* [VI.II.5]

On safety and security:

- (i) The Sixth Review Conference emphasised *that states must take all necessary safety and security provisions to protect populations and the environment when carrying out such destruction and/or diversion.* [VI.II.6]

² slightly different wording

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On the provision of information of activities carried out in compliance with the article:

- (i) The Fourth Review Conference noted that *the submission to the Centre for Disarmament Affairs [now the Office for Disarmament Affairs] of appropriate information on destruction by States Parties which had stockpiles and have destroyed them in fulfilment of their Article II obligations and which have not already made submissions could enhance confidence in the Convention and its objectives.* [IV.II.3]
- (ii) The Sixth Review Conference stressed that *States Parties [which have undertaken activities in compliance with this article] should provide appropriate information to all States Parties via the exchange of information (confidence-building measures form F).* [VI.II.6]

Article III

Convention Text

"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."

Additional Understandings and Agreements

On the scope of the article:

- (i) The Second, Third, Fourth and Sixth Review Conferences affirmed that *Article III is sufficiently comprehensive to cover any recipient whatsoever at the international, national or sub-national levels.* [VI.III.8, IV.III.1, III.III.1, II.III.1]

On implementation:

- (i) The Third and Fourth Review Conferences called *for appropriate measures by all States Parties to implement this article.* [IV.III.2, III.III.1]
- (ii) The Third and Fourth Review Conferences stated that *transfers relevant to the Convention should be authorized only when the intended use is for purposes not prohibited under the Convention.* [IV.III.2, III.III.1]
- (iii) The Sixth Review Conference called *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.* [VI.III.8]
- (iv) The Fourth Review Conference noted that *States Parties should also consider ways and means to ensure that individuals or subnational groups are*

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effectively prevented from acquiring, through transfers, biological agents and toxins for other than peaceful purposes. [IV.III.3]

- (v) *The Sixth Review Conference called 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. [VI.III.9]*

On transfers consistent with the Convention:

- (i) *The Second³, Third³, Fourth³ and Sixth Review Conferences noted 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. [VI.III.10, IV.III.4, III.III.2, II.III.2]*

Article IV

Convention Text

"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 State, under its jurisdiction or under its control anywhere."

Additional Understandings and Agreements

On implementing Article IV:

- (i) *The Fourth Review Conference recognised the need to ensure, through the review and/or adoption of national measures, the effective fulfilment of their obligations under the Convention in order, inter alia, to exclude use of biological and toxin weapons in terrorist or criminal activity. [IV.IV.1]*
- (ii) *The Sixth Review Conference reaffirmed commitment of States Parties to take the necessary national measures under this Article and reaffirmed that the enactment and implementation of necessary national measures under this Article would strengthen the effectiveness of the Convention. [VI.IV.11.i]*
- (iii) *The Sixth Review Conference encouraged 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. [VI.IV.18]*

³ slightly different wording

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On legislative, regulatory and administrative measures:

- (i) The Second⁴, Third and Fourth Review Conferences noted *the importance of... legislative, administrative and other measures designed to enhance domestic compliance with the Convention... and believed that such measures which States might undertake in accordance with their constitutional process would strengthen the effectiveness of the Convention.* [IV.IV.3-4, III.IV.3, II.IV.4]
- (ii) The Sixth Review Conference called *upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other measures, including penal legislation, designed to... 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.* [VI.IV.11.i]

On extra-territorial application:

- (i) The Third and Fourth Review Conferences *invited each State Party to consider, if constitutionally possible and in conformity with international law, the application of such measures to actions taken anywhere by natural persons possessing its nationality.* [IV.IV.2, III.IV.2]
- (ii) The Sixth Review Conference called *upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other measures, including penal legislation, designed to... 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 their nationality,* [VI.IV.11.ii]

On safety and security:

- (i) The Second⁵, Third and Fourth Review Conferences noted *the importance of... legislation regarding the physical protection of laboratories and facilities to prevent unauthorised access to and removal of microbial or other biological agents, or toxins.* [IV.IV.3-4, III.IV.3, II.IV.4]
- (ii) The Sixth Review Conference called *upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other measures, including penal legislation, designed to... 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.* [VI.IV.11]

⁴ slightly different wording

⁵ slightly different wording

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On education and awareness raising:

- (i) The Second⁶, Third⁶, Fourth⁶ and Sixth Review Conferences urged *the inclusion in medical, scientific and military educational materials and programmes of information on the Convention and the 1925 Geneva Protocol.* [VI.IV.14, IV.IV.3-4, III.IV.3, II.IV.4]
- (ii) The Sixth Review Conference urged *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.* [VI.IV.14]
- (iii) The Sixth Review Conference encouraged *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.* [VI.IV.15]
- (iv) The Sixth Review Conference recognised *the importance of codes of conduct and self-regulatory mechanisms in raising awareness, and called upon States Parties to support and encourage their development, promulgation and adoption.* [VI.IV.15]

On disease surveillance and detection:

- (i) The Sixth Review Conference reaffirmed *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.* [VI.IV.13]

On the provision of information of activities carried out in compliance with the Article:

- (i) The First Review Conference invited *States Parties which have found it necessary to enact specific legislation or take other regulatory measures relevant to this Article to make available the appropriate texts to the United Nations Centre for Disarmament [now the Office for Disarmament Affairs], for the purposes of consultation.* The Second Review Conference invited *States Parties to continue to provide such information and texts*, and the Third and Fourth Review Conferences encouraged *all States Parties to provide such information and texts in the future.* [IV.IV.5, III.IV.4, II.IV.3, I.IV.2]
- (ii) In addition, the Third and Fourth Review Conferences encouraged *all States Parties to provide any useful information on the implementation of such measures.* [IV.IV.5, III.IV.4]
- (iii) The Sixth Review Conference encouraged *States Parties to provide appropriate information on any such measures they have taken, as well as any*

⁶ slightly different wording

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other useful information on their implementation, to the United Nations Department [now Office] for Disarmament Affairs. [VI.IV.12]

- (iv) The Sixth Review Conference also noted *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. [VI.IV.17]*

On collective initiatives under this article:

- (i) The Fourth Review Conference encouraged *cooperation and initiatives, including regional ones, towards the strengthening and implementation of the Biological and Toxin Weapons Convention regime. [IV.IV.6]*
- (ii) The Sixth Review Conference urged *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 Sixth Review Conference also encouraged such initiatives on a regional basis. [VI.IV.16]*

On the use of biological weapons:

- (i) The Fourth and Sixth Review Conferences reaffirmed that *under all circumstances the use of bacteriological (biological) and toxin weapons is effectively prohibited by the Convention. [VI.IV.19, IV.IV.7]*

Article V

Convention Text

"The States Parties to this Convention undertake to consult one another and to co-operate 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 co-operation 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."

Additional Understandings and Agreements

On implementation:

- (i) The Fourth⁷ and Sixth Review Conferences reaffirmed that *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. [IV.V.1, VI.V.20.i]*

⁷ slightly different wording

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- (ii) The Fourth and Sixth Review Conferences reaffirmed *that any State Party which identifies such a problem should, as a rule, use these procedures to address and resolve it.* [VI.V.20.ii, IV.V.1]
- (iii) The Sixth Review Conference reaffirmed that *States Parties should provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention.* [VI.V.20.iii]
- (iv) The Sixth Review Conference reaffirmed that *consultation and cooperation may also be undertaken bilaterally and multilaterally, or through other appropriate international procedures.* [VI.V.21]

On Consultative Meetings:

- (i) The First and Second Review Conferences considered that *these procedures include, inter alia, the right of any State Party subsequently to request that a consultative meeting open to all States Parties be convened at expert level.* [II.V.3, I.V.3]
- (ii) The Second Review Conference agreed, and the Third, Fourth and Sixth confirmed⁸:
 - (a) *that a consultative meeting shall be promptly convened when requested by a State Party;*
 - (b) *that a consultative meeting may consider any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention, suggest ways and means for further clarifying, inter alia, with assistance of technical experts, any matter considered ambiguous or unresolved, as well as initiate appropriate international procedures within the framework of the United Nations and in accordance with its Charter;*
 - (c) *that the consultative meeting, or any State Party, may request specialised assistance in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention, through, inter alia, appropriate international procedures within the framework of the United Nations and in accordance with its Charter;*
 - (d) *that States Parties shall co-operate with the consultative meeting in its consideration of any problems which may arise in relation to the objectives of, or in the application of the provisions of the Convention, and in clarifying ambiguous and unresolved matters, as well as co-operate in appropriate international procedures within the framework of the United Nations and in accordance with its Charter.* [III.V.8, II.V.6]

⁸ the Third Review Conference did not include (i), but instead set out a more specific timetable for convening the consultative meeting: see next paragraph. The Fourth Review Conference reaffirmed the validity of the procedures agreed at the Second and Third Review Conferences, without repeating the text [IV.V.2].

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- (iii) In addition, the Third Review Conference agreed, and the Fourth and Sixth confirmed⁹, that:
- (a) *A formal consultative meeting could be preceded by bilateral or other consultations by agreement among those States parties involved in the problems which had arisen;*
 - (b) *Requests for the convening of a consultative meeting shall be addressed to the Depositaries, who shall immediately inform all States parties of the request and shall convene within 30 days an informal meeting of the interested States parties to discuss the arrangements for the formal consultative meeting, which shall be convened within 60 days of receipt of the request;*
 - (c) *With regard to the taking of decisions, the consultative meeting shall proceed in accordance with rule 28 of the rules of procedure of the Review Conference;*
 - (d) *The costs of the consultative meeting shall be met by the States parties participating in accordance with the United Nations assessment scale prorated to take into account differences between the United Nations membership and the number of States parties participating in the meeting;*

The States parties agree that, should the consultative meeting, or any State party, make use of such procedures within the framework of the United Nations, including lodging a complaint with the Security Council under Article VI of the Convention, the Secretary-General may be kept informed. [III.V.8]

- (iv) The Third and Fourth Review Conferences agreed that States Parties should provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention. [IV.V.8, III.V.18]

On other relevant international procedures:

- (i) The Third Review Conference, having welcomed the proposals for *technical guidelines and procedures to guide the United Nations Secretary-General in the timely and efficient investigation of reports of the possible use of chemical and bacteriological (biological) or toxin weapons... endorsed by the United Nations General Assembly in 1990 in its resolution 45/57*, stated that States Parties agreed 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. [III.V.19]*

⁹ The Fourth and Sixth Review Conferences reaffirmed the validity of the procedures agreed at the Second and Third Review Conferences, without repeating the text [VI.V.21, IV.V.2].

Article VI

Convention Text

"(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."

Additional Understandings and Agreements

On the role of the Security Council:

- (i) The Third¹⁰, Fourth¹⁰ and Sixth Review Conferences invited *the Security Council 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.* [VI.VI.28.i, IV.VI.3, III.VI.3]
- (ii) The Second Review Conference considered that *the Security Council may, if it deems it necessary, request the advice of the World Health Organisation in carrying out any investigation of complaints lodged with the Council.* [II.VI.2]
- (iii) The Third¹¹, Fourth¹¹, and Sixth Review Conferences invited *the Security Council 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.* [VI.VI.28.iii, IV.VI.5, III.VI.5]
- (iv) The Sixth Review Conference invited *the Security Council 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.* [VI.VI.28.ii]

On the investigative mechanism of the UN Secretary-General:

- (i) The Third and Fourth Review Conferences recalled, *in this context, United Nations Security Council resolution 620 of 1988, which encouraged the United Nations Secretary-General to carry out prompt investigations, in response to allegations brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons.*

¹⁰ slightly different wording

¹¹ slightly different wording

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The Fourth Review Conference also recalled 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*. [IV.VI.4, III.VI.4]

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

On actions by States Parties:

- (i) The Fourth and Sixth Review Conferences stated that the States Parties reaffirmed *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*. [VI.VI.29, IV.VI.4]
- (ii) The Fourth Review Conference stated that the States Parties reaffirmed they would *cooperate fully with the United Nations Secretary-General in carrying out such investigations*. [IV.VI.4]
- (iii) The Fourth and Sixth Review Conferences noted 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*. [VI.VI.31, IV.VI.6]

Article VII

Convention Text

"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."

Additional Understandings and Agreements

On implementation:

- (i) The Third, Fourth and Sixth Review Conferences *took 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*. [VI.VII.33, IV.VII.3, III.VII.3]

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- (ii) The Third and Fourth Review Conferences considered that *in the event that this article might be invoked, the United Nations, with the help of appropriate intergovernmental organizations such as the World Health Organization (WHO), could play a coordinating role.* [IV.VII.5, III.VII.4] The Sixth Review Conference expanded upon this by considering *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), the World Organisation for Animal Health (OIE), the Food and Agriculture Organization of the United Nations (FAO), and the International Plant Protection Convention (IPPC).* [VI.VII.34]
- (iii) The Sixth Review Conference noted *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.* [VI.VII.35]
- (iv) The Sixth Review Conference noted *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 a State Party.* [VI.VII.38]

Article VIII

Convention Text

"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."

Additional Understandings and Agreements

On the relationship between the Convention and the 1925 Geneva Protocol:

- (i) The Third¹², Fourth and Sixth¹² Review Conferences acknowledged that *the 1925 Geneva Protocol, by prohibiting the use of bacteriological methods of warfare, and the Biological and Toxin Weapons Convention complement each other.* [VI.VIII.40, IV.VIII.2, III.VIII.2]

On the universalization and implementation of the 1925 Geneva Protocol:

- (i) The Second¹², Third, Fourth and Sixth Review Conferences appealed to *all States Parties to the Geneva Protocol of 1925 to fulfil their obligations assumed under that Protocol and urged all States not yet Parties to the said*

¹² slightly different wording

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Protocol to accede to it without delay. [VI.VIII.39, IV.VIII.4, III.VIII.3, II.VIII.2]

On reservations to the 1925 Geneva Protocol:

- (i) The Third, Fourth and Sixth Review Conferences stressed *the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Convention.* [VI.VIII.41, IV.VIII.5, III.VIII.4]
- (ii) The Sixth Review Conference called *upon those States Parties that continue to maintain pertinent reservations to the 1925 Geneva Protocol to withdraw those reservations, and to notify the Depositary of the 1925 Geneva Protocol of their withdrawals without delay.* [VI.VIII.42]
- (iii) The Fourth and Sixth Review Conferences noted that *reservations concerning retaliation, through the use of any of the objects prohibited by the Convention, even conditional, are totally incompatible with the absolute and universal prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use.* [VI.VIII.43, IV.VIII.7]

Article IX

Convention Text

"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."

Additional Understandings and Agreements

On the universalization and implementation of the Chemical Weapons Convention:

- (i) The Fourth Review Conference, welcoming the then imminent entry into force of the Chemical Weapons Convention, called upon *all States that have not yet done so to sign and/or ratify the [Chemical Weapons] Convention without delay.* [IV.IX.4]
- (ii) The Sixth Review Conference welcomed the fact that the Chemical Weapons Convention *entered into force on 29 April 1997 and that 181 instruments of ratification or accession have now been deposited with the United Nations.* The Sixth Review Conference also called upon *all states that have not yet done so to accede to that Convention without delay.* [VI.IX.45]

Article X

Convention Text

"(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."

Additional Understandings and Agreements

On implementation:

- (i) The Fourth Review Conference stressed that *measures to implement Article X need to be consistent with the objectives and provisions of the Convention.* [IV.X.2]
- (ii) The Fourth and Sixth Review Conferences emphasised that *States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials.* [VI.X.51, IV.X.4]
- (iii) The Second Review Conference urged that *co-operation under Article X should be actively pursued both within the bilateral and the multilateral framework* and the Second, Third and Fourth Review Conferences urged *the use of existing institutional means within the United Nations system and the full utilisation of the possibilities provided by the specialized agencies and other international organisations.* The Fourth Review Conference considered that *the implementation of Article X could be enhanced through greater coordination among international cooperation programmes in the biological field for peaceful purposes conducted by States Parties, specialized agencies and other international organizations.* [IV.X.11, III.X.5, II.X.5]
- (iv) The Sixth Review Conference recognised *the need to effectively implement national measures in order to further implementation of Article X* [VI.X.52]
- (v) The Sixth Review Conference urged *States Parties to undertake to review their national regulations governing international exchanges and transfers in order*

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to ensure their consistency with the objectives and provisions of all the articles of the Convention. [VI.X.52]

On scientific and technological cooperation for peaceful purposes:

- (i) The First Review Conference called upon *States Parties, especially developed countries, to increase, individually, or together with other States or international organizations, their scientific and technological co-operation, particularly with developing countries, in the peaceful uses of bacteriological (biological) agents and toxins. [I.X.1]*
- (ii) The First Review Conference stated that scientific and technological cooperation on peaceful uses of bacteriological (biological) agents and toxins *should include, inter alia, the transfer and exchange of information, training of personnel and transfer of materials and equipment on a more systematic and long-term basis. [I.X.1]*
- (iii) The Second, Third and Fourth Review Conferences urged States Parties to take specific measures for the *active promotion of contacts between scientists and technical personnel on a reciprocal basis, in relevant fields. [IV.X.12, III.X.3, II.X.3]* The Third and Fourth Review Conferences also urged the United Nations and its specialised agencies to take similar specific measures. [IV.X.12, III.X.3]
- (iv) The Second, Third and Fourth Review Conferences urged States Parties to take specific measures for *increased technical co-operation and assistance, including training opportunities to developing countries in the use of bio-sciences and genetic engineering for peaceful purposes. [IV.X.12, III.X.3, II.X.3]* The Third and Fourth Review Conferences urged that this be accomplished *through active association with United Nations institutions, including the International Center for Genetic Engineering and Biotechnology. [IV.X.12, III.X.3]* The Third and Fourth Review Conferences also urged the United Nations and its specialised agencies to take similar specific measures. [IV.X.12, III.X.3]
- (v) The Fourth Review Conference urged States Parties, the United Nations and its specialised agencies to take further specific measures for the *promotion of programmes for the exchange and training of scientists and experts, and the exchange of scientific and technical information in the biological field between developed and developing countries. [IV.X.12]*
- (vi) The Second, Third and Fourth Review Conferences urged States Parties to take specific measures to encourage *the co-ordination of national and regional programmes and working out in an appropriate manner the ways and means of co-operation in this field. [IV.X.12, III.X.3, II.X.3]* The Third and Fourth Review Conferences also urged the United Nations and its specialised agencies to take similar specific measures. [IV.X.12, III.X.3]

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On technology transfer:

- (i) The Second Review Conference urged *States Parties to provide wider access to and share their scientific and technological knowledge in this field, on an equal and non-discriminatory basis, in particular with the developing countries, for the benefit of all mankind.* [II.X.2]
- (ii) The Third¹³ and Fourth Review Conferences urged *all States Parties actively to continue to promote international cooperation and exchange with States Parties in the peaceful uses of biotechnology, and urged all States Parties possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis in particular with the developing countries, for the benefit of all mankind.* [IV.X.2, III.X.2]
- (iii) The Second¹⁴, Third and Fourth Review Conferences urged States Parties to take specific measures for the *wider transfer and exchange of information, materials and equipment among States on a systematic and long-term basis in relevant fields.* [IV.X.12, III.X.3, II.X.3] The Third and Fourth Review Conferences also urged the United Nations and its specialised agencies to take similar specific measures. [IV.X.12, III.X.3]
- (iv) The Sixth Review Conference urged *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.* [VI.X.47]
- (v) The Sixth Review Conference recognised *the important role of the private sector in the transfer of technology and information.* [VI.X.56]

On public, human and animal health:

- (i) The Second, Third and Fourth Review Conferences called for *greater cooperation in international public health and disease control.* [IV.X.12, III.X.3, II.X.4] The Third and Fourth Review Conferences also urged the United Nations and its specialised agencies to take similar specific measures. [IV.X.12, III.X.3]
- (ii) The Third¹⁵ and Fourth Review Conferences urged States Parties, the United Nations and its specialised agencies to take further specific measures for *cooperation in providing information on their national epidemiological surveillance and data reporting systems, and in providing assistance, on a bilateral level and/or in conjunction with WHO, FAO and OIE, regarding epidemiological and epizootical surveillance, with a view to improvements in*

¹³ slightly different wording

¹⁴ slightly different wording

¹⁵ The Third Review Conference version did not mention the FAO, OIE and epizootical surveillance.

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the identification and timely reporting of significant outbreaks of human and animal diseases [IV.X.12, III.X.3]

- (iii) *The Sixth Review Conference urged 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. [VI.X.53]*
- (iv) *The Sixth Review Conference encouraged the States Parties to continue strengthening existing international organizations and networks working on infectious diseases, in particular those of the WHO, FAO, OIE and IPPC, within their respective mandates. [VI.X.55.i]*
- (v) *The Sixth Review Conference noted that the role of these organizations 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. [VI.X.55.ii]*
- (vi) *The Sixth Review Conference encouraged States Parties to improve communication on disease surveillance at all levels, including between States Parties and with the WHO, FAO, OIE and IPPC. [VI.X.55.iii]*
- (vii) *The Sixth Review Conference called upon States Parties to continue establishing and/or improving national and regional capabilities to survey, detect, diagnose and combat infectious diseases as well as other possible biological threats and integrate these efforts into national and/or regional emergency and disaster management plans. [VI.X.55.iv]*
- (viii) *The Sixth Review Conference urged States Parties in a position to do so to continue supporting, directly as well as through international organizations, 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.X.55.v]*
- (ix) *The Fourth Review Conference called upon all States Parties in a position to do so to fully cooperate with the developing States Parties to the Convention in the area of promotion and financing the establishment of vaccine production facilities and recommended further that the relevant multilateral organizations and world financial institutions provide assistance for establishment and promotion of vaccine production projects in these countries. [IV.X.17]*
- (x) *The Sixth Review Conference called 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. [VI.X.55.vi]*

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On enhancing existing institutional ways and means:

- (i) The Third¹⁶, Fourth¹⁶ and Sixth Review Conferences noted *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.* [IV.X.5, III.X.6]
- (ii) The Second Review Conference noted that *co-operation would be best initiated by improved institutionalized direction and co-ordination, and recommended that measures to ensure co-operation on such a basis be pursued within the existing means of the United Nations system.* [II.X.6]
- (iii) The Second, Third and Fourth Review Conferences urged States Parties to take specific measures for *facilitating the conclusion of bilateral, regional and multi-regional agreements providing on a mutually advantageous, equal and non-discriminatory basis, for their participation in the development and application of biotechnology.* [IV.X.12, III.X.3, II.X.3] The Third and Fourth Review Conferences also urged the United Nations and its specialised agencies to take similar specific measures. [IV.X.12, III.X.3]
- (iv) The Third Review Conference considered that *the establishment of a world data bank under the supervision of the United Nations might be a suitable way of facilitating the flow of information in the field of genetic engineering, biotechnology and other scientific developments.* The Fourth Review Conference reiterated this consideration but without specifying its relationship to the United Nations. [III.X.4, IV.X.13]
- (v) The Sixth Review Conference urged *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.* [VI.X.49]
- (vi) The Sixth Review Conference recognised *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.* [VI.X.50]

On further discussion in the United Nations system:

- (i) The Second, Third and Fourth Review Conferences, requested *the Secretary-General of the United Nations to propose for inclusion of the agenda of a relevant United Nations body a discussion and examination of the means for improving institutional mechanisms in order to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful*

¹⁶ slightly different wording which did not explicitly reference the environment

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purposes. It was also recommended that invitations to participate in this discussion and examination should be extended to all States Parties, whether or not they are members of the United Nations and concerned specialised agencies. The Third Review Conference requested this was to occur not later than 1993. The Fourth Review Conference requested this to occur before the next Review Conference. [IV.X.6, III.X.7-8, II.X.6]

- (ii) *The Second and Third Review Conferences requested the States Parties and the United Nations Secretariat to include in the document materials prepared for the above-mentioned discussion of States Parties, information and suggestions on the implementation of Article X, urged the specialised agencies, inter alia, FAO, WHO, UNESCO, WIPO and UNIDO, to participate in this discussion and fully co-operate with the Secretary-General of the United Nations, and requested the Secretary-General to send all relevant information of this Conference to these agencies. [III.X.9, II.X.7]*

On the provision of information of activities carried out in compliance with the article:

- (i) *The First¹⁷ and Second Review Conferences requested States Parties and the United Nations Secretariat to provide information relevant to the implementation of the Article for examination by the next conference of States Parties.*
- (ii) *The Third and Fourth Review Conferences requested that the Secretary-General [of the United Nations] collate on an annual basis, and for the information of States Parties, reports on how this Article is being implemented. [IV.X.14, III.X.10, II.X.8, I.X.3]*
- (iii) *The Second, Third and Fourth Review Conferences urged States Parties to take specific measures for the transfer and exchange of information concerning research programmes in bio-sciences. [IV.X.12, III.X.3, II.X.3] The Third and Fourth Review Conferences also urged the United Nations and its specialised agencies to take similar specific measures. [IV.X.12, III.X.3]*
- (iv) *The Third and Fourth Review Conferences urged States Parties, the United Nations and its specialised agencies to take further specific measures for the transfer and exchange of information concerning research programmes in bio-sciences.*
- (v) *The Sixth Review Conference encouraged States Parties to provide appropriate information on how this Article is being implemented to the United Nations Department [now Office] for Disarmament Affairs. [VI.X.54]*
- (vi) *The Sixth Review Conference requested the United Nations Department [now Office] for Disarmament Affairs to collate such information for the information of States Parties. [VI.X.54]*

¹⁷ slightly different wording

Article XI

Convention Text

"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."

Additional Understandings and Agreements

On implementation:

- (i) The Third, Fourth and Sixth Review Conferences underlined that *the provisions of Article XI should in principle be implemented in such a way as not to affect the universality of the Convention.* [IV.XI.4, III.XI.1, VI.XI.59]

Article XII

Convention Text

"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."

Additional Understandings and Agreements

On the Review Conference process:

- (i) The First¹⁸ and Sixth Review Conferences reaffirmed that Review Conferences *constitute an effective method of reviewing the operation of the Convention with a view to ensuring that the purposes of the Preamble and provisions of the Convention are being realized.* [VI.XII.60, I.XII.1] The First Review Conference added *in particular with respect to any new scientific and technological developments relevant to the Convention.* [I.XII.1]
- (ii) The Third¹⁹, Fourth¹⁹ and Sixth Review Conferences recommended that *Review Conferences should continue to be held at least every five years.* [VI.XII.60, IV.XII.3, III.XII.3]

¹⁸ slightly different wording

¹⁹ slightly different wording

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On scientific and technological developments:

- (i) The First Review Conference decided that *any information provided by States Parties on scientific and technological developments relevant to the Convention, and on its implementation, shall be made available periodically to States Parties, in particular through the United Nations Centre for Disarmament* [now the United Nations Office for Disarmament Affairs].
[I.XII.3]

Article XIII

Convention Text

"(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."

(no additional understandings or agreements)

Article XIV

Convention Text

"(1) This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph (3) of this Article may accede to it at any time.

(2) This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

(3) This Convention shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositaries of the Convention.

(4) For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

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(5) The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit or each instrument of ratification or of accession and the date of entry into force of this Convention, and of the receipt of other notices.

(6) This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations."

Additional Understandings and Agreements

On universalization:

- (i) The Second²⁰, Third²⁰, Fourth²⁰ and Sixth Review Conferences called *upon signatories to ratify the Convention, and upon those states which have not signed the Convention to accede to it without delay.* [VI.XIV.64, IV.XIV.2, III.XIV.2, II.XIV.2]
- (ii) The Third and Sixth Review Conferences encouraged *States Parties to take action to persuade non-parties to accede to the Convention without delay.* [VI.XIV.65, III.XIV.3]
- (iii) The Fourth Review Conference requested *States Parties to encourage wider adherence to the Convention.* [IV.XIV.3]
- (iv) The Third, Fourth and Sixth Review Conferences particularly welcomed *regional initiatives that would lead to wider accession to the Convention.* [VI.XIV.65, IV.XIV.4, III.XIV.4]

Article XV

Convention Text

"This Convention, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding states."

Additional Understandings and Agreements

On languages:

- (i) The Sixth Review Conference decided *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.* [VI.XV.66]

²⁰ slightly different wording