

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

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REPORT OF THE COMMITTEE OF THE WHOLE

## REPORT OF THE COMMITTEE OF THE WHOLE

1. At its 1<sup>st</sup> plenary meeting, on 25 November 1996, the Review Conference decided, in accordance with rule 35 of its Rules of Procedure, to establish a Committee of the Whole to consider in detail the substantive issues relevant to the Convention with a view to facilitating the work of the Conference.

2. At the same meeting on 25 November, the Conference elected by acclamation Ambassador Jorge Berguno Barnes (Chile) as Chairman of the Committee of the Whole, and Dr. Petr Rytik (Belarus) and Ambassador Lars Norberg (Sweden) as Vice-Chairmen.

3. At its 1<sup>st</sup> plenary meeting, on 25 November, the Conference decided that the Committee of the Whole should undertake the review of the various articles and provisions of the Convention under agenda items 10 (a) and 10 (b), as well as to consider items 11, 12 and 13, as follows:

Agenda item 10 - Review of the operation of the Convention as provided for in its Article XII a) Articles I-XV (b) preambular paragraphs and purposes of the Convention

Agenda item 11. Consideration of issues identified in the review of Article XII contained in the Final Declaration of the Third Review Conference. and possible follow-up action

Agenda item 12. Consideration of the work of the Ad Hoc Group established by the Special Conference in 1994

Agenda item 13. Other matters, including: (a) (b) the question of future review of the Convention; the consideration of the proposal of the Islamic Republic of Iran concerning the prohibition of the use of biological weapons (BWC/CONF.IV/COW/WP.2).

4. At its 1<sup>st</sup> meeting, on 27 November 1996, at the suggestion of the Chairman, the Committee of the Whole approved its method of work, clustering items as follows: Articles I-II; Articles III-IV; Article V; Articles VI-IX; Article X; and Articles XI-XV, including the Preamble. The Committee also examined agenda items 11, 12 and 13.

5. The Committee of the Whole held six meetings during the period from 27 to 29 November 1996. In addition, the Committee also held informal consultations

6. In the course of the work of the Committee a number of proposals were presented on the Articles of the Convention. These proposals appear in Annex II of this report. At its sixth and final meeting on 29 November 1996, the Committee of the Whole adopted its report and took note of the Chairman's Summary.

7. The Chairman's Summary of the various views expressed during the deliberations of the Committee appears in Annex I of this report. The content of both annexes is without prejudice to the views of delegations as they were stated in the Committee.

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AGENDA ITEM 10 Articles I-II

#### ANNEX I CHAIRMAN'S SUMMARY

Speakers reaffirmed their commitment to Article I, and that the prohibitions on the development, production, stockpiling or other acquisition or retention of biological weapons included in Article I were applicable to all potential scientific and technological developments. Participants expressed their concern that non-compliance with Article I should continue to be addressed.

A few participants suggested that in the context of strengthening compliance with Article I, there was a need for definition or clarification of the terms within the Article, although some participants noted that the international community has been well served by the descriptive, non-exhaustive approach of Article I. Delegations emphasized that the prohibitions in Article I implicitly banned the use of biological weapons, as foreseen in the preamble to the Convention. In this context, participants agreed to discuss the proposal contained in BWC/CONF.IV/COW/WP.2 under item 13 of the agenda of the Conference. Some proposals addressed the issue as a possible subject for the Final Declaration.

In the context of Article II, statements by States Parties on their compliance with this Article were welcomed. It was proposed that States Parties should provide additional information on the destruction of old BW stocks. Some delegations noted that CBM Form F provided an appropriate channel for such information.

Articles III-IV

Delegations reaffirmed the importance of Article III. Some participants considered that national export licensing systems were a necessary means to implement the obligation of this Article. It was pointed out that such measures should not hamper transfer of technology for peaceful purposes. Some delegations suggested that efforts to strengthen the Convention should include consideration of multilaterally-agreed guidelines on the implementation of Article III and recalled that under the Declaration of the Third Review Conference the implementation of this Article should continue to be subject to multilateral consideration.

Many delegations highlighted the national measures they had taken to meet the requirements of Article IV. Participants called on all States Parties to declare the steps they had taken in this context, as required under CBM Form E agreed at the Third

Review Conference. Several delegations drew attention to the risk of acquisition of relevant materials by groups or individuals for terrorist purposes, and called on all States Parties to review their national measures to address this threat. The importance of regional cooperation to aid the implementation of this Article was underlined.

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#### Article V

The Conference reaffirmed the importance of the consultation and cooperation provisions of Article V. In particular, participants welcomed the continued contribution of the confidence-building measures established under this Article to enhancing confidence in compliance with the Convention. At the same time, they noted that participation in the CBMs was not universal, and urged all States Parties who had not done so to meet their political obligations in this context. It was noted that, in accordance with its mandate, the Ad Hoc Group is considering the incorporation of existing and further enhanced confidence-building and transparency measures, as appropriate, into a future regime to strengthen the Convention.

It was recognized that, further to the provisions of Article V, States Parties' efforts to strengthen the Convention were continuing through the Ad Hoc Group established by the Special Conference in 1994. Several delegations drew attention to the importance of the work of the Ad Hoc Group and the progress it had made thus far, and urged the intensification and early fulfilment of the Group's mandate.

#### Article VI-IX

While reaffirming the validity of the procedures contained in Article VI to deal with alleged breaches of obligations under the Convention, several participants expressed the view that consideration of such issues should not be limited to these procedures. It was widely noted that the Ad Hoc Group was considering, in accordance with its mandate, a system of measures to promote compliance with the Convention, including measures for the investigation of alleged use. It was the view of one delegation that such measures would need to include consideration by the United Nations Security Council as provided for under Article VI.

In reviewing Article VII, participants reaffirmed that assistance required under this Article should be provided promptly. It was suggested that detailed provisions to this end could be considered by the Ad Hoc Group.

States Parties reaffirmed the validity and importance of the explicit ban on the use of biological weapons established by the Geneva Protocol of 1925. Participants welcomed further withdrawals by some States Parties of their reservations to the Geneva Protocol and called on those who had not yet done so to do likewise. In this context, United Nations General Assembly resolution 51/45 P was noted. The point was made by a few delegations that the maintenance of any purported right of retaliatory employment in

warfare of any of the objects prohibited in the Convention contradicted its principles and purposes.

The deposit of the 65th instrument of ratification of the Chemical Weapons Convention on 31 October 1996, allowing its entry into force in April 1997, was welcomed by participants. Several delegations called on all States Parties, and in particular the two declared possessors of chemical weapons, who had not yet done so, to ratify the Convention before entry into force

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#### Article X

The Conference reaffirmed the importance of Article X as an integral part of the Convention. Several delegations stressed the need for the provisions of this Article to be monitored and verified, in common with provisions contained within other Articles.

Some delegations drew attention to developments since the Third Review Conference in the area of international cooperation in relevant fields, and in particular those consequent to the Rio Conference, Agenda 21 and the signing of the Convention on Biodiversity in 1993. While the extension of the WHO's activities in surveillance and control of infectious disease was welcomed, further efforts in this area were called for both from specialized international organizations, and from States Parties. In this context, special reference was made to cooperation with the ICGEB, and it was suggested by a delegation that more States Parties should participate in its work.

Some participants drew attention to their national cooperative activities and programmes in relevant areas. It was noted that in accordance with its mandate, the Ad Hoc Group was considering specific measures designed to ensure effective and full implementation of Article X. It was the view of several delegations that no measures taken to implement the provisions of the Convention should impose restrictions and/or limitations on the transfer of scientific knowledge, technology, equipment or materials for purposes consistent with the objectives of the Convention.

Articles XI, XIII, XIV and XV

In discussion on Article XI States Parties noted the proposal of the Islamic Republic of Iran as contained in BWC/CONF.IV/COW/WP.2 to amend the title and Article I of the Convention. While views were expressed regarding this proposal, suggesting that it should be duly noted, the Conference also noted that a full discussion would take place under the separate item 13 of the agenda of the Conference. It was also noted that the proposal had been passed to the Depositaries for circulation to all States Parties. The Chairman recalled the last sentence of the Third Review Conference Declaration on the need not to affect the universality of the Convention and one delegation suggested a possible follow-up of this issue by the Ad Hoc Group.

There were no new proposals put forward in relation to Article XIII, and it was suggested that in its Final Declaration the Conference repeat the language on this Article from the Final Declaration of the Third Review Conference.

In relation to Article XIV, States Parties welcomed the new accessions to the Convention since the Third Review Conference, and reiterated their call for universal adherence to the Convention. It was suggested that the Final Declaration of the Conference include an appeal to this effect.

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In noting the importance of the provisions of Article XV, the suggestion was made that the proceedings of the Ad Hoc Group established by the Special Conference in 1994 fully respect the status of the languages of the Convention and the United Nations system.

#### AGENDA ITEM 11 (Article XII)

Consideration was given to the degree to which the issues identified by the Third Review Conference for follow-up remained fully relevant, required updating or had been overtaken by events since then.

With reference to Article XII, it was proposed that the Conference should set a tentative date for the Fifth Review Conference. In this regard, participants drew attention to the final report of the Special Conference of 1994, which provided for the holding of a Special Conference, if necessary, after the Fourth Review Conference, to consider the report of the Ad Hoc Group. It was therefore suggested that the Conference should decide whether the Fifth Review Conference should consider the conclusions of this Special Conference. The Chairman drew attention to the last item included in the Declaration of the Third Review Conference, which stated:

'In the light of these considerations and of the provisions of Article XI, whether or not follow-up action is called for to create further cooperative measures in the context of Article V or legally binding improvements to the Convention or a combination of both.'

It was agreed that the Review Conference recommend that conferences of States Parties to review the operation of the Convention should be held at least every five years.

#### AGENDA ITEM 12

Many delegations expressed the view that the Review Conference should welcome and endorse the report of the Ad Hoc Group, though others suggested that endorsement would not be appropriate; an alternative might be to take note with appreciation of the report.

The good progress achieved by the Ad Hoc Group, as reflected in its report from September 1996, was welcomed and highlighted by a number of delegations. This formed a sound basis for future work.

There was wide support for the intensification of the Ad Hoc Group's work. A number of delegations emphasized the importance of the Review Conference sending a clear signal of support for this intensification and for the early completion of its work, well before the next Review Conference. It was suggested that setting a target date of 1998 would help this process. However, other delegations felt that any deadlines would be artificial and stressed the importance of the Ad Hoc Group having time to consider thoroughly the issues, given their complexity. A number of delegations also stressed that in intensifying its work, the Ad Hoc Group should also seek to shift to a new phase, including improved working methods which might be of a more focused text-based nature.

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Other issues raised included the importance of encouraging more States Parties to take part in the Ad Hoc Group's work, with a view to strengthening the Convention's universality; the need to avoid touching the Ad Hoc Group's mandate; and the continuing validity of existing CBMs and consultative procedures elaborated by the Thira Review Conference, pending the outcome of the Ad Hoc Group's work.

#### AGENDA ITEM 13

The Chairman drew the Committee's attention to the sub-items for consideration under agenda item 13, and advised that the issues under (a) had been comprehensively discussed under agenda item 12. On sub-item (b), the Chairman noted that initial views had been expressed under Articles I and XI on the proposal of the Islamic Republic of Iran to amend the Convention to include the prohibition of use of biological weapons.

Discussion of the proposal of the Islamic Republic of Iran, as contained in BWC/CONF.IV/COW/WP.2, focused on two elements: on the one hand the substantive issues raised by the proposal, and on the other its procedural handling. With regard to the first element, there was universal condemnation by States Parties of the use of biological weapons. Delegations reaffirmed their view that the ninth paragraph of the preamble clearly expressed the intention of the Convention to prevent the use of biological weapons. Many participants held the opinion that the prohibition in Article I on developing, producing, stockpiling or otherwise acquiring or retaining biological weapons implicitly and effectively prohibited any use of biological weapons and that the Final Declarations of previous Review Conferences had restated this view. It was also pointed out that United Nations Security Council resolution 620 (1988), and the mandate of the Ad Hoc Group established in 1994, also implicitly reconfirmed the ban on use by addressing measures to investigate alleged use of biological weapons. Several speakers considered that the issues raised in the proposal of the Islamic Republic of Iran would most appropriately be addressed through an explicit statement in the Final Declaration of the Conference's view of the Convention's prohibition on use. In this regard, many participants recommended the proposed language (contained in BWC/CONF.IV/COW/WP.1) of South Africa; one delegation stated that the most simple and direct wording would be preferable.

Some speakers raised the question of why an explicit reference to the use of biological weapons had not been included in the Convention when it was negotiated. It was the view of some delegations at the time that this had been an imperfection, which continued to require correction. Others considered that the Convention had been negotiated as a complement to the Geneva Protocol of 1925 and that no repetition of the explicit ban on use of biological weapons therein was therefore required. One delegation suggested that the possible connection between continued reservations to the Geneva Protocol for retaliatory use of biological weapons by some States Parties and the exclusion of use of biological weapons from the explicit prohibitions of the Convention did raise doubts about whether the Convention also banned the use of biological weapons; the "travaux préparatoires" in the ENDC were also quoted to that effect

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In noting their view that the Convention should be strengthened by making explicit the ban on use of biological weapons, several delegations drew attention to the provision for amendment in Article XI of the Convention. They emphasized that the Convention clearly anticipated a future need for amendment. Other delegations expressed caution about initiating a process of amendment to an established international instrument. It was pointed out that amendment to the provision of one Article would open up the Convention for possible amendments to its other provisions, which could weaken it. The risk of the possibility of an amended Convention creating a two-tier regime, in which States Parties who had not accepted the amendment would appear to condone use of biological weapons, was underlined. The difficulty of ratification of amendments by national governments and requirement for national implementing legislation were also raised. The view was expressed that a simple amendment such as this, which made explicit a prohibition which the Convention already implicitly includes, should however not present insurmountable problems to States Parties.

With respect to the element of the discussion on the procedural handling of the proposal by the Islamic Republic of Iran, it was widely noted that Article XI provided insufficient guidance on the procedure for considering and agreeing amendments to the Convention. Many participants drew attention to the provision of Article 40, paragraph 2, of the Vienna Convention on the Law of Treaties, which stipulates that all States Parties must be notified of any proposal to amend a multilateral treaty; and must have the right both to take part in any decision as to the action to be taken in regard to such a proposal, and the negotiation and conclusion of any agreements to amend the Treaty. In this regard, delegations from the three Depositaries reported on the action taken by their governments to circulate the proposal of the Islamic Republic of Iran to all States Parties.

The Chairman drew delegations' attention to the need for the Conference to consider what action might be taken consequent to the proposal in BWC/CONF.IV/COW/WP.2. Several views were expressed: it was suggested that the Depositaries, after a period for adequate consideration of the proposal by all States Parties, should convene a Special Conference to take a decision on the proposal. One delegation suggested that the Special Conference to be convened to consider the final report of the Ad Hoc Group could also



consider the proposed amendment. One delegation suggested that this proposed amendment should be the subject of consensus agreement only. Other delegations stressed the need not to prejudice the consultations being carried out by the Depositary States. There was a general agreement that the issue of use should continue to be considered by the Review Conferences.

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## ANNEX II PROPOSALS PUT BEFORE THE COMMITTEE OF THE WHOLE

(Proposal by the United States of America)

THE STATES PARTY 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 25 NOVEMBER TO 6 DECEMBER 1996 TO REVIEW THE OPERATION OF THE CONVENTION, SOLEMNLY DECLARE:

- Their conviction that the Convention is essential to international peace and security;
- Their reaffirmation of their determination to act with a view to achieving effective progress toward general and complete disarmament, and their conviction 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;
- Their continued determination, for the sake of mankind, to exclude completely the possibility of the use of bacteriological (biological) agents and toxins as weapons, and their conviction that such use would be repugnant to the conscience of mankind;
- Their reaffirmation of their firm commitment to the purposes of the preamble and the provisions of the Convention, and of their belief that universal adherence to the Convention would enhance international peace and security;
- Their determination to enhance the implementation and effectiveness of the Convention and to further strengthen its authority, including through the confidence-building measures and agreed procedures for consultations agreed by the Second and Third Review Conferences, and through the continuing work of the Ad Hoc Group established by the Special Conference in 1994;
- Their recognition that effective verification could reinforce the Convention;

- Their conviction that the full implementation of the provisions of the Convention should not hamper economic and technological development and international cooperation in the field of peaceful biological activities.

- Their recognition that purposes of this Convention, include the abhorrence of all Parties for the possible use of biological weapons as contrary to the purpose of the Convention.

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

Preamble

(Proposal by Non-Aligned Countries) The States Parties solemnly declare:

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

(Proposal by the United States of America)

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

Article I

(Proposal by Chile)

The Conference notes the importance of Article I as the fundamental provision which defines the scope of the Convention.

The Conference reaffirms that the use of microbial or other biological agents, or toxins, whatever their origin or method of production, in any way that is not consistent with prophylactic, protective or other peaceful purposes, is a violation of Article I.

The Conference solemnly recalls the undertaking in Article I never in any circumstance 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 also reaffirms that the Convention unequivocally covers all microbial or other biological agents or toxins, naturally or artificially created or altered, whatever their origin or method of production, as well as chemical components and products of living

organisms and their analogs and modified derivatives, whether isolated, synthesized, cloned or produced by any combination of means, with a capacity for generating potentially adverse physiological effects.

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The Conference reaffirms as well that the undertaking contained in Article I applies to all relevant scientific and technological developments in the fields of microbiology, biotechnology and genetic engineering, including all developments in respect to the human genome and its present or future applications .

The Conference appeals through their States Parties to their scientific communities to lend their support only to activities that have justification under the Convention 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.

The Convention emphasises, once more, the vital importance of full implementation by all States of all the provisions of the Convention. While expressing concern about statements by some States Parties that compliance with Articles I and II has been subject to serious doubt in certain cases, the Conference underlines the need for a positive approach to resolving questions of compliance with the provisions of the Convention and the hope that the Ad Hoc Group established by the Special Conference (19-30 September 1994) shall effectively contribute to the strengthening of the Convention through appropriate measures contained in a legally binding instrument.

(Proposal by the Russian Federation)

The Conference reaffirms the fundamental significance of Article I, which defines the scope of the Convention. Effective verification of compliance depends to a great extent on the presence of objective criteria, including definitions of basic terms, lists of microbiological and other biological agents and toxins and appropriate threshold quantities. In this context, the Conference notes the importance of continued work by the Ad Hoc Group on objective criteria with the aim of including them in a legally binding instrument.

(Proposal by South Africa)

The Conference reaffirms that the use of microbial or other biological agents or toxins in any way that is not consistent with prophylactic, protective or other peaceful purposes, is a violation of Article I of the Convention

(Proposal by the United States of America)

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

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

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The Conference, 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 provisions of the Convention, reaffirms that the provisions of Article I applies to all such developments. The Conference also reaffirms that the Convention unequivocally covers all microbial or other biological agents or toxins, naturally or artificially created or altered, whatever their origin or method of production.

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

The Conference notes that the use of microbial or other biological agents or toxins which have no justification for prophylactic, protective or other peaceful purposes necessarily entails actions in violation of the prohibitions contained in Article I. Therefore, the Conference affirms that any such use, by direct implication, would involve a violation of the Convention.

In this regard, the Conference recognizes that use encompasses any release for purposes that have no justification for prophylactic, protective or other peaceful purposes, of microbial or other biological agents or toxins, whether intentionally or accidentally.

The Conference stresses that States Parties should take all necessary safety precautions to protect populations and the environment relative to activities not prohibited by the Convention.

The Conference emphasizes the vital importance of full implementation by all States Parties of all the provisions of the Convention, and notes its concern that compliance with Article I, by some States Parties, has been subject to doubt in certain specific cases. The Conference notes the efforts of UNSCOM to address some of these concerns and expresses its support for the early and satisfactory completion of UNSCOM's important work. The Conference also notes the important decree by the President of the Russian Federation in April 1992 indicating that his country would accomplish its obligations under the Convention. The Conference expressed the hope that objectives outlined in that decree would rapidly be fulfilled. The Conference agrees that the application by States Parties of a positive approach in questions of compliance in accordance with the provisions of the Convention is in the interest of all States Parties and that continued noncompliance with its provisions could undermine confidence in the convention.

On the basis of the principle that science should support quality of life, the Conference appeals through the States Parties to their scientific communities to continue to support only activities that have justification under the biological and toxins weapons Convention for prophylactic, protective or other peaceful purposes, and refrain from activities which are in breach of obligations deriving from provisions of the convention.

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(Proposal by Non-Aligned Countries)

1. The Conference reaffirms that the use, in any way and under any circumstance, of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is violation of Article I of the Convention.
2. The Conference solemnly recalls the undertaking in Article I never in any circumstance 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.

(Proposal by some Non-Aligned Countries)

The Conference stresses that, as stated by the International Court of Justice in its Advisory Opinion of 8 July 1996, the principle according to which States must never make civilians the object of attack and must consequently never use weapons that are incapable of distinguishing civilians and military targets, is a fundamental rule of International Humanitarian Law to be observed by all States whether they have ratified or not the Conventions that contain it, because it constitutes an intransgressible principle of international customary law.

Article II

(Proposal by the Islamic Republic of Iran)

The Conference recognizes that for any State acceding to the Convention after the entry into force of the Convention the period for destruction or diversion to peaceful purposes specified in Article II would be within a period of 9 months after the Convention enters into force for that State Party.

(Proposal by the United Kingdom and Canada)

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

that the politically binding Confidence Building Measure F addresses the issue of past offensive BW programmes, and that related information should be submitted using the appropriate form.

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

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(Proposal by Non-Aligned Countries)

1. The Conference expresses the view that destruction, or diversion to peaceful purposes, is a process by which biological agents are converted in an essentially irreversible way to a form unsuitable for production of biological weapons, and which in an irreversible manner renders munitions and other devices unusable as such.

2. The Conference urges the States Parties which have destroyed their stockpiles in accordance with Article II to submit to the Centre for Disarmament Affairs, in addition to information supplied under CBM ZF", full information and details of the destruction in order to enhance confidence in the Convention.

Article III

(Proposal by Austria and Canada)

The Conference notes the importance of Article III and welcomes the statements which States that have acceded to the Convention have made to the effect that they have not transferred agents, toxins, weapons, equipment or means of delivery, specified in Article I of the Convention, to any recipient whatsoever and have not furnished assistance, encouragement or inducement to any State, group of States or international organizations to manufacture or otherwise acquire them. The Conference affirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at international, national or subnational levels.

The Conference notes with approval that a number of States Parties have already taken concrete measures to give effect to their undertakings under this Article and coordinated these actions with others and it welcomes statements made by a number of States Parties at the Conference about the legislative or administrative measures they have taken since the Third Review Conference to fulfil their undertaking under Article III of the Convention. The Conference strongly urges those States Parties which have not yet done so to review the measures to implement Article III in order to ensure their effectiveness and urges those States Parties which have not yet done so to take similar measures. Transfers relevant to the Convention should be authorized only when the transferring State is satisfied that the intended use is for purposes not prohibited under the

Convention. The implementation of this Article with respect to such transfers should continue to be the subject of multilateral consideration.

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

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(Proposal by Non-Aligned Countries)

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

(Proposal by some Non-Aligned Countries)

The Conference recognizes that multilateral guidelines negotiated within the ambit of the Convention concerning the transfer of biological agents, materials and technology for peaceful purposes to any recipient whatsoever will strengthen the BWC. In the development of such guidelines the Conference urged that States Parties should also consider ways and means to ensure that individuals or subnational groups are effectively prevented from acquiring through transfers biological agents and toxins. The Conference stresses the need for further work on this issue as part of the ongoing process of strengthening the Convention.

Article IV

(Proposal by New Zealand and Canada)

The Conference underlined the importance of Article IV and recommends to States Parties that they confirm their commitment to ensure, through national measures which they adopt or have adopted, that they achieve effective fulfilment of their objectives to prohibit and prevent the development, production, stockpiling, acquisitions or retention of the relevant weapons within their territory, under their jurisdiction or under their control anywhere, in order to prevent the use of those weapons, including for terrorist purposes. The Conference notes those measures already taken by some States Parties in this regard, for example the adoption of penal legislation, and reiterates its call to any State Party that has not yet taken any necessary measures to do so immediately, in accordance with its constitutional processes. The Conference invites each State Party to consider, if constitutionally possible and in conformity with international law, the application of such measures also to actions taken anywhere by natural persons possessing its nationality.

The Conference notes the importance of:

Legislative, administrative and other measures designed to enhance domestic compliance with the Convention;

Legislation regarding the physical protection of laboratories and facilities to prevent unauthorized access to and removal of microbial or other biological agents, or toxins;

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Inclusion in textbooks and in medical, scientific and military education programmes of information dealing with the prohibition of microbial or other biological agents or toxins and the provisions of the Geneva Protocol of 1925.

The Conference believes that such measures which States Parties might undertake in accordance with their constitutional processes would strengthen the effectiveness of the Convention.

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

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

Article V

(Proposal by the Islamic Republic of Iran)

The Conference notes that this Article provides an appropriate framework for resolving any problems which may arise in relation to the objective of, or in the application of the provisions of the Convention. The Conference therefore requests from the States Parties to refrain from unilateral action in resolving any concerns with regard to the implementation of the Convention.

(Proposal by the United Kingdom)



1. The Conference notes the importance of Article v and reaffirms the obligation assumed by States Parties to consult and cooperate with one another in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. In this regard, the Conference notes that in accordance with the Provisions of Article V, the Depositary Powers agreed in 1992 a Joint Statement to address issues arising from the former Soviet Union's non-compliance with the Convention.

2. The Conference also reviewed the operation of the procedures to strengthen the implementation of the provisions of Article V which were adopted in the Final Declaration of the Third Review Conference and which built on the agreements reached at the Second Review Conference. While noting that these procedures have not yet been invoked, the Conference reaffirmed their validity, pending agreement by States Parties on new provisions to address non-compliance and other concerns which are currently being considered

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by the Ad Hoc Group. The Conference calls on any State Party which identifies a problem arising in relation to the objective of, or in the application of the provisions of the Convention to use these procedures, if appropriate, to address and resolve it, until such time as new provisions may be in force.

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

4. In accordance with the decision of the Third Review Conference, the Conference reviewed the effectiveness of the coordinated confidence-building measures as agreed in the Final Declaration of the Third Review Conference. The Conference notes the continued importance of the confidence-building measures agreed upon at the Second and Third Review Conferences, as well as the modalities elaborated by the Ad Hoc Meeting of Scientific and Technical Experts from States Parties to the Convention held in 1987.

5. The Conference notes the background information document prepared by the United Nations Secretary-General providing data on the participation of States Parties in the agreed confidence-building measures since the Third Review Conference. The Conference welcomes the exchange of information carried out under the confidencebuilding measures, and notes that this has contributed to enhancing transparency and building confidence. The Conference expresses its concern that participation in the confidence-building measures since the last Review Conference has not been universal, and that not all responses have been prompt or sufficiently comprehensive. In this regard, the Conference urges all States Parties to complete full and timely declarations in future.

6. The Conference notes that the Ad Hoc Group of States Parties established by the Special Conference in 1934 is, as part of its continuing work, considering the incorporation of existing and further enhanced confidencebuilding and transparency measures, as appropriate, in a regime to strengthen the Convention.

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

8. In this regard, the Conference recalled that:

The Third Review Conference established the Ad Hoc Group of Governmental Experts open to all States Parties to identify and examine potential verification measures from a scientific and technical standpoint. The Group held four sessions in 1992-1993 and circulated its Report to all States Parties in September 1993.

A Special Conference was held in September 1994 to consider the Report, and decided to establish an Ad Hoc Group open to all States Parties to consider appropriate measures, including

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possible verification measures, and draft proposals to strengthen the Convention to be included, as appropriate, in a legally binding instrument, to be submitted for the consideration of the States Parties.

The Ad Hoc Group has held five meetings between January 1995 and September 1996.

9. The Conference received the report on the progress of the Ad Hoc Group as contained in BWC/AD HOC GROUP/32 and welcomed the significant progress made towards the fulfilment of its mandate given by the Special Conference, including by identifying a preliminary framework and elaborating potential basic elements of a legally-binding instrument to strengthen the Convention. The Conference noted that the Ad Hoc Group was not able to complete its work and submit its report including a draft of the future legally-binding instrument to the States Parties for consideration by the Conference. The Conference therefore urged the Group to intensify its efforts in the next phase of its work, and submit its report, which shall be adopted by consensus, to the States Parties to be considered at a Special Conference in 1998.

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

11. The Conference appeals to States Parties to make all possible efforts to solve any problems which may arise in relation to the objective or, or in application of the provisions of, the Convention with a view towards encouraging strict observance of the

provisions subscribed to. In this connection, the States Parties agree to provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention. Pending agreement by the States Parties on specific measures to address a non-compliance concern, as currently being considered by the Ad Hoc Group, such responses should be submitted through the procedures provided for under the Convention. The Conference further requests that information on such efforts be provided to the Fifth Review Conference.

## Article VI

(Proposal by the Islamic Republic of Iran)

The Conference notes that the procedure outlined in this Article would not limit the States Parties to this Convention to consider collectively the cases of non-compliance and violations of the provisions of the Convention and make appropriate decisions.

(Proposal by the Russian Federation)

The Conference notes that the following fundamental provisions of Article VI are of special significance for the inspection mechanism under the future verification regime being developed by the Ad Hoc Group:

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1. Only a State Party may initiate the procedure for clarifying a situation involving a possible breach by another State Party of obligations deriving from the provisions of the Convention.
2. The procedure for dealing with a complaint concerning a possible breach of the Convention must necessarily include the stages of dispatch of the complaint to the United Nations Security Council, its consideration in the Security Council, and notification by the Council to the State accused of a breach of the Convention.
3. Such a complaint must contain all possible evidence confirming that it is well-founded.

The Conference notes that the specific procedure for handling and forwarding a request for an investigation is subject to agreement in the Ad Hoc Group.

(Proposal by the United Kingdom)

1. The Conference notes that the provisions of this Article have not been invoked.
2. The Conference reaffirms the importance of Article VI, which, in addition to the procedures contained in Article V, provides that any State Party which finds that any other State Party is acting in breach of its obligations under the Convention may lodge a complaint with the United Nations Security Council. The Conference emphasized the

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

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

4. The Conference recalls, 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 its attention by any Member States concerning the possible use of chemical and bacteriological (biological) or toxin weapons. The Conference also recalls the technical guidelines and procedures contained in Annex I of United Nations document A/44/561 to guide the United Nations Secretary-General on the timely and efficient investigation of reports of the possible use of such weapons. The States Parties reaffirm their agreement to consult, at the request of any State Party, regarding allegations of use or threat of use of bacteriological (biological) or toxin weapons and to cooperate fully with the United Nations Secretary-General in carrying out such investigations. The Conference

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stresses that in the case of alleged use the United Nations is called upon to take appropriate measures, which could include a request to the Security Council to consider action in accordance with the Charter.

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

6. The Conference notes that provisions for investigating alleged breaches of the Convention, including allegations of use of biological and toxin weapons, continue to be considered by the Ad Hoc Group of States Parties, in accordance with its mandate.

#### Article VII

(Proposal by the Islamic Republic of Iran)

The Conference considers that the Ad Hoc Group needs to discuss the detailed procedure for assistance in order to ensure that timely emergency assistance would be provided by States Parties if requested.

(Proposal by the United Kingdom)

1. The Conference notes with satisfaction that these provisions have not been invoked.
2. The Conference reaffirms the undertaking made by each State Party to provide or support assistance in accordance with the Charter of the United Nations to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as result of violation of the Convention.
3. 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.
4. The Conference considers that in the event that this Article might be invoked, the United Nations, with the help of appropriate intergovernmental organizations such as the World Health Organization (WHO), could play a coordinating role.

#### Article VIII

(Proposal by Chile, Mexico and Peru)

The Conference, notwithstanding and without prejudice to the legal positions of all States Parties, reiterates that the reservation of a purported right to retaliation, even conditional, through the use of any of the objects prohibited by the Convention is totally incompatible with the absolute and universal prohibition of the development, production,

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stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use.

(Proposal by France and the Netherlands)

The Conference reaffirms the importance of Article VIII and stresses the importance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

The Conference acknowledges that the 1925 Geneva Protocol, by prohibiting the use of bacteriological methods of warfare, forms an essential complement to the Biological and Toxin Weapons Convention.

The Conference reaffirms that nothing contained in the Biological and Toxin Weapons Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.

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

The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to Bacteriological Methods of Warfare.

The Conference welcomes the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol, and calls upon those States Parties that continue to maintain their 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.

(Proposal by the Islamic Republic of Iran)

The Conference calls upon all States which maintain reservations to the Geneva Protocol to withdraw their reservations and calls upon all States to support the Resolution of the First Committee of the United Nations General Assembly in this regard.

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Article IX

(Proposal by [Finland](#), [Ireland](#), [Canada](#), [Poland](#), [Norway](#), [France](#), [Mexico](#) and Peru)

The Conference welcomes the conclusion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction which was opened for signature on 13-15 January 1993 in Paris. The Conference notes with satisfaction that as sixty-five instruments of ratification have now been deposited, the Convention will enter into force on 29 April 1997.

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

The Conference stresses the importance to the Convention that all possessors of chemical weapons, chemical weapons production facilities or chemical weapons development facilities should be among the original parties to the Convention and in this context, the importance of the United States of America and the Russian Federation, having declared possession of chemical weapons, being among the original States Parties to the Convention.

(Proposal by the Islamic Republic of Iran)

The Conference reaffirms that the non-accession of the two declared possessors of chemical weapons would drastically change the disarmament nature of the Chemical Weapons Convention and transform it to a non-proliferation regime.

## Article X

(Proposal by Australia)

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

The Conference notes that significant cooperation has occurred between States Parties since the Third Review Conference in the fields of biotechnology, genetic engineering, microbiology and other related areas both bilaterally and multilaterally. With the entry into force of the Convention on Biodiversity in 1993, there has been a significant increase in bilateral cooperative activities in microbiology and biotechnology, including access to technology and research and training. The newly established WHO Division of Emerging and other Communicable Diseases Surveillance and Control is assisting Member States to strengthen national and local programmes of surveillance for infectious diseases and improve early notification, surveillance, control and response capabilities.

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While acknowledging what has already been done towards this end, the Conference notes with concern the increasing gap between the developed and the developing countries in the field of biotechnology, genetic engineering, microbiology and other related areas. The Conference urges all States Parties actively to continue to promote international cooperation and exchange with States Parties in the peaceful uses of biotechnology, and urges all States Parties possessing advanced biotechnology to adopt positive measures to promote technological transfer and international cooperation on an equal and nondiscriminatory basis, in particular with the developing countries, for the benefit of all mankind. At the same time the Conference stresses that Article X should be implemented in a manner which increases the transparency of biological weapons-related activities and does not aid proliferation.

The Conference urges States Parties to take specific measures within their competence for the promotion of the fullest possible international cooperation in this field through their active intervention. Such measures could include, inter alia:

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

Wider transfer and exchange of information, materials and equipment among States on a systematic and long-term basis;

Active promotion of contacts between scientists and technical personnel on a reciprocal basis, in relevant fields;

Increased technical cooperation and assistance, including training opportunities to developing countries in the use of biosciences and genetic engineering for peaceful purposes:

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;

Encouraging the coordination of national and regional programmes and working out in an appropriate manner the ways and means of cooperation in this field;

Under the auspices of the WHO Division of Emerging and other Communicable Diseases Surveillance and Control, cooperation in the provision of information on national epidemiological surveillance and data reporting systems, and in providing assistance on epidemiological surveillance, with a view to improvements in the identification and timely reporting of significant outbreaks of human and animal diseases.

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

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The Conference notes that the request in the Final Declaration of the Third Review Conference that the United Nations Secretary-General propose for inclusion on the agenda of a relevant United Nations body, not later than 1993, 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 purposes, has not been fulfilled. It also notes that the request that the Secretary-General collate on an annual basis, for the information of States Parties, reports on how this Article is being implemented, has not been fulfilled.

However in this regard, it notes that the Ad Hoc Group of States Parties was mandated by the Special Conference in September 1994 to consider specific measures designed to ensure effective and full implementation of Article X, which also avoid any restrictions incompatible with the obligations undertaken under the Convention, noting that the provisions of the Convention should not be used to impose restrictions and/or limitations on the transfer for purposes consistent with the objectives and the provisions of the Convention of scientific knowledge, technology, equipment and materials.



The Conference looks forward to the conclusion of the Ad Hoc Group deliberations on Article X and urges it to develop constructive and practical proposals for facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes.

(Proposal by Colombia)

The Conference notes that restrictions were being placed by developed countries on access to technology, through the imposition of non-transparent ad hoc export controls regimes with exclusive membership, under the pretext of proliferation concerns, and that these tend to impede the economic and social development of the developing countries. The Conference emphasizes that in order to effectively tackle proliferation concerns, these export control regimes need to be made transparent and able to distinguish between civilian and non-civilian applications of technologies, and that the requirements of rapid economic and social development necessitate the need for multilaterally negotiated, universal, comprehensive, and non-discriminatory sensitive technology transfers agreements.

(Proposal by South Africa)

The Conference welcomes the efforts to establish a system of global monitoring of disease and encourages State Parties to support the World Health Organization in these efforts.

(Proposal by Non-Aligned Countries)

The Conference once more emphasizes the increasing importance of the provisions of Article X, especially in the light of recent scientific and technological developments in the field of biotechnology, bacteriological (biological) agents and toxins with peaceful applications, which have vastly

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increased the potential for cooperation between States to help promote economic and social development, and scientific and technological progress, particularly in the developing countries, in conformity with their interests, needs and priorities.

The Conference, while acknowledging what has already been done towards this end, notes with concern the increasing gap between the developed and the developing countries in the field of biotechnology, genetic engineering, microbiology and other related areas. The Conference urges all States Parties actively to promote international cooperation and exchange with States Parties in the peaceful uses of biotechnology, and urges the developed countries 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.

The Conference recalls that the States Parties have a legal obligation to facilitate and have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and to avoid imposing any restrictions incompatible with the obligations undertaken under the Convention.

The Conference emphasizes that the provisions of the Convention shall not be used to impose restrictions and/or limitations on the transfer for purposes consistent with the objectives and the provisions of the Convention.

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

The Review Conference calls upon the Secretary-General of the United Nations to propose for inclusion on the agenda of a relevant United Nations body, before the next Review Conference, a discussion and examination of the means of improving institutional mechanisms in order to facilitate the fullest possible exchange of equipment, materials and scientific and technological information regarding the use of bacteriological (biological) agents and toxins for peaceful purposes.

The Conference takes note of the significant steps forward in promoting cooperation in the biological field taken by the United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, in 1992 and by the Convention on Biological Diversity, and underlines their importance in the context of Article X implementation.

The Conference shares the worldwide concern about new, emerging and re-emerging infectious diseases and considers that the international response to them offers opportunities for increased cooperation in the context of Article X application and of strengthening the Convention. The Conference

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welcomes the efforts to establish a system of global monitoring of disease and encourages States Parties to support the World Health Organization in these efforts.

The Conference urges the use of existing [institutional](#) means within the United Nations system and the full utilization of the possibilities provided by the specialized agencies and other international organizations, and considers that the implementation of Article X could be enhanced through greater coordination among international cooperation programmes in the biological field for peaceful purposes conducted by States Parties, specialized agencies and other international organizations

The Conference urges States Parties, the United Nations and its specialized agencies to take and to propose further specific measures within their competence for the promotion of the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and of international cooperation in this field. Such measures could include, inter alia:

1. Transfer and exchange of information concerning research programmes in biosciences, and greater cooperation in international public health and disease control:

2 Wider transfer and exchange of information, materials and equipment among States on a systematic and long-term basis;

3 Active promotion of contacts between scientists and technical personnel on a reciprocal basis, in relevant fields;

4 Increased technical cooperation and assistance, including training programmes to developing countries in the use of biosciences and genetic engineering for peaceful purposes through active association with United Nations Institutions, including the International Centre for Genetic Engineering and Biotechnology (ICGEB);

5 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;

6 Encouraging the coordination of national and regional programmes and working out in an appropriate manner the ways and means of cooperation in this field

7 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 regarding epidemiological surveillance, with a view to improvements in the identification and timely reporting of significant outbreaks of human and animal diseases;

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8. 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.

The Conference considers that a worldwide data bank might be a suitable way of facilitating the flow of information in the field of genetic engineering, biotechnology and other scientific developments.

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

The Conference welcomes efforts to elaborate an international programme of vaccine development for the prevention of diseases which would involve the scientific and technical personnel from developing countries that are States Parties to the Convention. The Conference recognizes that such a programme might not only enhance peaceful international cooperation in biotechnology but will also contribute to improving health care in developing countries and provide transparency in accordance with the Convention.

The Conference calls 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. The Conference recommends further that the world financial institutions provide assistance for establishment and promotion of vaccine production projects in developing countries.

#### Article XI

(Proposal by the United Kingdom)

The Conference reaffirms the importance of Article XI, and notes that the Islamic Republic of Iran has notified the Depositaries of a proposal to amend the Convention. In this context the Conference 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.

#### Article XII

(Proposal by Sweden)

The Conference decides that a Fifth Review Conference shall be held in Geneva at the request of a majority of States Parties, or in any case, not later than 2001.

The Conference decides that the Fifth Review Conference shall consider, inter alia: The conclusions of a Special Conference, to which the Ad Hoc Group shall submit its final report including a legally binding instrument to strengthen the Biological and Toxin weapons Convention, and the implementation of this instrument, to be held in 1998 or as soon as possible thereafter before the Fifth Review Conference;

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The impact of scientific and technological developments relating to the Convention;

The relevance of the provisions of and the implementation of the Chemical Weapons Convention on the effective implementation of the Biological and Toxin Weapons Convention;

The effectiveness of coordinated confidence-building measures as agreed at the Third Review Conference;

The requirement for, and the operation of, the requested allocation by the United Nations Secretary-General of staff resources and other requirements to assist the effective implementation of the relevant decisions of the Fourth Review Conference.

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

#### Article XIV

(Proposal by the United States of America)

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

The Convention calls upon States which have not yet ratified or acceded to the Convention to do so without delay and upon those States which have not signed the Convention to join the States Parties thereto thus contributing to the achievement of universal adherence to the Convention.

In this connection the Conference encourages States Parties to take action to persuade non-parties to accede to the Convention without delay.

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

The Fourth Review Conference appeals to those States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons which have taken part in the Conference to participate in the implementation of provisions contained in the Final Declaration of this Conference. The Conference also appeals to all States Parties who do not already do so to participate actively in the Ad Hoc Group of States Parties, with a view to the early completion of its work to strengthen the Convention.

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#### XV

(Proposal by China. Egypt. France. Russian Federation and Spain)

The Conference notes the importance of this Article and recommends the respect of the status of the languages of the Convention and United Nations system in the work of the Ad Hoc Group, established by the Special Conference in 1994.

(Proposal by the United States of America) The Conference notes the provisions of Article XV.

Item 12

(Proposal by South Africa)

The Conference endorses the mandate agreed to by the Special Conference of State Parties to establish an Ad Hoc Group open to all States Parties to consider appropriate measures including possible verification measures, and draft proposals to include possible verification measures, and binding instrument, to be submitted for the consideration of the States Parties.

The Conference recognizes the significant progress made by the Ad Hoc Group towards fulfilling its mandate, by considering appropriate measures to strengthen the Convention. The Conference proposes that the following preliminary framework elaborating potential basic elements for a legally binding verification protocol be considered by the Ad Hoc Group:

Compulsory annual Declarations preceded by a comprehensive initial Declaration;

On-site measures including the investigations on non-compliance concerns;

Voluntary confidence-building measures;

Measures to implement the provisions of Article X of the Convention;

Definitions of objective terms and criteria where applicable.

The Conference notes that the Ad Hoc Group was not able to complete its work and submit its final report, including a draft legally-binding instrument to the State Parties for consideration at the Fourth Review Conference.

The Conference notes with approval the intention of the Ad Hoc Group to intensify its work with a view to completing it as soon as possible before the commencement of the Fifth Review Conference and submit its report, which shall be adopted by consensus, to the States Parties, to be considered at a Special Conference.

