

Eighth 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

23 November 2016

English only

Geneva, 7-25 November 2016

Agenda item 14

Report of the Committee of the Whole

Draft Report of the Committee of the Whole

Submitted by the Chairman of the Committee of the Whole

1. In accordance with rule 35 of its Rules of Procedure, the Review Conference established 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 its first plenary meeting, on 7 November 2016, the Conference elected by acclamation Ambassador Michael Biontino (Germany) as Chairman of the Committee of the Whole. The Conference also elected Ambassador Hernán Estrada Roman (Nicaragua) and Mr. Arsen Omarov (Kazakhstan) as Vice-Chairmen of the Committee.
3. In accordance with its mandate, the Committee of the Whole held [...] meetings during the period from 9 to [...] November 2016. In the course of this work, the Committee undertook the review of the various articles and provisions of the Convention under agenda item 10 (b).
4. 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 I to this report (English only). Intensive discussions were held on these proposals, which included further verbal proposals and suggested amendments to the proposals.
5. Based on these discussions, the Chairman of the Committee produced, under his own responsibility, an outline of the draft final declaration of the Conference, which is attached to this report as Annex II (English only). The Committee noted that the language in this outcome was not agreed, had not been fully discussed, and had been included without prejudice to the position of any delegation. The Committee decided to transmit the outline to the plenary of the Conference for further discussion and negotiation, as appropriate, with a view to reaching consensus on a final document as soon as possible.
6. At its [...] and final meeting on [...] November 2016, the Committee of the Whole adopted its report.

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Annex I

Compilation of proposed language submitted to the Committee of the Whole concerning the Articles of the Convention

Prepared by the Chairman of the Committee of the Whole

1. This document compiles textual proposals received from delegations during the meetings of the Committee of the Whole of the Eighth Review Conference. Plain text is taken from Part II of the final document of the Seventh Review Conference (BWC/CONF.VII/7). text proposed for inclusion by States Parties is shown in **bold** text. Text proposed for deletion by States Parties is shown in ~~striketrough~~ text. Newly proposed text which during the course of discussions within the Committee of the Whole was identified as being agreeable to delegations is shown as ***bold and italicized*** text. The States Parties which proposed the text for inclusion or deletion are shown in CAPITAL LETTERS. All modifications proposed by States Parties (whether additions or deletions) are also surrounded by square brackets.

A. Article I

1. The Conference reaffirms the importance of Article I, as it defines the scope of the Convention. The Conference declares that the Convention is comprehensive in its scope and that all naturally or artificially created or altered microbial and other biological agents and toxins, as well as their components, regardless of their origin and method of production and whether they affect humans, animals [~~US: or~~]plants, [~~US: or food, water, equipment, supplies, or material of any kind~~], of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes, are unequivocally covered by Article I.

[NAM and Other States: The Conference strongly supports the provisions of Article I of the Convention.]

[NAM and Other States: The Conference strongly reaffirms that the use by the States Parties, in any way and under any circumstances, of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I of the Convention.]

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

[RUSSIA: The Conference notes with concern that the absence of a multilaterally negotiated mechanism under the Convention to monitor States Parties' performance under Article I poses risks for the credibility of security assurances contained in this Convention; consequently the Conference emphasises the pressing urgency of developing such a mechanism by consensus without further delay.]

[IRAN: 1bis. The Conference stresses the importance of definitions and objective criteria and in this regard affirms that any interpretation of Article I would be tantamount to as an amendment of the Convention which should be considered under the relevant provision of the convention.]

[IRAN: 1 ter. The Conference, considering various proposals on the need to reach and understanding on effective action under Article I, urges SP to deliberate on this issue in the ISP process as might be possible.]

2. The Conference reaffirms that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention, **[US including products of new genomic editing/ engineering techniques, and affirmed that genetic weapons of any kind would constitute a violation of Article I. and notes that The]** Conference has decided to include in the **2017-2020** intersessional programme a **[US: a body of experts nominated by States Parties to standing agenda item]** review **[US: of]** developments in the field of science and technology related to the Convention.

[INDIA: States Parties should continue to consider ways to clarify the comprehensive scope of prohibitions under Article I]

2. The Conference reaffirms that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention. **[RUSSIA: To enhance the process of monitoring such science and technology developments for the benefit of States Parties, and notes that the Conference has decided to establish a Scientific Advisory Committee for the period of 2017-2021 (see Part III: Decisions and Recommendations)].** ~~**[RUSSIA: include in the 2012-2015 intersessional programme a standing agenda item on review of developments in the field of science and technology related to the Convention].**~~ include in the 2012-2015 intersessional programme a standing agenda item on review of developments in the field of science and technology related to the Convention.

2. The Conference reaffirms that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention ~~**[CUBA: and notes that the Conference has decided to include in the 2012-2015 intersessional programme a standing agenda item on review of developments in the field of science and technology related to the Convention.]**~~

2. ~~**[IRAN: The Conference reaffirms that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention and notes that the Conference has decided to include in the 2012-2015 intersessional programme a standing agenda item on review of developments in the field of science and technology related to the Convention.]**~~

3. The Conference *strongly* reaffirms that the use by the States Parties, in any way and under any circumstances of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I. **[RUSSIA: The Conference stresses that the use in war of any objects prohibited by Article I by armed forces of States Parties in defensive military modes to save lives would be effectively a violation of Article I.]** The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment, or means of delivery designed to use such agents or toxins **[IRAN: for of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes, or used for]** hostile purposes or in armed conflict in order to exclude completely and forever the possibility of their use. The Conference affirms the determination of States Parties to condemn any use of biological agents or toxins other than for peaceful purposes, by anyone at any time. **[RUSSIA: In order to reduce such threat, the Conference stressed the important significance of developing an effective mechanism under the Convention to investigate alleged use.]**

3. **[US – proposed language for para 3]** The Conference reaffirms that the use by the States Parties, in any way and under any circumstances of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful

purposes, is effectively a violation of Article I. ~~[USA: The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict in order to exclude completely and forever the possibility of their use. The Conference affirms the determination of States Parties to condemn any use of biological agents or toxins other than for peaceful purposes, by anyone at any time]~~ With a view to stemming risks of use by state or non-state actors, the Conference calls upon all BWC States Parties that have not yet done so to join the International Convention for the Suppression of Terrorist Bombings and to fully implement its provisions without delay.]

[US:] 3 bis. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment, or ~~[USA: living or non-living]~~ 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. ~~[USA: The Conference understands that plans or preparations designed to facilitate future production and/or use of biological weapons are also incompatible with the BWC.]~~

[IRAN: 3 bis. The Conference stresses the importance of the Final Declarations of the successive Review Conferences of the Convention, and emphasizes 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 contrary to the object and purpose of the BWC and effectively a violation of Article I of the Convention]

[IRAN: 3 ter. The Conference notes that reservations of some States Parties to the 1925 Protocol of Geneva on the use or threat of use of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, undermine the provisions of article I and the Convention as a whole.]

[US: 3 ter. The Conference emphasizes the vital importance of full implementation by all States Parties of all the provisions of the Convention. The Conference agrees that the application by States Parties of positive approaches in accordance with the provisions of the Convention is in the interest of all States Parties and that any non-compliance with its provisions could undermine confidence in the Convention. Non-compliance should be treated with determination in all cases, without selectivity or discrimination.]

[US: 3 quart. The Conference appeals through the States Parties to their scientific communities to lend their support only to activities that have justification for prophylactic, protective and other peaceful purposes, and to refrain from undertaking or supporting activities which are in breach of the obligations deriving from provisions of the Convention. The Conference further appeals to these communities to be mindful of the potential for their legitimate research to be misused for harmful purposes, and urges them to take an active role in addressing the threats posed by the potential misuse of biological agents and toxins, including bioterrorism.]

4. The Conference notes 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 *a violation of* Article I.

[NAM and Other States: The Conference reaffirms other understandings under this Article, reflected in the Final Declarations of earlier Review Conferences.]

[NAM and Other States: The Conference reaffirms the undertaking given by the States Parties in previous review conferences that all developments and advances in science and technology relevant to the Convention apply to Article I.]

[INDIA: 4 bis. States Parties should continue to consider ways to clarify the comprehensive scope of prohibitions under Article I].

B. Article II

5. The Conference reaffirms for any state ratifying or acceding to the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to, or upon ratification of, the Convention.

6. The Conference emphasises that states must take all necessary safety and security measures to protect human populations and the environment, including animals and plants, when carrying out such destruction and/or diversion. The Conference also stresses that these States Parties should provide [US: **complete and accurate** ~~appropriate~~] information to all States Parties via the exchange of information (confidence-building measures form F) [US: **and, if they have no history of offensive and/or defensive biological research and development programs, should provide null submissions**]. *The submission of that information would enhance confidence in the Convention and its objectives.* [INDIA: The Conference stresses the importance of timely submission of CBMs by States Parties' and calls on those with pending submissions to submit them promptly and without delay].

7. The Conference [US: ~~welcomes~~ **seeks**] statements made by States Parties, and newly acceding and ratifying States Parties, that they do not possess agents, toxins, weapons, equipment or means of delivery as prohibited by Article I of the Convention. [US: **Completion of Confidence-Building Measure F will serve this purpose**].

C. Article III

8. The Conference reaffirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at the international, national [IRAN: ~~or sub-national~~] levels [US: **and state and non-state actors alike**].

[INDIA: 8 bis. In establishing, amending, or reviewing measures to implement Article III, as necessary and in accordance with constitutional procedures, States Parties shall endeavor to include the following:

(a) Appropriate legislation or regulatory or administrative provisions to regulate transfers as required by Article III of the Convention. This legislation and related provisions should include penalties, both civil and criminal, for violations and should provide that all export control authorizations or otherwise remain the national decision of State Parties.

(b) A list of items requiring authorization prior to export; such a list should include materials and technologies to prevent transfers, both direct and indirect, and both tangible and intangible, that would be in contravention of the Convention. This list should be reviewed and updated regularly, and national measures should also include 'catch all' controls on unlisted items.

(c) A national licensing system containing relevant factors for evaluating export applications and making licensing decisions that include possible dual-use applications of the item; relevant information on the recipient, recipient State, and all

other parties to the transaction; stated end use and end-use assurances; and risks of misuse, diversion or retransfer without authorization.

(d) Export control guidelines that are comprehensive and include criteria for transfers to limit the risks of proliferation of biological weapons by States or non-State actors, including the risks of such items falling into the hands of terrorist groups or individuals.

(e) Regular outreach to all stakeholders including industry and academia].

9. The Conference calls for appropriate measures, including effective national export controls **[NAM: in full conformity with [US: object and purpose] [NAM: objects, purposes and provisions of the Convention]**, 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, **[US: which includes state or non-state actors alike,]** are authorized only when the intended use is for purposes not prohibited under the Convention. ~~**[RUSSIA: In order to achieve harmonised and non-discriminatory application of export control measures at the international level consistent with the Convention and promote the implementation of Article III, the Conference noted the value of substantively addressing the concept of establishing a multilateral transfers regime under the Convention].**~~

9. **[IRAN – proposed language for para 9: The Conference affirms the importance of an agreed export control guideline under the Convention, to be implemented by all States Parties and in full conformity with all provisions of the Convention, which, in particular, shall not compromise the full, effective and non-discriminatory implementation of Article X. Such guidelines will contribute** ~~The Conference calls for appropriate measures, including effective national export controls, by all States Parties to the implementation of this Article, and 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. In this regard, the Conference agreed that an international export control guideline be discussed and developed [as appropriate] among States Parties and submitted to the next Review Conference. In this regard, the Conference agreed that an international export control guideline be discussed and developed [as appropriate] among States Parties and submitted to the next Review Conference.]~~

[INDIA: 9 bis. States Parties in a position to do so are encouraged to provide assistance, upon request, to other States Parties in the implementation of Article III, including drafting legislation, establishing administrative authorities or regulations, training of personnel, supplying of equipment or advice relevant to the implementation of Article III, sharing of best practices, and/or providing financial support. The Conference encourages States Parties to undertake cooperation in this field bilaterally, regionally or through multilateral arrangements, as appropriate and on the basis of the consent of the States Parties concerned. For this purpose, the Conference decides to establish a voluntary fund to provide assistance to State Parties in the implementation of Article III, which will be coordinated through the ISU.]

[INDIA: 9 ter. The Conference encourages States Parties, if they deem it appropriate, to consult and exchange further information amongst themselves to enhance clarity and confidence that implementation of Article III would ensure that the cooperation envisaged under Article X is taken forward in mutual confidence and that the Convention as a whole is implemented in a balanced manner.]

[US: 9 quin. Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery constitutes a threat to international peace and

security,¹ States Parties welcome the important contribution that effective implementation of Article III makes to the non-proliferation of biological weapons and their means of delivery.]

[US: 9 sexes States Parties affirm that effective implementation of Article III will contribute to promoting international exchange in the life sciences by increasing assurance that such exchanges are used for exclusively peaceful purposes.]

[NAM and Other States: The Conference reaffirms that any export control measures adopted by States Parties at a national level should be in full conformity with Convention obligations and create an environment conducive to the full, effective and non-discriminatory implementation of all Convention provisions, and should not in any way adversely affect the rights and obligations of Sates Parties under the Convention.]

[NAM and Other States: The Conference reaffirms that non-proliferation efforts through maintaining export controls are best addressed through multilaterally, non-discriminatory negotiated guidelines to preserve the integrity and the delicate balance that exists in the Convention.]

[NAM and Other States: The Conference recognizes that the Convention has established a system with equal rights and obligations based on the principle of equal treatment of all States Parties. Therefore, national implementation measures should not create undue restrictions among States Parties which would hinder the full, effective and non-discriminatory implementation of Article X].

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

[China: 10 bis The Conference stresses the importance of collective measures to enhance controls over transfers and calls for a rules making and institutional building process that coordinates States Parties' non-proliferation efforts, and establishes a non-proliferation export control regime with universality, fairness and effectiveness under the framework of the Convention in a gradual and orderly manner, so as to enhance the global non-proliferation in biological field, and to facilitate the international bio-technology cooperation].

~~[CHINA: 51 bis: The Conference expresses concerns over the imbalance between nonproliferation export control and international cooperation in biological field, and notes the value of establishing a universal and fair nonproliferation export control regime under the framework of the Convention will facilitate international cooperation.]~~

D. Article IV

[IRAN: The Conference recognizes that national measures to implement provisions of this Article, requires to implement all obligations under the Convention in full, effective and non-discriminatory manner].

¹ UNSCR 1540 PP1

[NAM and Other States: The Conference considers that compliance with the Convention is a concept different from national implementation. In an international legal instrument such as the BWC, the assurance of compliance with the Convention's provisions has to be undertaken collectively through appropriate multilateral verification arrangements. In the past, useful work has been done in this regard under the BWC in the Ad-hoc Group and the Conferences continues to attach high importance to preserving and eventually resuming that work.]

[NAM and Other States: The Conference stresses that national implementation under Article IV of the Convention requires commitments towards the implementation of all provisions of the Convention. In this regard, the full, effective and non-discriminatory implementation of Article X is of high importance.]

[NAM and Other States: The Conference notes that the Convention has established a system with equal rights and obligations based on the principle of equal treatment of all States Parties. Therefore, national implementation measures should not create undue restrictions among States Parties which would hinder the full, effective and non-discriminatory implementation of Article X.]

11. The Conference reaffirms the commitment of States Parties to take the necessary national measures under this Article **[US: and stresses the vital importance of doing so.]** The Conference also reaffirms that the enactment and implementation of necessary national measures under this Article, in accordance with their constitutional processes **[CUBA: and in a manner consistent with all provisions of the Convention] [IRAN: in full conformity with the obligations under the Convention]**, would strengthen the effectiveness of the Convention **[US: and contributes to combating acquisition and use of biological weapons and toxins, including by non-state actors]**. In this context, the Conference calls upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other *appropriate* measures, including penal legislation, designed to:

- (a) 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, equipment and means of delivery as specified in Article I of the Convention;
- (b) 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;
- (c) 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. **[US: Such measures should include all measures set out in paragraphs 2 and 3 of UNSCR 1540 insofar as those provisions apply to biological weapons.]**

[NAM and Other States: The Conference reaffirms that national implementation of the Convention requires concrete measures by all States Parties, as well as international cooperation. These actions by States Parties should not only be limited to enacting relevant national laws aimed at complying with their commitments, but also to adopting other measures in order to strengthen national capacities, including the development of human and technological resources.]

[RUSSIA: (d) make sure that there is no variance, legally or effectively, between legacy national policies, measures and suchlike on the one hand and obligations deriving from the provisions of this Convention on the other.]

12. The Conference welcomes those measures taken by States Parties in this regard, and reiterates its call to any State Party that has not yet taken any necessary measures, to do so without *further* delay. The Conference ~~[US: encourages calls upon all]~~ States Parties to provide appropriate information on any such measures they have taken, ~~[US: including the text of relevant laws and regulations]~~ as well as any other useful information on their implementation to the Implementation Support Unit within the United Nations Office for Disarmament Affairs, ~~[US: and notes that CBM Form E should be revised for this purpose.]~~ ~~[FRANCE: The conference further stresses the value of voluntary exchange of information between States parties, as well as exchanges of good practices, as a way to enhance implementation, transparency and cooperation.]~~

~~[NAM and Other States: The Conference recognizes that there are diverse national situations for each of the States Parties but their commitments and obligations under the Convention are the same. Some States Parties,]~~ ~~[US: especially developing countries may require assistance and cooperation to strengthen their national capacities for the full [UK: full] implementation of [UK: this article of the Convention.]]~~ ~~[NAM: all the provisions of the Convention. States Parties which are in a position to provide assistance and cooperation to other States Parties in capacity building to implement the Convention]~~ ~~[SWEDEN: are invited to do so]~~ ~~[NAM: should do so, if requested.]~~

~~[US: 12 bis. The Conference calls upon States Parties to regularly review and update national implementation measures to ensure their ongoing effectiveness, encourages States Parties to share information concerning such reviews, and affirms the importance of collectively reviewing the overall status of national implementation on a regular basis.]~~

~~[CUBA: 12 bis. The Conference recognizes that the growing trend of various national implementation practices, in the deficiency of a verification mechanism for the Convention, have created different national levels of restrictions and/or limitations for legitimate trade and transfer of biological agents and toxins, equipments, materials and related technologies for peaceful purposes. In that context the Conference stresses that States Parties should undertake, in accordance with their constitutional processes and taking into account national capacities, regular review of their national implementation processes, including legislative, administrative, judicial and other measures, to ensure that they are in full conformity with the obligations undertaken under Article X.]]~~

13. The Conference ~~[US: notes emphasizes]~~ the ~~[US: value importance]~~ of ~~[US: appropriate]~~ national implementation measures, as ~~[US: appropriate adopted]~~, in accordance with the constitutional process of each State Party, to:

(a) ~~[US: Ensure high implement voluntary management standards [US: on of]~~ biosafety and biosecurity;

~~[GERMANY: Exchange information voluntarily among States Parties, including through peer review activities, which can contribute to the sharing of best practices and experiences for the improvement of national legislation, boost confidence in compliance by increasing transparency with regard to national implementation and foster international cooperation, while fully respecting national sovereignty;]~~

(b) ~~[US: encourage the consideration of development of appropriate arrangements to]~~ promote awareness among relevant professionals in the private and public sectors and throughout relevant scientific and administrative activities, ~~[US: as such engagement is an indispensable complement to formal laws and regulations; and;]~~

~~[US: (e) Ensure appropriate oversight of research or other activities with significant dual-use potential, taking into account both the risks and potential benefits of these activities.]~~

[US-CANADIAN compromise text replacing US para 13 c above and Canada 13 g bis further below: Ensure appropriate oversight of research or other activities with significant dual-use potential and examine oversight criteria, as appropriate, including for assessing risks and benefits, such as risks of misuse and risk mitigation measures.]

(d) promote amongst those working in the biological sciences awareness of the obligations of States Parties under the Convention, as well as relevant national legislation and guidelines;

(e) 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;

[CHINA, SPAIN and UK: (e) Promote a culture of responsibility amongst relevant national professionals, and develop and improve voluntary [UK: codes of Conduct that would have the aim of preventing the use of pathogens and toxins for hostile purposes] codes of conduct related to the Convention, for biological scientists and other relevant national professionals in bioscience, drawing upon [INDIA: consistent with national legislation or standards and practices, adaptable to national requirements...], standards and practices.]

~~[CHINA: (e) promote a culture of responsibility amongst relevant national professionals and develop a code of conduct for biological scientists [SPAIN: authorised staffs and the authorised institutions (businesses, agencies, biological entities and other companies authorised to handle and transport materials or biological agents] under the framework of the BWC based on the model code of conduct adopted by the Conference, which encourages biological researchers to timely evaluate bio-research risk, consciously avoid and properly tackle possible negative research impact. (e) encourage the promotion of a culture of responsibility amongst relevant national professionals and the voluntary development, adoption and promulgation of codes of conduct]~~

(g) strengthen methods and capacities for [US: preparedness], surveillance and detection [US: , and response to ~~of~~] outbreaks of disease at the national, regional and international levels, noting that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease;

(h) prevent anyone from developing, producing, stockpiling, or otherwise acquiring or retaining, transporting or transferring and using under any circumstances, biological agents and toxins, equipment, or their means of delivery for non-peaceful purposes.

~~[CANADA: 13 (g) bis: establish frameworks for effective oversight, guidance, and/or training, to ensure that dual-use research is conducted in a culture of safety, security, and compliance with national and international law, examining appropriate oversight criteria as required for assessing risks and benefits, including risks of misuse and risk mitigation measures.]~~

[US: (h) Encourage appropriate international legal cooperation in investigating and prosecuting offenses under relevant national law;]

[UK and others: The Conference stresses the critical importance of biosecurity education and awareness-raising in achieving effective implementation of the

Convention, which should be put into effect through national implementation measures, as appropriate, in accordance with the constitutional process and practices of each State Party.

The Conference notes that such measures could include:

- (a) encouraging the promotion of a culture of responsible science among those working in the biological sciences and other relevant scientific disciplines;
- (b) promoting among those working in the biological sciences, and other relevant scientific disciplines, awareness of the obligations of States Parties under the Convention, as well as relevant national legislation and guidelines;
- (c) promoting the development and implementation of training and education programmes as well as training guides, handbooks and course materials, including raising awareness of the implications of dual use research and technology, for those granted access to biological agents and toxins relevant to the Convention, and especially for those with the knowledge or capacity to modify such agents and toxins;
- (d) encouraging the development, adoption and promulgation of codes of conduct to promote awareness among relevant professionals in the private and public sectors and throughout relevant scientific and administrative activities.’]

[NAM and Other States: The Conference recalls that the case of H5N1 showed that we still have controversy around the areas that relate to the national implementation of the Convention and that some countries still don’t have a clear picture about the authorized and unauthorized activities in the framework of the BWC. It considers that this case is very complex and its examination should be carefully continued in the meetings of the BWC as it covers different aspects that might affect the implementation of the Convention.]

[NAM and Other States: The Conference emphasizes that activities related to bio-defence should not be a guise for offensive biological activities. In this regard, it is necessary for States Parties to work together for enhancing national implementation by sharing best practices and experiences, exchange of information on enforcement of national legislation, on possible ways for strengthening national institutions and coordination among national law enforcement institutions and finally building national capacity through international cooperation.]

[US and others: alternative proposal to above paragraph from NAM and Other States: The Conference emphasizes ~~that activities related to bio-defence should not be a guise for offensive biological activities. In this regard, it is necessary for~~ States Parties should consider ~~to~~ efforts to work together for [new text] enhancing national implementation by sharing best practices and experiences, exchanging ~~of~~ information on enforcement of national legislation, ~~on possible ways to for~~ strengthening national institutions and coordination among national law enforcement institutions, and ~~finally~~ building national capacity through international cooperation. In this regard, the Conference emphasizes the value of a range of voluntary initiatives to exchange information as a way to enhance implementation, transparency and cooperation.]

[NAM and Other States: The Conference takes note of the different proposals put forward by States parties during the inter-sessional period on strengthening national implementation. Reiterates that such proposals should not distract the attention of States Parties away from strengthening the Convention in all its aspects including the need for a verification mechanism. Therefore reiterates the importance of multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement, including on verification provisions, dealing with all the Articles of the Convention in a balanced and comprehensive manner.]

[NAM and Other States: The Conference recognizes that the growing trend of various national implementation practices, in the deficiency of the verification mechanism for BTWC, have created different national levels of restrictions, barriers and/or limitations for legitimate trade and transfer of biological agents and toxins, equipments, materials and related technologies for peaceful purposes. Inequitable national implementation models intrinsically create obstacles for developing countries to manage their public health needs. Consequently the Conference reaffirms that any national implementation measure should be in proportion to public health issues to facilitate, but not hinder the fullest possible exchange for peaceful purposes in implementing Article X.]

[NAM and Other States: To this end, an appropriate mechanism is needed to ensure that laws and regulations of the States parties do not hinder international exchange and cooperation under Article X and allows for the fullest possible exchange of equipment, materials and technology for peaceful purposes among States Parties.]

[NAM and Other States: Bearing in mind the abovementioned aspects, the States Parties should undertake, inter alia, the following actions:

(a) To undertake, in accordance with their constitutional processes and taking into account national capacities, regular review of the national implementation processes, including legislative, administrative, judicial and other measures, including penal legislation, in order to enhance the effectiveness of the Convention and to ensure that they are in full conformity with the obligations undertaken under Article X.

(b) To provide, upon request, where in a position to do so, assistance to other States Parties in enacting or updating national legislation, in accordance with the constitutional processes aimed at enhancing the implementation of the Convention.

(c) To undertake regular review of the relevant national regulations governing international exchanges and transfers 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) agents and toxins and equipment for processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

(d) To identify obstacles and challenges related to the national implementation that hampers the fullest possible exchange of equipment, material and technology for peaceful purposes.

(e) To identify specific measures to address the cases of denials arising from restrictions and/or limitations posed which hinders the full, effective and non-discriminatory implementation of the Convention.

(f) To take appropriate national actions to raise awareness of the BWC among all the relevant stakeholders including, where appropriate, depending upon respective parliamentary systems, policy makers and public in general.

(g) To promote international cooperation at all levels, particularly regional and sub-regional.]

14. In this regard, the Conference welcomes assistance of concrete measures [NAM], [US: including international cooperation such as [NAM] through capacity-building efforts already provided to States Parties seeking to strengthen their national implementation ~~[related to Article IV already provided]~~. The Conference encourages more organized and institutionalized support for States Parties [US] in order to strengthen national capacities [NAM]. It also encourages those States Parties, in a

position to do so, to provide assistance, [US] or training in support of legislative, regulatory, administrative, judicial and other implementation measures upon request [US] (including training programs, increased awareness of requirements, and drafting, implementing, and enforcing laws and regulations), to other States Parties that can contribute to a range of capacity building efforts [new text], including the development of human and technological resources, and [US] noting that such assistance and cooperation is also consistent with implementation of Article X.

In this regard, the Conference welcomes assistance **[US: including through capacity-building efforts already provided to States Parties seeking to strengthen their national implementation related to Article IV already provided.** The Conference encourages more organized and institutionalized support for States Parties. It also] encourages those States Parties, in a position to do so, to provide assistance, **[US: or training in support of legislative, regulatory, administrative, judicial and other implementation measures]** upon request **[US: (including training programs, increased awareness of requirements, and drafting, implementing, and enforcing laws and regulations)],** to other States Parties, **[US: noting that such assistance and cooperation is also consistent with implementation of Article X.]**

[MONTENEGRO AND OTHERS: The Conference stresses the value of adopting National CBRN Action Plans as a way to foster more effective national implementation of the Biological Weapons Convention. The Conference encourages States Parties to support the implementation of the National Action Plans - with the technical support of UNICRI, the EU CBRN Risk Mitigation Centres of Excellence, or other relevant partners - with a view to strengthening national measures to mitigate bio-risks in relation to Article IV of the Convention.]

14. **[IRAN – proposal to delete para 14] ~~In this regard, the Conference welcomes assistance related to Article IV already provided and encourages those States Parties, in a position to do so, to provide assistance, upon request, to other States Parties.~~**

15. The Conference **[US: welcomes designation by States Parties of a national focal point for coordinating national implementation of the Convention. The Conference decides to refer to such a focal point from this time forward as the “designated National Authority.” The Conference]** further encourages States Parties, that have not yet done so, in accordance with the recommendation of the Sixth Review Conference, to designate a **[US: ~~national focal point~~ National Authority** for coordinating national implementation of the Convention, **[US: facilitating relevant regional and international cooperation,]** and communicating with other States Parties and relevant international organizations.

[IRAN: 15 bis. The Conference emphasizes that the unilateral coercive measures are against the Int’l law and hinders the fullest possible exchange of material, equipment and technology for peaceful purposes, and as a major obstacle to the implementation of Article X; the conference also urges all States to refrain from imposition or maintaining any unilateral coercive measure and ensure that national laws and practices of all States Parties are in full conformity of Article X.]

16. The Conference reaffirms that under all circumstances the use of bacteriological (biological) and toxin weapons is effectively prohibited by the Convention **[US: and recalls that pursuant to UNSCR 1540, all States “in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-state actor” from using biological and toxin weapons. The Conference also calls upon all States Parties that have not already done so to join international instruments addressing the prohibition of biological weapons use, including the 1925 Geneva**

Protocol and the International Convention on the Suppression for Terrorist Bombings;]

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

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

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

[CUBA: 17 bis. The Conference recognizes that the assurance of compliance with the Convention's provisions should be undertaken collectively through a legally binding multilateral verification mechanism. The Conference also recognizes that in the past, useful work has been done in this regard under the BWC in the Ad-hoc Group mandated to consider appropriate measures, including possible verification measures, and draft proposals to strengthen the Convention, to be included in a legally binding instrument.]

[IRAN: 18 bis. The Conference emphasizes that national implementation measures under the Convention by the States Parties should consist the full implementation of all provisions of the Convention; in this regard, the Conference urges all States Parties to take all necessary measures to ensure the implementation of all obligations under the Convention. To this end, the Conference urges the States Parties to take the followings;

To enact legislation to ensure that provisions of Article X would be implemented by all national and legal persons;

To review the national laws and regulations with the view to ensure that they would not hamper the fullest possible exchange of materials, equipment and technology for peaceful purposes;

To require all national and legal persons to fulfill their obligations under Article X ;

To prosecute any violations committed by natural and legal persons which hinders the fullest possible exchange of materials, equipment and technology for peaceful purposes, if and when that SP has denied exchange of material, equipment and technology for peaceful purposes;

To assign a national focal point to liaise with the country concerned, on any transfer denials by natural or legal persons in contravention with Article X, so that any disputes arising from the transfer denials could be addressed and resolved as appropriate. The outcome of the deliberations shall be reported to the meeting of the States Parties as well as the Review Conference;

To remove any unilateral measures which hinders the fullest possible exchange of material, equipment and technology for peaceful purposes;

To ensure preparedness for possible request for assistance in the case of use or threat of use of the biological weapons]

E. Article V

18. The Conference [US: notes the importance of Article V and] reaffirms [US: the obligation of States Parties to consult and cooperate with one another in solving any problems that might arise in relation to the objective of, or in the application of the provisions of, the Convention. The Conference reaffirms] that:

- (a) 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;
- (b) any State Party which identifies such a problem should, as a rule, use this framework to address and resolve it;
- (c) States Parties should provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention.

[NAM and Other States: The Conference [UK: recalls] underscores that the purpose of CBMs under the BWC as agreed by States Parties at the Second Review Conference and reconfirmed at subsequent Review Conferences is to prevent or reduce the occurrence of ambiguities, doubts and suspicions and in order to improve international cooperation in the field of peaceful biological activities].

[NAM and Other States: The Conference notes that CBMs are a voluntary tool of transparency and building trust and confidence among States Parties in the implementation of the Convention. They cannot be a tool to assess compliance for which the only method is a legally binding mechanism with verification provisions. The Conferences stress that the issue of CBMs should not be overemphasized in a manner that complicates the whole CBMs process].

19. The Conference [US: affirms that States Parties should make every effort to clarify and resolve, through exchange of information and consultations, any matter that may cause doubt about compliance with this Convention, or that gives rise to concerns about a related matter that may be considered ambiguous. The Conference also] reaffirms that the consultation procedures agreed at the Second and Third Review Conferences remain valid to be used by States Parties for consultation and cooperation pursuant to this Article. The Conference reaffirms that such consultation and cooperation may also be undertaken bilaterally and multilaterally, or through other appropriate

international procedures within the framework of the United Nations and in accordance with its Charter [CUBA: agreed by States Parties involved].

[US: 19 bis. The Conference agrees on an informal procedure, conducted bilaterally or through the ISU, by which any State Party could seek to clarify details of another State Party's CBM submission. (placeholder; will develop informal procedure to agree upon)].

[US: 19 ter. The Conference decides that any State Party, when requesting to clarify and resolve, through exchange of information and consultations, with another State Party any matter that the requesting State Party considers to cause doubt or concern about compliance with the Convention, may invoke the following timelines: an initial response to be provided as soon as possible, but in any case not later than 20 days after the request; and provision of information sufficient to answer the doubt or concern raised, along with an explanation of how the information provided resolves the matter, not later than 60 days after receipt of the request].

[US: 19 quarter. The Conference reaffirms the right of any two or more States Parties to arrange by mutual consent appropriate procedures to clarify and resolve any matter that may cause doubt about compliance or gives rise to a concern about a related matter that may be considered ambiguous. States Parties decided to develop illustrative options or non-binding guidelines for States Parties to draw upon in seeking clarification, in order to facilitate the process].

[US: 19 quinquies. The Conference takes note of voluntary transparency initiatives and exercises from States Parties to promote confidence building under the Convention and invites States Parties to share information, as appropriate, on actions taken. The Conference welcomes such initiatives and exercises, noting that reports by participating countries show these were aimed at increasing transparency, improving national implementation, building confidence in compliance, and developing international cooperation through the exchange of experiences and best practices. The Conference encourages additional States Parties to organize or participate in future voluntary transparency initiatives].

19. [IRAN: alternative language proposed for para 19 The Conference reaffirms that the consultation procedures agreed at the Second and Third Review Conferences remain valid to be used by States Parties for consultation and cooperation pursuant to this Article. ~~The Conference reaffirms that such consultation and cooperation may also be undertaken bilaterally and multilaterally, or through other appropriate international procedures within the framework of the United Nations and in accordance with its Charter].~~

20. The Conference takes note of initiatives from States Parties to promote confidence-building under the Convention. [INDIA: In this context, some States Parties presented proposals of their own experience on conducting Peer Review initiatives ...]

[INDIA: 20 bis CBMs are an important transparency measure to enhance trust but are not a substitute for an effective mechanism for verification of compliance. [JAPAN: CBMs are not declarations and cannot be treated as such for assessing non-compliance].

21. The Conference stresses the need for all States Parties to deal effectively with compliance issues. In this connection, the States Parties agreed to provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention. Such responses should be submitted in accordance with the procedures agreed upon by the Second Review Conference and further developed by the Third Review

Conference. The Conference reiterates its request that information on such efforts be provided to the Review Conferences.

[US: 21 bis. The Conference notes that, where bilateral or multilateral consultations are unsuccessful in addressing a concern, a State Party may request the UN Secretary-General to use his or her good offices to clarify a concern through further consultations, and calls upon all States Parties to cooperate with any such effort].

22. The Conference emphasises the importance of the exchange of information among States Parties through the confidence-building measures (CBMs) agreed at the Second and Third Review Conferences. The Conference welcomes the exchange of information carried out under these measures and notes that this has contributed to enhancing transparency and building confidence. **[GERMANY: The Conference notes the value of on-site visits, bilaterally or multilaterally agreed by States Parties which permit the voluntary exchange of information among States Parties on facilities and activities declared under the CBMs to improve compliance].**

[FRANCE: The Conference notes the initiatives taken by a number of States parties aiming at promoting exchanges of information as a voluntary transparency and confidence building measure, as well as a contribution to a collaborative approach on implementation through the exchange of good practices.]

~~**[CUBA: 22 BIS. The Conference underscores that the purpose of CBMs as agreed by States Parties is to prevent or reduce the occurrence of ambiguities, doubts and suspicions and to improve international cooperation in the field of peaceful biological activities. CBMs are a tool of transparency and building trust and confidence among States Parties in the implementation of the Convention. They cannot be a tool to assess compliance for which the only method is a legally binding mechanism with verification provisions].**~~

[COLOMBIA: 22 bis. The conference further notes that CBM submissions contribute to follow up on the implementation of the convention at the national level by monitoring relevant activities and promoting domestic interagency cooperation.]

[IRAN: The Conference affirms that the CBMs forms are exclusively voluntary and for building confidence among the States Parties];

23. The Conference recognises the **[US: continuing** [urgent] need to increase the number of States Parties participating in CBMs and calls upon all States Parties to participate annually. The Conference notes that since the **Seventh** Review Conference, there has **[US: been an encouraging** ~~only been a slight~~ increase in the percentage of State Parties submitting their CBMs; **[US: however, fewer than half of all States Parties submit reports]** The Conference emphasises the importance **[US: of increasing and continuing participation in the CBMs** of all States Parties meeting this important political commitment, which was established in order to reduce the occurrence of doubts and ambiguities].

~~**[CUBA: 23 BIS. The Conference recalls that further amendments to the CBMs forms were agreed to at the Seventh Review Conference with the aim inter alia to increase the number of States Parties which submit CBMs returns.]**~~

24. The Conference recognises the technical difficulties experienced by some States Parties in completing full and timely submissions. The Conference urges those States Parties, in a position to do so, to provide technical assistance and support, through training **[US: or workshop]** for instance, to those States Parties requesting it to assist them to complete their annual CBM submissions, **[US: reaffirms the decision of the Sixth Review Conference directing the ISU to centralize requests and offers of assistance regarding the submission of CBMs; and encourages States Parties to participate in this CBM**

assistance network] [IRAN: delete sentence on CBM assistance network)]. *The Conference recalls that further amendments to the CBMs forms were agreed to at the Seventh Review Conference with the aim inter alia to increase the number of States Parties which submit CBMs returns.*

25. The Conference notes the desirability of making the CBMs more user-friendly and stresses the need to ensure that they provide relevant and appropriate information to States Parties. [US: Recalling the decision of the Sixth Review Conference to develop an electronic format for CBMs, the Conference emphasizes the importance of completing this task, and decides to provide resources to support the further development and ongoing operation and maintenance of the CBM electronic platform].

[IRAN: 25 bis. The Conference emphasizes that to extend the consultation and cooperation pursuant to this article, a new form of CBMs about international cooperation and assistance in the scientific and technological exchange of data, equipment and materials for peaceful purposes (as it is annexed in annex 1) should be included];

[INDIA: 25 bis. The Conference supports updating CBM formats related to the object and purposes of the Convention and in a manner that does not place undue burden on States Parties.]

26. The Conference recalls that the Third Review Conference agreed, “that the exchange of information and data, using the revised forms, be sent to the United Nations Department for Disarmament Affairs no later than 15 April on an annual basis”. The Conference reaffirms that the data submitted in the framework of the annual exchange of information should be provided to the Implementation Support Unit within the United Nations Office for Disarmament Affairs and promptly made available electronically by it to all States Parties according to the updated modalities and forms in Annex I. The Conference recalls that information supplied by a State Party must not be further circulated or made available without the express permission of that State Party. The Conference notes the fact that certain States Parties made the information they provide publicly available.

[NAM and Other States: The Conference takes note of the proposals on peer review compliance assessment were raised and evaluated in the Seventh Review Conference of the BWC and there was no consensus on them. There are serious difficulties with such concepts in the framework of the BWC including inter alia that they may create a false sense of assurance regarding the national implementation of obligations arising from the Convention.]

[NAM and Other States: The Conference reiterates the importance of multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement, including on verification provisions, dealing with all the Articles of the Convention in a balanced and comprehensive manner.]

[UK: The Conference welcomes the conduct of peer review and BWC implementation review exercises and their reporting since the last Review Conference. The Conference further notes the utility and value of such exercises and initiatives as tools for the promotion of confidence and reassurance of compliance.]

F. Article VI

[US: 26 bis. States Parties recognize that there are a number of national actions that would also support strengthening the UN’s capability to conduct timely and efficient investigations under Article VI. Such actions could include, for example, strengthening national capacity for disease surveillance, fully implementing the WHO

International Health Regulations, and building national capabilities which aid in conducting effective investigations of suspicious disease outbreaks.]

[US: 26 ter. The Conference notes that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons, and is available to any State Party gathering "all possible evidence" in order to lodge a complaint under Article VI and/or to the UN Security Council in carrying out any biological or toxin weapons investigation which it may initiate under Article VI. The Conference also notes in this regard General Assembly resolution 60/288 (2006).]

[US: 26 quarter The States Parties reaffirm ... the need to cooperate fully with the United Nations Security Council in carrying out any biological or toxin weapons investigation it may initiate and also the United Nations Secretary-General in carrying out such investigations through use of the UN Secretary-General's Mechanism to Investigate Allegations of CBW Use, consistent with safety and domestic legal constraints.]

[US: 26 quinquies States Parties note that if any biological or toxin weapons investigation carried out by the United Nations Security Council or United Nations Secretary-General involves terrorism or allegation of biological or toxin weapons terrorism, appropriate coordination should be taken with the relevant United Nations counterterrorism committees, entities, and/or working groups.]

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

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

[INDIA: 28 bis The Conference underlines that verification of compliance is critically important for States Parties to be collectively reassured that the provisions of the Convention are being realized, and supports the objective of a multilaterally agreed mechanism for verification of compliance that provides the assurance of compliance by States Parties.]

[IRAN: The Conference stresses that the Secretary General's Investigation Mechanism, endorsed in the UNGA Resolution 45/57, represents an international mechanism for investigation of alleged uses of biological or toxin weapons [UK: ~~and acknowledges that certain doubts and concerns raised on the applicability of this mechanism, and considers that the ultimate and final mechanism of resolving disputes and concerns with regard to the breach of the obligations under the Convention would be a multilaterally negotiated legally binding instrument for a balanced and non-discriminatory implantation of the provisions of the Convention, including a verification mechanism~~], and acknowledges that certain doubts and concerns raised on the applicability of this mechanism, and considers that the ultimate and final mechanism of resolving disputes and concerns with regard to the breach of the obligations under the Convention would be a multilaterally negotiated legally binding instrument for a balanced and non-discriminatory implantation of the provisions of the Convention, including a verification mechanism.]

29. The Conference invites the Security Council:

(a) 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;

(b) to request 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; ~~[RUSSIA: to request 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]~~ to promptly initiate, if it deems necessary, an investigation into the alleged use of biological weapons in breach of obligations deriving from the provisions of the Convention. In this respect, the Conference emphasised the importance of elaborating a Convention's mechanism for investigating such alleged use that can be utilised in accordance with the provisions of Article VI]

(c) 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.

[IRAN: 29 bis. The Conference emphasizes that complaints received pursuant to the procedures set under this Article shall be implemented in full by and for all States Parties without any distinction.]

[IRAN: 29 ter. the Conference emphasizes that an independent mechanism for investigation of alleged use under the Convention is necessary.]

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

[IRAN: 30 bis. the conference emphasizes the importance of avoiding abuse of raising alleged use of biological weapons.]

31. The Conference notes that the procedure outlined in this Article is without prejudice to the prerogative of the States Parties to consider jointly 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.

[CUBA: 31 bis. The Conference highlights the importance to establish an institutional multilateral and non-discriminatory mechanism within the framework of the Convention, with clear procedures for States Parties to investigate any alleged use or threat of use of biological or toxin weapons.]

[JAPAN: delete this paragraph] [IRAN: 31 bis. The Conference calls upon all States Parties to refrain from raising any unfounded allegation against other State Parties, and highlights the importance of consultation and clarifications as a rule to be proceeded before lodging a complaint against another State Parties in the Security Council.]

G. Article VII

32. The Conference notes with satisfaction that these provisions have not been invoked. **[NAM and Other States: The Conference notes with satisfaction that these provisions have not been invoked. However the international community should be prepared to face such situation well in advance and to dispatch [UK: timely emergency assistance, including humanitarian and other relevant assistance] emergency assistance in [UK:**

the] case of use of bacteriological (biological) or toxin weapons, and also to provide [UK: ~~humanitarian~~] assistance in case of the threat of use of such weapons, to the requesting State Party.]

[CUBA: 32 bis. The Conference recognizes that the lack of a comprehensive legally binding Protocol to strengthen implementation of all aspects of the Convention could create a gap in the provision of prompt and effective assistance to States Parties under Article VII.]

[ECUADOR: Each State Party also undertakes to provide or support adequate assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, affected by an outbreak of infectious disease.]

33. The Conference [US: notes that the tragic Ebola outbreak in West Africa] [India: in 2014/15] [US: has underlined the importance of rapid detection and prompt, effective, and coordinated response in addressing outbreaks of infectious disease, and recognizes that these considerations would apply] [India: replace apply with “would be relevant”] [US: as well in the event of alleged use of biological or toxin weapons.] [FRANCE: Alleged use of biological or toxin weapons which may pose additional challenges] [US: The Conference considers that ~~takes note of desires~~] expressed that, should a request for assistance be made, it [US: should] be promptly considered and an appropriate response provided. In this context, in view of the humanitarian imperative, [US: the Conference encourages States Parties to provide, on a voluntary basis, timely emergency assistance, if requested,] pending consideration of a decision by the Security Council, timely emergency [IRAN: and humanitarian] assistance could be provided by States Parties, if requested. [US: proposal to delete remainder of the sentence after ‘Security Council’].

[IRAN: 33 bis. The Conference recognizes that States Parties to the Convention undertake to promptly provide emergency and humanitarian assistance or support to any State Party which so requests, when that State Party has been exposed to risk, danger or damage, irrespective of whether is naturally occurring or deliberately caused, and cover biological agents and toxins, as defined in Article I of the Convention, that could harm humans, animals, plants or the environment.]

[NAM and Other States: The Conference reaffirms its support for the recommendation of the 7th Review Conference on Article VII. In this regard, it also reaffirms that timely assistance under Article VII is a [GERMANY: ~~legal obligation~~] legal obligation of States Parties. [UK: While noting that States Parties’ national preparedness for response, investigation and mitigation of outbreaks of infectious disease contributes to international capabilities to respond to any use of biological and toxin weapons. The Conference reaffirms the continuing importance of capacity building activities in these areas and that this should not be imposed as precondition for either provision or receipt of assistance] and that this should not be imposed as precondition for either provision or receipt of assistance.]

[NAM and Other States: The Conference recognizes that the lack of a comprehensive Protocol to strengthen implementation of all aspects of the Convention has created a gap in the provision of prompt and effective assistance under Article VII to States Parties to the BWC.]

[NAM and Other States: The Conference recalls that the main objective of Article VII is to provide assistance to the affected people and to minimize and contain the risks to the health, safety and security of others, in close collaboration with the exposed State Party. However, the best way to prevent such incidents is to ensure full compliance with the prohibition on the development, stockpiling and use of such weapons,

including through the establishment of a compliance and verification mechanism under the Convention.]

34. [US: proposal to move this para and US 34 bis after existing para 32] The Conference recognises that States Parties bear the responsibility for providing assistance and coordinating with relevant organizations in the case of alleged use of biological or toxin weapons, [IRAN: in accordance with the respective obligations] The Conference reaffirms the undertaking made by each State Party to provide or support assistance [IRAN: and protection] in accordance with the Charter of the United Nations to any State Party which so requests. [~~CUBA: if the Security Council decides that such State Party has been exposed to danger as a result of a violation of the Convention.~~] [RUSSIA: To ensure effective, timely and coordinated delivery of such assistance, the Conference recognised the need to consider elaborating for this purpose relevant mechanisms under the Convention.]

[US: 34 bis. The Conference reaffirms the importance of a rapid decision by the Security Council in relation to a potential violation of the treaty. In this context, it is important to strengthen the international community's ability to rapidly and effectively investigate allegations of a violation through the Secretary General's Mechanism for Investigations of Allegations of Chemical or Biological Weapons Use.]

[NAM and Other States: The Conference stresses that assistance undertakings and support should be commensurate with effective actions that ensure timely coordination and delivery of assistance to the victim State Party in conformity with the request for assistance.]

[IRAN: 34 bis. The Conference recognizes capacity-building, at the national and international levels, as the most immediate imperative for enhancing and strengthening the capability of the States Parties to promptly and effectively detect and respond to the alleged use or threat of use] [GERMANY: of biological and toxin weapons], as well as danger or damage, [FRANCE: ~~irrespective of whether is naturally occurring or deliberately caused~~] irrespective of whether is naturally occurring or deliberately caused.

35. The Conference [IRAN: reaffirms the undertakings ~~takes note of the willingness~~] of States Parties [IRAN: ~~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 [IRAN: or threat of use] of bacteriological (biological) agents and toxins as weapons by anyone.

[CUBA: 35 bis. The Conference agrees to develop a mechanism with a detailed procedure for a timely, effective and adequate response to be provided by States Parties, if requested, in the event of use of biological or toxin weapons. The following elements, among others to be agreed by States Parties, could be part of such a mechanism:

The request or appeal for assistance should be immediately transmitted to all States Parties and relevant international organizations for coordination and delivery of emergency and humanitarian assistance and support,

Preparing an inventory of the types of assistance that the States Parties could provide including, inter alia, expertise, information, protection, detection, decontamination, prophylactic and medical and other equipment,

Establishing a data bank containing freely available information concerning various means of protection against bacteriological (biological) and toxin weapons as well as other relevant information as may be provided by States Parties,

Information on the kind of assistance that States Parties could provide in response to a request for assistance,

Establishing a fund for assistance to concerned States Parties, in particular to developing countries]

[NAM and Other States: The Conference agrees to this end to develop a detailed procedure and mechanism for a timely, effective and adequate response. In this context, the following elements may, amongst others, be considered in the development of such a mechanism:

(a) Assistance means coordination and delivery of assistance to the requesting State Party,

(b) The request or appeal for assistance should be immediately transmitted to all States Parties and relevant international organizations for coordination and delivery of emergency and humanitarian assistance and support,

(c) Preparing an inventory of the types of assistance that the States Parties could provide including, inter alia, expertise, information, protection, detection, decontamination, prophylactic and medical and other equipment,

(d) Establishing a data bank containing freely available information concerning various means of protection against bacteriological (biological) and toxin weapons as well as such other relevant information as may be provided by States Parties,

(e) Information on the kind of assistance that States Parties could provide in response to a request for assistance,

(f) The States parties make the fullest possible efforts to provide prompt assistance providing the equipment related to the means of protection against the use of biological weapons to the requesting State Party without undue restrictions,

(g) Establishing a fund for assistance to concerned States Parties in particular to developing countries,

(h) Promoting capacity building through more active cooperation with relevant regional and sub-regional organizations that have mandates relevant to assistance and protection against biological weapons. Such cooperation could include joint exercises and training, including by the use of e-learning modules.]

[NAM and Other States: The Conference underlines that all mechanisms and measures adopted for full, effective and non-discriminatory implementation of Article X of the Convention, shall facilitate assistance and support to States Parties for rapid and timely surveillance, detection, containment, diagnosis, treatment and mitigation of diseases, in particular infectious diseases in accordance with the provisions of the Convention.]

[NAM and Other States: The Conference strongly reaffirms that national preparedness of States Parties and their prompt access to new methods and novel diagnostic technologies and equipment for detection and quick response to any possible biological attack or diseases outbreaks play an important role in providing assistance to States Parties. The rapid pace of novel bio-threats against humans, animals and plants requires rapid responses and enhanced national capacity prior to any biological attacks against the States Parties.]

The Conference agrees that the United Nations and other international organizations could also play an important role in coordinating, and mobilizing, and delivering the required support and assistance. In this respect, upon the request of the concerned State

Party, the capacities and experiences of UN and relevant international organizations should be identified and used, within their mandates.

36. The Conference **[IRAN: recognizes the need for establishing an appropriate mechanism ~~considers~~**] that in the event that this Article might be invoked, **[IRAN: ~~the United Nations~~**] could play a coordinating role in providing assistance, with the help of States Parties, as well as **[IRAN: the United Nations and]** the appropriate intergovernmental organizations, in accordance with their respective mandates, 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).

[US 36 bis: In light of the potential for States Parties to provide emergency assistance in advance of a determination by the United Nations Security Council,] the Conference **[US: affirms that processes developed to enhance implementation of Article VII should be closely integrated with emergency assistance processes managed by such organizations, and]** recognizes the value of further dialogue regarding appropriate means of coordination between and among States Parties and relevant international organizations. **[US: Such dialogue would include:**

Development, through consultations among States Parties, intergovernmental organizations, and other relevant entities, of a framework establishing basic principles to guide engagement, preparedness, communications plans, and the interactions among these entities during response to a deliberate event, including the safety and security of medical and veterinary personnel and other first responders;

Work to ensure that national and international preparedness plans address response to a deliberate disease outbreak. Given the potential for ambiguity about the origin of an outbreak, such plans should be compatible with plans for response to a natural event, but should address additional considerations, including the possibilities of operating in a non-permissive or contaminated environment, and questions relating to leadership, coordination, and the role of militaries (national, foreign, and regional) in the response to such an outbreak.]

[US: 36 ter. The Conference notes that States Parties' national capacities, including capacities for disease surveillance and diagnosis, public health and animal health, and [Germany: close coordination procedures among the health and security sectors at the national level ~~joint law enforcement / public health investigations~~] joint law enforcement/public health investigations, play a critical role in enabling them to invoke the provisions of Article VII and seek international assistance at the earliest possible point in time, thereby saving lives, as well as enabling them to more clearly identify assistance needs.] [US – proposal to move first sentence from para 38 here and delete below] The Conference notes that State Parties' national preparedness **[US: also]** contributes **[US: directly]** to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons.

[US: 36 quat. Recognizing that logistical, legal, and regulatory issues may impede timely and effective international assistance, including the provision and distribution of medical countermeasures and the operation of international public health and medical personnel, the Conference calls on all States Parties to review their domestic laws, regulations, and procedures to ensure their ability to efficiently and effectively provide, receive, and manage emergency assistance, and to cooperate in taking appropriate steps to address such impediments.]

37. The Conference recognizes that there are challenges to developing effective measures for the provision of assistance and coordination with relevant international

organizations to respond to the use of a biological or toxin weapon. The Conference underlines the importance of the coordination of the provision of appropriate assistance, including expertise, information, protection, detection, decontamination, prophylactic and medical and other equipment that could be required to assist the States Parties in the event that a State Party is exposed to danger as a result of a violation of the Convention. The Conference also ~~[US: takes note of the proposal that States Parties may need to discuss the detailed~~ notes the need for a clear process by which States Parties may seek and ~~provide procedure for assistance in order to ensure that~~ timely emergency assistance, ~~[US: and more readily accessible information on the types of assistance that might be available. would be provided by States Parties, if requested, in the event of use of biological or toxin weapons.]~~

~~[IRAN-proposal for last sentence para 37]~~ The Conference also ~~[IRAN: urges all States Parties to develop and agree, as appropriate, takes note of the proposal that States Parties may need to discuss]~~ the detailed procedure for assistance in order to ensure that ~~[IRAN: prompt response and timely emergency]~~ ~~[IRAN: and humanitarian]~~ assistance would be provided by States Parties, if requested, in the event of use of biological or toxin weapons.

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

~~[NAM and Other States: The Conference agrees to mitigate the consequences of the use of biological and toxin weapons, the national capacity of States Parties in particular developing countries, should also be developed and strengthened.] [UK: In this regard, the States Parties emphasizes that one of the most effective approaches to support Article VII implementation is that each State Party should facilitate, and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information and know-how concerning means of protection against bacteriological (biological) and toxin weapons.]~~ In this regard, the States Parties emphasizes that one of the most effective approaches to support Article VII implementation is that each State Party should facilitate, and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information and know-how concerning means of protection against bacteriological (biological) and toxin weapons.

~~[NAM and Other States: The Conference [UK: also agrees recalls] [NAM: acknowledges] also agrees that States Parties [UK: should also] should also have the right to conduct research into [UK: the means of protection against bacteriological, biological and toxin weapons], develop, produce, acquire, transfer or use means of protection against bacteriological (biological) and toxin weapons] [UK: In this regard, the States Parties emphasizes that one of the most effective approaches to support Article VII implementation is that each State Party should facilitate, and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information and know-how concerning means of protection against bacteriological (biological) and toxin weapons.], [NAM and other States: for purposes not prohibited under the Convention. Towards this end, developed countries should assist developing States Parties through providing required technology and resources, as well as sharing experiences, expertise and laboratory cooperation.]~~

~~[INDIA & SOUTH AFRICA: The Conference welcomes further discussions on aspects of assistance in case of outbreaks of plant and animal diseases].~~

38. ~~[US: The Conference notes that State Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons.]~~ The Conference notes that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences **[US: may directly affect both national]** and international capacity to respond effectively to an alleged use of a biological or toxin weapon. The Conference **[US: emphasizes the importance of building needed capacities. The Conference calls upon States Parties to assess their national capacities and identify areas of need, and calls upon encourages]** States Parties in a position to do so, to assist other States Parties, upon request, to build relevant capacity.

[CUBA: 38 bis. The Conference, while noting that States Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, stresses that this should not be a imposed as precondition for either provision or receipt of assistance.]

39. The Conference notes the need for States Parties to work nationally, and jointly, as appropriate, to improve, in accordance with their respective circumstances, national laws and regulations, their own disease surveillance and detection capacities for identifying and confirming the cause of outbreaks and cooperating, upon request, to build the capacity of other States Parties. The Conference notes that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease; such aims are compatible with the objectives of the Convention. **[US: The Conference encourages States Parties to conduct exercises at the national, regional, and international level to test and refine plans for response to alleged use of biological weapons and toxins.]**

[NAM and Other States: The Conference notes that State Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons. The Conference notes that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon. The Conference encourages States Parties, in a position to do so, to assist other States Parties, upon request, to build relevant capacity.]

40. On the provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, States Parties recognize that in this regard health and security issues are interrelated at both the national and international levels. The Conference highlights the importance of pursuing initiatives in this area through effective cooperation and sustainable partnerships. The Conference notes the importance of ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plants or the environment. The Conference also recognises that capabilities to detect, quickly and effectively respond to, and recover from, the alleged use of a biological or toxin weapon need to be in place before they are required, **[US: and welcomes initiatives, such as the Global Health Security Agenda, that promote international cooperation toward this goal.]**

[CUBA: 40 bis. The Conference underlines that all mechanisms and measures adopted for full, effective and non-discriminatory implementation of Article X of the Convention, shall facilitate assistance and support to States Parties for rapid and timely surveillance, detection, containment, diagnosis, treatment and mitigation of

~~diseases, in particular infectious diseases, in accordance with the provisions of the Convention.]~~

~~[CUBA: 40 ter. The Conference emphasizes that in order to support Article VII implementation each State Party should facilitate, and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information and know-how concerning means of protection against bacteriological (biological) and toxin weapons.]~~

[CUBA: 40 qatr. The Conference notes that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon. The Conference encourages States Parties, in a position to do so, to assist other States Parties, upon request, to build relevant capacity.]

[INDIA: previous Art VIII/para 54 (h) The Conference [IRAN: stresses the need] notes the value of taking steps to facilitate and ensure timely access to affordable drugs and vaccines and related diagnostic, preventive and therapeutic equipment to affected States, especially developing countries.]

[FRANCE: 41. The Conference welcomes the fruitful discussions that have taken place during the intersessional process and stresses the necessity to build on these discussions throughout the next intersessional process in order to operationalize further the provisions of article VII.]

[US: 41. The Conference notes that there are multiple processes and procedures that should be addressed to facilitate preparedness and response activities under Article VII, and recommends a working group be established to take these issues forward during the upcoming intersessional period.]

~~[UK: 42. States Parties reached a common understanding that the term 'assistance' in Article VII of the Convention means medical, or associated relief such as that including expertise, information, protection, detection, decontamination, and other equipment, provided on request in the event that a State Party believes it has been exposed to danger as a result of a violation of the Convention.]~~

[INDIA: 42. The Conference supports the establishment of a database open to all States Parties to facilitate assistance under the framework of Art VII. The purpose of this database would be to [UK: help to] implement Art VII of the BWC and allow matching specific offers and requests for assistance.]

H. Article VIII

41. The Conference [IRAN: ~~appeals~~ calls upon] to all States Parties to the 1925 Geneva Protocol to fulfil their obligations assumed under that Protocol and urges all states not yet party to the Protocol to ratify or accede to it without further delay [IRAN: and without any conditions],[US: particularly BWC States Parties that are not yet party to the Geneva Protocol.]

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

43. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Convention **[IRAN: Nevertheless, the Conference reaffirms that the use of biological weapons is contrary to the object and purpose of this Convention.], [US: and welcomes**

44. —~~The Conference recalls~~ the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Convention.

[US 45. The Conference stresses that reservations concerning retaliation, through the use of any of the objects prohibited by the Convention, [UK: ~~even conditional,~~ are totally incompatible with the absolute and universal prohibition of the development, production, stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use. and consequently strongly urges those States Parties that continue to maintain **[IRAN: respective ~~pertinent~~** reservations to the 1925 Geneva Protocol to withdraw those reservations, and to notify the Depositary of the 1925 Geneva Protocol accordingly, without delay.**[RUSSIA: The Conference recalls its repeated exhortations to this effect in 1991, 1996, 2006 and 2011, and notes that during the period 2012-2016 only one withdrawal of the remaining part of the reservation was made in 2014, and before that only in 2002. The Conference encouraged those States Parties that continue to maintain such [IRAN: ~~pertinent~~ respective] reservations to conduct national reviews to look into this matter with a view to expediting withdrawal of such reservations. The Conference decided to treat this problem as a matter of priority and requested States Parties to remain actively seized of it as part of their programme of work in 2017-2020 with a view to promoting meaningful progress in this regard by the time of the Ninth Review Conference.]**

46. The Conference notes that the Secretary-General's **[RUSSIA: ~~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 **[RUSSIA: ~~cases~~ reports that may be brought to his attention by any Member State of the United Nations concerning the possible ~~of alleged~~** use of biological or toxin weapons **[RUSSIA: that may constitute a violation of the 1925 Geneva Protocol or other relevant rules of customary international law].** The Conference notes national initiatives to provide relevant training to experts that could support the Secretary-General's investigative mechanism. **[RUSSIA: The Conference also notes the challenges facing the Secretary-General's mechanism since it possesses no operational assets of its own, such as personnel, specialised equipment and supporting laboratories. In that regard, the Conference expresses a hope that once the Convention's mechanism for investigating alleged use is negotiated and operationalised, useful synergies can be pursued between it and the Secretary-General's mechanism along the lines envisaged for the latter's cooperation with the Organisation for the Prohibition of Chemical Weapons.^{2]}** **[INDIA: The Conference stresses that this mechanism is not a substitute for the negotiation and early conclusion of a legally binding comprehensive Protocol to the BWC that includes provisions for investigation of alleged use of biological and toxin weapons.]**

[IRAN 46 bis. The Conference highlighted the importance of a comprehensive instrument to investigate alleged use of the biological weapons; in this regard, the Conference recalled the valuable work done under the Ad Hoc Group to strengthen the Convention in all its aspects.]

² A/44/561, paragraph 1 and 18.

46. [US: The Conference stressed that all credible reports of the use of biological or toxin weapons must be investigated and the States Parties informed about the findings. It] notes 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,[US: which can be used by BWC States Parties in the context of implementing Articles V, VI, VII, and VIII. The Conference urges the United Nations Secretary General to ensure the operational readiness of the Mechanism, encourages States Parties to support the Secretary-General in these efforts, calls upon States Parties to update their nominations of experts and laboratories and ensure their availability, and welcomes the ~~[The Conference notes]~~ national initiatives to provide relevant training to experts that could support the Secretary-General's investigative mechanism.

I. Article IX

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

[IRAN: 47 bis. The conference stresses the importance of universality of Chemical Weapons Convention; in this regard, the Conference calls on all non-Parties, to ratify or accede to the Convention without any condition and any further delay. In this regard, the Conference urges all States Parties to make all necessary efforts and use their good offices to encourage those non-Parties to the Chemical Weapons Convention to ratify or accede to the Convention without any condition and any further delay.]

48. The Conference welcomes the fact that the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction entered into force on 29 April 1997 and that **192** instruments of ratification or accession have now been deposited with the United Nations. The Conference calls upon all states that have not yet done so to ratify or accede to that Convention without delay.

[IRAN: 48 bis. The Conference regrets that the deadline for the destruction of the chemical weapons has not been met and was postponed from 2012 to 2023 and urges the possessors to destroy their chemical weapons stockpiles [CHINA: including abandoned chemical weapons] as promptly as possible to preserve the integrity and credibility of the Convention.]

49. **[IRAN delete entire paragraph]** The Conference notes the **[US: accelerating pace of increasing]** convergence of biology and chemistry and its possible challenges and opportunities for the implementation of the Conventions. **[US: States Parties encourage cooperation between the appropriate bodies under the BWC and the CWC in identifying advances in science and technology related to the convergence between biology and chemistry and to evaluating their possible implications for the two Conventions. In that context, BWC States Parties decide to initiate exploration of possible joint activities between the appropriate bodies of the BWC and the CWC communities to promote international cooperation related to areas of overlap between the two Conventions, in the context of intersessional work on development in science and technology.]**

[RUSSIA: 49 bis. Recognizing the growing threat of biological and chemical terrorism and the urgent need for the international community to substantively address that threat by enhancing international legal regimes, the Conference welcomed interest

among a large number of States to pursue a new Convention for the Suppression of Acts of Chemical and Biological Terrorism.]

[US: 49 bis. States Parties share the concerns expressed and decide to explore the potential of working on activities to address the threat posed by chemical and biological weapon development, acquisition, and use, including by non-State actors. Exploration to identify possible joint activities, and initiation of such activities, should be pursued in the context of intersessional work on measures to strengthen implementation, as well as strengthening international capacities for coordination, investigation, and assistance in the event of a suspicious outbreak or CBW attack.]

J. Article X

[IRAN: 49 bis. The Conference recognizes that the full, effective and non-discriminatory implementation of Article X is fundamental to realize the object and purpose of the Convention.]

50. The Conference stresses the [UK: continuing importance of implementation] importance of [CUBA: the full, effective and non-discriminatory] implementation of this Article and recalls that States Parties have a legal obligation to facilitate and have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and not to hamper the economic and technological development of States Parties [US: The Conference affirms that licensing measures to implement Article III should focus on key technologies and materials relevant to development/acquisition of biological weapons, and should result in denials only in those few cases where there is an unacceptable risk of diversion to prohibited purposes.]

[NAM and Other States: The Conference reaffirms that the developed countries bear special responsibility to promote international cooperation in the framework of Convention for the benefit of developing countries and refrain from imposing and/or maintaining any restrictions and/or limitations that are contrary to the Convention.]

[NAM and Other States: The Conference recognizes the rapid pace of scientific and technological developments has created new opportunities for [US; international cooperation and exchange under Article X of the Convention including inter alia ...] making tangible progress on the full, effective and non-discriminatory [UK: full, effective and non-discriminatory the continuing] implementation of Article X of the Convention including inter alia developments of special relevance to disease surveillance, diagnosis and mitigation as well as advances in enabling technologies.]

[NAM and Other States: The Conference reaffirms that all State Parties in particular developing countries should benefit from new achievements in biotechnology through the full, effective and non-discriminatory implementation of Article X. There is a need to strengthen cooperation among States Parties in order to bridge the increasing gaps in the fields of biotechnology, genetic engineering, microbiology and other related areas between developed and developing countries.]

51. The Conference reaffirms the commitment to the full, [CUBA, IRAN: effective, non-discriminatory] [USA: effective non-discriminatory] and comprehensive implementation of this Article by all States Parties. The Conference recognises that, while recent scientific and technological developments in the field of biotechnology would increase the potential for cooperation among States Parties and thereby strengthen the Convention [IRAN: and promote economic and social development, and scientific and technological progress, particularly in the developing countries they could also increase the potential for the misuse of both science and technology]. Therefore, the

Conference urges all States Parties possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, particularly with countries less advanced in this field, while promoting the basic objectives of the Convention, as well as ensuring that the promulgation of science and technology is fully consistent with the peaceful object and purpose of the Convention.

[IRAN: 51 bis. The Conference notes with concern the increasing gap between the developed and the developing countries in the field of biotechnology, microbiology and other related areas, and urges States Parties to provide wider access to and share their related scientific and technological knowledge, as well as to transfer biological agents, toxins, and the related equipment, materials and technologies for peaceful purposes, on an equal and non-discriminatory basis, in particular to the developing countries, in full conformity with their obligations under the Convention.]

[CUBA: 51 ter. The Conference reaffirms that nothing in the Convention [US: ~~shall~~] shall prejudice the rights of States Parties to, individually or collectively, conduct research with, develop, produce, acquire, retain, transfer and use microbial and other biological agents and toxins for peaceful purposes]

52. The Conference recognises the important role of the private sector in the transfer of technology, information *and its overall contributions to disease prevention, mitigation, and response and to global health solutions* and the wide range of organizations within the United Nations system that are already engaged in international cooperation relevant to this Convention, **[US: foreign direct investment can assist States Parties to access advances in biotechnology and benefit from the fullest possible exchange of equipment, materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes.] [IRAN: Therefore, the Conference urges all States Parties to take necessary measures to require, as appropriate, the private sectors in the transfer of the related information, materials, knowledge, equipment and technologies.]**

53. Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, the Conference agrees on the value of working together to promote capacity building in the fields of vaccine and drug production, disease surveillance, detection, diagnosis, and containment of infectious diseases as well as biological risk management. The Conference affirms that building such capacity would directly support the achievement of the objectives of the Convention.

54. The Conference:

- (a) encourages 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;
- (b) notes 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;
- (c) encourages States Parties to improve communication on disease surveillance at all levels, including between States Parties and with the WHO, FAO, OIE and IPPC;
- (d) calls 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;

(e) urges 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;

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

[CUBA: (g) calls upon States Parties not to establish, maintain or take either individually or collectively any discriminatory measures, including those in any international agreements contrary to the obligations undertaken in the Convention, which would hamper the economic and technological development of States Parties to the Convention or international co-operation in the field of peaceful bacteriological (biological) activities in accordance with the provisions of the Convention, including research in biology, microbiology, biotechnology and genetic engineering, and their industrial, agricultural, medical and pharmaceutical applications; and other related areas for peaceful purposes;]

[US: (g) encourages States Parties to promote private sector partnerships and foreign direct investment by ensuring strong intellectual property right protections, a skilled workforce, stable policy environments with predictable regulatory regimes, and equitable market access.]

[INDIA: acceptance either of the following options (g) stresses that there should be no [SWEDEN: hampering hindrance] hindrance to peaceful activities, such as vaccine development, including through international cooperation which provides the fullest possible benefits for developing countries [SPAIN: countries less advanced in the field] to meet their public health needs.]

OR

[INDIA: (g) stresses the avoidance of hampering of peaceful activities, such as vaccine development, including through international cooperation which provides the fullest possible benefits for developing countries [SPAIN: countries less advanced in the field] to meet their public health needs, and gaining access to affordable vaccines.]

~~**[INDIA: (h) moved to Article VII – end of para 40 The Conference [IRAN: stresses the need] notes the value of taking steps to facilitate and ensure timely access to affordable drugs and vaccines and related diagnostic, preventive and therapeutic equipment to affected States, especially developing countries.]**~~

55. The Conference ~~[US: recognizes reaffirms]~~ the importance of developing effective national infrastructure for human, animal and plant disease surveillance, detection, diagnosis and containment, as well as national biological risk management through international cooperation and assistance **[US: and notes that developing such infrastructure could also contribute to the fulfilment of their other respective international obligations and agreements, such as the World Health Organization's revised International Health Regulations (2005).]**

56. The Conference, while noting existing bilateral, regional and multilateral assistance, cooperation and partnerships, recognizes, however, that there still remain challenges to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes and that addressing such problems, challenges, needs and restrictions will help States Parties, **[CUBA: in particular developing countries] [SPAIN: in countries less advanced in the field]** to build sufficient capacity for disease surveillance, detection, diagnosis and containment. Keeping in mind Article X, the Conference agrees on the value of targeting and mobilizing

resources, including financial resources, to facilitate the fullest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. Recognizing that all States Parties have a role to play, the Conference stresses that those States Parties seeking to build their capacity should identify their specific needs and requirements and seek partnerships with others, and that those States Parties, in a position to do so, should provide assistance and support.

57. The Conference reaffirms that existing institutional ways and means of ensuring multilateral cooperation among all States Parties need to be developed further in order to promote international cooperation for peaceful uses in areas relevant to the Convention, including areas, such as medicine, public health, agriculture and the environment. **[RUSSIA: Acknowledging the importance of drawing lessons from the Ebola disease outbreak in West Africa, including the need to address the lack of ready operational capacity, the Conference stresses the value of] [UK: ~~exploring opportunities for setting up under the Convention of an institutional mechanism~~ exploring opportunities for setting up under the Convention of an institutional mechanism to undertake activities relevant to promoting international cooperation in infectious disease prevention and associated capacity building [GERMANY: with due regard to activities carried out by other international organizations] [NAM: ~~Recognising that such activities initially] such a mechanism may contribute to national and international efforts pertaining to Article X, the Conference was of the view that in this regard useful synergies with implementation of Articles VI and VII of the Convention can also be pursued~~] [RUSSIA: Recognising that [UK ~~such a mechanism~~ such activities initially] such a mechanism may contribute to national and international efforts pertaining to Article X, the Conference was of the view that in this regard useful synergies with implementation of Articles VI and VII of the Convention can also be pursued.]**

[NAM and Other States: The Conference underlines the importance of capacity-building through international cooperation in developing capabilities for detecting, reporting, and responding to the outbreaks of infectious disease or biological weapons attacks, including in the areas of emergency preparedness, response, management, and mitigation.] [Editorial Comment: similar to 54d.]

58. *Renewing its appeal* for the use of the existing institutional means within the United Nations system and other international organizations, in accordance with their respective mandates, to promote the objectives of this Article, **[ALGERIA: the Conference highlights the importance [IRAN: recognizes the importance of strengthening the Convention in all its aspects] [ALGERIA: of strengthening the effectiveness of the Convention regime through a specific and effective mechanism to ensure 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.]** In this regard the Conference urges States Parties, the United Nations and its specialized agencies to take further specific measures within their competence for the promotion of the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and of international cooperation in this field. **[Editorial Comment: maybe for decisions and recommendations).**

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

60. The Conference recognises the need to effectively implement national measures in order to further implementation of Article X. In this regard, the Conference urges States Parties to *periodically* [IRAN: and regularly] review their national regulations governing international exchanges and transfers in order to [CUBA: remove any restrictions and/or limitations against States Parties inconsistent with the objectives and provisions of the Convention and] ensure their consistency with the objectives and provisions of all the articles of the Convention.

[NAM and Other States: The Conference emphasizes the importance of overcoming sustained challenges and obstacles to international cooperation, assistance and exchange in the biological sciences and technology. In this regard one of the main challenges for full, effective and non-discriminatory implementation of Article X is the existence of unjustified restrictions and /or limitations, including politically motivated ones, imposed against States Parties inconsistent with the provisions of the Convention.]

[NAM and Other States: The Conference emphasizes that there is an urgent need for the removal of any such restrictions and/ or limitations. States Parties should work together to develop procedures including in particular adopting an Action Plan for full, effective, and non-discriminatory implementation of Article X which include procedures for the settlement of disputes arising from concerns about the implementation of Article X.]

[NAM and Other States: The Conference identifies inter-alia the following specific tasks for the Action Plan][UK: general support for concept, but no Action Plan]

[NAM and Other States:

(a) Identify and address the needs in terms of equipment, materials and scientific and technological information regarding the use of bacteriological agents and toxin for peaceful purposes;

(b) Identify and overcome the obstacles hampering the full, effective and non-discriminatory implementation of Article X of the Convention, including by addressing the denial cases of States Parties;

(c) Mobilize the necessary resources, including financial resources, to facilitate in line with the obligations under Article X of the Convention, the widest possible exchange of equipment, material and scientific and technological information regarding the use of biological and toxin for peaceful purposes, in particular from developed to developing States Parties;

(d) Facilitate the development of human resources in developing States Parties in the implementation of the Convention, taking into account the special situation faced by them;

(e) Coordinate cooperation with other relevant international and regional organizations for financial and technological support of activities for the use of biological agents and toxin for peaceful purposes.]

[NAM and Other States: The Conference emphasizes that renewed] [UK continuing] [NAM: commitment, constructive and genuine cooperation between the South and the North are required in order to meet the continuing challenges of developing countries in health related issues taking into account the humanitarian requirements related to the health and security of mankind.]

[CUBA: 60 bis. (...) remove any restrictions and/or limitations against States Parties inconsistent with the objectives and provisions of the Convention (...)]

61. The Conference encourages States Parties to provide at least biannually appropriate information on how they implement this Article to the Implementation Support Unit within the United Nations Office for Disarmament Affairs, and requests the Implementation Support Unit to collate such information for the information of States Parties. The Conference welcomes the information provided by a number of States Parties on the cooperative measures they have undertaken towards fulfilling their Article X obligations.

[UK: The Conference] [NAM: notes the reports submitted by the States Parties on their activities and programs under Article X, and] [Germany: and invite other States Parties to join such activities] [NAM: calls for the continuation of these activities and programs and their reporting welcomes the many detailed and thorough reports submitted by the States Parties on their activities and programmes on the continuing implementation of Article X. The Conference notes that these reports re-affirm that the objectives and aspirations of this Article are being met given the depth and breadth of activities and programmes being reported. The Conference calls for the continuation of these activities and programmes and their reporting. The Conference expresses the hope that these implementation reports will be discussed in the next intersessional programme.]
[UK: welcomes the many detailed and thorough reports submitted by the States Parties on their activities and programmes on the continuing implementation of Article X. The Conference notes that these reports re-affirm that the objectives and aspirations of this Article are being met given the depth and breadth of activities and programmes being reported. The Conference calls for the continuation of these activities and programmes and their reporting. The Conference expresses the hope that these implementation reports will be discussed in the next intersessional programme.]

[IRAN: The Conference recognizes that the States Parties might use these reports to address cases of denials]

K. Article XI

[IRAN, ECUADOR: 62 pre. The Conference acknowledges the concerns about lack of prohibition of the use of biological weapons explicitly included in the Convention poses serious potential risks of use or threat of use of biological weapons, and endangers its universality.]

62. The Conference recalls that the Islamic Republic of Iran has formally presented at the Sixth Review Conference a proposal to amend Article I and the title of the Convention to include explicitly the prohibition of the use of biological weapons.

63. The Conference recalls the statement at the Sixth Review Conference by the Government of the Russian Federation as a Depositary that it has notified all States Parties of the proposal by the Islamic Republic of Iran to amend the Convention.

[IRAN, ECUADOR: 63 bis. The Conference further recalls that all States Parties were encouraged in the Fourth Review Conference “to convey their views to the depositaries on whether the convention needs to be amended to make clear explicitly that the use of biological weapons is effectively prohibited.]

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

L. Article XII

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

[IRAN: 65 bis. The Conference reaffirms that, pending an agreement on a comprehensive protocol on the balanced and non-discriminatory implementation of the Convention, the Review Conference of the States Parties, as the only forum to make substantive and procedural decisions, constitutes the effective method for 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.]

66. The Conference decides that the **Ninth** Review Conference shall be held in Geneva not later than **2016** **[CUBA & VENEZUELA: 2021]** **[US: 20??]** and should review the operation of the Convention, taking into account, *inter alia*:

- (a) new scientific and technological developments relevant to the Convention, taking into account the relevant decision of this Conference regarding the review of developments in the field of science and technology related to the Convention;
- (b) the progress made by States Parties on the implementation of the Convention;
- (c) progress of the implementation of decisions and recommendations agreed upon at the Seventh Review Conference, taking into account, as appropriate, decisions and recommendations reached at previous review conferences.

M. Article XIII

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

N. Article XIV

68. The Conference notes with satisfaction that **fifteen** states have acceded to or ratified the Convention since the **Seventh** Review Conference.

69. The Conference underlines that the objectives of the Convention will not be fully realized as long as there remains even a single state not party that could possess or acquire biological weapons.

70. The Conference reiterates the high importance of universalization, in particular by affirming the particular importance of the ratification of the Convention by signatory states and accession to the Convention by those which have not signed the Convention, without delay. States Parties agree to continue to promote universalization.

71. The Conference notes that the primary responsibility for promoting the universality of the Convention rests with the States Parties. The Conference urges States Parties to take action to persuade non-parties to accede to the Convention without delay, particularly welcomes action by States Parties and regional initiatives to provide assistance and support that would lead to wider accession to, ***or ratification of***, the Convention, ***and encourages enhanced action by States Parties to that end.***

72. The Conference welcomes regional initiatives that would lead to wider accession and adherence to the Convention.

73. The Conference urges those States Parties, in a position to do so, to offer assistance and support to States in their preparations for ratification or accession to the Convention.

O. Article XV

74. The Conference welcomes the decision of the Sixth Review Conference 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.

Annex II

Outline of the article-by-article review section of the draft final declaration of the Eighth Review Conference

Prepared by the Chairman of the Committee of the Whole³

A. Article I

1. The Conference reaffirms the importance Article I, as it defines the scope of the Convention. The Conference declares that the Convention is comprehensive in its scope and that all naturally or artificially created or altered microbial and other biological agents and toxins, as well as their components, regardless of their origin and method of production and whether they affect humans, animals, or plants, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes, are unequivocally covered by Article I.
2. The Conference reaffirms that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention and notes that the Conference has decided to include in the 2017 – 2020 intersessional programme **a working group** on review of developments in the field of science and technology related to the Convention.
3. The Conference strongly reaffirms that the use by the States Parties, in any way and under any circumstances of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict in order to exclude completely and forever the possibility of their use. The Conference affirms the determination of States Parties to condemn any use of biological agents or toxins other than for peaceful purposes, by anyone at any time.
4. The Conference notes 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 **a violation of Article I**.

B. Article II

5. The Conference reaffirms for any state ratifying or acceding to the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to, or upon ratification of, the Convention.
6. The Conference emphasises that states must take all necessary safety and security measures to protect human populations and the environment, including animals and plants, when carrying out such destruction and/or diversion. The Conference also stresses that these States Parties should provide information to all States Parties via the exchange of information (confidence-building measures form F).

³ This annex has been prepared by the Chairman of the Committee of the Whole under his own responsibility without prejudice to the position of any delegation.

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

C. Article III

8. The Conference reaffirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at the international and/or national levels.

9. The Conference calls for appropriate measures, including effective national export controls, by all States Parties to implement this Article, in order to ensure that direct and indirect transfers relevant to the Convention, to any recipient whatsoever, are authorized only when the intended use is for purposes not prohibited under the Convention.

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

10 bis. **The Conference stresses the importance of collective work to enhance controls over transfers and notes calls for a rule-making and institution-building process that could enhance States Parties' efforts consistent with the Convention in a gradual and orderly manner, to strengthen non-proliferation in the biological field, and facilitate international bio-technology at the same time.**

10 ter. **The Conference supports continued consideration of proposals on strengthening implementation of Article III, including on elements for effective national export controls, provision of cooperation, assistance and consultations. The Conference stresses the importance of limiting the risks of proliferation of biological weapons and noted proposals designed to enable State Parties to achieve this objective, through national measures and international cooperation, consistent with the provisions of the Convention.**

D. Article IV

11. The Conference reaffirms the commitment of States Parties to take the necessary national measures under this Article **and stresses the vital importance of doing so.** The Conference also reaffirms that the enactment and implementation of necessary national measures under this Article, in accordance with their constitutional processes **and consistent with the provisions of the Convention** would strengthen the effectiveness of the Convention **and contributes to combating acquisition and use of biological weapons and toxins, including by non-state actors.** In this context, the Conference calls upon States Parties to adopt, in accordance with their constitutional processes, , legislative, administrative, judicial and other **appropriate** measures, including penal legislation **and taking into account the relevant provisions of UNSCR 1540**, designed to:

(a) 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, equipment and means of delivery as specified in Article I of the Convention;

(b) 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;

(c) 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.

(d) make sure that there is no variance, legally or effectively, between legacy national policies and measures and obligations deriving from the provisions of this Convention.

11 bis. The Conference affirms that national implementation of the Convention requires concrete measures by all States Parties as well as international cooperation. The actions by States Parties should not only be limited to enacting relevant national laws aimed at complying with their commitments , but also to adopting other measures in order to strengthen national capacities, including the development of human and technological resources.

12. The Conference welcomes those measures taken by States Parties in this regard, and reiterates its call to any State Party that has not yet taken any necessary measures, to do so without **further** delay. The Conference encourages States Parties to provide appropriate information on any such measures they have taken, **including the text of relevant laws and regulations** as well as any other useful information on their implementation to the Implementation Support Unit within the United Nations Office for Disarmament Affairs.

12 bis. The Conference calls upon States Parties to regularly review and update national implementation measures to ensure their ongoing effectiveness, encourages States Parties to share information concerning such reviews, and affirms the importance of collectively reviewing the overall status of national implementation on a regular basis.

12 ter. **The Conference recognizes that there are diverse national situations for each of the States Parties but their commitments and obligations under the Convention are the same. Some States Parties may require assistance and cooperation to strengthen their national capacities for the implementation of this article of the Convention. States Parties which are in a position to provide assistance and cooperation to other States Parties in capacity building to implement the Convention are invited do so, if requested.**

13. The Conference **emphasizes** the **importance** of **appropriate** national implementation measures, as **adopted**, in accordance with the constitutional process of each State Party, to:

(a) **Ensure high** standards of biosafety and biosecurity;

(b) promote awareness among relevant professionals in the private and public sectors and throughout relevant scientific and administrative activities;

(c) ensure appropriate oversight of research or other activities with significant dual-use potential and examine oversight criteria, as appropriate, including for assessing risks and benefits, such as risks of misuse and risk mitigation measures;

(d) promote amongst those working in the biological sciences awareness of the obligations of States Parties under the Convention, as well as relevant national legislation and guidelines;

(e) 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;

f) strengthen methods and capacities for **preparedness**, surveillance and detection, **and response to** outbreaks of disease at the national, regional and international levels,

noting that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease;

(g) prevent anyone from developing, producing, stockpiling, or otherwise acquiring or retaining, transporting or transferring and using under any circumstances, biological agents and toxins, equipment, or their means of delivery for non-peaceful purposes;

(h) **promote a culture of responsibility amongst relevant national professionals, and develop and improve voluntary codes of conduct that would have the aim preventing biological scientists and other relevant national professionals in biosciences from using pathogens and toxins for hostile purposes, consistent with national legislation, standards and practices, adaptable to national requirements;**

13 bis. **The Conference stresses the critical importance of biosecurity education and awareness-raising in achieving effective implementation of the Convention, which should be put into effect through national implementation measures, as appropriate, in accordance with the constitutional process and practices of each State Party. The Conference notes that such measures could include:**

(a) **encouraging the promotion of a culture of responsible science among those working in the biological sciences and other relevant scientific disciplines;**

(b) **promoting among those working in the biological sciences, and other relevant scientific disciplines, awareness of the obligations of States Parties under the Convention, as well as relevant national legislation and guidelines;**

(c) **promoting the development and implementation of training and education programmes as well as training guides, handbooks and course materials, including raising awareness of the implications of dual use research and technology, for those granted access to biological agents and toxins relevant to the Convention, and especially for those with the knowledge or capacity to modify such agents and toxins;**

(d) **encouraging the development, adoption and promulgation of codes of conduct to promote awareness among relevant professionals in the private and public sectors and throughout relevant scientific and administrative activities.**

14. In this regard, the Conference welcomes assistance related to Article IV already provided and **encourages more organized and institutionalized support for States Parties. It also** encourages those States Parties, in a position to do so, to provide assistance, upon request, to other States Parties.

15. The Conference further encourages States Parties, that have not yet done so, in accordance with the recommendation of the Sixth Review Conference, to designate a national focal point for coordinating national implementation of the Convention and communicating with other States Parties and relevant international organizations.

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

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

17 bis. **The Conference emphasizes that national implementation measures under the Convention by the States Parties should consist of the full implementation of all provisions of the Convention; in this regard, the Conference urges all States Parties to take all necessary measures to ensure the implementation of relevant obligations under the Convention. To this end, the Conference urges the States Parties to review the national laws and regulations with the view to ensure that they would not hamper the fullest possible exchange of materials, equipment and technology in the case of use or threat of use of the biological weapons.**

17 ter. **The Conference stresses the value of adopting National CBRN Action Plans as a way to foster more effective national implementation of the Biological Weapons Convention. The Conference encourages States Parties to support the implementation of the National Action Plans - with the technical support of UNICRI, the EU CBRN Risk Mitigation Centres of Excellence, or other relevant partners - with a view to strengthening national measures to mitigate bio-risks in relation to Article IV of the Convention.**

E. Article V

18. The Conference reaffirms that:

- (a) 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;
- (b) any State Party which identifies such a problem should, as a rule, use this framework to address and resolve it;
- (c) States Parties should provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention.

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

20. The Conference takes note of initiatives from States Parties to promote confidence-building under the Convention.

20 bis. **CBMs are an important transparency measure to enhance trust, and in this regard the Conference recalls that the purpose of CBMs under the BWC as agreed by States Parties at the Second Review Conference and reconfirmed at subsequent Review Conferences is to prevent or reduce the occurrence of ambiguities, doubts and suspicions and to improve international cooperation in the field of peaceful biological activities. CBMs are not declarations and cannot be treated as such for addressing non-compliance.**

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

21 bis. **The Conference reaffirms the right of any two or more States Parties to arrange by mutual consent appropriate procedures to clarify and resolve any matter that may cause doubt about compliance or gives rise to a concern about a related matter that may be considered ambiguous. States Parties decided to develop illustrative options or non-binding guidelines for States Parties to draw upon in seeking clarification, in order to facilitate the process**

22. The Conference emphasises the importance of the exchange of information among States Parties through the confidence-building measures (CBMs) agreed at the Second and Third Review Conferences. The Conference welcomes the exchange of information carried out under these measures and notes that this has contributed to enhancing transparency and building confidence. **In this context, a number of States Parties presented experiences of conducting and participating in bilaterally or multilaterally agreed exercises, including on-site visits to facilities, aimed at promoting exchanges of information as a voluntary transparency and confidence building measure, as well as a contribution to a collaborative approach on implementation through the exchange of good practices. States Parties agree that such activities are not a substitute for verification.**

23. The Conference recognises the **continuing** need to increase the number of States Parties participating in CBMs and calls upon all States Parties to participate annually. The Conference notes that since the **Seventh** Review Conference, there has **been an encouraging** increase in the percentage of State Parties submitting their CBMs. The Conference emphasises the importance **of all States Parties meeting this important political commitment, which was established in order to reduce the occurrence of doubts and ambiguities..**

24. The Conference recognises the technical difficulties experienced by some States Parties in completing full and timely submissions. The Conference urges those States Parties, in a position to do so, to provide technical assistance and support, through training **or workshop** for instance, to those States Parties requesting it to assist them to complete their annual CBM submissions. **The Conference recalls that further amendments to the CBMs forms were agreed to at the Seventh Review Conference with the aim inter alia to increase the number of States Parties which submit CBMs returns.**

25. The Conference notes the desirability of making the CBMs more user-friendly and stresses the need to ensure that they provide relevant and appropriate information to States Parties. **Recalling the decision of the Sixth Review Conference to develop an electronic format for CBMs, the Conference emphasizes the importance of completing this task, and decides to provide resources to support the further development and ongoing operation and maintenance of the CBM electronic platform.**

25 bis. **The Conference supports updating CBM formats related to the object and purposes of the Convention and in a manner that does not place undue burden on States Parties.**

26. The Conference recalls that the Third Review Conference agreed, “that the exchange of information and data, using the revised forms, be sent to the United Nations Department for Disarmament Affairs no later than 15 April on an annual basis”. The Conference reaffirms that the data submitted in the framework of the annual exchange of information should be provided to the Implementation Support Unit within the United Nations Office for Disarmament Affairs and promptly made available electronically by it to all States Parties according to the updated modalities and forms in Annex I. The Conference recalls that information supplied by a State Party must not be further circulated or made available without the express permission of that State Party. The Conference notes the fact that certain States Parties made the information they provide publicly available.

F. Article VI

26 bis. The States parties reaffirm the need to cooperate fully with the United Nations Security Council in carrying out any biological or toxin weapons investigation it may initiate and also the United Nations Secretary General in carrying out such investigation through use of the Secretary General's Mechanism to investigate allegations of CBW use.

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

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

28 bis. The Conference underlines that verification of compliance is critically important for States Parties to be collectively reassured that the provisions of the Convention are being realized.

29. The Conference invites the Security Council:

- (a) to consider immediately any complaints lodged under this Article and to initiate any measures it considers necessary for the investigation of the complaint in accordance with the Charter;
- (b) to request, if it deems necessary 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;
- (c) to inform each State Party of the results of any investigation initiated under this Article and to consider promptly any appropriate further action which may be necessary.

29 bis. The Conference notes the value of exploring opportunities for enhancing the Convention's contribution to investigate alleged use of biological weapons in breach of obligations arising from the Convention. The Conference is cognisant of the importance of pursuing such exploration mindful of the importance of building synergies and complementarity, as appropriate, with relevant international organisations with due recognition of the respective mandates, consistent with the provisions of the Convention.

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

31. The Conference notes that the procedure outlined in this Article is without prejudice to the prerogative of the States Parties to consider jointly 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.

31 bis. The Conference calls upon all States Parties to refrain from raising any unfounded allegation against other State Parties, and highlights the importance of consultation and clarifications before lodging a complaint against another State Parties in the Security Council.

G. Article VII

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

32 bis. The Conference reaffirms that **the international community should be prepared to face such situation well in advance and to dispatch emergency assistance in case of use of bacteriological (biological) or toxin weapons, and also to provide assistance, including humanitarian and other assistance to the requesting State Party.**

33. The Conference takes note of **the tragic Ebola outbreak (2014/2015) in West Africa that has underlined the importance of rapid detection and prompt, effective, and coordinated response in addressing outbreaks of infectious diseases, and recognizes that these considerations would be relevant as well in the event of alleged use of biological or toxin weapons, which may pose additional challenges.**

33 bis. **The Conference considers that,** should a request for assistance be made, it **should** be promptly considered and an appropriate response provided. In this context, in view of the humanitarian imperative, **the Conference encourages States Parties in a position to do so to provide timely emergency assistance, if requested** pending consideration of a decision by the Security Council.

34. The Conference recognises that States Parties bear the responsibility for providing assistance and coordinating with relevant organizations in the case of alleged use of biological or toxin weapons, **in accordance with their respective obligations.** 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 State Party which so requests, **if that State Party has been exposed to danger as a result of a violation of the Convention, to ensure effective, timely and coordinated delivery of such assistance in conformity with the request for assistance.**

36. The Conference considers that in the event that this Article might be invoked, the United Nations could play a coordinating role in providing **and delivering** assistance **under the BWC**, with the help of States Parties, as well as the appropriate intergovernmental organizations, in accordance with their respective mandates, 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).

37. The Conference recognizes that there are challenges to developing effective measures for the provision of assistance and coordination with relevant international organizations to respond to the use of a biological or toxin weapon. The Conference underlines the importance of the coordination of the provision of appropriate assistance, including expertise, information, protection, detection, decontamination, prophylactic and medical and other equipment that could be required to assist the States Parties in the event that a State Party is exposed to danger as a result of a violation of the Convention. The Conference also **notes the need for a specific procedure by which** timely emergency assistance **can be provided, including to better identify accessible information on the types of assistance that might be available in order to ensure prompt response and timely emergency and humanitarian assistance by States Parties, if requested in the event of use of biological weapons.**

37 bis. **The Conference agrees that the United Nations and other international organizations could also play an important role in coordinating, mobilizing and delivering the required support and assistance. In this respect, the capacities and experiences of UN and relevant international organizations should be identified and used, within their mandates, when required and upon request of the concerned State Party.**

37 ter. **The Conference notes that States Parties' national preparedness and capacities also contribute directly to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons.**

37 quart. **The conference notes that these capacities can also contribute to enabling States Parties to more clearly identify assistance needs. The Conference recognizes capacity building at the national and international levels as the most immediate imperative for enhancing and strengthening the capacity of the States Parties to promptly and effectively detect and respond to the alleged use or threat of use of biological weapons.**

37 quin. **While noting that States Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, the Conference stresses that this should not be imposed as precondition for either provision or receipt of assistance.**

38. The Conference notes that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences **may directly affect both** national and international capacity to respond effectively to an alleged use of a biological or toxin weapon. The Conference encourages States Parties, in a position to do so, to assist other States Parties, upon request, to build relevant capacity.

39. The Conference notes the need for States Parties to work nationally, and jointly, as appropriate, to improve, in accordance with their respective circumstances, national laws and regulations, their own disease surveillance and detection capacities for identifying and confirming the cause of outbreaks and cooperating, upon request, to build the capacity of other States Parties. The Conference notes that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease; such aims are compatible with the objectives of the Convention

40. On the provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, States Parties recognize that in this regard health and security issues are interrelated at both the national and international levels. The Conference highlights the importance of pursuing initiatives in this area through effective cooperation and sustainable partnerships. The Conference notes the importance of ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plants or the environment. The Conference also recognizes that capabilities to detect, quickly and effectively respond to, and recover from, the alleged use of a biological or toxin weapon need to be in place before they are required, **and takes note of the initiatives that promote international cooperation toward this goal.**

40. bis. **The Conference welcomes the discussions that have taken place during the intersessional process and stresses the necessity to build on these discussions throughout the next intersessional process in order to operationalize further the provisions of Article VII.**

40 tert. **The conference supports the establishment of a database open to all States Parties to facilitate assistance under the framework of Article VII. The purpose of this database could be one way to help implement Article VII of the BWC and allow matching specific offers and requests for assistance.**

H. Article VIII

41. The Conference **calls upon** all States Parties to the 1925 Geneva Protocol to fulfil their obligations assumed under that Protocol and urges all states not yet party to the Protocol, **and particularly BWC States Parties that are not yet party to the Geneva Protocol**, to ratify or accede to it without further delay **and without any pertinent condition**.

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

43. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Convention.

44. The Conference recalls the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Convention. **Nevertheless, the Conference reaffirms that the use of biological weapons is contrary to the object and purposes of this Convention and welcomes** the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Convention.

45. The Conference **stresses** 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, stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use **and consequently urges** 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 accordingly, without delay.

45 bis. **The Conference encourages those States Parties that continue to maintain such pertinent reservations to conduct national reviews to look into this matter with a view to expediting withdrawal of such reservations.**

46. The Conference notes that the Secretary-General's 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 **reports that may be brought to his attention by any Member State of the United Nations concerning the possible** use of biological or toxin weapons **that may constitute a violation of the 1925 Geneva Protocol or other relevant rules of customary international law. The Conference urges the United Nations Secretary-General to ensure the operational readiness of the mechanism, encourages States Parties to support the Secretary-General in these efforts, calls upon States Parties to update their nominations of experts and laboratories and ensure their availability**, and notes national initiatives to provide relevant training to experts that could support the Secretary-General's investigative mechanism.

I. Article IX

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

48. The Conference welcomes the fact that the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction entered into force on 29 April 1997 and that 192 instruments of ratification or

accession have now been deposited with the United Nations. The Conference calls upon all states that have not yet done so to ratify or accede to that Convention without delay.

49. The Conference notes the **accelerating pace of** convergence of biology and chemistry and its possible challenges and opportunities for the implementation of the Conventions.

J. Article X

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

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

51 bis. **The Conference recognizes that the rapid pace of scientific and technological developments has created new opportunities for implementation of Article X of the Convention including, inter alia, developments of special relevance to disease surveillance, diagnosis and mitigation.**

51. ter **The Conference reaffirms that nothing in the Convention prejudices the rights of States Parties to, individually or collectively, conduct research with, develop, produce, acquire, retain, transfer and use microbial and other biological agents and toxins for peaceful purposes.**

52. The Conference recognises the important role of the private sector in the transfer of technology, information **and overall contributions to disease prevention, mitigation, and response and to global health solutions together with** the wide range of organizations within the United Nations system that are already engaged in international cooperation relevant to this Convention. **Private sector involvement can assist States Parties to access advances in biotechnology and benefit from the fullest possible exchange of equipment, materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes.**

53. Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, the Conference agrees on the value of working together to promote capacity building in the fields of vaccine and drug production, disease surveillance, detection, diagnosis, and containment of infectious diseases as well as biological risk management. The Conference affirms that building such capacity would directly support the achievement of the objectives of the Convention.

54. The Conference:

- (a) encourages 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;
- (b) notes 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;
- (c) encourages States Parties to improve communication on disease surveillance at all levels, including between States Parties and with the WHO, FAO, OIE and IPPC;
- (d) calls 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 including in the area and integrate these efforts into national and/or regional emergency and disaster management plans;
- (e) urges 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;
- (f) calls upon States Parties to promote the development and production of vaccines and drugs to treat infectious disease through international cooperation and, as appropriate, public-private partnerships.
- (g) encourages States Parties to promote private sector partnerships by ensuring strong intellectual property right protections, a skilled workforce, stable policy environments with predictable regulatory regimes, and equitable market access.**
- (h) stresses that there should be no hampering to peaceful activities, such as vaccine development, including through international cooperation, which provides the fullest possible benefits for countries less advanced in this field to meet their public health needs.**

55. The Conference **reaffirms** the importance of developing effective national infrastructure for human, animal and plant disease surveillance, detection, diagnosis and containment, as well as national biological risk management through international cooperation and assistance.

56. The Conference, while noting existing bilateral, regional and multilateral assistance, cooperation and partnerships, recognizes, however, that there still remain challenges to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes and that addressing such problems, challenges, needs and restrictions will help States Parties, **in particular, countries less advanced in this field**, to build sufficient capacity for disease surveillance, detection, diagnosis and containment. Keeping in mind Article X, the Conference agrees on the value of targeting and mobilizing resources, including financial resources, to facilitate the fullest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. Recognizing that all States Parties have a role to play, the Conference stresses that those States Parties seeking to build their capacity should identify their specific needs and requirements and seek partnerships with others, and that those States Parties, in a position to do so, should provide assistance and support.

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

Acknowledging the importance of drawing lessons from the Ebola disease outbreak in West Africa, including the need to address the lack of ready operational capacity, the Conference stresses the value of exploring promoting international cooperation in infectious disease prevention and associated capacity building. Recognising that this may contribute to national and international efforts pertaining to Article X, the Conference was of the view that in this regard useful synergies with implementation of Articles VI and VII of the Convention can also be pursued.

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

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

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

60 bis. **The Conference also recognizes the need to remove any restrictions and/or limitations against States Parties inconsistent with the objectives and provisions of the Convention.**

60 ter. **The Conference identifies inter-alia the following specific tasks for further consideration:**

(a) Identify and address the needs in terms of equipment, materials and scientific and technological information regarding the use of bacteriological agents and toxin for peaceful purposes;

(b) Identify and overcome the obstacles hampering the implementation of Article X of the Conventions;

(c) Mobilize the necessary resources, including financial resources, to facilitate in line with the obligations under Article X of the Convention, the widest possible exchange of equipment, material and scientific and technological information regarding the use of biological and toxin for peaceful purposes;

(d) Facilitate the development of human resources in developing States Parties in the implementation of the Convention, taking into account the special situation faced by them;

(e) Coordinate cooperation with other relevant international and regional organizations for financial and technological support of activities for the use of biological agents and toxin for peaceful purposes.

60 quart. **The Conference emphasizes that continuing commitment, constructive and genuine cooperation between the South and the North are required in order to meet the continuing challenges of countries less advanced in this field in health related**

issues, taking into account the humanitarian requirements related to the health and security of mankind.

61. The Conference encourages States Parties to provide at least biannually appropriate information on how they implement this Article to the Implementation Support Unit within the United Nations Office for Disarmament Affairs, and requests the Implementation Support Unit to collate such information for the information of States Parties. The Conference welcomes the information provided by a number of States Parties on the cooperative measures they have undertaken towards fulfilling their Article X obligations.

61 bis. The Conference welcomes the reports submitted by the States Parties on their activities and programmes on the continuing implementation of Article X. The Conference notes that these reports re-affirm that the objectives and aspirations of this Article are being met given the depth and breadth of activities and programmes being reported. The Conference calls for the continuation of these activities and programmes and their reporting. The Conference expresses the hope that these implementation reports will be discussed in the next intersessional programme.

K. Article XI

62. The Conference recalls that the Islamic Republic of Iran has formally presented at the Sixth Review Conference a proposal to amend Article I and the title of the Convention to include explicitly the prohibition of the use of biological weapons.

63. The Conference recalls the statement at the Sixth Review Conference by the Government of the Russian Federation as a Depositary that it has notified all States Parties of the proposal by the Islamic Republic of Iran to amend the Convention.

63 bis. The Conference recalls that all States Parties were encouraged in the Fourth Review Conference to convey their views to the depositaries on whether the Convention needs to be amended to make clear explicitly that the use of biological weapons is effectively prohibited. Of the 52 responses the United States and the United Kingdom of Great Britain and Northern Ireland received, 49 said they did not support the amendment and three were supportive.

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

L. Article XII

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

66. The Conference decides that the Seventh Review Conference shall be held in Geneva not later than **20xx** and should review the operation of the Convention, taking into account, *inter alia*

- (a) new scientific and technological developments relevant to the Convention, taking into account the relevant decision of this Conference regarding the review of developments in the field of science and technology related to the Convention;
- (b) the progress made by States Parties on the implementation of the Convention;

(c) progress of the implementation of decisions and recommendations agreed upon at the Seventh Review Conference, taking into account, as appropriate, decisions and recommendations reached at previous review conferences.

65 bis. **The Conference reaffirms that, pending an agreement on a comprehensive protocol on implementation of the Convention, the Review Conference of the States Parties, as forum to make substantive and procedural decisions, constitutes the effective method for 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.**

M. Article XIII

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

N. Article XIV

68. The Conference notes with satisfaction that **fifteen** states have acceded to or ratified the Convention since the **Seventh** Review Conference.

69. The Conference underlines that the objectives of the Convention will not be fully realized as long as there remains even a single state not party that could possess or acquire biological weapons.

70. The Conference reiterates the high importance of universalization, in particular by affirming the particular importance of the ratification of the Convention by signatory states and accession to the Convention by those which have not signed the Convention, without delay. States Parties agree to continue to promote universalization.

71. The Conference notes that the primary responsibility for promoting the universality of the Convention rests with the States Parties. The Conference urges States Parties to take action to persuade non-parties to accede to the Convention without delay, particularly welcomes action by States Parties and regional initiatives to provide assistance and support that would lead to wider accession to, or ratification of the Convention, and encourages enhanced action by States Parties to that end.

72. The Conference welcomes regional initiatives that would lead to wider accession and adherence to the Convention.

73. The Conference urges those States Parties, in a position to do so, to offer assistance and support to States in their preparations for ratification or accession to the Convention.

O. Article XV

74. The Conference welcomes the decision of the Sixth Review Conference 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.
