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**Ninth 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**

8 December 2022

English only

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Geneva, 28 November – 16 December 2022

**Proposals made to the Committee of the Whole (as at 15.00, 3  
December 2022)**

**Submitted by the Chair of the Committee of the Whole**

1. This document collates all the textual proposals submitted to the Secretariat by 18.00 on 3 December 2022 for the text of the final document of the Ninth Review Conference.
2. Part I of this document contains textual proposals received by the Secretariat which could be included in the article-by article review based on language of the Final Document adopted by the Eighth Review Conference (BWC/CONF.VIII/4 and Corr.1). New text proposed for inclusion by States Parties is shown in underlined text. Text proposed for deletion by States Parties is shown in strikethrough text. Where provided, paragraph numbers reflect those in the Final Document of the Eighth Review Conference, if not provided the paragraphs remain unnumbered. One State Party provided brief explanations for proposed additions, revisions and deletions which are shown in italicized text.
3. Part II contains proposals received by the Secretariat on “forward-looking” issues which could be included in Part III (Decisions and Recommendations) of the Final Document of the Ninth Review Conference.



## I. Textual proposals on the article-by article review

### Article I

#### **Azerbaijan on behalf of the Group of the Non-Aligned Movement and Other States to the BWC**

The Conference strongly supports the provisions of Article I of the Convention.

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.

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.

The Conference reaffirms other understandings under this Article, reflected in the Final Declarations of earlier Review Conferences.

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.

#### **Brazil**

The Conference reaffirms that any kind of experimentation of pathogens or toxins harmful to humankind, animals, plants and biodiversity that has no justification for prophylactic, protective or other peaceful purposes is inconsistent with obligations contained in Article I.

#### **Cuba**

4 bis. The Conference recognizes that the most effective way to ensure the full and effective implementation of Article I, would be the adoption of a legally binding Protocol, which includes verification measures.

#### **Iran (Islamic Republic of)**

Reaffirm the prohibitions under Article I.

Emphasize the vital importance of full implementation by all States Parties of the provision of Article I.

Reaffirm that non-compliance with undertaking under Article I would undermine confidence in the Convention.

Urge States parties to refrain from activities which are in breach of obligations under Article I.

Note the urgent need for negotiation and establishment of an effective and non-discriminatory mechanism under the Convention to verify and ensure the full compliance with obligations under Article I.

Reaffirm commitment by all States parties never in any circumstances to use microbial or other biological agents or toxins for hostile purposes or as weapon in armed conflict.

Reaffirm that the use by the States Parties, in any way and under any circumstances, of microbial or other biological agents or toxins, for hostile purposes or as weapon in armed conflict, is effectively a violation of Article I of the Convention.

Reaffirm the determination of States Parties to condemn any use of biological agents or toxins for hostile purposes or as weapon in armed conflict, by anyone at any time.

Recognize the importance and urgency of explicit inclusion of prohibition of the use of biological weapons in the Convention and the need for amending the Title and Article I of the Convention.

### **Ireland**

3. The Conference reaffirms that the use by the States Parties, in any way and under any circumstances of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict in order to exclude completely and forever the possibility of their use. The Conference affirms the determination of States Parties to condemn any use or threat of use of biological agents or toxins other than for peaceful purposes, by anyone at any time.

### **Russian Federation**

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, including in international cooperation.

### **United States of America**

*Add an understanding that the scope of the Convention covers anti-material agents (BWC/Conf.VIII/FD, Article I, para 1):*

1. The Conference reaffirms the importance of Article I, as it defines the scope of the Convention. The Conference declares that the Convention is comprehensive in its scope and that all naturally or artificially created or altered microbial and other biological agents and toxins, as well as their components, regardless of their origin and method of production and whether they affect humans, animals or plants, 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, as are biological anti-material agents.

*Re-introduce para from the Fourth RevCon on Implementation and Compliance (BWC/Conf.IV, FD, Article I, para 9):*

1 bis. The Conference emphasizes the vital importance of full implementation by all States Parties of all the provisions of the Convention, especially Articles I, II, III and IV. 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.

*Add a new paragraph (BWC/MSP/2008/5, paragraph 26) to the Article I review, as follows:*

1 ter. The Conference recognizes the importance of ensuring that those working in the biological sciences are aware of the obligations under the Convention and the relevant national legislation and guidelines, have a clear understanding of the content, purpose, and foreseeable social, environmental, health and security consequences of their activities, and are encouraged to take an active role in addressing the threats posed by the potential misuse of biological agents and toxins, including bioterrorism. The Conference encourages the members of the newly established "S&T review body" to propagate the message about scientists' obligations.

*Add additional understandings regarding coverage of new S&T developments under Article I as follows (BWC/Conf.VIII/FD, Article I, para 2):*

2. The Convention 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, including developments regarding the targeted modification of genetic material.

*Add additional understanding regarding BW use BWC/Conf.VIII/FD, Article I, para 3):*

3. The Conference reaffirms that the use by the States Parties, in any way and under any circumstances of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict in order to exclude completely and forever the possibility of their use. The Conference understands that plans or preparations designed to facilitate future production and/or use of biological weapons are also incompatible with the BWC, and that developing, producing, stockpiling, or otherwise acquiring or retaining a vector to deliver biological agents or toxins for hostile purposes is prohibited under the Convention. 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.

## Article II

### Cuba

1. The Conference welcomes statements made by States Parties, and newly acceding and ratifying States Parties, that they do not possess, nor has the intention to possess under any circumstances, agents, toxins, weapons, equipment or means of delivery as prohibited by Article I of the Convention.

### Iran (Islamic Republic of)

Recall and reaffirm the common understandings of States parties regarding the implementation of Article II as registered in the final document of previous Review Conference.

Emphasize the vital importance of full implementation of the provisions of Article II of the Convention.

Recognize the urgent need for negotiation and establishment of an effective and non-discriminatory mechanism under the Convention to verify the full implementation of obligation under Article II.

### United States of America

*Update paragraph 6 to include calls for “complete and accurate” CBM Form F submissions and for null submissions where appropriate (BWC, 8th RevCon FD, Article II, para 6):*

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 complete and accurate appropriate information to all States Parties via the exchange of information (confidence- building measures form F) and, if they have not engaged in such programs, should provide null submissions.

*Update paragraph 7 to welcome “and seek” statements from States Parties that they do not possess agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention and to state that completion of Form F serves this purpose (BWC 8th RevCon FD, Para 7):*

7. The Conference welcomes and seeks statements made by States Parties, and newly

acceding and ratifying States Parties, that either reaffirms or states they do not possess agents, toxins, weapons, equipment or means of delivery as prohibited by Article I of the Convention. Completion of Confidence-building Measure F will serve this purpose.

## Article III

### **Azerbaijan on behalf of the Group of the Non-Aligned Movement and Other States to the BWC**

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 States Parties under the Convention.

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.

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.

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.

### **Cuba**

9. The Conference calls for appropriate measures, including effective national export controls consistent with the objectives 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, are authorized only when the intended use is for purposes not prohibited under the Convention.

9 bis. The Conference recognizes that non-proliferation efforts are best addressed through the establishment of a non-discriminatory export control mechanism negotiated and agreed by the States Parties under the framework of the Convention.

### **Iran (Islamic Republic of)**

Emphasize that the provision of Article III shall be implemented in a manner to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful biological activities.

Reaffirm that the implementation of national measures under Article III should be consistent with full, effective and non-discriminatory implementation of Article X.

Express concern regarding the incompatibility of limited, selective, discriminatory and non-transparent export control regimes outside the framework of Convention, with the object and purpose of the Convention, in particular with the obligations of States parties under Article X of the Convention.

Reiterate that States parties should not use the provisions of Article III to impose restrictions and/or limitations on transfers of scientific knowledge, technology, equipment and materials peaceful purposes.

Recognize the need for multilaterally negotiated guidelines within the framework of the Convention for implementation of Article III in a non-discriminatory manner and consistent with

Article X of the Convention.

## Philippines

The Conference calls on all States Parties to refrain from using the provisions of this Article to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention.

The Conference encourages States Parties to enhance their domestic governance frameworks 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 by this Convention.

## United States of America

*Supplement paragraph 8 by adding reference to state and non-state actors taking into account the concern about terrorist use of WMD:*

8. The Conference reaffirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at the international, national or sub-national levels including state and non-state actors alike.

*Supplement paragraph 9 by adding reference to state and non-state actors:*

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, including state or non-state actors alike, are authorized only when the intended use is for purposes not prohibited under the Convention.

*Add a new paragraph focusing on the contribution of Article III to BW nonproliferation, drawing on UNSCR 1540 Pp1 (“Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security..”):*

9 bis. Affirming that proliferation of biological and toxin weapons, as well as their means of delivery, constitutes a threat to international peace and security, the Conference welcomes all efforts of States Parties to implement Article III and the important contribution that effective implementation of Article III makes to the nonproliferation of biological and toxin weapons, as well as their means of delivery.

*Supplement para 10 with language stating that peaceful uses should not be used as a cover for proliferation, drawing on 1540 preambular language:*

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, while goals of peaceful utilization should not be used as a cover for proliferation.

*Add a new paragraph regarding assistance and cooperation in implementing national measures:*

10 bis. The Conference encourages those States Parties in a position to do so 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.

*Add a new paragraph noting positive contribution of Article III implementation to promoting cooperation: 10 ter.*

The Conference affirms that effective implementation of Article III contributes to promoting international exchange in the life sciences and biotechnology, including access to medical prophylaxes and therapies, by increasing assurance that such exchanges will be used for exclusively peaceful purposes.

*Add a new paragraph, per the U.S.-India Working paper regarding measures to implement Article III:*

10 quater. The Conference recommends that, in establishing, amending, or reviewing measures to implement Article III as necessary and in accordance with constitutional procedures, States Parties should ensure that these include:

- Appropriate legislation, regulatory or administrative provisions to regulate transfers relevant to 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;
- A list of items requiring authorization prior to export; such a list should include materials and technologies (such as the list of items set out by the United Nations in S/2006/853) 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;
- 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;
- Export control guidelines that are comprehensive and include criteria for transfers to limit the risks of proliferation of biological and toxin weapons by States or non-State actors, including the risks of such items falling into the hands of terrorist groups or individuals; and
- Regular outreach to all stakeholders including industry and academia.

*Add a new para on voluntary consulting on implementation of national measures under Article III, as provided for under Article X, as proposed in the U.S.-India Working Paper:*

10 quinquies. 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.

## Article IV

### **Azerbaijan on behalf of the Group of the Non-Aligned Movement and Other States to the BWC**

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 NAM continues to attach high importance to preserving and eventually resuming that work.

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.

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.

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.

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, especially developing countries, may require assistance and cooperation to strengthen their national capacities for the full implementation of 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 should do so, if requested.

The Conference recognizes that the COVID-19 Pandemic has greatly disrupted lives and livelihoods of millions of people and continues to pose unprecedented impacts and challenges to societies and economies.

The Conference in this regard underscores the critical importance of proper preparedness, prevention, resilience-building, and greater national, regional and international collaboration, worldwide solidarity and actions in addressing these challenges in an effective and timely manner.<sup>1</sup>

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.

The Conference takes note of the different proposals put forward by States parties during the inter-sessional period on strengthening national implementation and 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, it emphasizes 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.

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, equipment, 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.

To this end, the States parties must develop and strengthen the institutional and organizational architecture of the Convention to respond to or provide assistance to a State party that has been exposed to danger due to violation(s) of the Convention as well as to facilitate full, effective and non-discriminatory implementation of Article X. This includes, in particular, the development of an appropriate mechanism 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.

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

- 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.
- 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.
- 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.

- To identify obstacles and challenges related to the national implementation that hampers the fullest possible exchange of equipment, material and technology for peaceful purposes.
- 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.
- 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.
- To promote international cooperation at all levels, particularly regional and sub-regional.

### **Belgium, Austria, Chile, France, Germany, Iraq, Ireland, Mexico, Netherlands, Philippines, Republic of Korea, Spain, Thailand and the United States of America**

Welcome the development and encourage the implementation of biorisk management standards within the life sciences community.

Recognise that biorisk management standards can play a complementary and supportive role in the implementation of the obligations of the BTWC.

Call on the life sciences community to assist in establishing and enhancing biorisk management by drawing upon appropriate international, regional, national, and industrial standards, and to contribute towards their regular review and improvement.

Encourage States Parties to provide assistance, where appropriate, for the implementation of biorisk management standards in life science institutions in accordance with Article X, taking into account the relevant national circumstances.

The Conference recommends within the intersessional program of work, to enter into dialogue with representatives from biosafety associations, the life sciences community and international standards organizations in order to discuss means and methods to raise awareness regarding international biorisk management standards and to facilitate their application.

### **Cuba**

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

12 bis. The Conference stresses that States Parties should undertake periodical reviews of their national implementation measures, including legislative, administrative, judicial and others, to ensure that they are in full conformity with the objectives and provisions of all the articles of the Convention, including Article X.

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 prohibit, eliminate and/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.

**France, Belgium, Canada, Chile, Czech Republic, Georgia, Germany,  
Luxembourg, Mexico, Morocco, Netherlands and Spain**

The Conference also welcomes voluntary transparency exercises as a way to contribute to improving international cooperation, strengthening national implementation of the Convention by States parties and enhancing confidence among States Parties.

**Iran (Islamic Republic of)**

Emphasize the vital importance of full implementation by all States Parties of the provision of Article IV in order to exclude use of biological and toxin weapons.

Emphasize that the provision of Article IV shall be implemented in a manner to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful biological activities.

Reiterate that national implementation measures should not create undue restrictions for legitimate trade and transfer of biological agents and toxins, equipments, materials and related technologies for peaceful purposes among States Parties.

Recall that national implementation of the Convention requires pursuing measures to strengthen national capacities, including the development of human and technological resources.

Emphasize that it is necessary for States Parties to work together for enhancing national implementation by sharing best practices and experiences, exchange of information on implementation of national measures.

Express serious concern regarding the harmful effects of unilateral coercive measures or unilateral sanctions on the ability of targeted States parties for national implementation of the Convention.

reiterate 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.

Stress that the management of potential risk of misuse of advances of S&T should not lead to restrictions and/or limitations on transfers of biological agents, toxins, scientific knowledge, technology, equipment and materials for peaceful purposes among the States Parties.

Encourage States parties to support and promote a 'culture of responsibility' in conducting research and development in the life sciences.

**Netherlands**

The Ninth Review Conference takes note of the value of national implementation measures and encourages States Parties to develop and implement pathogen repository and inventory systems, including by identifying and documenting information in dedicated electronic databases on entities that store or maintain dangerous pathogens.

**Panama**

The Conference recalls United Nations Security Council resolution 1325 (2000), which reaffirms the importance of the equal participation and full involvement of women in all efforts for the maintenance and promotion of peace and security. The Conference encourages States Parties to promote the empowerment of women, including through education, training, mentoring and capacity-building efforts, as appropriate, to participate in the design and implementation of national measures under this Article, and invites States Parties in a position to do so to voluntarily share good practices and experiences in that regard.

**Philippines**

The Conference recognizes that the COVID-19 pandemic has greatly disrupted the lives and

livelihood of millions of people and, in this regard, underscore the importance of proper preparedness, prevention, resilience-building, and greater national, regional, and international collaboration, worldwide solidarity and actions in addressing these challenges in an effective and timely manner.

The Conference acknowledges that the lessons of COVID-19 demonstrates that the impact of a biological attack knows no border and imperils all States. The importance of enacting and implementing necessary national measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of agents, toxins, equipment and means of delivery in accordance with each States Parties' constitutional processes has therefore taken a new level of urgency.

The Conference welcomes national measures undertaken during the past review cycle to:

- Enhance the domestic implementation of the Convention, including the adoption of strategic trade management legislations;
- 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 and toxins.

The Conference, while we acknowledge that States Parties bear primary responsibility for implementing this Article, which entails robust biorisk management, welcome complementary efforts by the private sector, including industry, in enhancing biosafety and biosecurity of relevant laboratories.

The Conference welcomes the development and encourages the implementation of biorisk management standards within the life sciences community.

The Conference recognizes that biorisk management standards can play a complementary and supportive role in the implementation of the obligations of the BWC.

The Conference calls on the life sciences community to assist in establishing and enhancing biorisk management by drawing upon appropriate international, regional, national, and industrial standards, and to contribute towards their regular review and improvement.

The Conference encourages States Parties to provide assistance, where appropriate, for the implementation of biorisk management standards in life science institutions in accordance with Article X, taking into account the relevant national circumstances.

The Conferences calls for dialogue between States Parties and representatives from biosafety associations, the life sciences community and international standards organizations in order to discuss means and methods to raise awareness regarding international biorisk management standards and to facilitate their application could be a helpful component of any future intersessional work program that this Conference may agree upon.

The Conference recalls United Nations Security Council resolution 1540 that places nonproliferation obligations on all states consistent with the provisions of this Convention, and to call on all States Parties to adhere to and implement it fully.

The Conference acknowledges 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 further acknowledges the usefulness of the information provided to the United Nations by states in accordance with resolution 1540 as a resource for States Parties in fulfilling their obligations under this Article.

## **Russian Federation**

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

penal legislation, designed to:

### United States of America

*Supplement 8<sup>th</sup> RevCon FD language with a reference to the importance of Article IV implementation in combatting acquisition and use of BW, including by non-State actors:*

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, would strengthen the effectiveness of the Convention and contribute to combating the acquisition and use of biological and toxin weapons, 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 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.

Such measures should include all measures set out in paragraphs 2 and 3 of UNSCR 1540 insofar as those provisions apply to biological weapons, means of delivery, and related materials.

*Retain 8th RevCon language welcoming measures taken by States Parties and encourage those that have not taken such measures to do so without delay:*

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 calls upon all 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, and notes that the CBM Form E should be used for this purpose.

*Add new language on regular review and exchange:*

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

*Supplement 8th RevCon FD language on special national implementation measures:*

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

- (a) Ensure effective measures of ~~implement voluntary management standards on~~ biosafety and biosecurity and to work cooperatively with other States Parties, private sector partners, international organizations, and academia in this regard;
- (b) encourage the consideration of appropriate arrangements to promote awareness among relevant professionals in the private and public sectors and throughout relevant scientific and administrative activities, as such engagement is an indispensable complement to formal laws and regulations;
- (c) Ensure appropriate oversight of research or other activities with significant dual-use potential, taking into account both the potential risks and benefits of these activities.
- (d e) 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) 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 preparedness for, surveillance, [and] detection of, 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) Encourage appropriate international legal cooperation in investigating and prosecuting offenses under relevant national laws;

(i) 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.

*Supplement 8th RevCon FD para 14 on assistance, noting that assistance in implementing Article IV is consistent with implementation of Article X:*

14. In this regard, the Conference welcomes assistance related to Article IV, including through capacity-building efforts already provided and encourages more organized and institutionalized support for States Parties seeking to strengthen their national implementation. It also encourages those States Parties, in a position to do so, to provide assistance or training in support of legislative, regulatory, administrative, judicial and other implementation measures upon request to other States Parties, noting that such assistance and cooperation is also consistent with implementation of Article X.

*Propose new paragraph calling for deepened collaborations in biosafety and biosecurity:*

14 bis. The Conference, recognizing the important health security benefits of life sciences research and its critical role in combatting disease, urges States Parties to enhance collaboration in global biosafety, laboratory biosecurity and oversight for life sciences research whose results could be misused for biological weapons purposes, given the recognized need for substantial improvement on these areas. The Conference welcomes the beneficial national- and international-level biosafety and biosecurity measures already being taken by individual States Parties and calls on States Parties to strengthen national oversight and transparency of life sciences research, particularly research that might enhance transmissibility or virulence of high-consequence pathogens. The Conference urges States Parties to:

(a) encourage development of best practices in life sciences research, including establishing robust oversight of research involving pathogenic or toxic genetic elements, and welcome international initiatives to provide relevant guidelines;

(b) work cooperatively with private sector partners, relevant international organizations, non-governmental organizations, and academia to achieve the objective of strengthened laboratory biosafety and laboratory biosecurity; and

(c) increase national and international technical resources and tools to provide support for both regulators and individual laboratories, and to take into consideration the need for capacity-building support and sustainable financing. The Conference welcomes existing capacity-building assistance efforts and urge States Parties in a position to do so to increase such efforts.

*Call upon the establishment of a designated National Authority:*

15. The Conference calls upon States Parties to designate or establish a National Authority to serve as the national focal point for coordinating national implementation of the Convention and liaising with other States Parties. The Conference urges further encourages States Parties that have not yet done so, in accordance with the recommendation of the Sixth Review Conference, to designate or establish without further delay a National Authority national focal point for coordinating national implementation of the Convention, facilitating relevant regional

and international cooperation, and communicating with other States Parties and relevant international organizations.

*Supplement 8th RevCon FD language on BW Use in Article IV:*

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

*Supplement 8th RevCon FD language on UNSCR 1540:*

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 affirms support for notes that resolution 1540 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. and The Conference notes the importance for all States Parties to these treaties to implement them fully in order to promote international stability. The Conference stresses the importance of full and effective implementation of international legal obligations contained in UNSCR 1540 and 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.

*Propose new paragraph recognizing voluntary initiatives:*

18 bis. The Conference welcomes voluntary initiatives aimed at sharing information regarding national implementation measures, and notes that such measures can serve to strengthen implementation and promote cooperation, as well as demonstrating transparency, building confidence, and enhancing assurance. The Conference invites States Parties to share information, as appropriate, on such voluntary initiatives and other actions taken.

## Article V

### **Azerbaijan on behalf of the Group of the Non-Aligned Movement and Other States to the BWC**

NAM and Other States Parties underscore 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.

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. It is, therefore, imperative that the issue of CBMs is not overemphasized in a manner that complicates the whole CBMs process.

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.

The Conference recalls that further amendments to the CBMs forms were agreed to at the Seventh Review Conference in a constructive spirit shown by all States Parties with the aim inter alia to increase the number of States Parties which submit CBMs returns.

The Conference recognizes the urgent need to increase the number of States Parties participating

in CBMs and calls upon all States Parties to participate annually.

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.

## Cuba

22 bis. The Conference underscores that the purpose of CBMs 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 cannot be a tool to assess compliance.

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 workshops for instance, to those States Parties requesting it to assist them to complete their annual CBM submissions. The Conference notes the decision of the Seventh Review Conference to ~~update~~ revise the CBMs forms with the aim to enhancing participation of States Parties in the CBMs.

26 bis. The Conference recognizes the importance of strengthening the Convention, including through a legally binding instrument with verification measures, dealing with all the Articles of the Convention in a balanced and comprehensive manner.

## Iran (Islamic Republic of)

Reaffirm the commitment of States Parties to consult one another and to co-operate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention.

Recognize the right of each States party to raise concerns or problems in relation to the objective of, or in the application of the provisions of, the Convention in the consultative mechanism established pursuant to article V.

Call on States parties involved in any case brought to the consultative mechanism to cooperate and act in a transparent manner and provide convincing clarifications with a to solving the problems raised.

Note that the past experiences of consultative mechanism have displayed clearly that this mechanism has not been sufficient in addressing and solving problems or concerns brought to it.

Underline the urgent need for the resumption of negotiations on a legally binding protocol for strengthening the implementation of the Convention in all its aspects.

Recall the importance of CBMs forms for enhancing transparency and confidence while noting they are measures with voluntary nature.

Recall the proposals for revising and expanding the CBM forms, including a new form of CBMs on international cooperation and assistance in the scientific and technological exchange and transfer of data, equipment and materials for peaceful purposes.

## Japan

The Conference underlines the critical importance of improving the submission rate of CBMs report in order to enhance transparency and to build confidence, and encourages States Parties to submit CBMs report. The Conference also encourages those States Parties that face technical difficulties in submitting CBMs report in complete manner, to submit each CBMs Form separately and gradually, as even partial submission of CBMs report would help to build confidence among BWC States Parties.

## Philippines

The Conference recognizes that the provisions of Article V are effective only to the extent that there is sufficient trust and confidence among States Parties.

The Conference reaffirms that voluntary confidence-building measures are useful in the context of Article V and acknowledges that, while not a substitute to a comprehensive legally-binding protocol that includes verification mechanisms, they play a role in enhancing national implementation as well as building trust and confidence.

The Conference welcomes the efforts of all States Parties that have submitted CBMs in the past review cycle, and notes six States Parties [Botswana, Cambodia, Cote d'Ivoire, Niger, Saint Kitts and Nevis, State of Palestine] that submitted CBMs for the first time.

The Conference acknowledges the importance of exchange of information among States Parties through CBMs agreed at the Second and Third Review Conferences, as well the exchange of information carried out under these measures, which has contributed to enhancing transparency and building confidence.

The Conference recognizes the urgent need to increase the number of States Parties participating in CBMs and enhance the frequency of submission to annual.

The Conference notes the technical difficulties experienced by some States Parties in completing full and timely submissions of their CBMs, as well as a call on all States Parties in a position to do so to provide technical assistance and support, including trainings and workshops.

The Conference encourages States Parties to make their CBMs more user-friendly, stressing the need to ensure that they provide relevant and appropriate information to States Parties.

The Conference reaffirms that CBMs are not and should never be a substitute for a comprehensive legally-binding protocol that deals with all Articles of the Convention in a balanced manner and includes verification and compliance mechanism.

## Russian Federation

19 bis. The Conference takes note that in full accordance with Article V and the relevant understandings agreed by the Second and Third Review Conferences the Formal Consultative Meeting of the States Parties requested by the Russian Federation was convened at the Palais des Nations, Geneva, on 26 August 2022, and reconvened from 5 to 9 September 2022. The Conference also takes note the presentation by the Russian Federation of its Article V consultations request regarding outstanding questions by the Russian Federation to the United States and Ukraine concerning the fulfillment of their respective obligations under the Convention in the context of the operation of biological laboratories in Ukraine, the response by the delegations of Ukraine and the United States, the Final Report of the Formal Consultative Meeting and that no consensus was reached regarding the outcome of the Formal Consultative Meeting. The Conference encourages States Parties to resolve the situation and reach the consensus on the outstanding issues.

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. The Conference takes note that the CBMs are not to substitute verification mechanism to be elaborated by States Parties.

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. Therefore, the Conference notes that while assessing efficiency of the CBMs in the future it is important to take into account scientific and technological developments related to the Convention.

26 bis. The Conference supports introduction of new CBM forms on military biomedical activities conducted by a reporting State on the territory of other States and vaccine



production facilities for the protection of animals.

## United States of America

*Language to reflect the Formal Consultative Meeting, drawn from the UNFC BWC resolution language (UNGA A/C.2/77/L.74, Draft Resolution on “Convention the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction):*

19 bis. In this context, the Conference notes the Formal Consultative Meeting of the BWC States Parties requested by the Russian Federation and convened in Geneva on 26 August 2022 and reconvened from 5 to 9 September 2022, the presentation by the Russian Federation of its Article V consultation request regarding outstanding questions by the Russian Federation to the United States of America and Ukraine concerning the fulfillment of their respective obligations under the Convention in the context of the operation of biological laboratories in Ukraine, the responses by Ukraine and the United States of America, and that no consensus was reached regarding the outcome of the Formal Consultative Meeting, recorded in the final report of the Formal Consultative Meeting.

*Edits to paragraphs 20-26 to strengthen the system of confidence-building measures:*

20. The Conference takes note of initiatives from States Parties to promote confidence building under the Convention and encourages States Parties to share information, as appropriate, on actions taken to promote such confidence building.

22. The Conference emphasizes 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. The Conference considers that an informal procedure should be developed to be conducted bilaterally or multilaterally or facilitated by the ISU, by which any State Party could seek to clarify details of another State Party’s CBM submissions to enhance confidence in the Convention, and thereby facilitate cooperation and transparency even in the absence of a doubt or concern related to compliance with the Convention.

23. The Conference recognizes the continuing urgent need to increase the number of States Parties participating in the CBMs and calls upon all States Parties to participate annually. The Conference notes that since the Eighth Seventh Review Conference, there has been an encouraging only been a slight increase in the percentage of States Parties submitting their CBMs; however, nearly half of all States Parties do not regularly submit reports. The Conference emphasizes the importance of all States Parties meeting this important political commitment, which was established in order to reduce the occurrence of ambiguities, doubts, and suspicions and in order to improve international cooperation in the field of peaceful biological activities. The Conference calls upon the ISU, in their role as an information exchange point for assistance related to preparation of CBMs, to study the submission of CBMs to better understand States Parties’ implementation and application of CBMs to assist States Parties in increasing the participation in and consistency of CBMs through technical assistance and support.

24. The Conference recognizes the technical difficulties experienced by some States Parties in completing full and timely CBM submissions. The Conference urges those States Parties in a position to do so to provide technical assistance and support, through training or workshops for instance, to those States Parties requesting it to assist them to complete their annual CBM submissions; 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. The Conference notes the decision of the Seventh Review Conference to update the CBM forms.

25. The Conference notes the desirability of making the CBMs more user-friendly and stresses the need to ensure 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 decides to provide resources to support the further development and ongoing operation and maintenance of the CBM electronic platform.

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. 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 and encourages States Parties to consider doing so.

## Article VI

### Iran (Islamic Republic of)

Note with serious concern that the provisions of this Article have been invoked in 2022.

Express concern about the lack of an independent and impartial body for consideration and investigation of the complaint of breach of obligations deriving from the provisions of the Convention.

Emphasize that the urgent need for the establishment of an independent and impartial mechanism, within the framework of the Convention, for consideration and investigation of the complaints of breach of obligations deriving from the provisions of the Convention.

Acknowledge that certain doubts and concerns raised on the applicability of the Secretary General's Mechanism for investigation of alleged uses of biological or toxin weapons.

Recognize 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 implementation of the provisions of the Convention, including a verification mechanism.

### Philippines

The Conference invites the Security Council to request, if necessary and in accordance with its resolution 620 of 1988, the Secretary-General of the United Nations to investigate the allegation of use, using the technical guidelines and procedures contained in Annex I of the United Nations Document A/44/561.

The Conference encourages States Parties to increase awareness among technical experts of the mandate and background of the Secretary-General's Mechanism, which is the only international mechanism for investigation of alleged use of biological weapons, pending the comprehensive legally binding protocol dealing with all articles of the Convention in a balanced manner.

### Russian Federation

27. The Conference notes that ~~the provisions of this Article have not been invoked~~ in full accordance with Article VI on 27 October 2022 the United Nations Security Council considered the complaint with regard to the outstanding questions by the Russian Federation to the United States and Ukraine concerning the fulfillment of their respective obligations under the Convention in the context of the operation of biological laboratories in Ukraine with a request to conduct an investigation in accordance with Article VI. It also takes note that no further decisions were taken.

31 bis. The Conference supports the establishment and employment of multi-purpose

biomedical rapid reaction units under the Convention to facilitate implementation of Article VI, 31 ter. The Conference also supports elaboration of concrete guidelines and procedures to initiate and conduct investigations under Article VI.

### **United States of America**

*New language in lieu of para 27 of the 8<sup>th</sup> RevCon Final Document noting that the provisions of this Article were invoked in October 2022:*

27. The Conference notes that on October 24, 2022, the Russian Federation submitted a diplomatic note to the President of the United Nations Security Council lodging a complaint pursuant to Article VI of the Convention, and requesting the consideration of a proposed draft resolution to set up a commission to investigate its claims against the United States and Ukraine. On November 2, 2022, the draft resolution submitted by the Russian Federation was taken up by the United Nations Security Council and not adopted, having received two “yes” votes of the nine necessary for adoption, one of which was Russia’s.

## **Article VII**

### **Azerbaijan on behalf of the Group of the Non-Aligned Movement and Other States to the BWC**

The Conference notes with satisfaction that these provisions have not been invoked (Final Document 7<sup>th</sup> Review Conference). However, 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 humanitarian assistance in case of the threat of use of such weapons, to the requesting State Party.

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 legal obligation of States Parties. While noting that States Parties’ national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, the Conference reaffirms that this should not be imposed as precondition for either provision or receipt of assistance.

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.

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.

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.

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:

- Assistance means coordination and delivery of assistance to the requesting State Party,
- 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 such 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.
- 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.
- Establishing a fund for assistance to concerned States Parties in particular to developing countries.
- 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.

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.

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.

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. 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.

The Conference also agrees that States Parties should also have the right to conduct research into, develop, produce, acquire, transfer or use means of protection against bacteriological (biological) and toxin weapons, 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.

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.

## **Cuba**

34. The Conference takes note of the tragic Ebola outbreak (2014/2015) in West Africa and the COVID- 19 outbreak and its rapid spread around the world, 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.

42 bis. The Conference emphasizes that States Parties should facilitate and 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.

47 bis. The Conference recognizes the importance to develop detailed procedures 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 procedures:

- 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.

### **France and India**

The Conference decides to establish a database open to all States Parties to facilitate assistance under the framework of Article VII. The purpose of the database is to contribute to the implementation of Article VII of the Convention and allow matching of specific offers and requests for assistance.

### **Iran (Islamic Republic of)**

Reiterate that, in view of the humanitarian imperative, should a request for assistance be made, emergency assistance should be promptly provided, irrespective of the initiation of completion of the process in the Security Council in accordance with Article VII.

Recognize the vital importance of prompt, effective, and coordinated response and assistance in addressing outbreaks of infectious diseases.

Underline that should not be delayed or denied for the reason of lack of decision to be made by the Security Council in accordance with Article VII.

Express serious concern about the application unilateral coercive measures and sanctions against some States parties to the Convention could hinder the provision of timely emergency assistance to those State Parties in case they have been expose to danger as a result of violation of the Convention.

Note with serious concern that the application unilateral coercive measures and sanctions against some States parties to the Convention undermine the targeted State party's preparedness and capacities for response, investigation and mitigation of outbreaks of disease, and receiving prompt and effective assistance in addressing outbreaks of diseases.

Recognize 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.

### **Panama**

The Conference notes that the COVID-19 pandemic has highlighted the relevance of promoting the

collection of data disaggregated by sex, age and other characteristics relevant in national contexts, research and analysis on sex-specific effects and social determinants of health, and the adoption of an age-, gender- and culturally- sensitive approach in strategy for preparedness, response and assistance in the event of the use of biological or toxin weapons.

## **Philippines**

The Conference recognizes 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, States Parties in a position to do so must provide timely emergency assistance if requested, even pending consideration of a decision by the Security Council.

The Conference recognizes that capacity-building at the national, regional, and international levels are the most important imperative for enhancing and strengthening the capacity of States Parties to promptly and effectively detect and respond to the alleged use or threat of use of biological weapons.

The Conference acknowledges the role of regional organizations and initiatives, including the network of regional Centers of Excellence for CBRN Risk Mitigation, and regional best practices on international cooperation and coordination are crucial to enhancing international response capacities.

The Conference encourages States Parties to conduct simulation and table-top exercises to test the deployment of resources and extension of assistance during CBRN incidents and the formulation of a protocol on handling assistance are important in enhancing international response capacities.

The Conference directs the Implementation Support Unit, with the assistance of States Parties and regional Centers of Excellence for CBRN Risk Mitigation, to compile, maintain, and make easily available for any State Party a directory of national CBRN focal points.

The Conference calls for the establishment of a database open to all States Parties to facilitate assistance under the framework of Article VII, with the view to contributing to the implementation of this Article and allow the matching of specific offers and requests for assistance.

## **Russian Federation**

34. The Conference takes note of the tragic Ebola outbreak (2014/2015) in West Africa and COVID-19 pandemic that ~~has~~ have 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.

47 bis. The Conference supports the establishment and employment of multi-purpose biomedical rapid reaction units under the Convention to facilitate implementation of Article VII.

## **United States of America**

*Update to reflect the COVID-19 pandemic and other disease outbreaks:*

34. The Conference takes note of the tragic Ebola outbreaks (2014/2015) in West Africa, the shared experiences of the COVID-19 pandemic, and other infectious disease outbreaks that ~~has~~ have 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 the alleged use of biological or toxin weapons, which may pose additional challenges.

*Edits to improve readability:*

33. The Conference reaffirms that the international community should be prepared to respond ~~to face~~ such situations well in advance, ~~and to~~ dispatch emergency assistance in case of the use

of bacteriological (biological) or toxin weapons, and ~~also to~~ provide assistance, including humanitarian and other assistance, to the requesting State Party.

35. The Conference considers that , should a request for assistance be made, it should be promptly considered, and an appropriate response provided. In this context, and 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.

36. The Conference recognises that States Parties bear the responsibility for providing assistance and coordinating with relevant organizations in ~~the~~ case of the alleged use of biological or toxin weapons. 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 the Security Council decides that such State Party has been exposed to danger as a result of a violation of the Convention.

37. 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 Convention, 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 (WOAH OIE), the Food and Agriculture Organization of the United Nations (FAO), and the International Plant Protection Convention (IPPC).

*Introduce a new paragraph to facilitate the integration, coordination, and communication of an international response:*

37 bis. The Conference affirms that processes developed to enhance implementation of this Article should be closely integrated with emergency assistance processes managed by such organizations and with increased dialogue regarding appropriate means of coordination between and among States Parties and relevant organizations. Such coordination should include:

- (a) Development of a framework, through consultations among States Parties, intergovernmental organizations, and other relevant entities, to establish basic principles to guide engagement, preparedness, communication, and the interactions among these entities during the response to the use of biological or toxin weapons, including the safety and security of medical personnel and other first responders.
- (b) Work to ensure that national and international preparedness plans address response to the use of biological or toxin weapons. 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, balanced cooperation between medical personnel and law enforcement investigations, and questions relating to leadership, coordination, and the role of militaries (national, foreign, and regional) in the response to such an outbreak.

*Strengthen language for the provision of assistance:*

38. The Conference recognizes that there are challenges to developing effective measures for the timely 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 clear procedure for assistance 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 or toxin weapons.

*Introduce a new paragraph calling for States Parties to review their national authorities to reduce barriers to provide or receive assistance:*

38 bis. Recognizing that logistical, legal, and regulatory issues may impede timely and effective international assistance, the Conference calls on all States Parties to review their

domestic laws, regulations, and procedures, to reduce barriers that may inhibit the ability to provide, receive, and manage emergency assistance, and to cooperate in taking appropriate steps to address any such impediments.

*Emphasize the importance of capacity building:*

40. 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, and emphasizes the importance of building such capacities.

*Highlight the need to assess and develop national capacities:*

42. The Conference notes that States Parties' national capacities, including capacities for disease surveillance and diagnosis, public and animal health, and joint law enforcement and health investigations, play a critical role in enabling them to invoke the provisions of this Article 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. While noting that States Parties' national preparedness also contributes directly 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.

43. 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 calls upon States Parties to assess their own national capacities and identify areas of need, and encourages States Parties, in a position to do so, to assist other States Parties, upon request, to help build their relevant capacity.

*Encourage conducting response exercises:*

44. The Conference notes the need for States Parties to work nationally [,] and jointly [,] as appropriate, ~~to improve,~~ and in accordance with their respective circumstances, national laws, and regulations, to improve 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. The Conference encourages States Parties to conduct exercises at the national, regional, and international level to test and refine plans for response to the alleged use of biological and toxin weapons.

*Highlight the GHSA to promote international cooperation:*

45. 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 welcomes initiatives, such as the Global Health Security Agenda, that promote international cooperation toward this goal.

*Introduce a new paragraph to emphasize the need for ensuring the UNSGM has demonstrated capabilities: 47 bis.* The Conference recognizes that determining whether an outbreak of disease is the result of a violation of the Convention may be difficult and that several mechanisms exist for conducting an investigation of the alleged use of biological or toxin weapons. The Conference stresses the importance of ensuring a demonstrated capability for an independent and objective international investigation. The Conference welcomes the Secretary-General's efforts in this regard and affirms 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 mechanism



for such an investigation.

## Article VIII

### Iran (Islamic Republic of)

Welcome the accession of Armenia, State of Palestine (2018), Tajikistan (2019), Kazakhstan, Kyrgyzstan, Uzbekistan (2020) to the 1925 Geneva Protocol since the Eighth Review Conference.

Note with dissatisfaction that since the Eighth Review Conference no new withdrawal of reservations to the 1925 Geneva Protocol has been reported to the Depositary of the Protocol.

### Russian Federation

48. The Conference calls upon all States Parties to the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare 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.

54. 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 bacteriological (biological) or toxin weapons in violation of the 1925 Geneva Protocol. The Conference notes national initiatives to provide relevant training to experts that could support the Secretary-General's investigative mechanism.

### United States of America

*Propose language urging adherence to, and compliance with, the 1925 Geneva Protocol, particularly BWC States Parties that have yet to join (BWC 8th RevCon Final Document, Article VIII, paragraph 51):*

48. 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 to ratify or accede to it without further delay, particularly BWC States Parties that are not yet party to the Geneva Protocol.

*Propose to update language regarding withdrawal of GP reservations pertinent to the BWC by combining elements of paragraphs 50 and 51 (BWC 8th RevCon Final Document, combining elements of paragraphs 50 and 51):*

50. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Convention, and welcomes ~~The Conference recalls~~ the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Convention.

*Propose to update the understanding that reservations concerning retaliation using any of the objects prohibited by the BWC are incompatible with the BWC prohibitions, and in that context, urge all States parties that continue to maintain pertinent reservations to the 1925 Geneva Protocol to withdraw those reservations without delay, by combining elements of paragraphs 50, 51, and 52 (BWC 8th RevCon FD, combining elements of paragraphs 50 and 51):*

52. 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 (BWC 8th RevCon Final Document, para 52) and consequently strongly urges and calls upon those States Parties that continue to maintain pertinent reservations to the 1925 Geneva Protocol to withdraw those reservations, and to notify the

Depositary of the 1925 Geneva Protocol accordingly, without delay.

*Propose to update the Article VIII reference to the UNSGM (BWC, 8th RevCon FD, paragraph 54):*

54. 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, 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.

## Article IX

### Iran (Islamic Republic of)

Stress the importance of universality of Chemical Weapons Convention and call upon all States that have not yet done so to ratify or accede to the Convention without delay.

Express regret that the deadline for the destruction of the chemical weapons has not been met and was postponed from 2012 to 2023 and urges the remaining possessor State party to destroy its chemical weapons stockpiles as promptly as possible to preserve the integrity and credibility of the Convention.

### United States of America

*Remove the specific number of States having joined the CWC, while welcoming its near universality:*

56. 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 ~~the that 192~~ instruments of ratification or accession ~~that~~ have ~~now~~ been deposited with the United Nations, resulting in near-universal membership of the Chemical Weapons Convention. The Conference calls upon all states that have not yet done so to ratify or accede to that Convention without delay.

*Propose updated language on the growing convergence between biology and chemistry, to encourage cooperation between appropriate bodies in the BWC and CWC (BWC, 8th Review Conference, Final Document, paragraph 57):*

57. The Conference notes the accelerating pace of increasing convergence of biology and chemistry and its possible challenges and opportunities for the implementation of the Conventions. The Conference encourages 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, the Conference decides to initiate exploration of possible joint activities between the BWC and 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.

*Introduce a new paragraph to explore joint activities between BWC and CWC States Parties to address the common threat posed by actors, including non-state actors, who may develop, acquire, or use chemical and/or biological weapons:*

57 bis. The Conference recognizes the concerns expressed and decides 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 with CWC States Parties, 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 attack.

## Article X

### Cuba

58. The Conference stresses the importance of 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.

59. The Conference reaffirms the commitment to the full, effective and 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, 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.

60. The Conference recognizes that the rapid pace of scientific and technological developments has created new opportunities for making tangible progress on the full, effective and non-discriminatory 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.

64. The Conference:

(g) calls upon States Parties not to establish or maintain either individually or collectively any discriminatory measures contrary to the obligations undertaken in the Convention, which would hamper the economic and technological development of States Parties to the Convention or international cooperation 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.

66. 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 developing countries, 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.

67 bis. The Conference recognizes the need to establish clear procedures under the Convention to ensure the full, effective and non-discriminatory implementation of Article X, including procedures for the settlement of disputes arising from concerns related to the

implementation of Article X.

70. 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 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, including by removing any restrictions and/or limitations against States Parties that are contrary to the Convention, including Article X.

### **France, Senegal and Togo**

The Conference:

notes the value of an international online platform for biosafety and biosecurity in order to facilitate the exchange of information for peaceful purposes and thus increase the global biosafety and biosecurity level playing field.

### **Iran (Islamic Republic of)**

Reaffirm that States Parties have a legal obligation, under its Article X, to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes.

Stress that full, effective and non-discriminatory implementation of Article X is essential to achieving the objectives and purposes of the Convention.

Express concern that the Covid-19 pandemic demonstrated the weakness in implementation of Article X and Underline the urgent need to focus on strengthening international cooperation and assistance to ensure all States Parties, particularly developing States, have access to biological equipment, materials and scientific and technological information.

Recognizing the need for establishment of an effective institutional mechanism, in particular a cooperation committee with a view to ensuring multilateral cooperation among all States Parties for peaceful purposes in an effective, full and non-discriminatory manner.

Note the special responsibility of developed countries in strengthening scientific and technological cooperation in the peaceful uses of biological agents and toxins, in particular with respect to the provision of financial and technical assistance and facilitating fullest possible exchange and transfer of equipment, materials and scientific and technological information to developing countries.

Note the different views expressed regarding the operation and effectiveness of the database to facilitate requests for and offers of exchange of assistance and cooperation among States Parties; Stress that while improving the operation of database is necessary, particularly in provision of financial and technical assistance and facilitating transfer of equipment, materials and scientific and technological information to developing countries, the database has proved that it cannot be considered as an effective institutional mechanism for strengthening international cooperation.

Express serious concern about the continued existence of restrictions, limitations, inconsistent with the Convention, as well as application of unilateral coercive measures including economic, trade and financial sanctions which have created serious obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology for peaceful purposes.

Express deep concern about the unilateral coercive measures imposed by the government of the United States of America against some BWC States parties which have impeded or disrupted access to and procurement of medicine and medical supplies and services, development, purchase and delivery of vaccines and reagents and raw materials for their production, thus creating serious challenges for the management and mitigation of infectious diseases as well as rare diseases.

Reiterate that the application of unilateral coercive measures constitutes violation of Article X of the Convention.

Commitment by States parties not to impose or maintain, under any circumstances, restrictions and limitations on trade in such areas as drugs, medicines, vaccines, diagnostics, biological agents, equipment and materials for peaceful purposes in particular for treatment of patients in developing countries.

Urging those States parties that have imposed unilateral coercive measures to promptly comply with their obligations under Article X of the Convention and to immediately lift all unilateral coercive measures which directly or indirectly affect the fullest possible exchange of equipment, materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes.

Stress the need for agreement to develop multilaterally negotiated procedures to settle disputes arising from restriction or denial of access to drugs, medicines, vaccines, diagnostics and related equipment and materials for peaceful purposes, inconsistent with the Article X of the Convention. Such a procedure should include establishment of a standing body, as proposed by the group of NAM and Other States.

### **Kazakhstan**

The Conference underscores the importance and relevance of the establishment of the International Agency for Biological Safety (IABS). In this regard they agree to examine details of practical implementation of IABS during the upcoming intersessional period and present their findings to the next Review Conference.

### **Panama**

The Conference encourages State Parties in a position to do so to promote and fund capacity-building programmes under Article X, including a specific gender component, such as raineeships, fellowships and mentorship programmes. The Conference also encourages States Parties to support and fund research under this Article to generate knowledge about the differentiated impacts of biological weapons on women, men, boys and girls.

### **Philippines**

The Conference recognizes the need to conduct gaps and needs assessment activities to enable more developing states to participate in cooperation and assistance activities, including the Article X database, and guide BWC States Parties in mobilizing resources for such purposes.

The Conference affirms the usefulness of national plans in identifying gaps and needs at the domestic level and specific opportunities for assistance and cooperation. Voluntary information-sharing is particularly valuable.

The Conference notes the challenges in bridging gaps in the fields of biotechnology, genetic engineering, microbiology, and other related areas between developed and developing countries.

The Conference notes that narrowing such gaps and promoting peaceful uses of the life sciences within the context of Article X supports the achievement of the Sustainable Development Goals.

The Conference calls for and endorse concrete measures to reinforce existing global, regional and sub- regional platforms and networks for education, training, exchange, and twinning programs to support human resources development in the fields of biology and biotechnology in developing states, with the view to enhancing developing states' capacities to access and optimize technologies for peaceful uses of the life sciences.

The Conference notes the broad range of existing activities and prospects for strengthening collaboration with international organizations such as WHO, FAO, INTERPOL, OIE, and relevant professional and academic networks. In relation to this, it must seek enhanced synergies between and among the BWC and these bodies, taking into account the distinct mandate of the BWC to keep the Convention vitally connected to the nexus of relevant activities, including recent initiatives on global health security.

## Russian Federation

67. 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 and COVID-19 pandemic, including the need to address the lack of ready operational capacity, the Conference stresses the value of strengthening international cooperation in infectious disease prevention and associated capacity building.

71 bis. The Conference supports the establishment and employment of multi-purpose biomedical rapid reaction units under the Convention to facilitate implementation of Article X.

## United States of America

*Broaden the understanding of the scope of assistance and cooperation (BWC/8th RevCon FD, Article X, para 58):*

58. 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. In fulfilling these obligations, the Conference reaffirms that capacity-building assistance provided to requesting States Parties, including assistance in implementing Articles III, IV, and VII, is directly relevant to Article X.

*Update paragraph relating to the private sector (BWC/8th RevCon FD, Article X, para 62):*

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

*Add a new sub-bullet under 8<sup>th</sup> RevCon FD Para 64 focusing on global vaccine production and private sector partnerships (BWC/8th RevCon FD, Article X, para 64):*

64. The Conference:

- (f) calls upon States Parties to promote the global 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 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.

*Add reference to the relevance to a advisory process on science and technology, biosafety partnerships, and to fulfillment of other agreements, such as the IHRs, to cooperation and assistance (BWC/8th RevCon FD, Article X, para 65):*

65. 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. The Conference noted that developing such infrastructure could also contribute to the fulfillment of their other respective international obligations and agreements, such as the revised International Health Regulations (2005). The Conference affirms the potential value of creating a process for providing advice on science and technology to States Parties in this regard.

65 bis. The Conference recognizes the important health security benefits of life sciences research and its critical role in combatting disease. The Conference urges States Parties

to work cooperatively with private sector partners, relevant international organizations, non-governmental organizations, and academia to achieve the objective of strengthened laboratory biosafety and biosecurity. The Conference underscores the importance of increasing national and international technical resources and tools for both regulators and individual laboratories, taking into consideration the need for capacity-building support and sustainable financing. The Conference welcomes existing capacity-building assistance efforts and urges States Parties in a position to do so to increase such efforts.

*Add a new paragraph, affirming the role of the ISU in supporting capacity-building activities of States Parties, and encouraging support and improvement of the cooperation and assistance database:*

71 bis. The Conference affirms the role of the Implementation Support Unit, consistent with its mandate, in supporting the capacity-building activities of the States Parties by facilitating communication and partnerships and acting as a clearinghouse for information on needs for and sources of assistance and cooperation. The Conference decides that the cooperation and assistance database can be improved by organizing information thematically; by including links to other sources of technical information, assistance, and advice, not only from States Parties but from institutions such as Interpol and the World Health Organization (WHO) and the UNSCR1540 database; and by including information on assistance provided in response to requests submitted to the database. The Conference calls on States Parties to continue to utilize the cooperation and assistance database to help target resources for identified needs for cooperation and assistance.

*Add new language regarding the decision to establish a voluntary fund to support peaceful international technical cooperation activities in the life sciences. (NOTE: this proposal may be better suited to the decisions and recommendations section of the Final Document).*

71 ter. The Conference decides to establish a voluntary fund to support peaceful international technical cooperation activities in the life sciences. The fund, financed by voluntary contributions from States Parties in a position to do so, shall support small-scale, technical projects aimed at strengthening: capabilities to utilize advanced biotechnology tools for surveillance and characterization of disease outbreaks affecting humans, animals, or plants; laboratory biosafety and biosecurity systems; or relevant technical oversight or regulatory systems. To support the operation of the Voluntary Fund and other international cooperation activities such as the International Cooperation and Assistance database, a portion of the Voluntary Fund may also be used to support the costs of a Cooperation and Capacity-Building Officer position in the BWC Implementation Support Unit.

Projects proposed by States Parties shall be selected taking into account: technical merit and feasibility; demonstrated need; cost-effectiveness; broad geographical distribution of funding; and the importance of giving particular consideration to the needs of the least-developed States Parties. To ensure that the benefits of the Voluntary Fund are broadly shared, funding for any individual project should be limited to no more than 10 percent of the funds available for distribution.

The Conference agrees that the ISU will convene geographically diverse panels of experts, including donor representatives, in order to review proposals and make final selections by consensus. The Conference further decides that the ISU should report annually on a) the status of contributions to the Fund and its overall balance; b) proposals received and funded; and c) the status of implementation of funded projects.

## Article XI

### Iran (Islamic Republic of)

Acknowledge the concerns expressed at the successive Review Conferences of the Convention that not having the prohibition of the use of biological weapons explicitly included in the Convention accrues serious potential risk of use or threat of use of biological weapons.

Urge all States Parties to the Convention to convey, officially, to the Depositories of the

Convention, their acceptance of the amended Title and Article I of the Convention, as follows:

The amended Title of the Convention:

"Convention on the Prohibition of the Development, Production, Stockpiling and Use of Bacteriological (Biological) and Toxin Weapons and on Their Destruction"; and

The amended Article I of the Convention:

"Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain, or use:

(1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;

(2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict".

Call upon the Depositories, to notify all other States Parties to the Convention, of the proposal.

Call upon the Depositories, to notify all other States Parties to the Convention, of all acceptance notes they receive.

## Article XII

### Iran (Islamic Republic of)

Reaffirm that, pending an agreement on a comprehensive protocol on the balanced and non-discriminatory implementation of the Convention, the Review Conference, 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.

Decide that the Tenth Review Conference shall be held in Geneva not later than 2027.

Recognizes that the rapid pace of scientific and technological developments has created new opportunities for implementation of Article X of the Convention; and recalling that States Parties have obligation under article X of the Convention to cooperate in contributing to the development and application of scientific discoveries for prevention of disease or for other peaceful purposes.

Stress that the review of S&T developments should never lead to limit or hamper scientific evolution for peaceful purposes and life-saving achievements like vaccine development.

The review of S&T developments within the context of the Convention should have tangible results for the developing States and should contribute to the fullest exchange of knowledge and technology between developed and developing countries and ensure the unhindered and non-discriminatory flow of science and technology.

The review of S&T developments should focus on ways and means of maximizing the actual benefits of new scientific and technological advancements in the field of bio sciences, such as approaches for increasing availability and promoting access to and use of the technologies and know-how in developing countries in order to reduce the existing gaps between developing and developed BWC States Parties.

### Panama

The Conference encourages States Parties to promote the equitable participation of women and men in decision-making in the review conferences of the Convention, including gender-balanced BWC Bureau, and to actively support the participation of women in their delegations including through the sponsorship programmes.



## Russian Federation

77. The Conference decides that the ~~Ninth~~ Tenth Review Conference shall be held in Geneva not later than ~~2024~~ 2027 and should review the operation of the Convention, taking into account, *inter alia*:

- (a) new scientific and technological developments relevant to the Convention;
- (b) the progress made by States Parties on the implementation of the Convention; and
- (c) progress of the implementation of decisions and recommendations agreed upon at the ~~Eighth~~ Ninth Review Conference, taking into account, as appropriate, decisions and recommendations reached at previous review conferences.

77 bis. The Conference supports the establishment of a specialised body under the Convention to assess developments in areas of science and technology relevant to the Convention and render specialised advice to States Parties.

## United States of America

*Update BWC 8<sup>th</sup> RevCon Final Document para 76 to include decision making and S&T advisory mechanism language:*

76. 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. Recognizing the practice of Meetings of States Parties taking decisions on financial, administrative, and logistical matters, the Conference further affirms that Meetings of States Parties may also take decisions on specific actions to strengthen the Convention, including on (a) matters as delegated by the Review Conference; (b) matters necessary for the implementation of decisions taken by the Review Conference; (c) recommendations to the Review Conference; and (d) other matters, consistent with existing policies established by the Review Conference. The Conference affirms the need for a more structured mechanism to provide States Parties to the Convention apolitical scientific and technological expert advice.

*Update BWC 8<sup>th</sup> RevCon Final Document para 77 to include S&T advisory mechanism language:*

77. The Conference decides that the Tenth ~~Ninth~~ Review Conference shall be held in Geneva not later than 2027 ~~2024~~ 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 [information provided by the mechanism for scientific and technological advice established pursuant to the decision of this Conference];
- (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 Eighth Review Conference, taking into account, as appropriate, decisions and recommendations reached at previous review conferences.

## Article XIII

### NO PROPOSALS

## Article XIV

### Iran (Islamic Republic of)

Underline 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.

Reiterate 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.

Urge States Parties to take action to persuade non-parties to accede to the Convention without delay.

### **Russian Federation**

79. The Conference notes with satisfaction that ~~fifteen~~ six states have deposited their instruments of ratification, accession or succession since the ~~Seventh~~ Eighth Review Conference.

### **United States of America**

*Replace the number of States Parties having joined since the last RevCon with language from the UNFC BWC resolution:*

79. The Conference notes with satisfaction the increase in the number of ~~that fifteen~~ states that have deposited their instruments of ratification, accession or succession since the Eighth Review Conference.

*Update language to include toxin weapons:*

80. 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 or toxin weapons.

*Shift emphasis for promoting universalization:*

81. 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. The Conference urges States Parties ~~agree~~ to continue to promote universalization.

*Emphasize action by States Parties to promote universalization:*

82. 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 continue to take action to persuade non-parties to accede to the Convention without delay, and particularly welcomes action by States Parties and regional initiatives to provide assistance and support that would lead to wider accession to, or ratification of, ~~to~~ the Convention, and encourages enhanced action by States Parties to that end.

## **Article XV**

### **NO PROPOSALS**

## II. Proposals on forward-looking issues to be included in Part III (Decisions and recommendations) of the Final Document of the Ninth Review Conference

### China

#### Tianjin Biosecurity Guidelines\*

The Conference **decides to endorse** the Tianjin Biosecurity Guidelines for Codes of Conduct for Scientists **and encourage** all stakeholders to voluntarily incorporate elements from the Guidelines in their practices, protocols, and regulations, and to disseminate the Guidelines, as appropriate and **task** the inter-sessional process to exchange information, experiences and good practices about the dissemination of the Guidelines and report the outcomes of these exchanges and dissemination to the Tenth Review Conference.

\*The Tianjin Guidelines are hereby annexed to this Final Document.

Annex: The Tianjin Biosecurity Guidelines for Codes of Conduct for Scientists

### China

#### Article X International Cooperation\*

The Conference decides to:

Conduct a comprehensive review of the peaceful uses of bio-science and technology and related international cooperation under the framework of the Convention. Identify and address the needs in term of equipment, materials and scientific and technological information regarding the use of bacteriological (biological) agents and toxins for peaceful purposes. Identify and overcome the obstacles hampering the full, effective and non-discriminatory implementation of Article X of the Convention.

Encourage States Parties to continue exchanging views on the issue of establishing a Non-proliferation Export Control and International Cooperation Regime under the framework of the Convention, authorizing to establish an open-ended working group to discuss related issues, inter alia, the structure, control list and dispute settlement mechanism of the regime.

Encourage the Implementation Support Unit and States Parties to hold seminars and fully exchange their views on promoting the peaceful uses of bio-science and technology and related international cooperation.

Encourage States Parties to support the establishment of a Fund for Peaceful Uses of Bio-science and Technology and International Cooperation under the framework of the Convention, which aims to provide targeted funding for research, assistance and exchanges relevant to the Convention.

Encourage the international community to strengthen its support for peaceful uses and related international cooperation, including raising awareness of the importance of peaceful uses and related international cooperation among governments, industries, science communities and civil society, and encouraging active participation in relevant discussions and practices.

Make full use of resources of existing international regimes and organizations, and conduct exchanges and cooperation with, inter alia, the WHO, FAO, WOA, UNSC 1540 Committee, and the Australia Group (AG). Welcome the AG to present its efforts to the international community, including its work as well as the rationality of its decisions on strengthening controls over certain items or technologies. Encourage the AG to listen widely to the views and suggestions of States Parties which are not its members.

## Cuba

### **Proposal to establish an Ad Hoc Group for the Intersessional Period to Strengthen the Biological Weapons Convention through a Legally Binding Protocol**

The Conference decides to establish an Ad Hoc Group, open to all States Parties, to consider appropriate measures to strengthen the Convention, including verification measures, with a view to its inclusion in a legally binding Protocol.

The recommendations of the Group would be presented for consideration by the States Parties at the Tenth Review Conference of the Convention.

The Ad Hoc Group would operate along the following guidelines:

- It will hold annual meetings of 10 days each, during the years 2023 to 2026.
- It will work under the rule of consensus.
- It shall be chaired by a representative of the Group of the Non-Aligned Movement and other States Parties and shall have as vice-chairs a representative of each of the other Regional Groups recognized in the context of the Convention.
- In fulfilling its mandate, the Group shall take due account of new scientific and technological developments relevant to the Convention; the work carried out by the States Parties in the interest of strengthening the Convention, including the Final Report of the VEREX Group (BXC/CONF.III/VEREX/8, dated 24 September 1993) and the draft Protocol contained in document BWC/AD HOC GROUP/CRP.8, dated 30 May 2001; as well as other national documents, contributions and proposals submitted by the States Parties.
- The Final Report of the Group should be circulated to all States Parties no later than 6 months prior to the Tenth Review Conference for consideration at that Conference.

## Canada and the Netherlands

### **Proposal for inclusion in the final document of the Ninth Review Conference of the Biological Weapons Convention Regarding the Establishment of a Temporary Experts Working Group**

Establishment of a temporary Experts Working Group by the Ninth Review Conference

1. The Ninth Review Conference of the Biological and Toxin Weapons Convention hereby decides to establish a temporary Experts Working Group (hereinafter “Experts WG”) to consider specific measures to strengthen the Convention. The report of the Experts WG and its specific findings are intended to provide a basis for considering further actions to be taken by the States Parties, including possible legal, verification, or other measures under the framework of the Convention.

2. **Participation:** Meetings of the Experts WG would be open to experts and others from all States Parties. The Experts WG would determine the appropriate participation of civil society in its program of work.

3. **Chair:** The Experts WG would be chaired by the [TBD] group with vice-chairs from the other two groups.

4. **Working-Methods:** The Experts WG would be governed by consensus, including the adoption of the report of the Experts WG and the findings contained therein.

5. **Report:** At the completion of its work, the Experts WG would prepare a report. This report would: (1) detail the activities of the Experts WG regarding scientific and technological developments, as well as developments in the biological weapons threat, and (2) provide the Experts WG’s findings regarding specific measures for further strengthening the implementation

of the Convention. The Chair of the Experts WG would provide an interim procedural report to the 2023 Meeting of States Parties (MSP). The Experts WG would issue its final report in advance of the 2024 MSP, at which meeting (and any future MSP), the Review Conference authorizes the States Parties to consider the report and to decide upon any further action to be taken by States Parties, including possible legal, verification, or other measures under the framework of the Convention.

6. **Funding:** [Note: The funding mechanism of the Experts WG would be decided by the Ninth Review Conference and inserted in this section.]

7. **Schedule/Objectives of Expert WG Meetings:** Six meetings each of two-weeks in length would be convened in Geneva over a two-year period (2023-2024). The first meeting of the Experts Working Group is scheduled for [2023 dates to be inserted].

Meeting #1: Scientific, technological, and BW threat developments (including bioterrorism). Meeting #2: Measures to further build confidence and enhance transparency.

Meeting #3: Measures to address concerns about compliance.

Meeting #4: Measures to enhance bio-risk management and prevent bioterrorism. Meeting #5: Measures to enhance international cooperation and assistance.

Meeting #6: Preparation of the report of the Experts Working Group

## **France, Senegal and Togo**

### **Proposal for establishment of an international platform dedicated to biosecurity and biosafety: SecBio**

*Noting* that research, production and innovations in life sciences induce biosafety and biosecurity stakes as well as that civil biological activities are rapidly growing, notably in the research field of biotechnologies;

*Noting* also that the provisions of Article X of the Convention aim notably to facilitate the exchange of information for peaceful purposes;

*Underlying* that the exchange of information on biosafety and biosecurity for peaceful purposes under Article X would be one way to increase the global biosafety and biosecurity level playing field;

The Conference,

Considering the discussion in the room: 2 options:

[*Decides to establish*] [*Supports the inscription at the agenda of the next intersessional program of*] an international online platform for biosafety and biosecurity under the framework of Article X in order to facilitate the exchange of information for peaceful purposes and thus increase the global biosafety and biosecurity level playing field.

### **France, Belgium, Canada, Chile, Czech Republic, Georgia, Germany, Luxembourg, Mexico, Morocco, Netherlands and Spain**

#### **An exchange Platform for voluntary transparency exercises**

The Conference,

*Recalling* the importance of confidence-building measures under the BTWC and taking note of initiatives undertaken by BTWC States parties in that regard, including through the organization of voluntary transparency exercises;

*Recalling* as well that States Parties agreed at the 2017 December meeting of State parties to make efforts, during the intersessional process, to explore various ways to promote transparency and confidence building under the Convention;

*Recognizing* the added value of voluntary transparency exercises in order to contribute to strengthening national implementation of the Convention by States parties, enhancing confidence among States Parties and improving international cooperation;

*Underlining* that since 2011, 16 countries from all regional groups have taken the initiative to host a voluntary transparency exercise; these various exercises that vary in their nature, substance and procedures brought together 40 countries from all regional groups; this positive dynamic needs to be pursued and consolidated;

*Hereby,*

*Decides* to establish an exchange platform for voluntary transparency exercises based on the following terms of reference:

The aim of this exchange Platform is to:

- (a) Strengthen the implementation of the BTWC, and in particular support national implementation efforts;
- (b) Discuss and exchange information and best practices on voluntary transparency exercises conducted by BTWC States parties;
- (c) Create a Compendium of all voluntary transparency exercises, as well as related best practices, conducted by BTWC State parties and lessons learned from exchanges within the Platform; and
- (d) Identify potential needs for assistance and cooperation for national implementation of the Convention, which would complement the implementation of Article X of the BTWC.

States Parties willing to engage in a voluntary transparency exercise are encouraged to use the exchange Platform.

A yearly meeting on the exchange Platform, open to all States Parties, will be convened within the intersessional program, which will include presentations on exercises already carried out.

Results of voluntary transparency exercises already conducted and presented within the yearly exchange Platform meeting, as well as related best practices, are compiled in the Compendium, and submitted each year to the Meeting of State Parties as a BTWC working paper.

The exchange Platform yearly meeting is chaired on a voluntary basis by the chair of the meeting dealing with strengthening national implementation; if not, the exchange Platform yearly meeting is chaired by a voluntary State party if no participating States parties to the exchange Platform opposes it.

Proceedings of the yearly exchange Platform are sustained by the Implementation Support Unit (ISU) of the Convention.

The ISU, in consultation with the Chair, invites all States parties to the exchange Platform yearly meeting to be held on the margins of the meeting of experts dedicated to Strengthening national implementation.

The Implementation Support Unit will set up and administrate a publicly accessible online portal, on the website of the BTWC, which will include (i) reports of the exchange Platform, (ii) Compendia of voluntary transparency exercises presented within the Platform, (iii) offers and requests of assistance for organizing and conducting a voluntary transparency exercise.

## France and India

### **Proposal for the establishment of a database for assistance under Article VII of the Biological and Toxin Weapons Convention**

The Conference welcomes the discussions that have taken place on Article VII during the intersessional process and stresses the necessity to build on these discussions to operationalize the provisions of Article VII.

The Conference decides to establish a database open to all States parties to facilitate assistance under the framework of Article VII, which would allow matching of specific offers and requests for assistance.

The Conference notes that establishing voluntary guidelines as well as a database could facilitate prompt response and the provision of timely humanitarian and other necessary emergency assistance by States Parties, including any request for assistance pursuant to Article VII. In view of the humanitarian imperative, the Conference reaffirms the decision adopted by 8<sup>th</sup> Review Conference that States Parties who are in a position to do so may provide timely emergency assistance, if requested, pending consideration of a decision by the Security Council.

To that end, the Conference therefore decides to establish a database open to all States parties to facilitate assistance under the framework of Article VII on the basis of the adopted voluntary guidelines in Annex 1, which a State Party could use as a template to submit a request for/as part of the process of invoking Article VII.

The database will be administered by the BTWC ISU and will be hosted on the BTWC website. It will be opened to government agencies of all States parties or other entities nominated through official channels. This database should avoid duplicating article X database and any emergency mechanisms already provided by regional or international organizations or bilateral arrangements. This database will be developed through a modular approach taking into account views and interests of all States parties.

The Conference recognizes a State Party may choose to request that the UNSC consider whether that Party has been exposed to danger as a result of a violation of the Convention and that other Parties provide it with assistance without using these guidelines. The Conference acknowledges that although the use of these guidelines is not mandatory, the template can be valuable to States Parties in identifying what information might be helpful in determining how best to provide assistance.

## Kazakhstan

### **Proposal for inclusion in the final document of the Ninth Review Conference of the Biological Weapons Convention regarding the establishment of a Working Group to create the International Agency for Biological Safety (IABS)**

Establishment of a Working Group on the International Agency for Biological Safety (IABS) by the Ninth Review Conference

A Working Group on the International Agency for Biological Safety (hereinafter – IABS WG) is aimed at elaborating a report that will provide a basis for considering further actions to be taken by the States Parties, including possible legal, verification, or other measures on creation of a new international body in the framework of the Convention.

Participation: IABS WG meetings would be open to experts and other representatives of all States Parties and Signatory States. States which are neither parties nor signatories to the Convention and international organizations may apply to participate as observers. The IABS WG would determine the appropriate participation of civil society, NGOs, academic institutions and industry in its program of work.

Chair: [TBD] would chair the IABS WG together with vice-chairs from each regions [TBD].

Working-Methods: The IABS WG would be governed by consensus, including the adoption of the report of the WG and the findings contained therein.

Report: At the completion of its work, the IABS WG would prepare a report with recommendations on further actions to create the IABS and its further functioning. The Chair of the WG would provide an interim procedural report to the 2023 Meeting of States Parties (MSP). The IABS WG would issue its final report in advance of the 2024 MSP, at which meeting (and any future MSP), the Review Conference authorizes the States Parties to consider the report and to decide upon any further action to be taken by States Parties, including possible legal, verification, or other measures under the framework of the Convention.

Funding: [TBD - the funding mechanism of the Experts WG would be decided by the Ninth Review Conference and inserted in this section].

Schedule/Objectives of IABS WG: Two annual meetings each two weeks in length would be convened in Geneva over a two-year period (2023-2024). The first meeting is scheduled for 2023 [dates to be inserted].

## **Panama**

In order to support and increase the participation of developing States Parties in the annual meetings of States Parties, the Conference decides to renew the sponsorship programme, funded by voluntary contributions from States Parties in a position to provide them. Gender balance criteria shall apply to the nomination process from each applying developing States Party, as well as to the selection of candidates for the sponsorship programme in order to promote the overall equal representation of women and men in Convention meetings. The sponsorship programme will continue to be administered by the Implementation Support Unit in consultation with the Chair and Vice-chairs of the Meeting of States Parties (new wording underlined, based on paragraph 10 – Part III of the Final Document of the Eighth Review Conference. Document BWC/CONF.VIII/4).

The Conference agrees to encourage the equitable and effective participation of women and men in the framework of the Convention. The Conference also agrees to give greater attention to the possible impact of biological weapons on women, men, boys and girls.

In view of the increasing participation of women in the work under the Convention and in Convention meetings, the Conference decides that a member of the BWC Bureau will act as gender focal point to advise the Bureau on the integration of a gender perspective; to collect, track and publish data available on the participation of men and women in Convention formal and informal meetings, including as speakers, office- holders, members of the BWC Bureau and subsidiary bodies; and to address reports of harassment, including sexual harassment, during Convention meetings, in line with the Code of Conduct to prevent harassment, including sexual harassment, at UN system events. The Conference also decides to adapt the ISU's mandate to allow it to support the work of the gender focal point.

## **Russian Federation**

### **Proposal to enhance the format of confidence-building measures under the Biological Weapons Convention**

[specific language to be added]

## **Russian Federation**

### **Strengthening the Biological Weapons Convention: Proposal for the establishment of a Scientific Advisory Committee**

The Conference,

*Recognising* the importance of monitoring developments in areas of science and technology relevant to the Convention,



*Referring* to Article XII of the Convention which stipulates that the review of the operation of the Convention shall take into account any new scientific and technological developments relevant to the Convention,

Hereby:

1. *Establishes* the Scientific Advisory Committee (hereinafter referred to as “the Committee”) to assess developments in areas of science and technology relevant to the Convention and render specialised advice to States Parties;
2. *Approves* the terms of reference of the Committee and its rules of procedure annexed hereto;
3. *Requests* the President of the Conference, Mr./Ms. ..., to facilitate the establishment of the Committee by liaising with the regional groups;
4. *Decides* that States Parties will cover expenses necessary for holding one annual session of the Committee of five days from the costs of the programme of work and that any other sessions of the Committee or meetings of its temporary working groups will be at no additional cost to States Parties;
5. *Authorises* the Implementation Support Unit (ISU) to set up and administer a trust fund for voluntary contributions received to assist the Committee in its activities;
6. *Decides* to add one full time staff member to the ISU, funded by States Parties to (i) provide administrative support to and preparing documentation for the Committee meetings; (ii) facilitate communication among States Parties and the Committee; (iii) serve as a focal point for submission of information by States Parties related to the Committee activities;
7. *Decides* that the Committee’s performance will be evaluated and its terms of reference will be reviewed by States Parties at the Tenth Review Conference.

## **Russian Federation**

### **Strengthening the Biological Weapons Convention (BWC): Proposal for the BWC Article VI Implementation**

The Conference,

Reaffirming 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 violations of Article I of the BWC,

Reaffirming also the determination of States Parties to condemn any use of biological agents or toxins other than for peaceful purposes, by anyone at anytime, Underlining the need of prompt and impartial investigation of alleged breach of obligations deriving from the provisions of the Convention that is aimed for further strengthening the BWC,

Referring to Article VI of the Convention related to the fact that the United Nations Security Council only may initiate any investigation of the alleged breach of obligations deriving from the provisions of the BWC on the basis of the complaint received from any State Party, in accordance with the provisions of the Charter of the United Nations,

Stressing 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 and within the scope of the Convention,

Recognizing that the United Nations Security Council may request, if it deems necessary and in accordance with its Resolution 620 of 26 August 1988, the United Nations Secretary-General to investigate the allegation of use of chemical and bacteriological (biological) or toxin weapons, implementing the technical guidelines and procedures contained in Annex I of United Nations Document A/44/561,

Recognizing also that the United Nations Security Council shall inform each State Party of

the results of any investigation initiated under Article VI and consider promptly any appropriate further action which may be necessary,

Reaffirming 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 as well as the undertaking of each State Party to cooperate in carrying out any investigations that the United Nations Security Council initiates.

Decides:

1. To establish a Group of Governmental Experts for the period from 2022 to 2026 to consider and agree on concrete guidelines and procedures to initiate and conduct investigations under Article VI of the BWC;
2. The newly established Group of Governmental Experts to operate by consensus and hold two one-week sessions in Geneva annually;
3. The appointed Chair of the Group of Governmental Experts to inform the BWC States Parties annually on the work done;
4. The Group of Governmental Experts to submit the report to the BWC Tenth Review Conference in 2026.

## **Russian Federation**

### **Proposal for inclusion in the final document of the Ninth Review Conference of the Biological Weapons Convention**

*The Conference,*

*Recognising* the importance of strengthening the effectiveness and improving the implementation of the Convention and recalling that to that end the Special Conference of 1994 approved the relevant negotiating mandate (paragraph 36 of document BWC/SPCONF/1) having established in that regard the negotiating organ, the Ad Hoc Group,

*Recalling* that the Ad Hoc Group from 1995-2001 carried out a significant amount of work, but since 2001 it has been suspended due to the lack of agreement on the implementation of certain elements of the negotiating mandate,

*Emphasising* that this decision is without prejudice to the mandate of the Ad Hoc Group nor does it supersede, supplant or change it,

*Stressing* a timely necessity of resuming substantive work to strengthen the Convention on a realistic basis,

***Hereby,***

1. *Decides* to establish an Open-ended working group open to all States Parties sharing its objective. The objective of this Open-ended working group shall be to elaborate on a basis of consensus appropriate measures and draft proposals to strengthen the Convention to be included, as appropriate, in a legally binding instrument to be submitted for the consideration of the States Parties. In this context the Open-ended working group shall consider the following:

- a) the incorporation of existing and potentially further enhanced confidence building and transparency measures, as appropriate, into the regime;
- b) measures to achieve effective national implementation of the Convention;
- c) measures for considering the implications of developments in areas of science and technology relevant to the Convention and agreeing in that regard appropriate steps to enhance the effective implementation of the Convention;
- d) measures for strengthening international co-operation for peaceful purposes in accordance with Article X of the Convention;

- e) procedures and mechanisms for assistance and protection against biological weapons in accordance with Article VII of the Convention;
  - f) mechanism for investigating alleged use of biological weapons (to be initiated by the affected State and conducted on its territory) pursuant to Article VI of the Convention.
2. *Stresses* that the measures should be formulated and implemented in a manner designed to avoid any negative impact on scientific research, international co-operation and industrial development;
  3. *Also decides* that the first session of the Open-ended working group should be held in Geneva from [...] 2023. The session will be devoted to procedural matters and will decide the group's methods of work, including the adoption, by consensus, of its rules of procedure. The group will hold additional sessions as appropriate. It will complete its work as soon as possible and submit its report, which shall be adopted by consensus, to the States Parties, to be considered at the Special Conference or the Tenth Review Conference. The group will be chaired by its Chairman who will be assisted by two Vice-Chairs, to be elected by the group;
  4. *Requests* the Convention's Secretariat (the Implementation Support Unit) to render the necessary assistance and to provide such services as may be required for the convening and activities of the Open-ended working group.

## South Africa

### **Proposal for a set of set of voluntary guidelines to assist a State Party when submitting a request or application for assistance**

The Conference notes that establishing voluntary guidelines for requesting assistance could facilitate prompt response and the provision of timely humanitarian and other necessary emergency assistance by States Parties, if requested in the event of use of biological weapons, including any request for assistance pursuant to Article VII. To that end, the Conference therefore decides to adopt the voluntary guidelines in Annex 1, which a State Party could use as a template to submit a request for/as part of the process of invoking Article

VII. The Conference recognizes a State Party may choose to request that the UNSC consider whether that Party has been exposed to danger as a result of a violation of the Convention and that other Parties provide it with assistance without using these guidelines. The Conference acknowledges that although the use of these guidelines is not mandatory, the template can be valuable to States Parties in identifying what information might be helpful in determining how best to provide assistance.

## United States of America

### Voluntary Fund for International Technical Cooperation

The Conference decides to establish a voluntary fund to support peaceful international technical cooperation activities in the life sciences. The fund, financed by voluntary contributions from States Parties in a position to do so, shall support small-scale, technical projects aimed at strengthening: capabilities to utilize advanced biotechnology tools for surveillance and characterization of disease outbreaks affecting humans, animals, or plants; laboratory biosafety and biosecurity systems; or relevant technical oversight or regulatory systems. To support the operation of the Voluntary Fund and other international cooperation activities such as the International Cooperation and Assistance database, a portion of the Voluntary Fund may also be used to support the costs of a Cooperation and Capacity-Building Officer position in the BWC Implementation Support Unit.

Projects proposed by States Parties shall be selected taking into account: technical merit and feasibility; demonstrated need; cost-effectiveness; broad geographical distribution of funding; and the importance of giving particular consideration to the needs of the least-developed States Parties. To ensure that the benefits of the Voluntary Fund are broadly shared, funding for any individual project should be limited to no more than 10 percent of the funds available for

distribution.

The Conference agrees that the ISU will convene geographically diverse panels of experts, including donor representatives, in order to review proposals and make final selections by consensus. The Conference further decides that the ISU should report annually on a) the status of contributions to the Fund and its overall balance; b) proposals received and funded; and c) the status of implementation of funded projects.

#### Science and Technology Review Process

*The United States supports the establishment of a dedicated S&T review process that is inclusive and diverse, technical in character, responsive to the needs of States Parties, and affords access to the wide range of subject matter expertise that may be required. We are not proposing specific text at this time; we support the ongoing efforts of the facilitator, Mr. Gjorginski, to arrive at a consensus text.*

#### Strengthening the Implementation Support Unit

The Conference notes that the Implementation Support Unit, established by the Sixth Review Conference in order to provide administrative support to meetings agreed by the Review Conference as well as support for the comprehensive implementation and universalization of the Convention and the exchange of confidence- building measures, has continued to discharge its mandate successfully. The Conference therefore decides to renew the mandate of the Unit, *mutatis mutandis*, subject to any decisions by future Conferences to modify or terminate that mandate. The ISU will submit a concise annual written report to all States Parties on its activities, and its performance will be evaluated and its mandate reviewed by subsequent Review Conferences.

In order to enhance the support available to meetings and to States Parties, the Conference further decides to reinforce the Implementation Support Unit through the establishment of two posts: a Cooperation and Capacity-Building officer and a Science and Technology officer. The Conference notes the need, in staffing the ISU, to recruit on as wide a geographic basis as possible, in accordance with the Charter of the United Nations.

#### Meetings of States Parties

The Conference decides to hold annual meetings of the States Parties of one week duration each year commencing in 2023 to: review and take appropriate action on the work of the Temporary Experts Group; monitor the functioning of the Implementation Support Unit; consider the reports of, and provide guidance to, the Science and Technology Review Mechanism; consider the reports on the implementation of the Voluntary Fund for International Technical Cooperation; review the status of progress toward universalization; and monitor the financial situation of the Convention.

Consistent with these responsibilities, and mindful that the COVID-19 pandemic has underscored that international institutions' ability to respond to important developments in a timely way is an essential priority, the Conference confirms the authority of Meetings of States Parties to take specific actions to support the Convention, including decisions on (a) matters delegated by the Review Conference; (b) matters necessary for the implementation of decisions taken by the Review Conference; (c) recommendations to the Review Conference; and (d) other matters, consistent with existing policies established by the Review Conference.