Briefing Book

BWC Sixth Review Conference 2006

Prepared by the British American Security Information Council (BASIC), the Harvard Sussex Program (HSP) and the Verification Research, Training and Information Centre (VERTIC)

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Abbreviations and Acronyms

AG	Australia Group
AHG	Ad Hoc Group
ASEAN	Association of Southeast Asian Nations
BW	Biological Weapons
BWC	Biological Weapons Convention
CBM	Confidence-Building Measure
CBW	Chemical and biological warfare/weapons
CD	Conference on Disarmament
CW	Chemical Weapons
CWC	Chemical Weapons Convention
EU	European Union
FAO	Food and Agriculture Organization
G8	Group of Eight Nations
IAP	InterAcademy Panel
ICRC	International Committee of the Red Cross

IHR	International Health Regulations
IMO	International Maritime Organization
Interpol	International Criminal Police Organization
IO	International Organization
MSP	Meeting of States Parties
MX	Meeting of Experts
NAM	Non-Aligned Movement
NGO	Non-Governmental Organization
OAS	Organization of American States
OIE	World Organization for Animal Health (formerly Office International des Epizooties)
OPCW	Organisation for the Prohibition of Chemical Weapons
PrepCom	Preparatory Committee
PSI	Proliferation Security Initiative
SUA	Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation
UN	United Nations
UNDDA	United Nations Department for Disarmament Affairs

UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
VEREX	Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint
WHO	World Health Organization
WMD	Weapons of Mass Destruction

Introduction

Introduction

On 20 November 2006 States Parties to the 1972 Biological Weapons Convention (BWC) will reconvene in the Palais des Nations in Geneva for the treaty's Sixth Review Conference. In an attempt to facilitate and stimulate active participation in the Conference by government delegations, BASIC, HSP and VERTIC have developed this comprehensive BWC Briefing Book. It contains official documents and other texts relating to the biological weapons regime, including: official BWC documents (including the Final Documents from the previous five Review Conferences); documents from the United Nations, other international and regional organisations; documents from informal arrangements; and supporting material from various non-governmental organisations (NGOs). Although designed primarily for Review Conference delegates, BASIC, HSP and VERTIC hope this Briefing Book will also be a useful resource for researchers, NGOs, journalists and others in civil society with an interest in the biological weapons regime embodied in the BWC.

Each of our three organizations has been a longstanding supporter of the BWC and of efforts to strengthen it. The BWC is a landmark treaty in international efforts to tackle threats to international peace and security as it was the first treaty to comprehensively ban an entire category of weapons of mass destruction. While the BWC itself may have been through trials and tribulations over its almost 35-year lifespan, it reflects a fundamental norm of the international community – that the hostile use of disease is indeed "repugnant to the conscience of mankind." We view the Sixth Review Conference as an opportunity to consolidate the past achievements of the BWC and to plan for its future. We believe that the norm embodied in the BWC is strong and that the Review Conference can take practical steps to improve the universality and implementation of the Convention.

Background to the Briefing Book

This Briefing Book has been a long time in design and preparation. Initial discussions took place at a workshop of the Pugwash Study Group on the Implementation of the CBW Conventions in April 2005 in the Netherlands, and a more refined outline of the book's structure was presented at a subsequent Pugwash CBW workshop in Geneva. However, it was only with the generous granting of funds by the Ministry of Foreign Affairs of the Netherlands that the book became more than just another "good idea" that never gets realised. As such, the authors are extremely grateful to the officials of the Security Policy Department of the Dutch Ministry of Foreign Affairs for their support.

The primary idea behind the Briefing Book is to assist delegates to the Sixth Review Conference of the BWC in their work and thus to contribute to a successful and constructive outcome to the Conference. By collecting together as many of the key relevant documents as possible, the authors hope to provide a convenient reference source for use during the Review Conference, and beyond. Having attended many previous BWC meetings, as well as other international diplomatic meetings, we felt it would be advantageous to have as many of the relevant documents as possible collected into one publication. We also hope that the Briefing Book will raise awareness of the BWC both with states that have not yet joined the Convention, and with researchers, academics, journalists and the general public who have an interest in issues relating to it. In producing this Briefing Book, we also hoped to demonstrate the constructive input which civil society can make to international meetings such as the Sixth Review Conference. All of the authoring organizations are longstanding supporters of the BWC and see this Briefing Book as one of our contributions to nurturing and strengthening the Convention.

The concept of a reference compilation of documents for a Review Conference did not originate with this publication. The authors wish to acknowledge the University of Southampton Mountbatten Centre for International Studies' (MCIS) *NPT Briefing Book*, first published in 1990, which served as a model for this Briefing Book (see www.mcis.soton.ac.uk/publications/towards2005npt.html) There seemed to be no obvious reason why something which was clearly useful and well-received by delegates to NPT Review Conferences would not also be seen in the same way by delegates to BWC Review Conferences. The authors would like to express their thanks to the MCIS staff for their encouragement and support in producing this Briefing Book.

This Briefing Book is seen as being complementary to the *Key Points for the Sixth Review Conference* volume produced by the Department of Peace Studies at the University of Bradford (see www.brad.ac.uk/acad/sbtwc/key6rev/contents.htm). The authors would like to thank the editors of the Key Points for their encouragement and support.

Selection of Documents

In preparing a compilation of reference documents, we necessarily had to make decisions about which documents, or portions of them, to include or exclude. We realise that questions may be asked about our selection criteria, such as why we included one particular document and not another, and why we did not include many documents from the years prior to 2001.

One easy answer to these questions relates to space; this Briefing Book is already quite a bulky volume and including more documents would have meant an even heavier book, and one that our target audience would be less likely to use. This factor mitigated against including lengthy documents in their entirety, except where they were essential or where extracting sections would have lessened their usefulness. Where we have included extracts from long documents we provide a reference to the original text (most are accessible in full on the internet).

In order to include those documents of most relevance to the Sixth Review Conference, we have mostly restricted our source materials to those published since the first session of the Fifth Review Conference in 2001. The main exception to this has been documents from previous Review Conferences and other BWC meetings. For practical reasons the selection is also limited to English language documents. However, most of the BWC documents have been produced in all six official UN languages, so Arabic, Chinese, French, Russian and Spanish versions should be available from the websites referenced throughout the Briefing Book (although Arabic did not become an official UN language until later). In addition, we have refrained from including any documents of the Sixth Review Conference itself (including its Preparatory Committee) that have been released in advance because they will be distributed at the Review Conference anyway and because more are being released all the time, making any selection we include out of date.

We are also aware of the excellent resource that is www.opbw.org, where hundreds, if not thousands, of BWC documents from the First Review Conference in 1980 onwards are available. And, during the preparation of this Briefing Book, the BWC Meetings Secretariat launched a BWC website which also includes copies of many key BWC documents, particularly those issued for the Sixth Review Conference itself. The website (www.unog.ch/bwc) also contains much useful information on the Sixth Review Conference itself, including advance copies of papers and information for States Parties, NGOs and the

media. While aware of these electronic resources and keen to avoid duplication, we were also intent on producing something that was useful to delegates in the conference room and when away from computers. Having said that, we will post the Briefing Book on our websites, so that people can download it if they wish.

While we have tried to be as comprehensive as possible, it is likely that we have missed some useful documents or that people will take issue with our selection policy. We therefore welcome comments on this Briefing Book, including suggestions of additional documents that may be included in a future edition. A feedback form is included at the end of the Briefing Book for this purpose.

Outcomes

A successful outcome of the Sixth Review Conference is vital to avoid the risk that the BWC may be seriously undermined at a time when biological weapons are recognised as a growing threat to international security. BASIC, HSP and VERTIC believe that the BWC remains the cornerstone of global efforts to prohibit and prevent biological weapons. For it to be truly effective, the Convention requires continued and renewed support. The baseline objective for a successful outcome at the Review Conference, therefore, should be for States Parties to identify, develop and promote initiatives for strengthening the BWC in the framework of a further series of annual meetings between the Sixth and Seventh Review Conferences, as has been suggested by a number of States Parties. There is no shortage of pragmatic recommendations for strengthening the BW prohibition regime; what is needed is innovative thinking and political will. It is clear that there is no one single solution to a problem as complex as the threat posed by biological weapons. What is required is the involvement of a wide range of stakeholders at all levels from the individual to the international. In this regard, this Briefing Book will help to demonstrate the range of organizations, initiatives and arrangements that are already engaged in this process and contributes positively to promoting interactions and constructive collaborations.

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October 2006

1. The Treaties

1. The Treaties

The existing BW governance regime is made up of many elements but two multilateral treaties – the 1925 Geneva Protocol and the 1972 Biological Weapons Convention – stand apart from the rest, acting as the bedrock and the normative heart around which all other elements are built. This section includes the text of both treaties and lists the States Parties, Signatory States and non-Signatory States to both instruments.

The 1925 Geneva Protocol

Full name: Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare
Date of adoption: 17 June 1925
Date of entry into force: 8 February 1928
Depositary: Government of France
States Parties: 133 (as at 18 October 2006)
Signatory States: 1 (as at 18 October 2006)

The 1925 Geneva Protocol prohibits "the use in war of asphyxiating, poisonous, or other gases and of all analogous liquids, materials or devices", and it also bans "bacteriological methods of warfare." It was adopted by the Conference for the Supervision of the International Trade in Arms and Ammunition and in Implements of War convened in Geneva by the League of Nations and builds on earlier international agreements on the laws of war, such as those from the 1899 and 1907 peace conferences in The Hague. The Geneva Protocol prohibitions are now widely considered to have entered customary international law, making them binding on all states, whether or not they have formally joined the treaty.

On joining the Geneva Protocol, over 40 states entered reservations. These reservations upheld the right of the reserving states to use the prohibited weapons against non-parties or in response to the use of these weapons by a violating party, or against the allies of the violating party even if they themselves have not committed a violation. These reservations, which were not strictly necessary as the Protocol was expressly drafted as a contract between its parties, reinforced the fact that the Protocol was essentially a no-first-use agreement. As a result of diplomatic pressure and the entry into force of the treaties banning production and possession of these weapons (the 1972 Biological Weapons Convention and the 1993 Chemical Weapons Convention), at least 17 states withdrew their reservations to the Protocol. However, according to a non-paper distributed by France during the 2006 session of the UN General Assembly's First Committee, around 22 states parties retain reservations that are "often incompatible with the commitments made within the framework of the BTWC and CWC." Further details on reservations and their withdrawal are provided in the list of states in this section of the Briefing Book.

Since the 1980s, resolutions have been passed by both the United Nations Security Council and General Assembly encouraging the UN Secretary-General to investigate reports of possible violations of the Geneva Protocol. A total of 12 investigations have subsequently been carried out by the Secretary-General, some under the authority of these resolutions. During the Iran-Iraq war of the 1980s UN investigators confirmed the use of chemical weapons by Iraq. In January 1989 States Parties to the Geneva Protocol and other interested states met in Paris to respond to the confirmed use of chemical weapons in the Iran-Iraq war

and to support the negotiation of a chemical weapons convention. In the Final Declaration of the conference, they also reaffirmed their "full support for the Secretary-General in carrying out his responsibilities for investigations in the event of alleged violations of the Geneva Protocol." More detail of the Secretary-General's investigatory mechanism, and some of the relevant documents, is provided in section 3 of the Briefing Book.

The Geneva Protocol currently has 133 States Parties and one Signatory State. States wishing to ratify or accede to the Geneva Protocol should deposit their instrument of ratification/ accession with the French Government, which is the Depositary of the Protocol. Instruments of ratification or accession should be sent to:

Frédéric Jung
Ministère des Affaires Etrangères
Sous-Direction du Désarmement chimique, biologique et de la maîtrise des armements classiques
37 Quai d'Orsay
75 700 Paris 07 SP
France
E-mail: frederic.jung@diplomatie.gouv.fr
Phone: ++ 33 1 43 17 43 06
Fax : ++ 33 1 43 17 49 52

The 1972 Biological Weapons Convention

Full name: Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
Date of adoption: 16 December 1971 (UN General Assembly)
Date of opening for signature: 10 April 1972 (London, Moscow, Washington)
Date of entry into force: 26 March 1975
Depositaries: Governments of Russia, United Kingdom and United States
States Parties: 155 (as at 18 October 2006)
Signatory States: 16 (as at 18 October 2006)

The 1972 Biological Weapons Convention prohibits the development, production, stockpiling or other acquisition or retention, or transfer of biological and toxin weapons (which are defined in Article I using a general purpose criterion) and requires the destruction of existing weapons. BWC states parties have additionally agreed that BW use is effectively covered by the treaty's prohibitions. The states parties have therefore renounced germ weapons in order to "exclude completely" the possibility of such weapons being used against humans, animals or plants. States that have signed but not ratified the BWC are nonetheless obliged to refrain from acts which would defeat the object and purpose of the treaty, such as developing or using biological weapons.

The BWC was negotiated by the Conference of the Committee on Disarmament (a precursor of today's Conference on Disarmament) at a time of heightened international concern about chemical and biological weapons in the late 1960s and was the first occasion when the two categories of weaponry prohibited together in the Geneva Protocol were separated. The justification for separate treatment of the two categories of weapon was the perception that, unlike a comprehensive prohibition of chemical weapons, a ban on biological weapons did not require intrusive verification and that it could therefore be concluded quickly.

The Convention reflects the post-Second World War renunciation of biological weapons by the defeated Axis powers, as found in the 1954 Revised Brussels Treaty, as well as the subsequent unilateral renunciations by other states, particularly by the US in 1969. The BWC extends the existing regime prohibiting the use of chemical or biological weapons (CBW) (elaborated in the 1925 Geneva Protocol), by explicitly banning the development, production, stockpiling and transfer of biological and toxin weapons. However, the BWC essentially makes no provision for any particular procedures or forms of international cooperation or organization to implement its rules, to verify compliance with its obligations (aside from the consultation and cooperation procedure in Article V and the complaint procedure involving the UN Security Council in Article VI) or to enforce its norm of non-possession. The Convention has been strengthened at its periodic Review Conferences (in 1980, 1986, 1991, and 1996 and 2001/02) and an attempt was made during the 1990s to negotiate a protocol to strengthen the BWC, although this ultimately failed in 2001. Section 2 provides more detail and documentation on the Review Conferences and efforts to strengthen the BWC.

According to a list provided at the 2005 Meeting of States Parties, the BWC now has 155 States Parties and 16 Signatory States, while 24 States have neither signed nor ratified the BWC. The depositaries of the BWC are the governments of Russia, the UK and the USA. States wishing to ratify (Signatory States) or accede (non-Signatory States) to the treaty should send their instrument of ratification/accession to one or more of these three countries. The addresses to which instruments of ratification/accession should be sent are on the following page:

BWC Depositary Contact Details	
Russia	Legal Department Ministry of Foreign Affairs of Russia 32/34 Smolenskaya-Sennaya Square Moscow 121 200 Russian Federation Phone: ++ 7 495 241 77 18 Fax: ++ 7 495 241 11 66 E-mail: dp@mid.ru [NB The instruments of ratification or accession are deposited in Moscow upon their transmittal through the established diplomatic channels]
UK	Treaty Section (Legal Advisers) Room G62 Old Admiralty Building Foreign and Commonwealth Office London SW1A 2PA United Kingdom Telephone: ++ 44 207 008 1109 Fax: ++ 44 207 008 1115 E-Mail: treaty.fco@gtnet.gov.uk Website: www.fco.gov.uk/treaty [NB Envelopes should be marked "For the attention of the Depositary"]
USA	Office of the Assistant Legal Adviser for Treaty Affairs United States Department of State, Suite 5420 2201 C Street, N.W. Washington, D.C. 20520 United States of America Phone: ++ 1 202 647 1345 E-mail: treatyoffice@state.gov Website: www.state.gov/s/l/treaty/ [NB states wishing to deposit in Washington are advised to forward their instruments of ratification/accession to the Treaty Office through their embassies in Washington. Embassy staff should then call the Depositary Officer at the Treaty Office on the phone number above to schedule an appointment for hand-delivery of the instrument.]

Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare. Signed at Geneva, June 17, 1925.

French and English official texts communicated by the President of the Council, Minister for Foreign Affairs of the French Republic. The registration of this Protocol took place September 7, 1929.

THE UNDERSIGNED PLENIPOTENTIARIES, in the name of their respective Governments :

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilised world; and

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations;

DECLARE:

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear today's date.

The ratification of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding Powers.

The instruments of ratification of and accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.

The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other Powers which have already deposited their ratifications.

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

Signed at London, Moscow and Washington on 10 April 1972.
Entered into force on 26 March 1975.
Depositaries: UK, US and Soviet governments.

The States Parties to this Convention,

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

Recognizing the important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925, and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,

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

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

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

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

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

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

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

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

Have agreed as follows:

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

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

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

Article II
Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this article all necessary safety precautions shall be observed to protect populations and the environment.

Article III
Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in article I of this Convention.

Article IV
Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of the agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

Article V
The States Parties to this Convention undertake to consult one another and to cooperate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and Cooperation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

Article VI

(1) Any State Party to this convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.

(2) Each State Party to this Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

Article VII

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

Article VIII

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocolfor the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925.

Article IX

Each State Party to this Convention affirms the recognized objective ofeffective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerningequipment and means of delivery specifically designed for the productionor use of chemical agents for weapons purposes.

Article X

(1) The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also cooperate in contributing individually or together with other States or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes.

(2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) and toxins and equipment for the

processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

Article XI

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

Article XII

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realized. Such review shall take into account any new scientific and technological developments relevant to the Convention.

Article XIII

(1) This Convention shall be of unlimited duration.

(2) Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article XIV

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

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

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

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

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

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

Article XV

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

Stockholm International Peace Research Institute

High Contracting Parties to the Geneva Protocol

The protocol was signed in Geneva on 17 June 1925 and entered into force on 8 February 1928.

France is the depositary power for the protocol.

133 states have ratified, acceded to, or declared succession to the Geneva Protocol

Most recent accession: **Ukraine** 7 August 2003

El Salvador has signed (17 June 1925) but not ratified the Geneva Protocol.

Explanatory notes regarding membership and reservations appear at the end of this document.

A | B | C | D | E | F | G | H | I | J | K | L | M | N | P | Q | R | S | T | U | V | Y | Notes

A [top]

- **Afghanistan**, acceded 9 December 1986
- **Albania**, acceded 20 December 1989
- **Algeria**, acceded 27 January 1992

  Algeria entered the following reservation on accession -- "The Algerian Government will be bound by the Protocol only with regard to States which have ratified or have adhered to it and will cease to be bound by the said Protocol with regard to any State whose armed forces or whose allies' armed forces do not respect the provisions of the Protocol."

- **Angola**, acceded 8 November 1990

  Angola entered the following reservation on accession -- "In acceding to the Protocol of 17 June 1925, the People's Republic of Angola declares that the latter is binding only on those States which have signed and ratified or which have definitively acceded to the Protocol. In acceding to the Protocol of 17 June 1925, the People's Republic of Angola declares that the latter would cease to be binding on all enemy States whose armed forces or whose allies, *de jure* or *de facto* do not respect the prohibitions which are the object of the said Protocol."

- **Antigua and Barbuda**, acceded 27 April 1988
- **Argentina**, acceded 12 May 1969
- **Australia**, acceded 24 May 1930

  Australia had entered the following reservation on accession which was withdrawn in 1986 -- "Subject to the reservations that His Majesty is bound by the said Protocol only towards those Powers and States which have both signed and ratified the Protocol or have acceded thereto, and that His Majesty shall cease to be bound by the Protocol towards any Power at enmity with Him whose armed forces, or the armed forces of whose allies, do not respect the Protocol."

- **Austria**, signed 17 June 1925, ratified 9 May 1928

B [top]

- **Bahrain**, acceded 9 December 1988

  Bahrain entered the following reservation on accession -- "The said Protocol is only binding on

the Government of the State of Bahrain as regards those States which have signed and ratified the Protocol or have acceded thereto; The said Protocol shall cease to be binding on the Government of the State of Bahrain in regard to any enemy State whose armed forces, or the armed forces of whose Allies, fail to respect the prohibitions laid down in the Protocol; The accession of the State of Bahrain to the said Protocol, signed on June 17, 1925, shall in no way constitute recognition of Israel or be a cause for the establishment of any relations of any kind therewith."

- **Bangladesh**, acceded 20 May 1989

  Bangladesh entered the following reservation on accession -- "The said Protocol is only binding on the Government of Bangladesh as regards those States which have signed and ratified the Protocol or have acceded thereto;
  The said Protocol shall cease to be binding on the Government of Bangladesh in regard to any enemy State whose armed forces, or the armed forces of whose Allies, fail to respect the prohibitions laid down in the Protocol."

- **Barbados**, acceded 16 July 1976
- **Belgium**, signed 17 June 1925, ratified 4 December 1928

  Belgium had entered the following reservation which was withdrawn in 1997 -- "(1) The said Protocol is only binding on the Belgian government as regards States which have signed or ratified it or which may accede to it. (2) The said Protocol shall *ipso facto* cease to be binding on the Belgian government in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions laid down in the Protocol."

- **Benin**, acceded 9 December 1986
- **Bhutan**, acceded 19 February 1979
- **Bolivia**, acceded 13 August 1985
- **Brazil**, signed 17 June 1925, ratified 28 August 1970
- **Bulgaria**, signed 17 June 1925, ratified 7 March 1934

  Bulgaria had entered the following reservation on ratification which was withdrawn in 1991 -- "The said Protocol is only binding on the Bulgarian government as regards States which have signed or ratified it or which may accede to it. The said Protocol shall *ipso facto* cease to be binding on the Bulgarian government in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions laid down in the Protocol."

- **Burkina Faso**, acceded 3 March 1971

C [top]

- **Cambodia**

  In a note verbale of 30 September 1993, the Ministry of Foreign Affairs and International Cooperation of Cambodia declared that the Royal Government of Cambodia considered itself bound by the Protocol of 17 June 1925, to which the coalition Government of Democratic Cambodia had acceded on 15 March 1983. This accession had been considered invalid by France (the depositary power) as well as by Australia, Bulgaria, Cuba, Czechoslovakia, Ethiopia, Hungary, Mauritius, Mongolia, Poland, the Soviet Union and Viet Nam. The 15 March 1983 instrument contained the following reservation: "The Coalition Government of Democratic Kampuchea (CGDK) reserves the right not to be bound by the aforesaid Protocol as regards any enemy whose armed forces or allies no longer respect the prohibitions contained in this Protocol."

- **Cameroon**, acceded 20 July 1989
- **Canada**, signed 17 June 1925, ratified 6 May 1930

  Canada had entered the following reservation on ratification which was withdrawn in relation to biological weapons in 1991 and in relation to chemical weapons in 1999 -- "(1) The said Protocol is only binding on His Britannic Majesty as regards those States which have both signed and ratified it, or have finally acceded thereto. (2) The said Protocol shall cease to be binding on His Britannic Majesty towards any State at enmity with Him whose armed forces, or whose allies *de jure* or in fact fail to respect the prohibitions laid down in the Protocol."

- **Cape Verde**, acceded 15 October 1991
- **Central African Republic**, acceded 31 July 1970
- **Chile**, acceded 2 July 1935

  Chile had entered the following reservation on ratification which was withdrawn in 1991 -- "(1)

The said Protocol is only binding on the Chilean government as regards States which have signed and ratified it or which may definitely accede to it. (2) The said Protocol shall *ipso facto* cease to be binding on the Chilean government in regard to any enemy State whose armed forces, or whose allies, fail to respect the prohibitions which are the object of this Protocol."

- **China**, signed 17 June 1925, ratified 24 August 1929

  On 13 July 1952, the People's Republic of China issued a statement recognizing as binding upon it the accession to the Protocol in the name of China. The People's Republic of China considers itself bound by the Protocol on condition of reciprocity on the part of all the other contracting and acceding powers.

- **Côte d'Ivoire**, acceded 27 July 1970
- **Cuba**, acceded 24 June 1966
- **Cyprus**, succeeded 12 December 1966

  Cyprus may be regarded as maintaining an implicit reservation on declaring succession from the United Kingdom which had a reservation in force at the time (see explanatory note at end of page).

- **Czech Republic**, succeeded 1 January 1993 (declaration 17 September 1993)

  Czechoslovakia (signed 17 June 1925, ratified 18 August 1938) had entered the following reservation which was withdrawn in 1990 -- "The Czechoslovak Republic shall *ipso facto* cease to be bound by this Protocol towards any State whose armed forces, or the armed forces of whose allies, fail to respect the prohibitions laid down in the Protocol." Czechoslovakia was formally dissolved on 31 December 1992.

D [top]

- **Denmark**, signed 17 June 1925, ratified 5 May 1930
- **Dominican Republic**, acceded 8 December 1970

E [top]

- **Ecuador**, acceded 16 September 1970
- **Egypt**, signed 27 June 1925, ratified 6 December 1928
- **Equatorial Guinea**, acceded 20 May 1989
- **Estonia**, signed 27 June 1925, ratified 28 August 1931

  Estonia had entered the following reservation which was withdrawn in 1991 -- "(1) The said Protocol is only binding on the Estonian Government as regards States which have signed or ratified it or which may accede to it. (2) The said Protocol shall ipso facto cease to be binding on the Estonian Government in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions laid down in the Protocol."

- **Ethiopia**, signed 27 June 1925, ratified 7 October 1935

F [top]

- **Fiji**, succeeded 21 March 1973

  Fiji entered the following reservation on succession -- "The Protocol is only binding on Fiji as regards States which have both signed and ratified it and which will have finally acceded thereto. The Protocol shall cease to be binding on Fiji in regard to any enemy State whose armed forces or the armed forces of whose allies fail to respect the prohibitions which are the object of the Protocol."

- **Finland**, signed 27 June 1925, ratified 26 June 1929
- **France**, signed 27 June 1925, ratified 10 May 1926

  France had entered the following reservation which was withdrawn in 1996 -- "(1) The said Protocol is only binding on the government of the French Republic as regards States which have signed or ratified it or which may accede to it. (2) The said Protocol shall *ipso facto* cease to be binding on the government of the French Republic in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions laid down in the Protocol."

G [top]

- **Gambia**, succeeded 5 November 1966

  Gambia may be regarded as maintaining an implicit reservation on declaring succession from the United Kingdom which had a reservation in force at the time (see explanatory note at end of page).

- **Germany**, signed 27 June 1925, ratified 25 April 1929
- **Ghana**, acceded 3 May 1967
- **Greece**, signed 27 June 1925, ratified 30 May 1931
- **Grenada**, succeeded, 3 January 1989

  Grenada may be regarded as maintaining an implicit reservation on declaring succession from the United Kingdom which had a reservation in force at the time (see explanatory note at end of page).

- **Guatemala**, acceded 3 May 1983
- **Guinea-Bissau**, acceded 20 May 1989

H [top]

- **Holy See**, acceded 18 October 1966
- **Hungary**, acceded 11 October 1952

I [top]

- **Iceland**, acceded 2 November 1967
- **India**, signed 27 June 1925, ratified 9 April 1930

  India entered the following reservation -- "(1) The said Protocol is only binding on His Britannic Majesty as regards those States which have both signed and ratified it, or have finally acceded thereto. (2) The said Protocol shall cease to be binding on His Britannic Majesty towards any Power at enmity with Him whose armed forces, or the armed forces of whose allies, fail to respect the prohibitions laid down in the Protocol."

- **Indonesia**, succeeded 21 January 1971

  Indonesia may be regarded as maintaining an implicit reservation on declaring succession from the Netherlands which had a reservation in force at the time (see explanatory note at end of page).

- **Iran**, acceded 5 November 1929
- **Iraq**, acceded 8 September 1931

  Iraq entered the following reservation -- "On condition that the Iraq government shall be bound by the provisions of the Protocol only towards those States which have both signed and ratified it or have acceded thereto, and that it shall not be bound by the Protocol towards any State at enmity with Iraq whose armed forces, or the forces of whose allies, do not respect the provisions of the Protocol."

- **Ireland**, acceded 29 August 1930

  Ireland had entered the following reservation on ratification which was withdrawn in 1972 -- "The government of the Irish Free State does not intend to assume, by this accession, any obligation except towards the States having signed and ratified this Protocol or which shall have finally acceded thereto, and should the armed forces or the allies of an enemy State fail to respect the said Protocol, the government of the Irish Free State would cease to be bound by the said Protocol in regard to such State."

- **Israel**, acceded 20 February 1969

  Israel entered the following reservation on accession -- "The said Protocol is only binding on the State of Israel as regards States which have signed and ratified or acceded to it. The said Protocol shall cease *ipso facto* to be binding on the State of Israel as regards any enemy State whose armed forces, or the armed forces of whose allies, or the regular or irregular forces, or groups or individuals operating from its territory, fail to respect the prohibitions which are the object of this Protocol."

- **Italy**, signed 27 June 1925, ratified 3 April 1928

J [top]

- **Jamaica**, succeeded 28 July 1970

  Jamaica may be regarded as maintaining an implicit reservation on declaring succession from the United Kingdom which had a reservation in force at the time (see explanatory note at end of page).

- **Japan**, signed 27 June 1925, ratified 21 May 1970
- **Jordan**, acceded 20 January 1977

  Jordan entered the following reservation -- "The accession by Jordan to the Protocol does not in any way imply recognition of Israel, and does not oblige Jordan to conclude with Israel any arrangement under the Protocol. Jordan undertakes to respect the obligations contained in the Protocol with regard to States which have undertaken similar commitments. It is not bound by the Protocol as regards States whose armed forces, regular or irregular, do not respect the provisions of the Protocol."

K [top]

- **Kenya**, acceded 6 July 1970
- **Korea, Democratic People's Republic of**, acceded 4 January 1989

  The DPRK entered the following reservation on accession -- "The said Protocol is only binding on the Government of the Democratic People's Republic of Korea as regards those States which have signed and ratified the Protocol or have acceded thereto. The said Protocol shall cease to be binding on the Government of the Democratic People's Republic of Korea in regard to any enemy State whose armed forces, or the armed forces of whose Allies, fail to respect the prohibitions laid down in the Protocol."

- **Kuwait**, acceded 15 December 1971

  Kuwait entered the following reservation on accession -- "The accession by the State of Kuwait to this Protocol does not in any way imply recognition of Israel, or the establishment of relations with the latter on the basis of the present Protocol. In case of breach of the prohibition mentioned in this Protocol by any of the Parties, the State of Kuwait will not be bound, with regard to the Party committing the breach, to apply the provisions of this Protocol."

L [top]

- **Laos**, acceded 20 May 1989
- **Latvia**, signed 27 June 1925, ratified 3 June 1931
- **Lebanon**, acceded 17 April 1969
- **Lesotho**, succeeded 10 March 1972

  Lesotho may be regarded as maintaining an implicit reservation on declaring succession from the United Kingdom which had a reservation in force at the time (see explanatory note at end of page).

- **Liberia**, acceded 17 June 1927
- **Libya**, acceded 29 December 1971

  Libya entered the following reservation -- "The accession to the Protocol does not imply recognition or the establishment of any relations with Israel. The present Protocol is binding on the Libyan Arab Republic only as regards States which are effectively bound by it and will cease to be binding on the Libyan Arab Republic as regards States whose armed forces, or the armed forces of whose allies, fail to respect the prohibitions which are the object of this Protocol."

- **Liechtenstein**, acceded 6 September 1991
- **Lithuania**, signed 27 June 1925, ratified 15 June 1933
- **Luxembourg**, signed 27 June 1925, ratified 1 September 1936

M [top]

- **Madagascar**, acceded 2 August 1967
- **Malawi**, acceded 14 September 1970
- **Malaysia**, acceded 10 December 1970
- **Maldives**, succeeded 27 December 1966

  The Maldives may be regarded as maintaining an implicit reservation on declaring succession from the United Kingdom which had a reservation in force at the time (see explanatory note at end of page).

- **Malta**, succeeded 21 September 1964

  Malta may be regarded as maintaining an implicit reservation on declaring succession from the United Kingdom which had a reservation in force at the time (see explanatory note at end of page).

- **Mauritius**, succeeded 12 March 1968

  Mauritius may be regarded as maintaining an implicit reservation on declaring succession from the United Kingdom which had a reservation in force at the time (see explanatory note at end of page).

- **Mexico**, acceded 28 May 1932
- **Monaco**, acceded 6 January 1967
- **Mongolia**, acceded 6 December 1968

  Mongolia had entered the following reservation which was withdrawn in 1990 -- "In the case of violation of this prohibition by any State in relation to the People's Republic of Mongolia, or its allies, the government of the People's Republic of Mongolia shall not consider itself bound by the obligation of the Protocol towards that State.

- **Morocco**, acceded 13 October 1970

N [top]

- **Nepal**, acceded 9 May 1969
- **Netherlands**, signed 27 June 1925, ratified 31 October 1930

  The Netherlands had entered the following reservation on ratification which was withdrawn in 1995 -- "As regards the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, this Protocol shall *ipso facto* cease to be binding on the Royal Netherlands government with regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions laid down in the Protocol."
  [*Note*: This reservation had been made specifically to include "the Netherlands Indies, Surinam and Curacao" while the withdrawal was specific to "the Kingdom in Europe, the Netherlands Antilles and Aruba".]

- **New Zealand**, acceded 24 May 1930

  New Zealand had entered the following reservations which were withdrawn in 1989 -- "Subject to the reservations that His Majesty is bound by the said Protocol only towards those Powers and States which have both signed and ratified the Protocol or have acceded thereto, and that His Majesty shall cease to be bound by the Protocol towards any Power at enmity with Him whose armed forces, or the armes forces of whose allies, do not respect the Protocol."

- **Nicaragua**, signed 27 June 1925, ratified 5 October 1990
- **Niger**, succeeded 5 April 1967

  Niger may be regarded as maintaining an implicit reservation on declaring succession from France which had a reservation in force at the time (see explanatory note at end of page).

- **Nigeria**, acceded 15 October 1968

  Nigeria entered the following reservation -- "The Protocol is only binding on Nigeria as regards States which are effectively bound by it and shall cease to be binding on Nigeria as regards States whose armed forces or whose allies' armed forces fail to respect the prohibitions which are the object of the Protocol."

- **Norway**, signed 27 June 1925, ratified 27 July 1932

P [top]

- **Pakistan**, succeeded 15 April 1960

  By a note of 13 April 1960, Pakistan informed the depositary Government that it was a party to the Protocol by virtue of Paragraph 4 of the Annex to the Indian Independence Act of 1947.

  Pakistan may be regarded as maintaining an implicit reservation on declaring succession as the entities which it could be argued it derived its legal succession from -- the United Kingdom and "British India" -- both had reservations in force at the time (see explanatory note at end of page).

- **Panama**, acceded 4 December 1970
- **Papua New Guinea**, succeeded 2 September 1980

  Papua New Guinea entered the following reservation -- "The said Protocol is only binding on the Government of Papua New Guinea as regards those States which have signed and ratified the Protocol or have acceded thereto. The said Protocol shall cease to be binding on the Government of Papua New Guinea in regard to any enemy State whose armed forces, or the armed forces of whose Allies, fail to respect the prohibitions laid down in the Protocol."

- **Paraguay** , acceded 22 October 1933

  22 October 1933 is the date of receipt of the instrument of accession. The date of the notification by the French government "for the purpose of regularization" is 13 January 1969.

- **Peru**, acceded 13 August 1985
- **Philippines**, acceded 8 June 1973
- **Poland**, signed 27 June 1925, ratified 4 February 1929
- **Portugal**, signed 27 June 1925, ratified 1 July 1930

  Portugal had entered the following reservation on ratification which was withdrawn in 2002 -- "(1) The said Protocol is only binding on the government of the Portuguese Republic as regards States which have signed and ratified it or which may accede to it. (2) The said Protocol shall *ipso facto* cease to be binding on the government of the Portuguese Republic in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions which are the object of this Protocol."

Q [top]

- **Qatar**, acceded 18 October 1976

R [top]

- **Republic of Korea**, acceded 4 January 1989

  The Republic of Korea entered the following reservation -- "The said Protocol is only binding on the Government of the Republic of Korea as regards those States which have signed and ratified the Protocol or have acceded thereto. The said Protocol shall cease to be binding on the Government of the Republic of Korea in regard to any enemy State whose armed forces, or the armed forces of whose Allies, fail to respect the prohibitions laid down in the Protocol." [According to information the French Government (as depositary) passed to the United Nations Secretary-General, reproduced in UN document A/59/179 dated 23 July 2004, this reservation was "partially withdrawn" in 2002. SIPRI has been informed by a government official from the Republic of Korea that the withdrawal relates to bacteriological and toxin weapons and that the withdrawal has been effective as of 8 October 2002.]

- **Romania**, signed 25 June 1925, ratified 23 August 1929

  Romania had entered the following reservation on ratification which was withdrawn in 1991 -- "(1) The said Protocol only binds the Romanian government in relation to States which have signed and ratified or which have definitely acceded to the Protocol. (2) The said Protocol shall cease to be binding on the Romanian government in regard to all enemy States whose armed forces or whose allies *de jure* or in fact do not respect the restrictions which are the object of this Protocol."

- **Russia**, acceded 5 April 1928

  The USSR (for which Russia is the successor state for the purposes of this protocol) had entered the following reservation on ratification which was withdrawn by Russia in 2000 -- "(1) The said

Protocol only binds the government of the Union of Soviet Socialist Republics in relation to the States which have signed and ratified or which have definitely acceded to the Protocol. (2) The said Protocol shall cease to be binding on the government of the Union of Soviet Socialist Republics in regard to any enemy State whose armed forces or whose allies *de jure* or in fact do not respect the prohibitions which are the object of this Protocol."

- **Rwanda**, succeeded 11 May 1964

  Rwanda may be regarded as maintaining an implicit reservation on declaring succession from Belgium which had a reservation in force at the time (see explanatory note at end of page).

S [top]

- **Saint Kitts and Nevis**, succeeded 27 April 1989

  Saint Kitts and Nevis may be regarded as maintaining an implicit reservation on declaring succession from the United Kingdom which had a reservation in force at the time (see explanatory note at end of page).

- **Saint Lucia**, succeded 21 December 1988

  Saint Lucia may be regarded as maintaining an implicit reservation on declaring succession from the United Kingdom which had a reservation in force at the time (see explanatory note at end of page).

- **Saint Vincent and the Grenadines**, succeded 24 March 1999

  Saint Vincent and the Grenadines may be regarded as maintaining an implicit reservation on declaring succession from the United Kingdom which might have had a reservation in force at the time (see the United Kingdom entry and the explanatory note at the end of page).

- **Saudi Arabia**, acceded 27 January 1971
- **Senegal**, acceded 15 June 1977
- **Sierra Leone**, acceded 20 March 1967
- **Slovakia**, succeeded 1 January 1993 (declaration 20 September 1993)

  Czechoslovakia (signed 17 June 1925, ratified 18 August 1938) had entered the following reservation which was withdrawn in 1990 -- "The Czechoslovak Republic shall *ipso facto* cease to be bound by this Protocol towards any State whose armed forces, or the armed forces of whose allies, fail to respect the prohibitions laid down in the Protocol." Czechoslovakia was formally dissolved on 31 December 1992.

- **Solomon Islands**, succeeded 1 June 1981

  Solomon Islands entered the following reservation on declaring succession from the United Kingdom -- "The obligations stemming from the aforesaid Protocol shall be binding upon the Solomon Islands only in their relations with States which have ratified the Protocol or acceded to it and which respect its provisions."

- **South Africa**, acceded 24 May 1930

  South Africa had entered the following reservation on ratification which was withdrawn in 1996 -- "Subject to the reservations that His Majesty is bound by the said Protocol only towards those Powers and States which have both signed and ratified the Protocol or have acceded thereto, and that His Majesty shall cease to be bound by the Protocol towards any Power at enmity with Him whose armed forces, or the armes forces of whose allies, do not respect the Protocol."

- **Spain**, signed 27 June 1925, ratified 22 August 1929

  Spain had entered the following reservation which was withdrawn in 1992 -- "Declares as binding *ipso facto,* without special agreement with respect to any other Member or State accepting and observing the same obligation, that is to say, on condition of reciprocity, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous and other Gases and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925."

- **Sri Lanka**, acceded 20 January 1954
- **Sudan**, acceded 17 December 1980
- **Swaziland**, acceded 23 July 1991
- **Sweden**, signed 27 June 1925, ratified 25 Apr. 1930
- **Switzerland**, signed 27 June 1925, ratified 12 Jul. 1932
- **Syria**, acceded 17 December 1968

Syria entered the following reservation on accession -- "The accession by the Syrian Arab Republic to this Protocol and the ratification of the Protocol by its government does not in any case imply recognition of Israel, or lead to the establishment of relations with the latter concerning the provisions laid down in this Protocol."

T [top]

- **Tanzania**, acceded 22 April 1963
- **Thailand**, signed 27 June 1925, ratified 6 June 1931

  Thailand entered the following reservation -- "Declares as binding ipso facto, without special agreement with respect to any other Member or State accepting and observing the same obligation, that is to say, on condition of reciprocity, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous and other Gases and of Bacteriological Methods of Warfare, signed at Geneva, June 17, 1925."
- **Togo**, acceded 5 April 1971
- **Tonga**, succeeded 19 July 1971

  Tonga may be regarded as maintaining an implicit reservation on declaring succession from the United Kingdom which had a reservation in force at the time (see explanatory note at end of page).
- **Trinidad and Tobago**, succeeded 31 Aug. 1962

  Trinidad and Tobago may be regarded as maintaining an implicit reservation on declaring succession from the United Kingdom which had a reservation in force at the time (see explanatory note at end of page).
- **Tunisia**, acceded 12 July 1967
- **Turkey**, signed 27 June 1925, ratified 5 October 1929

U [top]

- **Uganda**, acceded 24 May 1965
- **Ukraine**, acceded 7 August 2003
- **United Kingdom of Great Britain and Northern Ireland**, signed 17 June 1925, ratified 9 April 1930

  The UK had entered the following reservation on ratification which was withdrawn in relation to biological weapons in 1991 and in relation to chemical weapons in 1997 or 2002 (see note below) -- "(1) The said Protocol is only binding on His Britannic Majesty as regards those Powers and States which have both signed and ratified the Protocol or have finally acceded thereto. (2) The said Protocol shall cease to be binding on His Britannic Majesty towards any Power at enmity with Him whose armed forces, or the armed forces of whose allies, fail to respect the prohibitions laid down in the Protocol."
  [The 1997 date comes from a speech by UK Foreign Minister Tony Lloyd in May 1997 while the 2002 date is from information the French Government (as depositary) passed to the United Nations Secretary-General, reproduced in UN document A/59/179 dated 23 July 2004.]
- **United States of America**, signed 17 June 1925, ratified 10 April 1975

  The USA entered the following reservation -- "The protocol shall cease to binding on the government of the United States with respect to the use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials, or devices, in regard to any enemy State if such State or any of its allies fails to respect the prohibitions laid down in the Protocol."
- **Uruguay**, signed 27 June 1925, ratified 12 April 1977

V [top]

- **Venezuela**, signed 27 June 1925, ratified 8 February 1928
- **Viet Nam**, acceded 15 December 1980

  Viet Nam entered the following reservation -- "The said Protocol is only binding on the Government of Viet Nam as regards those States which have signed and ratified the Protocol or have acceded thereto; The said Protocol shall cease to be binding on the Government of Viet

Nam in regard to any enemy State whose armed forces, or the armed forces of whose Allies, fail to respect the prohibitions laid down in the Protocol."

Y [top]

- **Yemen**, acceded 17 March 1971
- **Yugoslavia (Serbia and Montenegro)**, signed 27 June 1925, ratified 28 February 1929

  Yugoslavia entered the following reservation -- "The said Protocol shall cease to be binding on the government of the Serbs, Croats and Slovenes in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions which are the object of this Protocol."

  [*Note:* although the legal relationship between the Yugoslavia that ratified the Geneva Protocol and the current state of Serbia and Montenegro is ambiguous, the latter claims to be a party to the Protocol by virtue of the former's deposit (submission by Serbia and Montenegro to the 1540 committee, as reproduced in UN doc. S/AC.44/2004/(02)/100/Add.1, dated 23 January 2006)]

Explanatory Note -- non-deposits of instruments

Under international law, to become a party to a treaty a state must deposit a relevant instrument with the depositary power (in the case of the Geneva Protocol this is France).
While a number of states believe themselves to be parties to the Geneva Protocol as they have made public statements to that effect they are not parties unless they have deposited a relevant instrument with the French Government. An example of this is **Belarus** -- On 2 March 1970 the Byelorussian Soviet Socialist Republic stated that "it recognizes itself to be a Party" to the Geneva Protocol of 1925 (United Nations document A/8052, Annex,III).

States claiming succession also need to deposit a relevant instrument with the French Government. Confirming this, the Embassy of France in Stockholm wrote to SIPRI on 26 August 1970 saying "The French Government is of the opinion that a general statement of continuity by a country attaining independence is not sufficient for a depositary power for an international convention to consider that state as being bound by that convention" [unofficial translation]. Notwithstanding this, the Arms Control and Disarmament Agency (ACDA -- an agency of the US Government) used to include on its list of parties to the Geneva Protocol a category: "By virtue of agreement with former parent State or notification to the Secretary General of the United Nations of succession to treaty rights and obligations upon independence". This category included **Bahamas**, **Botswana**, **Burma**, **Guyana**, **Seychelles** and **Singapore**. These states do not appear in recent lists of parties to the Geneva Protocol produced by the US Department of State (the department that inherited ACDA's resposibilities) based on information supplied by the French Government, nor do they appear on similar lists compiled by the United Nations Department for Disarmament Affairs.

Explanatory Note -- reservations

For the purposes of this document, reservations are divided into three categories: "explicit", "implicit" and "withdrawn".

Explicit reservations are those that have been made explicitly by the state concerned and are recorded in the list above. Most take the form of (1) limiting the remit of the protocol as only binding in relation to states that have become party to it and (2) reserving a right to use the methods of warfare prohibited by the protocol if the state is subject to an attack by such methods. The first of these may be interpreted as superfluous as the protocol itself stipulates that the contracting parties agree to be bound "as between themselves" or this may be interpreted as those states putting down such a reservation believe the protocol to prohibit all uses of the methods of warfare covered therein.
States with remaining explicit reservations include: Algeria, Angola, Bahrain, Bangladesh, China, Fiji, India, Iraq, Israel, Jordan, DPRK, Kuwait, Libya, Nigeria, Papua New Guinea, Republic of Korea, Syria, Thailand, USA, Viet Nam and Yugoslavia (Serbia and Montenegro).

Implicit reservations are those that derive from succession of states in circumstances where the predecessor state had a reservation at the time of independence. Some states with implicit reservations may have inherited them without realising the significance of them. Article 20.1 of the 1978 Vienna Convention on the Succession of States in Respect of Treaties is clear about reservations: "When a newly independent State establishes its status as a party or as a contracting State to a multilateral treaty by a notification of succession ... it shall be considered as maintaining any

reservation to that treaty which was applicable at the date of the succession of States in respect of the territory to which the succession of States relates unless, when making the notification of succession, it expresses a contrary intention or formulates a reservation which relates to the same subject-matter as that reservation." This convention codifies what had been the established legal doctrine. Therefore, any state which (i) made a declaration of succession (in whatever form) from a predecessor state which had a reservation in force at the time; and (ii) neither made any mention of the reservation in that declaration nor disassociated itself from the reservation at a later date may be said to have implicitly accepted the reservation.
Any state which decided to accede to the protocol rather than be considered a successor state would not be affected by any reservation made by the predecessor state.
States with remaining implicit reservations include: Cyprus, Gambia, Grenada, Indonesia, Jamaica, Lesotho, the Maldives, Malta, Mauritius, Niger, Pakistan, Rwanda, St Kitts & Nevis, St Lucia, St Vincent & the Grenadines, Solomon Islands, Tonga and Trinidad and Tobago.

Withdrawn reservations are those that have been explicitly withdrawn by the state in question.
States known to have withdrawn their reservations include: Australia, Belgium, Bulgaria, Canada, Chile, Czechoslovakia (as was), Estonia, France, Ireland, Mongolia, the Netherlands, New Zealand, Portugal, Romania, Russia, South Africa, Spain and the UK.

[top]

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

BWC/MSP/2005/MX/INF.5
21 June 2005

ENGLISH ONLY

Third Meeting
Geneva, 5-9 December 2005

Meeting of Experts
Geneva, 13-24 June 2005

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

as at June 2005

Prepared by the Secretariat

1. Afghanistan
2. Albania
3. Algeria
4. Antigua and Barbuda
5. Argentina
6. Armenia
7. Australia
8. Austria
9. Azerbaijan
10. Bahamas
11. Bahrain
12. Bangladesh
13. Barbados
14. Belarus
15. Belgium
16. Belize
17. Benin
18. Bhutan
19. Bolivia
20. Bosnia-Herzegovina
21. Botswana
22. Brazil
23. Brunei Darussalam
24. Bulgaria
25. Burkina Faso
26. Cambodia
27. Canada
28. Cape Verde
29. Chile
30. China
31. Colombia
32. Congo
33. Costa Rica
34. Croatia
35. Cuba
36. Cyprus
37. Czech Republic
38. Democratic People's Republic of Korea
39. Democratic Republic of the Congo
40. Denmark
41. Dominica
42. Dominican Republic
43. Ecuador
44. El Salvador
45. Equatorial Guinea
46. Estonia
47. Ethiopia
48. Fiji
49. Finland

50. France
51. Gambia
52. Georgia
53. Germany
54. Ghana
55. Greece
56. Grenada
57. Guatemala
58. Guinea-Bissau
59. Holy See
60. Honduras
61. Hungary
62. Iceland
63. India
64. Indonesia
65. Iran (Islamic Republic of)
66. Iraq
67. Ireland
68. Italy
69. Jamaica
70. Japan
71. Jordan
72. Kenya
73. Kuwait
74. Kyrgyzstan
75. Lao People's Democratic Republic
76. Latvia
77. Lebanon
78. Lesotho
79. Libyan Arab Jamahiriya
80. Liechtenstein
81. Lithuania
82. Luxembourg
83. Malaysia
84. Maldives
85. Mali
86. Malta
87. Mauritius
88. Mexico
89. Monaco
90. Mongolia
91. Morocco
92. Netherlands
93. New Zealand
94. Nicaragua
95. Niger
96. Nigeria
97. Norway
98. Oman
99. Palau
100. Pakistan
101. Panama
102. Papua New Guinea
103. Paraguay
104. Peru
105. Philippines
106. Poland
107. Portugal
108. Qatar
109. Republic of Korea
110. Republic of Moldova
111. Romania
112. Russian Federation
113. Rwanda
114. Saint Kitts and Nevis
115. Saint Lucia
116. Saint Vincent and the Grenadines
117. San Marino
118. Sao Tome and Principe
119. Saudi Arabia
120. Senegal
121. Serbia and Montenegro
122. Seychelles
123. Sierra Leone
124. Singapore
125. Slovakia
126. Slovenia
127. Solomon Islands
128. South Africa
129. Spain
130. Sri Lanka
131. Sudan
132. Suriname
133. Swaziland
134. Sweden
135. Switzerland
136. Tajikistan
137. Thailand
138. The Former Yugoslav Republic of Macedonia
139. Timor Leste (East Timor)
140. Togo
141. Tonga

142. Tunisia
143. Turkey
144. Turkmenistan
145. Uganda
146. Ukraine
147. United Kingdom of Great Britain and Northern Ireland
148. United States of America
149. Uruguay
150. Uzbekistan
151. Vanuatu
152. Venezuela
153. Viet Nam
154. Yemen
155. Zimbabwe

LIST OF SIGNATORIES TO THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION

as at June 2005

1. Burundi
2. Central African Republic
3. Côte d'Ivoire
4. Egypt
5. Gabon
6. Guyana
7. Haiti
8. Liberia
9. Madagascar
10. Malawi
11. Myanmar
12. Nepal
13. Somalia
14. Syrian Arab Republic
15. United Arab Emirates
16. United Republic of Tanzania

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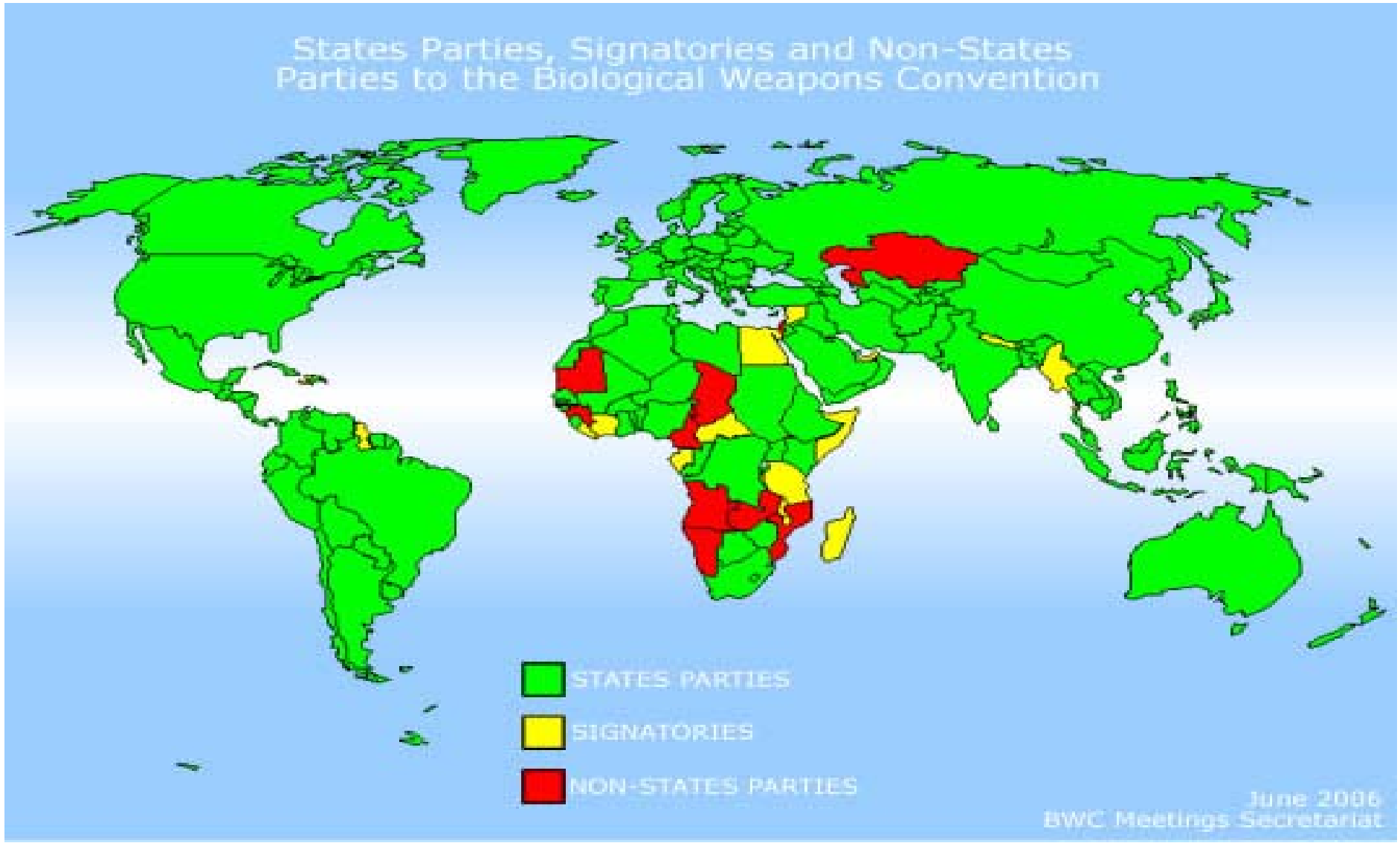

Source: United Nations, Department of Disarmament Affairs, BWC Meetings Secretariat, www.unog.ch/bwc

2. BWC Documents

2. BWC Documents

Articles XI-XV of the BWC set out the operational provisions of the treaty, including provision for a review of the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention are being adequately realised (Article XII). While the treaty itself only provides that a review conference will be held within the first five years after its entry into force, States Parties agreed at the First Review Conference in 1980 to convene a second review conference, and since 1986 the approximately five-yearly pattern has been maintained.

Included in this section of the Briefing Book are BWC documents from previous review conferences and meetings. Documents of the Sixth Review Conference can be found on the internet at www.unog.ch/bwc and will be distributed to all delegates at the Review Conference.

Review Conferences

States Parties have formally reviewed the operation of the BWC at review conferences held in 1980, 1986, 1991, 1996 and in 2001/2002. During these review conferences, States Parties have reaffirmed that the scope of the Convention extends to new scientific and technological developments, and have also instituted confidence-building data-exchanges in order to enhance transparency and strengthen the BWC. The first four review conferences adopted additional understandings or agreements that have interpreted, defined or elaborated the meaning or scope of a BWC provision, or that have provided instructions, guidelines or recommendations on how a provision should be implemented. These additional understandings are contained in the Final Declarations of the Review Conferences, copies of which are provided in this section of the Briefing Book. The table below provides information on each of the review conferences:

Review Conference	Dates	President
First Review Conference	3-21 Mar 1980	Oscar Vaernø (Norway)
Second Review Conference	8-26 Sept 1986	Winfried Lang (Austria)
Third Review Conference	9-21 Sept 1991	Roberto García Moritán (Argentina)
Fourth Review Conference	25 Nov – 6 Dec 1996	Michael Weston (UK)
Fifth Review Conference	19 Nov – 7 Dec 2001 11-22 Nov 2002	Tibor Tóth (Hungary)
Sixth Review Conference	20 Nov – 8 Dec 2006	Masood Khan (Pakistan)

Copies of the Final Declarations from the First, Second, Third and Fourth Review Conferences are provided in this section of the Briefing Book. For reasons of space, only the Final Declarations (Part II of the Final Document) have been included but copies of the full Final Documents are on the internet at www.opbw.org The Fifth Review Conference did not adopt a Final Declaration; instead this section includes the final report adopted in 2002 and the interim report of the 2001 session.

Confidence-Building Measures (CBMs)

At the Second Review Conference in 1986, States Parties agreed to exchange information annually on areas of relevance to the BWC, to encourage publication of results of relevant biological research and to promote contacts between scientists. The modalities for this information exchange were developed at an Ad Hoc Meeting in 1987, and States Parties were first required to submit CBMs to the UN in 1987. The Third Review Conference in September 1991 clarified the mechanism and extended the types of information to be exchanged. Some States Parties have posted their recent CBM returns on the internet (see www.opbw.org/cbms/annual_cbm.htm and www.unog.ch/bwc). This section of the Briefing Book contains the report of the 1987 Ad Hoc Meeting and the CBM forms as revised in 1991. The current CBMs are listed in the following table:

Confidence-Building Measures	
A	Exchange of data on research centres and laboratories that meet very high national or international safety standards, established for handling, for permitted purposes, biological materials that pose a high individual and community risk or specialise in permitted biological activities directly related to the Convention
B	Exchange of information on all outbreaks of infectious diseases and similar occurrences caused by toxins that seem to deviate from the normal pattern
C	Encouragement of publication of results of biological research directly related to the Convention, in scientific journals generally available to States Parties, as well as promotion of use for permitted purposes of knowledge gained in this research
D	Active promotion of contacts between scientists engaged in biological research directly related to the Convention, including exchanges for joint research on a mutually agreed basis
E	Declaration of legislation, regulations or other measures taken to implement the Convention, including (i) implementation of prohibition on the development, production, stockpiling, acquisition or retention of microbial or other biological agents, or toxins, weapons, equipment and means of delivery, specified in Article I; and (ii) export and import controls
F	Declaration of past activities in offensive and/or defensive biological research and development programmes since 1 January 1946
G	Declaration of facilities, both governmental and non-governmental, producing vaccines licensed for the protection of humans

States Parties are required to submit their CBMs to the UN Department for Disarmament Affairs (UNDDA) by 15 April each year. In recent years, UNDDA has encouraged the electronic submission of CBMs by States Parties using the e-mail address bwc@unog.ch Hard copies should also be sent to:

BWC Meetings Secretariat
Department for Disarmament Affairs (Geneva Branch)
Room C.129, Palais des Nations
1211 Geneva 10
Switzerland

After submission, the CBM returns are compiled, still in the languages in which they were submitted, into a single bound document by UNDDA (submissions received after the 15 April deadline are released as addenda documents) and sent to the permanent missions of BWC States Parties in New York and Geneva. More information on preparing and submitting CBMs is on the UNDDA BWC website at www.unog.ch/bwc

Strengthening the BWC – VEREX and the Ad Hoc Group

At the Third Review Conference it was agreed to create an Ad Hoc Group of Governmental Experts (known as VEREX) that would identify, examine, and evaluate potential verification measures, from a scientific and technical standpoint. VEREX would explore the utility of such mechanisms for determining whether a State Party was developing, producing, stockpiling, acquiring or retaining microbial or other biological agents or toxins, of types and in quantities that have no justification for prophylactic, protective or peaceful purposes or weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. This group of experts met four times in 1992 and 1993 to complete its work and submitted a consensus report which was circulated to all States Parties. A copy of the final report is provided in this section of the Briefing Book.

A majority of States Parties called for a Special Conference to discuss the final report and consider further actions, as provided in VEREX's mandate. The Special Conference, held in September 1994, agreed to establish an Ad Hoc Group, open to all, to "consider appropriate measures, including possible verification measures, and draft proposals to strengthen the Convention, to be included, as appropriate, in a legally binding instrument, to be submitted for the consideration of the States Parties." A copy of the Final Declaration of the Special Conference is provided in this section of the Briefing Book.

The Special Conference mandated the Ad Hoc Group to consider *inter alia* four areas: definitions of terms and objective criteria; incorporation of existing and further enhanced confidence-building and transparency measures, as appropriate, into the regime; a system of measures to promote compliance with the Convention; and specific measures designed to ensure the effective and full implementation of Article X on international cooperation and exchange in the field of peaceful activities.

At the Fourth BWC Review Conference in 1996, the States Parties considered the work of the Ad Hoc Group and the progress made thus far was welcomed. The Review Conference also encouraged the Ad Hoc Group to conclude its work on the legally-binding instrument at the latest by the Fifth Review Conference to be held in 2001. Within the Ad Hoc Group, States Parties negotiated a 'rolling text' of a draft protocol. With many differences remaining between States Parties at the beginning of 2001, the Chairman of the Ad Hoc Group, Ambassador Tibor Tóth of Hungary introduced a compromise text (often referred to as the 'composite text') in March 2001 addressing the many different views on certain issues to act as a stimulus to the conclusion of the negotiations. Copies of the incremental versions of the 'rolling text' are on the internet at www.opbw.org and a copy of the 'composite text' is at www.opbw.org/ahg/docs/CRP8.pdf

However, at its 24th session in July/August 2001, which was the last scheduled session before the Fifth Review Conference, the Ad Hoc Group was unable to conclude the negotiations on the draft protocol and was also unable to adopt a report for submission to the Fifth Review Conference.

The Inter-sessional Process

The Fifth Review Conference convened in December 2001, but disagreement over certain issues, especially the fate of the Ad Hoc Group, led to the Conference being suspended for one year. When it reconvened in November 2002, the Fifth Review Conference decided to

hold annual meetings of States Parties over the inter-sessional period leading up to the Review Conference in 2006 to discuss and promote common understanding and effective action on:

i. The adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
ii. National mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
iii. Enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;
iv. Strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants;
v. The content, promulgation, and adoption of codes of conduct for scientists.

Topics i and ii were considered in 2003, topics iii and iv in 2004 and topic v in 2005. Each of the meetings was preceded by a two-week meeting of experts. The Sixth Review Conference is tasked with considering the work of these meetings and whether any further action will be taken. Copies of the key parts of the reports adopted by each of the Meetings of States Parties are provided in this section of the Briefing Book. The table below gives information on each of the inter-sessional meetings:

Meeting	Dates	Chairman
First Meeting of Experts	18-29 Aug 2003	Tibor Tóth (Hungary)
First Meeting of States Parties	10-14 Nov 2003	Tibor Tóth (Hungary)
Second Meeting of Experts	19-30 Jul 2004	Peter Goosen (South Africa)
Second Meeting of States Parties	6-10 Dec 2004	Peter Goosen (South Africa)
Third Meeting of Experts	13-24 Jun 2005	John Freeman (UK)
Third Meeting of States Parties	5-9 Dec 2005	John Freeman (UK)

BWC/CONF.I/10

Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction

FINAL DOCUMENT

Geneva, 1980

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1980

II

FINAL DECLARATION

The States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their destruction, having met in Geneva 3-21 March 1980 under the provisions of Article XII to review 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:

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

Recognizing the continuing importance of the Convention and its objectives and the common interest of mankind in the elimination of bacteriological (biological) and toxin weapons,

Affirming their belief that universal adherence to the Convention would enhance international peace and security, would not hamper economic or technological development, and further, would facilitate the wider exchange of information for the use of bacteriological (biological) agents for peaceful purposes,

Reaffirming their adherence to the principle and objectives of the Geneva Protocol of 17 June 1925 and calling upon all States to comply strictly with them,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the said principles and objectives,

Recognizing the importance of achieving international agreement on effective measures for the prohibition of the development, production and stockpiling of chemical weapons and for their destruction as a matter of high priority,

Noting the relevant provisions of the Final Document of the Tenth Special Session of the General Assembly devoted to Disarmament,

Appealing to all States to refrain from any action which might place the Convention or any of its provisions in jeopardy,

Declare as follows:

The States Parties to the Convention reaffirm their strong determination for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons. They reaffirm their strong support for the Convention, their continued dedication to its principles and objectives and their commitment to implement effectively its provisions.

Article I

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

The Conference believes that Article I has proved sufficiently comprehensive to have covered recent scientific and technological developments relevant to the Convention.

Article II

The Conference notes the importance of Article II and emphasizes that States which become Parties to the Convention, in implementing the provisions of this Article, shall observe all necessary safety precautions to protect populations and the environment.

The Conference welcomes the declarations of several States Parties to the effect either that they do not possess and have never possessed agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention, or that having possessed them they have destroyed them or diverted them to peaceful purposes. The Conference believes that such voluntary declarations contribute to increased confidence in the Convention and believes that States not having made such voluntary declarations should do so.

Article III

The Conference notes the importance of the provisions of Article III which proscribes the transfer of agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention to any recipient whatsoever and the furnishing of assistance, encouragement or inducement to any State, group of States or international organizations to manufacture or otherwise acquire them.

Article IV

The Conference notes the provisions of Article IV, which requires each State Party to take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within its territory, under its jurisdiction or under its control anywhere, and calls upon all States Parties which have not yet taken any necessary measures in accordance with their constitutional processes to do so immediately.

The Conference invites States Parties which have found it necessary to enact specific legislation or take other regulatory measures relevant to this Article to make available the appropriate texts to the United Nations Centre for Disarmament, for the purposes of consultation.

Article V

The Conference notes the importance of Article V which contains the undertaking 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.

The Conference considers that the flexibility of the provisions concerning consultations and co-operation on any problems which may arise in relation to the objective, or in the application of the provisions of, the Convention, enables interested States Parties to use various international procedures which would make

it possible to ensure effectively and adequately the implementation of the Convention provisions taking into account the concern expressed by the Conference participants to this effect.

These procedures include, inter alia, the right of any State Party subsequently to request that a consultative meeting open to all States Parties be convened at expert level.

The Conference, noting the concerns and differing views expressed on the adequacy of Article V, believes that this question should be further considered at an appropriate time.

Article VI

The Conference also notes the importance of Article VI, which in addition to the procedures contained in Article V, provides for any State Party, which finds that any other State Party is acting in breach of its obligations under the Convention, to lodge a complaint with the United Nations Security Council, and under which each State Party undertakes to co-operate in carrying out any investigation which the Security Council may initiate.

The Conference further notes that no State Party has invoked these provisions.

Article VII

The Conference notes with satisfaction that it has not proved necessary to invoke the provisions of Article VII.

Article VIII

The Conference reaffirms that nothing contained in the Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare, signed at Geneva on 17 June 1925. The Conference calls on those States Parties to the Convention which are Parties to the Protocol to comply strictly with its provisions and those States not yet Parties to the said Protocol to ratify or accede to it at the earliest possible date.

Article IX

The Conference notes the importance of the provisions of Article IX and of the preambular paragraphs concerning the commitment of States Parties to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of the development, production and stockpiling of chemical weapons and for their destruction. The Conference deeply regrets that such agreement has not yet become a reality despite the fact that eight years have already elapsed since the Convention was opened for signature.

The Conference urges the Committee on Disarmament to undertake negotiations on an agreement on the complete and effective prohibition of the development, production and stockpiling of all chemical weapons and on their destruction, as a matter of high priority, taking into account all existing proposals and future initiatives. To this

and, the Conference welcomes the establishment, by the Committee on Disarmament, of an ad hoc working group on chemical weapons and urges all the members of the Committee to contribute towards the fulfilment of its mandate.

The Conference takes note of the bilateral USA-USSR report (CD/48) presented to the Committee on Disarmament on the progress of their negotiations undertaken with a view to presenting a joint initiative to that Committee and notes their stated intention to continue intensive negotiations to this end.

The Conference reaffirms the obligation assumed by States Parties to the Convention to continue negotiations in good faith towards the recognized objectives of an early agreement on complete, effective and adequately verifiable measures for the prohibition of the development, production and stockpiling of chemical weapons and for their destruction.

Article X

The Conference notes that since the entry into force of the Convention, increasing importance has been attached by the International community to the principle that the disarmament process should help promote economic and social development, particularly in the developing countries. Accordingly, the Conference calls upon States Parties, especially developed countries, to increase, individually, or together with other States or international organizations, their scientific and technological co-operation, particularly with developing countries, in the peaceful uses of bacteriological (biological) agents and toxins. Such co-operation should include, inter alia, the transfer and exchange of information, training of personnel and transfer of materials and equipment on a more systematic and long-term basis.

Furthermore, the Conference notes with satisfaction that the implementation of the Convention has not hampered the economic or technological development of States Parties.

The Conference requests the United Nations Secretariat to include in the background materials prepared for the second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, information on the implementation of Article X by States Parties.

Article XI

The Conference notes the importance of the provisions of Article XI and that during the first five years of the operation of the Convention these provisions have not been invoked.

Article XII

The Conference welcomes the spirit of co-operation in which this Review Conference was conducted, and believes that such conferences constitute an effective method of reviewing the operation of the Convention with a view to ensuring that its purposes and provisions are being realized, in particular with respect to any new scientific and technological developments relevant to the Convention.

The Conference decides that a second Review Conference shall be held in Geneva at the request of a majority of States Parties not earlier than 1985 and, in any case, not later than 1990.

Any information provided by States Parties on scientific and technological developments relevant to the Convention, and on its implementation, shall be made available periodically to States Parties, in particular through the United Nations Centre for Disarmament.

Article XIII

The Conference notes the provisions of Article XIII and expresses its satisfaction that no State Party to the Convention has exercised its right to withdraw from the Convention.

Article XIV

The Conference notes with satisfaction that 81 States have ratified the Convention, 6 States have acceded to the Convention and a further 37 States have signed but have yet to ratify the Convention. The Conference calls upon all signatory States which have not ratified the Convention to do so without delay and upon those States which have not signed the Convention to join the States Parties thereto in their efforts to eliminate the risk of biological warfare.

Article XV

The Conference notes the provisions of Article XV.

Second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction

FINAL DOCUMENT

Geneva, 1986

II. FINAL DECLARATION

PREAMBLE

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, having met in Geneva 8-26 September 1986 in accordance with a decision by the First Review Conference 1980 and at the request of a majority of States Parties to the Convention, to review 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:

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

Recognizing the continuing importance of the Convention and its objectives and the common interest of mankind in the elimination of bacteriological (biological) and toxin weapons,

Affirming their belief that universal adherence to the Convention would enhance international peace and security, would not hamper economic or technological development and, further, would facilitate the wider exchange of information for the use of bacteriological (biological) agents for peaceful purposes,

Confirming the common interest in strengthening the authority and the effectiveness of the Convention, to promote confidence and co-operation among States Parties,

Affirming the importance of strengthening international co-operation in the field of biotechnology, genetic engineering, microbiology and other related areas,

Reaffirming their adherence to the principles and objectives of the Geneva Protocol of 17 June 1925 and calling upon all States to comply strictly with them,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the said principles and objectives,

Recognizing the importance of achieving as a matter of high priority an international convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction,

Noting the relevant provisions of the Final Document of the first special session of the General Assembly devoted to disarmament,

Appealing to all States to refrain from any action which might place the Convention or any of its provisions in jeopardy,

Declare their strong determination, for the sake of all mankind, to exclude completely the possibility of microbial, or other biological agents, or toxins being used as weapons and reaffirm their strong support for the Convention, their continued dedication to its principles and objectives and their legal obligation under international law to implement and strictly comply with its provisions.

ARTICLE I

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

The Conference concludes that the scope of Article I covers scientific and technological developments relevant to the Convention.

The Conference notes statements by some States Parties that compliance with Articles I, II and III was, in their view, subject to grave doubt in some cases and that efforts to resolve those concerns had not been successful. The Conference notes the statements by other States Parties that such a doubt was unfounded and, in their view, not in accordance with the Convention. The Conference agrees that the application by States Parties of a positive approach in questions of compliance in accordance with the provisions of the Convention was in the interest of all States Parties and that this would serve to promote confidence among States Parties.

The Conference, conscious of apprehensions arising from relevant scientific and technological developments, inter alia, in the fields of microbiology, genetic engineering and biotechnology, and the possibilities of their use for purposes inconsistent with the objectives and the provisions of the Convention, reaffirms that the undertaking given by the States Parties in Article I applies to all such developments.

The Conference reaffirms that the Convention unequivocally applies to all natural or artifically created microbial or other biological agents or toxins whatever their origin or method of production. Consequently, toxins (both proteinaceous and non-proteinaceous) of a microbial, animal or vegetable nature and their synthetically produced analogues are covered.

ARTICLE II

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

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

ARTICLE III

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

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

ARTICLE IV

The Conference notes the importance of Article IV, under which each State Party shall, in accordance with its constitutional processes, take any necessary measures to prohibit or prevent any acts or actions which would contravene the Convention.

The Conference calls upon all States Parties which have not yet taken any necessary measures in accordance with their constitutional processes, as required by the Article, to do so immediately.

The Conference notes that States Parties, as requested by the First Review Conference, have provided to the United Nations Department for Disarmament Affairs information on and the texts of specific legislation enacted or other regulatory measures taken by them, relevant to this Article. The Conference invites States Parties to continue to provide such information and texts to the United Nations Department for Disarmament Affairs for purposes of consultation.

The Conference notes the importance of

- legislative, administrative and other measures designed effectively to guarantee compliance with the provisions of the Convention within the territory under the jurisdiction or control of a State Party;

- legislation regarding the physical protection of laboratories and facilities to prevent unauthorized access to and removal of pathogenic or toxic material; and

- inclusion in textbooks and in medical, scientific and military educational programmes of information dealing with the prohibition of bacteriological (biological) and toxin weapons and the provisions of the Geneva Protocol

and believes that such measures which States might undertake in accordance with their constitutional process would strengthen the effectiveness of the Convention.

ARTICLE V

The Conference notes the importance of Article V and reaffirms the obligation assumed by States Parties to consult and co-operate with one another in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention.

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

The Conference confirms the conclusion in the Final Declaration of the First Review Conference that these procedures include, inter alia, the right of any State Party to request that a consultative meeting open to all States Parties be convened at expert level.

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

The Conference appeals to States Parties to make all possible efforts to solve any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention with a view towards encouraging strict observance of the provisions subscribed to. The Conference further requests that information on such efforts be provided to the Third Review Conference.

The Conference, taking into account views expressed concerning the need to strengthen the implementation of the provisions of Article V, has agreed:

- that a consultative meeting shall be promptly convened when requested by a State Party,

- that a consultative meeting may consider any problems which may arise in relation to the objective of, or in the application of the provisions of the Convention, suggest ways and means for further clarifying, inter alia, with assistance of technical experts, any matter considered ambiguous or unresolved, as well as initiate appropriate international procedures within the framework of the United Nations and in accordance with its Charter,

- that the consultative meeting, or any State Party, may request specialized assistance in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention, through, inter alia, appropriate international procedures within the framework of the United Nations and in accordance with its Charter,

- the Conference considers that States Parties shall co-operate with the consultative meeting in its consideration of any problems which may arise in relation to the objective of, or in the application of the provisions of the Convention, and in clarifying ambiguous and unresolved matters, as well as co-operate in appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

The Conference, mindful of the provisions of Article V and Article X, and determined to strengthen the authority of the Convention and to enhance confidence in the implementation of its provisions, agrees that the States Parties are to implement, on the basis of mutual co-operation, the following measures, in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and in order to improve international co-operation in the field of peaceful bacteriological (biological) activities:

1. Exchange of data, including name, location, scope and general description of activities, on research centres and laboratories that meet very high national or international safety standards established for handling, for permitted purposes, biological materials that pose a high individual and community risk or specialize in permitted biological activities directy related to the Convention.

2. Exchange of information on all outbreaks of infectious diseases and similar occurrences caused by toxins that seem to deviate from the normal pattern as regards type, development, place, or time of occurrence. If possible, the information provided would include, as soon as it is available, data on the type of disease, approximate area affected, and number of cases.

3. Encouragement of publication of results of biological research directly related to the Convention, in scientific journals generally available to States Parties, as well as promotion of use for permitted purposes of knowledge gained in this research.

4. Active promotion of contacts between scientists engaged in biological research directly related to the Convention, including exchanges for joint research on a mutually agreed basis.

The Conference decides to hold an ad hoc meeting of scientific and technical experts from States Parties to finalize the modalities for the exchange of information and data by working out, inter alia, appropriate forms to be used by States Parties for the exchange of information agreed to in this Final Declaration, thus enabling States Parties to follow a standardized procedure. The group shall meet in Geneva for the period 31 March-15 April 1987 and shall communicate the results of the work to the States Parties immediately thereafter.

Pending the results of this meeting, the Conference urges States Parties to promptly apply these measures and report the data agreed upon to the United Nations Department for Disarmament Affairs.

The Conference requests the United Nations Department for Disarmament Affairs to make available the information received to all States Parties.

ARTICLE VI

The Conference also notes the importance of Article VI, which in addition to the procedures contained in Article V, provides for any State Party, which finds that any other State Party is acting in breach of its obligations under the Convention, to lodge a complaint with the United Nations Security Council and under which each State Party undertakes to co-operate in carrying out any investigation which the Security Council may initiate.

The Conference notes the need to further improve and strengthen this and other procedures to enhance greater confidence in the Convention. The Conference considers that the Security Council may, if it deems it necessary, request the advice of the World Health Organization in carrying out any investigation of complaints lodged with the Council.

ARTICLE VII

The Conference notes that these provisions have not been invoked.

ARTICLE VIII

The Conference reaffirms the importance of Article VIII and stresses the importance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare.

The Conference reaffirms that nothing contained in the Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925. Noting the report of the Security Council (S/17911), the Conference appeals to all States Parties to the Geneva Protocol of 1925 to fulfil their obligations assumed under that Protocol and urges all States not yet Parties to the said Protocol to adhere to it at the earliest possible date.

ARTICLE IX

The Conference reaffirms the obligation assumed by States Parties to continue negotiations in good faith towards an early agreement on effective measures for the prohibition of the development, production and stockpiling of chemical weapons and for their destruction.

All States Parties participating in the Conference reiterate their strong commitment to this important goal.

The Conference notes with satisfaction the substantial progress made in the negotiations on a convention on the prohibition of chemical weapons in the Conference on Disarmament during the period under review. The Conference also takes note of the bilateral talks between the Union of Soviet Socialist Republics and the United States of America on all aspects of the prohibition of chemical weapons.

The Conference nevertheless deeply regrets that an agreement on a convention on chemical weapons has not yet been reached.

The Conference urges the Conference on Disarmament to exert all possible efforts to conclude an agreement on a total ban of chemical weapons with effective verification provisions by the earliest possible date.

ARTICLE X

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

The Conference, while acknowledging what has already been done towards this end, notes with concern the increasing gap between the developed and the developing countries in the field of biotechnology, genetic engineering, microbiology and other related areas. The Conference accordingly urges States Parties to provide wider access to and share their scientific and technological knowledge in this field, on an equal and non-discriminatory basis, in particular with the developing countries, for the benefit of all mankind.

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

- transfer and exchange of information concerning research programmes in bio-sciences;

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

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

- increased technical co-operation, including training opportunities to developing countries in the use of bio-sciences and genetic engineering for peaceful purposes;

- facilitating the conclusion of bilateral, regional and multiregional agreements providing on a mutually advantageous, equal and non-discriminatory basis, for their participation in the development and application of biotechnology;

- encouraging the co-ordination of national and regional programmes and working out in an appropriate manner the ways and means of co-operation in this field.

The Conference calls for greater co-operation in international public health and disease control.

The Conference urges that co-operation under Article X should be actively pursued both within the bilateral and the multilateral framework and further urges the use of existing institutional means within the United Nations system and the full utilization of the possibilities provided by the specialized agencies and other international organizations.

The Conference, noting that co-operation would be best initiated by improved institutionalized direction and co-ordination, recommends that measures to ensure co-operation on such a basis be pursued within the existing means of the United Nations system. Accordingly, the Conference requests the Secretary-General of the United Nations to propose for inclusion on the agenda of a relevant United Nations body a discussion and examination of the means for improving institutional mechanisms in order to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. The Conference recommends that invitations to participate in this discussion and examination should be extended to all States Parties, whether or not they are members of the United Nations and concerned specialized agencies.

The Conference requests the States Parties and the United Nations Secretariat to include in the document materials prepared for the above-mentioned discussion of States Parties, information and suggestions on the implementation of Article X, taking into account the preceding paragraphs. Furthermore, it urges the specialized agencies, inter alia, FAO, WHO, UNESCO, WIPO and UNIDO, to participate in this discussion and fully co-operate with the Secretary-General of the United Nations and requests the Secretary-General to send all relevant information of this Conference to these agencies.

The Conference, referring to paragraph 35 of the Final Document of the first special session of the General Assembly devoted to disarmament, stresses the importance of the obligations under Article X in promoting economic and social development of developing countries, particularly in the light of the United Nations Conference on the Relationship between Disarmament and Development, for the States participating therein, scheduled for 1987.

The Conference, to ensure compliance with Article X, also requests States Parties and the United Nations Secretariat to provide information relevant to the implementation of the Article for examination by the next conference of States Parties.

The Conference upholds that the above-mentioned measures would positively strengthen the Convention.

ARTICLE XI

The Conference notes the importance of Article XI and that since the entry into force of the Convention the provisions of the Article have not been invoked.

ARTICLE XII

The Conference decides that a Third Review Conference shall be held in Geneva at the request of a majority of States Parties not later than 1991.

The Conference, noting the differing views with regard to verification, decides that the Third Review Conference shall consider, inter alia:

- the impact of scientific and technological developments relevant to the Convention,

- the relevance for effective implementation of the Convention of the results achieved in the negotiations on prohibition of chemical weapons,

- the effectiveness of the provisions in Article V for consultation and co-operation and of the co-operative measures agreed in this Final Declaration, and

- in the light of these considerations and of the provisions of Article XI, whether or not further actions are called for to create further co-operative measures in the context of Article V, or legally binding improvements to the Convention, or a combination of both.

ARTICLE XIII

The Conference notes the provisions of Article XIII and expresses its satisfaction that no State Party to the Convention has exercised its right to withdraw from the Convention.

ARTICLE XIV

The Conference notes with satisfaction that a significant number of States have ratified or acceded to the Convention since the First Review Conference and that there are now more than 100 States Parties to the Convention, including all the permanent Members of the Security Council of the United Nations.

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

The Conference makes an urgent appeal to all States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, which did not participate in its work, to give their effective co-operation and take part more actively in the common endeavour of all the Contracting Parties to strengthen the objectives and purposes of the Convention. In this connection, the Conference urges all States Parties that were absent to take part in the future work envisaged in this Final Declaration.

ARTICLE XV

The Conference notes the provisions of Article XV.

The following proposals were submitted to the Conference and considered by it, their full text is reproduced in the Final Document of the Review Conference.

Preamble - Cuba
Bulgaria
Finland
German Democratic Republic
Sweden

Article

I	China
I	German Democratic Republic and Hungary
I	Ireland
I	Sweden
I-III	Bulgaria and German Democratic Republic
I-IV	United States of America
III	Argentina
III	Finland
IV	German Democratic Republic
V	Argentina
V	Australia, Netherlands and New Zealand
V	Canada, France, Germany, Federal Republic of, Norway, Spain, Turkey and the United Kingdom
V	Australia, Belgium, France, Germany, Federal Republic of, and the United States of America
V	Finland
V	Australia, Canada, France, Japan, Netherlands, Spain and the United Kingdom
V	Australia, Canada, Germany, Federal Republic of, Italy, Netherlands, Norway, Spain and the United States of America
V	Australia, Canada, France, Germany, Federal Republic of, Japan, Netherlands, New Zealand, Spain, Turkey and the United States of America
V	German Democratic Republic, Hungary and Union of Soviet Socialist Republics
V	Ireland
V	Sweden
V-VI	Pakistan
V-VI	Germany, Federal Republic of and United Kingdom
V-VI	German Democratic Republic
V-VI	Union of Soviet Socialist Republics
VI	Colombia
VI	Colombia
VI	France
VI	Nigeria
VI	Nigeria
VI	United States of America

Article	
IX	Poland, Bulgaria and the Ukrainian Soviet Socialist Republic
IX	Sweden
IX	Union of Soviet Socialist Republics
X	Argentina
X	Bulgaria
X	Czechoslovakia, Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics
X	Czechoslovakia and Poland
X	Czechoslovakia, German Democratic Republic and the Union of Soviet Socialist Republics
X	Hungary (on behalf of a group of socialist States)
X	India
X	Hungary, Mongolia, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics
X	Pakistan
X	Peru
X	Poland
X	German Democratic Republic, Poland and Ukrainian Soviet Socialist Republic
XI	Ireland
XI	Sweden
XII	Sweden
XIV	Hungary

Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction

(Geneva, 9-27 September 1991)

FINAL DOCUMENT

Geneva, 1992

II. FINAL DECLARATION

THE STATES PARTY TO THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION, WHICH MET IN GENEVA FROM 9 TO 27 SEPTEMBER 1991 TO REVIEW THE OPERATION OF THE CONVENTION, SOLEMNLY DECLARE:

- Their conviction that the Convention is essential to international peace and security;

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

- Their continued determination, for the sake of mankind, to exclude completely the possibility of the use of bacteriological (biological) agents and toxins as weapons, and their conviction that such use would be repugnant to the conscience of mankind;

- Their reaffirmation of their firm commitment to the purposes of the preamble and the provisions of the Convention, and of their belief that universal adherence to the Convention would enhance international peace and security;

- Their determination to enhance the implementation and effectiveness of the Convention and to further strengthen its authority, including through the confidence-building measures and organizational arrangements set out below;

- Their recognition that effective verification could reinforce the Convention;

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

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

PREAMBLE

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

ARTICLE I

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

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

The Conference, conscious of apprehensions arising from relevant scientific and technological developments, inter alia, in the fields of microbiology, genetic engineering and biotechnology, and the possibilities of their use for purposes inconsistent with the objectives and the provisions of the Convention, reaffirms that the undertaking given by the States parties in Article I applies to all such developments. The Conference also reaffirms that the Convention unequivocally covers all microbial or other biological agents or toxins, naturally or artificially created or altered, whatever their origin or method of production.

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

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

The Conference emphasizes the vital importance of full implementation by all States parties of all the provisions of the Convention and expresses concern at statements by some States parties that compliance with Articles I, II and III has been, in their view, subject to grave doubt in certain cases and that efforts since the Second Review Conference to resolve these problems have not been successful. The Conference agrees that the application by States parties of a positive approach in questions of compliance in accordance with the provisions of the Convention is in the interest of all States parties and that continued non-compliance with its provisions could undermine confidence in the Convention.

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

ARTICLE II

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

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

ARTICLE III

The Conference notes the importance of Article III and welcomes the statements which States that have acceded to the Convention have made to the effect that they have not transferred agents, toxins, weapons, equipment or means of delivery, specified in Article I of the Convention, to any recipient whatsoever and have not furnished assistance, encouragement or inducement to any State, group of States or international organizations to manufacture or otherwise acquire them. The Conference affirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at international, national or subnational levels. The Conference notes that a number of States parties have already taken concrete measures to give effect to their undertakings under this Article, and calls for appropriate measures by all States parties. Transfers relevant to the Convention should be authorized only when the intended use is for purposes not prohibited under the Convention. The implementation of this Article with respect to such transfers should continue to be the subject of multilateral consideration.

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

ARTICLE IV

The Conference notes the importance of Article IV under which each State party shall, in accordance with its constitutional processes, take any necessary measures to prohibit or prevent any acts or actions which would contravene the Convention.

The Conference notes those measures already taken by some States parties in this regard, for example the adoption of penal legislation, and reiterates its call to any State party that has not yet taken any necessary measures to do so immediately, in accordance with its constitutional processes. Such measures should apply within the territory of a State party, under its jurisdiction or under its control anywhere. The Conference invites each State party to consider, if constitutionally possible and in conformity with international law, the application of such measures to actions taken anywhere by natural persons possessing its nationality.

The Conference notes the importance of:

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

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

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

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

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

The Conference welcomes regional measures such as the Mendoza Declaration as well as other initiatives dealing with the renunciation of weapons of mass destruction, including biological weapons, as concrete positive steps towards the strengthening of the biological and toxin weapons Convention regime.

ARTICLE V

In accordance with the decision of the Second Review Conference, and taking into account views expressed concerning the need to strengthen the implementation of the provisions of Article V, the Conference reviewed the effectiveness of the provisions in Article V for consultation and cooperation and of the cooperative measures agreed in the Final Declaration of the Second Review Conference, and considered whether or not further actions were called for to create further cooperative measures. The Conference came to the following conclusions and recommendations:

The Conference notes the importance of the confidence-building measures agreed upon at the Second Review Conference, as well as the modalities elaborated by the Ad Hoc Meeting of Scientific and Technical Experts from States parties to the Convention held in 1987. The Conference recognizes the

exchange of information that took place on this agreed basis between 1987 and 1991. The Conference urges all States parties to submit information to future rounds of information exchange.

With a view to promoting increased participation and strengthening further the exchange of information, the Conference agrees to reaffirm those measures established at the Second Review Conference with the following improvements: to add a declaration on "Nothing to declare" or "Nothing new to declare"; to amend and extend the exchange of data on research centres and laboratories; to amend the exchange of information on outbreaks of infectious diseases and similar occurrences caused by toxins; to amend the measure for the active promotion of contacts; and to add three new confidence-building measures entitled "Declaration of legislation, regulations and other measures"; "Declaration of past activities in offensive and/or defensive biological research development programmes"; and "Declaration of vaccine production facilities".

Accordingly, the Conference, mindful of the provisions of Article V and Article X, and determined to strengthen the authority of the Convention and to enhance confidence in the implementation of its provisions, agrees that the States parties are to implement, on the basis of mutual cooperation, the following measures set out in the annex to this Final Declaration, in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and in order to improve international cooperation in the field of peaceful bacteriological (biological) activities:

1. Declaration form on "Nothing to declare" or "Nothing new to declare"

2. Confidence-building measure "A":

   - Part 1: Exchange of data on research centres and laboratories;

   - Part 2: Exchange of information on national biological defence research and development programmes.

3. Confidence-building measure "B":

   - Exchange of information on outbreaks of infectious diseases and similar occurrences caused by toxins.

4. Confidence-building measure "C":

   - Encouragement of publication of results and promotion of use of knowledge.

5. Confidence-building measure "D":

   - Active promotion of contacts.

6. Confidence-building measure "E":

   - Declaration of legislation, regulations and other measures.

7. Confidence-building measure "F":

   - Declaration of past activities in offensive and/or defensive biological research and development programmes.

8. Confidence-building measure "G":

   - Declaration of vaccine production facilities.

The Conference also agrees 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 and should cover the previous calendar year.

The Conference recognizes that the new and the revised procedures which the States parties have agreed to implement will add further duties to, and will make even greater demands on the time of, the United Nations Department for Disarmament Affairs. The Conference therefore requests the United Nations Secretary-General to allocate the necessary staff resources and other requirements based in the United Nations Department for Disarmament Affairs in Geneva to assist the effective implementation of the relevant decisions of the Third Review Conference, in particular of the confidence-building measures. In that respect the Secretary-General is requested to receive, compile, and make available to States parties information related to the implementation of the Convention and of the decisions of the Third Review Conference. The use of the United Nations Department for Disarmament Affairs computer database system could facilitate this work. The States parties agree to review inter alia the requirement for, and the operation of, these additional arrangements at the Fourth Review Conference.

The Conference notes the importance of Article V and reaffirms the obligation assumed by States parties to consult and cooperate with one another in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention.

The Conference reaffirms the agreement reached at the Second Review Conference, and agrees that in order to strengthen the implementation of the provisions of Article V the following procedures should be adopted:

- A formal consultative meeting could be preceded by bilateral or other consultations by agreement among those States parties involved in the problems which had arisen;

- Requests for the convening of a consultative meeting shall be addressed to the Depositaries, who shall immediatley inform all States parties of the request and shall convene within 30 days an informal meeting of interested States parties to discuss the arrangements for the formal consultative meeting, which shall be convened within 60 days of receipt of the request;

- With regard to the taking of decisions, the consultative meeting shall proceed in accordance with rule 28 of the rules of procedure of the Review Conference;

- The costs of the consultative meeting shall be met by the States parties participating in accordance with the United Nations assessment scale prorated to take into account differences between the United Nations membership and the number of States parties participating in the meeting;

- A consultative meeting may consider any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention, suggest ways and means for further clarifying, inter alia, with assistance of technical experts, any matter considered ambiguous or unresolved, as well as initiate appropriate international procedures within the framework of the United Nations and in accordance with its Charter;

- The consultative meeting, or any State party, may request specialized assistance in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention, through, inter alia, appropriate international procedures within the framework of the United Nations and in accordance with its Charter;

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

- The Conference considers that States parties shall cooperate with the consultative meeting in its consideration of any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention, and in clarifying ambiguous and unresolved matters, as well as cooperate in appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

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

The Conference, determined to strengthen the effectiveness and improve the implementation of the Convention and recognizing that effective verification could reinforce the Convention, decides to establish an Ad Hoc Group of Governmental Experts open to all States parties to identify and examine potential verification measures from a scientific and technical standpoint.

The Group shall meet in Geneva for the period 30 March to 10 April 1992. The Group will hold additional meetings as appropriate to complete its work as soon as possible, preferably before the end of 1993. In accordance with the agreement reached in the Preparatory Committee, the Group shall be chaired by Ambassador Tibor Tóth (Hungary), who shall be assisted by two Vice-Chairmen to be elected by the States parties participating in the first meeting.

The Group shall seek to identify measures which could determine:

- Whether a State party is developing, producing, stockpiling, acquiring or retaining microbial or other biological agents or toxins, of types and in quantities that have no justification for prophylactic, protective or peaceful purposes;

- Whether a State party is developing, producing, stockpiling, acquiring or retaining weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Such measures could be addressed singly or in combination. Specifically, the Group shall seek to evaluate potential verification measures, taking into account the broad range of types and quantities of microbial and other biological agents and toxins, whether naturally occurring or altered, which are capable of being used as means of warfare.

To these ends the Group could examine potential verification measures in terms of the following main criteria:

- Their strengths and weaknesses based on, but not limited to, the amount and quality of information they provide, and fail to provide;

- Their ability to differentiate between prohibited and permitted activities;

- Their ability to resolve ambiguities about compliance;

- Their technology, material, manpower and equipment requirements;

- Their financial, legal, safety and organizational implications;

- Their impact on scientific research, scientific cooperation, industrial development and other permitted activities, and their implications for the confidentiality of commercial proprietary information.

In examining potential verification measures, the Group should take into account data and other information relevant to the Convention provided by the States Parties.

The Group shall adopt by consensus a report taking into account views expressed in the course of its work. The report of the Group shall be a

description of its work on the identification and examination of potential verification measures from a scientific and technical standpoint, according to this mandate.

The report of the Group shall be circulated to all States Parties for their consideration. If a majority of States Parties ask for the convening of a conference to examine the report, by submitting a proposal to this effect to the Depositary Governments, such a conference will be convened. In such a case the conference shall decide on any further action. The conference shall be preceded by a preparatory committee.

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

The Conference appeals to States Parties to make all possible efforts to solve any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention with a view towards encouraging strict observance of the provisions subscribed to. In this connection, the States Parties agree to provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention. Such responses should be submitted through the procedures provided for under the Convention. The Conference further requests that information on such efforts be provided to the Fourth Review Conference.

The Conference welcomes the proposals set out in annex I of United Nations document A/44/561 developed by a group of qualified experts and endorsed by the United Nations General Assembly in 1990 in its resolution 45/57 C for technical guidelines and procedures to guide the United Nations Secretary-General in the timely and efficient investigation of reports of the possible use of chemical and bacteriological (biological) or toxin weapons. The Conference recalls, in this context, United Nations Security Council resolution 620 of 1988, which encouraged the United Nations Secretary-General to carry out prompt investigations, in response to allegations brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons. The States Parties agree to consult, at the request of any State Party, regarding allegations of use or threat of use of bacteriological (biological) or toxin weapons and to cooperate fully with the United Nations Secretary-General in carrying out such investigations. The Conference stresses that in the case of alleged use the United Nations is called upon to take appropriate measures, which could include a request to the Security Council to consider action in accordance with the Charter.

Taking into account the specific characteristics of each region, neighbouring States or States belonging to the same region may also adopt measures that are consistent with the aims and objectives of the Convention in order to facilitate or complement the implementation of the decisions of the Third Review Conference with respect to Article V.

ARTICLE VI

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

The Conference reaffirms the importance of Article VI, which, in addition to the procedures contained in Article V, provides that any State Party which finds that any other State Party is acting in breach of its obligations under the Convention may lodge a complaint with the United Nations Security Council. The Conference emphasized the provision of Article VI that such a complaint should include all possible evidence confirming its validity. It stressed that, as in the case of the implementation of all the provisions and procedures set forth in the Convention, the procedures foreseen in Article VI should be implemented in good faith and within the scope of the Convention.

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

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

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

ARTICLE VII

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

The Conference reaffirms the undertaking made by each State Party to provide or support assistance in accordance with the Charter of the United Nations to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

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

The Conference considers that in the event that this Article might be invoked, the United Nations, with the help of appropriate intergovernmental organizations such as the World Health Organization (WHO), could play a coordinating role.

ARTICLE VIII

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

The Conference reaffirms that nothing contained in the Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare. The Conference appeals to all States Parties to the Geneva Protocol of 1925 to fulfil their obligations assumed under that Protocol and urges all States not yet Parties to the said Protocol to accede to it without delay.

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

The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the biological and toxin weapons Convention.

The Conference notes that the United Nations has taken significant action in support of the Geneva Protocol of 1925 during the period under review, including through Security Council resolution 620 (1988) and General Assembly resolutions 41/58 C, 42/37 C, 43/74 A, 44/115 B and 45/57 C.

The Conference recalls that the participating States at the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held in Paris from 7 to 11 January 1989, solemnly reaffirmed in its Final Declaration the prohibition as established in the Geneva Protocol of 1925 and urged all States which had not done so to accede to it.

ARTICLE IX

The Conference reaffirms the obligation assumed by States Parties to continue negotiations in good faith towards an early agreement on effective measures for the prohibition of the development, production and stockpiling of chemical weapons and for their destruction.

All States Parties participating in the Conference reiterate their strong commitment to this important goal.

The Conference notes with satisfaction the substantial progress made in the negotiations on a convention on chemical weapons in the Conference on Disarmament during the period under review. The Conference also takes note of the bilateral agreement, signed in June 1990, between the Union of Soviet Socialist Republics and the United States of America on destruction and non-production of chemical weapons.

The Conference urges the Conference on Disarmament to exert all possible efforts to implement the mandate for the chemical weapons negotiations as amended on 20 June 1991, and to achieve final agreement by 1992 on the convention on the complete and effective prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction. The Conference notes the statements of intent by many States to become original parties to the chemical weapons convention and calls on all States to adhere early to the convention when concluded so as to ensure its early entry into force.

ARTICLE X

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

The Conference, while acknowledging what has already been done towards this end, notes with concern the increasing gap between the developed and the developing countries in the field of biotechnology, genetic engineering, microbiology and other related areas. The Conference urges all States Parties actively to promote international cooperation and exchange with States Parties in the peaceful uses of biotechnology, and urges the developed countries possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, in particular with the developing countries, for the benefit of all mankind.

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

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

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

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

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

- Facilitating the conclusion of bilateral, regional and multiregional agreements providing, on a mutually advantageous, equal and non-discriminatory basis, for their participation in the development and application of biotechnology;

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

- Cooperation in providing information on their national epidemiological surveillance and data reporting systems, and in providing assistance, on a bilateral level and/or in conjunction with WHO, regarding epidemiological surveillance, with a view to improvements in the identification and timely reporting of significant outbreaks of human and animal diseases.

The Review Conference considers that the establishment of a world data bank under the supervision of the United Nations might be a suitable way of facilitating the flow of information in the field of genetic engineering, biotechnology and other scientific developments.

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

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

The Review Conference calls upon the Secretary-General of the United Nations to propose for inclusion on the agenda of a relevant United Nations body, not later than 1993, a discussion and examination of the means of improving institutional mechanisms in order to facilitate the fullest possible exchange of equipment, materials and scientific and technological information regarding the use of bacteriological (biological) agents and toxins for peaceful purposes.

The Conference recommends that invitations to participate in this discussion and examination should be extended to all States Parties, whether or not they are members of the United Nations or concerned specialized agencies.

The Conference requests the States Parties and the United Nations Secretariat to include in the document materials prepared for the above-mentioned discussion of States Parties, information and suggestions on the implementation of Article X, taking into account the preceding paragraphs. Furthermore, it urges the specialized agencies, inter alia, FAO, WHO, UNESCO, WIPO and UNIDO, to participate in this discussion and fully cooperate with the Secretary-General of the United Nations, and requests the Secretary-General to send all relevant information on this Conference to these agencies.

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

The Conference notes that one of the fields of cooperation in microbiology would be the study of the influence of enhanced radioactivity on microorganisms aimed at reducing its potentially harmful effects on humans, plants and animals, to be carried out within the United Nations programme for the minimization of the consequences of the Chernobyl accident.

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

ARTICLE XI

The Conference notes the importance of Article XI and that since the entry into force of the Convention the provisions of the article have not been invoked. In this context the Conference underlined that the provisions of Article XI should in principle be implemented in such a way as not to affect the universality of the Convention.

ARTICLE XII

The Conference decides that a Fourth Review Conference shall be held in Geneva at the request of a majority of States Parties not later than 1996.

The Conference decides that the Fourth Review Conference shall consider, inter alia:

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

- The relevance of the provisions of the chemical weapons convention on the effective implementation of the biological and toxin weapons Convention;

- The effectiveness of coordinated confidence-building measures as agreed in this Final Declaration;

- The report of the Ad Hoc Group of Governmental Experts on Verification, as well as the conclusions of a special conference, if it is convened earlier;

- The requirement for, and the operation of, the requested allocation by the United Nations Secretary-General of staff resources and other

requirements to assist the effective implementation of the relevant decisions of the Third Review Conference, and in particular of the confidence-building measures;

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

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

ARTICLE XIII

The Conference notes the provisions of Article XIII and expresses its satisfaction that no State Party to the Convention has exercised its right to withdraw from the Convention.

ARTICLE XIV

The Conference notes with satisfaction that a significant number of States have ratified or acceded to the Convention since the Second Review Conference and the 1989 Paris Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, and that there are now more than 115 States Parties to the Convention, including all the permanent members of the Security Council of the United Nations.

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

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

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

The Third Review Conference appeals to those States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons which have not taken part in the Conference to participate in the implementation of provisions contained in the Final Declaration of this Conference, and in particular to implement the agreed confidence-building measures.

ARTICLE XV

The Conference notes the provisions of Article XV.

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

(Geneva, 25 November-6 December 1996)

FINAL DOCUMENT

Geneva, 1996

II. FINAL DECLARATION

THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION, WHICH MET IN GENEVA FROM 25 NOVEMBER TO 6 DECEMBER 1996 TO REVIEW THE OPERATION OF THE CONVENTION, SOLEMNLY DECLARE:

- Their conviction that the Convention is essential to international peace and security;

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

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

- Their continued determination, for the sake of mankind, to exclude completely the possibility of the use of bacteriological (biological) agents and toxins as weapons, and their conviction that such use would be repugnant to the conscience of mankind;

- Their reaffirmation of their firm commitment to the purposes of the Preamble and the provisions of the Convention, and of their belief that universal adherence to the Convention would enhance international peace and security;

- Their determination to enhance the implementation and effectiveness of the Convention and to further strengthen its authority, including through the confidence-building measures and agreed procedures for consultations agreed by the Second and Third Review Conferences, and through the fulfilment of the mandate entrusted to the Ad Hoc Group established by the Special Conference in 1994;

- Their recognition that effective verification could reinforce the Convention;

- Their conviction that the full implementation of the provisions of the Convention should facilitate economic and technological development and international cooperation in the field of peaceful biological activities;

- Their recognition that purposes of this Convention include the prohibition of the use of biological weapons as contrary to the purpose of the Convention.

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

Preamble

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

Article I

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

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

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 of the Convention.

4. 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.

5. The Conference also 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.

6. The Conference, conscious of apprehensions arising from relevant scientific and technological developments, inter alia, in the fields of microbiology, biotechnology, molecular biology, genetic engineering, and any applications resulting from genome studies, and the possibilities of their use for purposes inconsistent with the objectives and the provisions of the Convention, reaffirms that the undertaking given by the States Parties in Article I applies to all such developments.

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

8. The Conference appeals through the States Parties to their scientific communities to lend their support only to activities that have justification for prophylactic, protective and other peaceful purposes, and refrain from undertaking or supporting activities which are in breach of the obligations deriving from provisions of the Convention.

9. The Conference emphasizes, once more, the vital importance of full implementation by all States Parties of all the provisions of the Convention, especially Articles I, II and III. 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.

Article II

1. The Conference recognizes that for any State acceding to the Convention after the entry into force of the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to the Convention. The Conference emphasizes that the destruction or diversion to peaceful purposes specified in Article II should be carried out completely and effectively.

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

3. The Conference notes that the submission to the Centre for Disarmament Affairs of appropriate information on destruction by States Parties which had stockpiles and have destroyed them in fulfilment of their Article II obligations and which have not already made such submissions could enhance confidence in the Convention and its objectives.

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

Article III

1. The Conference notes the importance of Article III and welcomes the statements which States that have acceded to the Convention have made to the effect that they have not transferred agents, toxins, weapons, equipment or means of delivery as specified in Article I of the Convention, to any recipient whatsoever and have not furnished assistance, encouragement or inducement to any State, group of States or international organizations to

manufacture or otherwise acquire them. The Conference affirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at international, national or subnational levels.

2. The Conference notes that a number of States Parties stated that they have already taken concrete measures to give effect to their undertakings under this Article and in this context also notes statements made by States Parties at the Conference about the legislative or administrative measures they have taken since the Third Review Conference. The Conference calls for appropriate measures by all States Parties. Transfers relevant to the Convention should be authorized only when the intended use is for purposes not prohibited under the Convention.

3. The Conference discussed the question whether multilaterally-agreed guidelines or multilateral guidelines negotiated by all States Parties to the Convention concerning the transfer of biological agents, materials and technology for peaceful purposes to any recipient whatsoever might strengthen the Convention. In the development of implementation of Article III, the Conference notes that States Parties should also consider ways and means to ensure that individuals or subnational groups are effectively prevented from acquiring, through transfers, biological agents and toxins for other than peaceful purposes. The Conference notes that these issues are being considered as part of the ongoing process of strengthening the Convention.

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

Article IV

1. The Conference underlines the importance of Article IV. It reaffirms the commitment of States Parties to take the necessary national measures under this Article, in accordance with their constitutional processes. These measures are to ensure the prohibition and prevention of the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention anywhere within their territory, under their jurisdiction or under their control, in order to prevent their use for purposes contrary to the Convention. The States Parties recognize the need to ensure, through the review and/or adoption of national measures, the effective fulfilment of their obligations under the Convention in order, inter alia, to exclude use of biological and toxin weapons in terrorist or criminal activity.

2. The Conference notes those measures already taken by a number of States Parties in this regard, for example the adoption of penal legislation, and reiterates its call to any State Party that has not yet taken any necessary measures to do so immediately, in accordance with its constitutional processes. Such measures should apply within its territory, under its jurisdiction or under its control anywhere. The Conference invites each State

Party to consider, if constitutionally possible and in conformity with international law, the application of such measures also to actions taken anywhere by natural persons possessing its nationality.

3. The Conference notes the importance of:

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

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

- Inclusion in textbooks and in medical, scientific and military education programmes of information dealing with the prohibitions and provisions contained in the Biological and Toxin Weapons Convention and the Geneva Protocol of 1925.

4. The Conference believes that such measures which States Parties might undertake in accordance with their constitutional processes would strengthen the effectiveness of the Convention, as requested by the Second and Third Review Conferences.

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

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

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

Article V

1. The Conference notes the importance of Article V and reaffirms the obligation assumed by States Parties to consult and cooperate with one another in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. The Conference reiterates its appeal to States Parties made at the Third Review Conference to make all possible efforts to solve any problems which may arise in relation to the objective of, or in the application of the provisions of

the Convention with a view towards encouraging strict observance of the provisions subscribed to. The Conference notes that this Article provides an appropriate framework for resolving any such problems, and reaffirms that any State Party which identifies such a problem should, as a rule, use these procedures to address and resolve it.

2. The Conference also reviewed the operation of the procedures to strengthen the implementation of the provisions of Article V which were adopted in the Final Declaration of the Third Review Conference and which built on the agreements reached at the Second Review Conference. While noting that these procedures have not yet been invoked, the Conference reaffirmed their present validity. The Conference calls on any State Party which identifies a problem arising in relation to the objective of, or in the application of the provisions of the Convention to use these procedures, if appropriate, to address and resolve it.

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

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

5. The Conference notes the background information document prepared by the United Nations Secretary-General providing data on the participation of States Parties in the agreed confidence-building measures since the Third Review Conference. The Conference welcomes the exchange of information carried out under the confidence-building measures, and notes that this has contributed to enhancing transparency and building confidence. The Conference recognizes that participation in the confidence-building measures since the last Review Conference has not been universal, and that not all responses have been prompt or complete. In this regard, the Conference also recognizes the technical difficulties experienced by some States Parties with respect to preparing CBM responses. In this regard, the Conference urges all States Parties to complete full and timely declarations in the future. The Conference notes that the Ad Hoc Group of States Parties established by the Special Conference in 1994 is, as part of its continuing work, considering the incorporation of existing and further enhanced confidence-building and transparency measures, as appropriate, in a regime to strengthen the Convention.

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

7. In this regard, the Conference recalls that:

- The Third Review Conference established the Ad Hoc Group of Governmental Experts open to all States Parties to identify and examine potential verification measures from a scientific and technical standpoint.

- The Group held four sessions in 1992-1993 and circulated its report to all States Parties in September 1993.

- A Special Conference was held in September 1994 to consider the report, and decided to establish an Ad Hoc Group open to all States Parties. The Conference considered the work of the Ad Hoc Group under agenda item 12 and its conclusions are reflected in the section of this document entitled "Consideration of the work of the Ad Hoc Group established by the Special Conference in 1994".

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

Article VI

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

2. The Conference reaffirms the importance of Article VI, which, in addition to the procedures contained in Article V, provides that any State Party which finds that any other State Party is acting in breach of its obligations under the Convention may lodge a complaint with the United Nations Security Council. The Conference notes that the provisions of Article VI will be taken into account, as appropriate, for any future verification regime resulting from the consideration by the Ad Hoc Group of a system of measures to promote compliance with the Convention. The Conference emphasizes the provision of Article VI that such a complaint should include all possible evidence confirming its validity. It stresses that, as in the case of the implementation of all the provisions and procedures set forth in the Convention, the procedures foreseen in Article VI should be implemented in good faith within the scope of the Convention.

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

4. The Conference recalls, in this context, United Nations Security Council resolution 620 (1988), which at the time encouraged the United Nations Secretary-General to carry out prompt investigations, in response to allegations brought to its attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons that could entail a violation of the 1925 Geneva Protocol or of any other applicable rule of international treaty or customary law. The Conference also recalls the technical guidelines and procedures contained in Annex I of United Nations document A/44/561 to guide the United Nations Secretary-General on the timely and efficient investigation of reports of the possible use of such weapons. The States Parties reaffirm their agreement to consult, at the request of any State Party, regarding allegations of use or threat of use of bacteriological (biological) or toxin weapons and to cooperate fully with the United Nations Secretary-General in carrying out such investigations. The Conference stresses that in the case of alleged use the United Nations is called upon to take appropriate measures expeditiously, which could include a request to the Security Council to consider action in accordance with the Charter.

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

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

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

Article VII

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

2. The Conference reaffirms the undertaking made by each State Party to provide or support assistance in accordance with the Charter of the United Nations to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

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

4. The Conference takes note of the proposal that the Ad Hoc Group might need to discuss the detailed procedure for assistance in order to ensure that timely emergency assistance would be provided by States Parties if requested.

5. The Conference considers that in the event that this Article might be invoked, the United Nations, with the help of appropriate intergovernmental organizations such as the World Health Organization (WHO), could play a coordinating role.

Article VIII

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

2. The Conference acknowledges that the 1925 Geneva Protocol, by prohibiting the use of bacteriological methods of warfare, and the Biological and Toxin Weapons Convention complement each other.

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

4. Noting the actions in support of the Protocol taken by the Security Council and General Assembly of the United Nations, through Security Council resolution 620 (1988) and General Assembly resolutions 41/58 C, 42/37 C, 43/74 A, 44/115 B and 45/57 C and recalling the solemn reaffirmation of the prohibition as established in the Protocol, issued by the Conference of the States Parties to the 1925 Geneva Protocol and other interested States held in Paris from 7 to 11 January 1989, the Conference appeals to all States Parties to the Geneva Protocol to fulfil their obligations assumed under the Protocol and urges all States not yet Parties to the 1925 Geneva Protocol to accede to it without delay.

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

6. The Conference welcomes the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Biological and Toxin Weapons Convention, and calls upon those States Parties that continue to maintain pertinent reservations to the 1925 Geneva Protocol to withdraw those reservations, and to notify the Depositary of the 1925 Geneva Protocol of their withdrawals without delay.

7. The Conference notes that reservations concerning retaliation, through the use of any of the objects prohibited by the Biological and Toxin Weapons Convention, even conditional, are totally incompatible with the absolute and

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

Article IX

1. The Conference reaffirms that Article IX identifies the recognized objective of effective prohibition of chemical weapons. The Conference welcomes conclusion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, which was opened for signature on 13-15 January 1993 in Paris.

2. The Conference welcomes the fact that sixty-five instruments of ratification have now been deposited, and that the Convention will therefore enter into force on 29 April 1997.

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

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

5. The Conference notes that the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons, at its fourteenth session (22-26 July 1996) entrusted the Chairman of the Commission, in close consultation with its member States, with the task of convening, as necessitated by circumstances in connection with the occurrence of the trigger point, a meeting of the Commission to provide appropriate guidance.

Article X

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

2. The Conference, while acknowledging what has already been done towards this end, notes with concern the increasing gap between the developed and the developing countries in the field of biotechnology, genetic engineering, microbiology and other related areas. The Conference urges all States Parties actively to continue to promote international cooperation and exchange with States Parties in the peaceful uses of biotechnology, and urges all States Parties possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and

non-discriminatory basis, in particular with the developing countries, for the benefit of all mankind. At the same time, the Conference stresses that measures to implement Article X need to be consistent with the objectives and provisions of the Convention.

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

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

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

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

7. The Conference recommends that invitations to participate in this discussion and examination should be extended to all States Parties, whether or not they are members of the United Nations or concerned specialized agencies.

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

9. The Conference takes note of the significant steps forward in promoting cooperation in the biological field taken by the United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, in 1992, including the adoption of Agenda 21 and the Rio Declaration, and by the Convention on Biological Diversity, and underlines their importance in the context of Article X implementation.

10. The Conference shares the worldwide concern about new, emerging and re-emerging infectious diseases and considers that the international response to them offers opportunities for increased cooperation in the context of Article X application and of strengthening the Convention. The Conference welcomes the efforts to establish a system of global monitoring of disease and encourages States Parties to support the World Health Organization, including its relevant newly established division, the FAO and the OIE, in these efforts directed at assisting Member States to strengthen national and local programmes of surveillance for infectious diseases and improve early notification, surveillance, control and response capabilities.

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

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

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

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

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

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

5. Facilitating the conclusion of bilateral, regional and multiregional agreements providing, on a mutually advantageous, equal and non-discriminatory basis, for their participation in the development and application of biotechnology;

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

7. Cooperation in providing information on their national epidemiological surveillance and data reporting systems, and in providing assistance, on a bilateral level and/or in conjunction with WHO, FAO and OIE regarding epidemiological and epizootical surveillance, with a view to improvements in the identification and timely reporting of significant outbreaks of human and animal diseases;

8. The promotion of programmes for the exchange and training of scientists and experts, and the exchange of scientific and technical information in the biological field between developed and developing countries.

13. The Conference considers that a worldwide data bank might be a suitable way of facilitating the flow of information in the field of genetic engineering, biotechnology and other scientific developments. In this context, the Conference underlines the importance of monitoring all related developments in the field of frontier science and high technology in the areas relevant to the Convention.

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

15. The Conference welcomes the information provided by a number of States Parties on the cooperative measures they have undertaken towards fulfilling their Article X obligations and encourages States Parties in a position to do so to provide such information.

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

17. The Conference calls upon all States Parties in a position to do so to fully cooperate with the developing States Parties to the Convention in the area of promotion and financing the establishment of vaccine production facilities. The Conference recommends further that the relevant multilateral organizations and world financial institutions provide assistance for establishment and promotion of vaccine production projects in these countries.

Article XI

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

2. The Conference notes that the Depositaries are notifying all States Parties of the proposal. The Conference encourages all States Parties to convey their views to the Depositaries on whether the Convention needs to be amended to make clear explicitly that the use of biological weapons is effectively prohibited.

3. The Conference requests the Depositaries to take such measures as may be requested by a majority of States Parties, including the option of convening a conference open to all States Parties to the Convention at the earliest appropriate opportunity to take a decision on the proposal, should a majority of the States Parties so decide.

4. The Conference meanwhile reaffirms the importance of Article XI. In this context the Conference underlines that the provisions of Article XI should in principle be implemented in such a way as not to affect the universality of the Convention.

Article XII

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

2. The Conference decides that the Fifth Review Conference shall consider, inter alia,

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

- The relevance of the provisions of, and the implementation of the Chemical Weapons Convention on the effective implementation of the Biological and Toxin Weapons Convention, duly taking into account the degree of universality attained by such conventions at the time of the Fifth Review Conference;

- The effectiveness of confidence-building measures as agreed at the Second and Third Review Conferences;

- The conclusions of a Special Conference, to which the Ad Hoc Group shall submit its report, including a legally-binding instrument to strengthen the Biological and Toxin Weapons Convention, which shall be adopted by consensus, to be held as soon as possible before the commencement of the Fifth Review Conference; and further action as appropriate;

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

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

Article XIII

1. The Conference notes the provisions of Article XIII and, while emphasizing that the Convention is of unlimited duration and applies at all times, expresses its satisfaction that no State Party to the Convention has exercised its right to withdraw from the Convention.

Article XIV

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

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

3. In this connection, the Conference requests States Parties to encourage wider adherence to the Convention.

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

5. The Fourth Review Conference appeals to those States Parties to the Biological and Toxin Weapons Convention which have taken part in the Conference to participate in the implementation of provisions contained in the Final Declaration of this Conference. The Conference also appeals to all States Parties to participate actively in the Ad Hoc Group of States Parties, with a view to the early completion of its work to strengthen the Convention.

Article XV

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

Consideration of the work of the Ad Hoc Group established by the Special Conference in 1994

The Conference welcomes the report on the progress of the Ad Hoc Group as contained in BWC/AD HOC GROUP/32 and notes in particular the following:

- The Special 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 (September 1994) agreed to

establish an Ad Hoc Group open to all States Parties to consider appropriate measures, including possible verification measures, and draft proposals to strengthen the Convention.

- Since its establishment, the Ad Hoc Group has held one short organizational session and four substantive sessions of a duration of two weeks each.

- In accordance with its mandate, as contained in the Final Report of the Special Conference (BBC/SPCONF/1), the Ad Hoc Group has been considering appropriate measures, including possible verification measures, to strengthen the Convention. Where relevant, consideration of issues has sought to build on the considerable body of technical work connected with strengthening the Biological and Toxin Weapons Convention regime undertaken by the Ad Hoc Group of Technical Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint (VEREX) in 1992 and 1993.

- The Ad Hoc Group has made significant progress towards fulfilling the mandate given by the Special Conference, including by identifying a preliminary framework and elaborating potential basic elements of a legally-binding instrument to strengthen the Convention.

- Nevertheless, the Ad Hoc Group was not able to complete its work and submit its report including a draft of the future legally-binding instrument to the States Parties for consideration at the Fourth Review Conference. In this context it is noted that the cumulative period allocated to substantive negotiations in the Ad Hoc Group has been eight weeks.

The Conference welcomes the decision of the Ad Hoc Group, in order to fulfil its mandate, to intensify its work with a view to completing it as soon as possible before the commencement of the Fifth Review Conference and submit its report, which shall be adopted by consensus, to the States Parties, to be considered at a Special Conference. The Conference encourages the Ad Hoc Group to review its method of work and to move to a negotiating format in order to fulfil its mandate.

The Conference notes that the Ad Hoc Group is considering, as part of its continuing work, definitions of terms and objective criteria, such as lists of bacteriological (biological) agents and toxins, their threshold quantities, as well as equipment and types of activities, where relevant for specific measures designed to strengthen the Convention.

BWC/CONF.V/17

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

(Geneva, 19 November – 7 December 2001 and 11 – 22 November 2002)

FINAL DOCUMENT

Geneva, 2002

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

FINAL REPORT

Introduction

1. The Final Declaration of the Fourth Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, in the section dealing with the review of Article XII of the Convention, contained the following decision:

> "The Conference decides that a Fifth Review Conference shall be held in Geneva at the request of the majority of States Parties, or in any case, not later than 2001".[1]

2. By resolution 55/40, adopted without a vote on 20 November 2000, the General Assembly, *inter alia*, noted that, at the request of the States Parties, a Fifth Review Conference of the States Parties to the Convention would be held at Geneva from 19 November to 7 December 2001, and that, following appropriate consultations, a Preparatory Committee for that Conference had been formed, open to all States Parties to the Convention, and that the Preparatory Committee would meet in Geneva from 25 to 27 April 2001.

3. The Preparatory Committee held three meetings at Geneva from 25 to 27 April 2001. At its last meeting, on 27 April 2001, the Preparatory Committee adopted its report, which was issued as a pre-session document of the Conference (BWC/CONF.V/PC/1).

Organization of the Conference

4. In accordance with the decision of the Preparatory Committee, the Conference was convened on 19 November 2001 at the Palais des Nations in Geneva for a period of three weeks. At its sixth plenary meeting on 7 December 2001, the Conference decided by consensus to adjourn its proceedings and reconvene at Geneva from 11 to 22 November 2002. The organization, participation, work, documentation and decisions of the Conference during this initial session are recorded in the Interim Report (BWC/CONF.V/12), adopted on 7 December 2001, and attached to this report as Annex I.

[1] BWC/CONF.IV/9

5. In accordance with the decision of the Conference, a resumed session of the Conference was convened on 11 November 2002 at the Palais des Nations in Geneva.

Participation at the Conference

6. Participation at the initial session of the Conference is recorded in the Interim Report (attached as Annex I).

7. Ninety-four States Parties to the Convention participated in the resumed session of the Conference as follows: Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Bolivia, Bosnia-Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela,
Viet Nam, Yemen and Yugoslavia.

8. In addition, four States that had signed the Convention but had not yet ratified it participated in the resumed session without taking part in the making of decisions, as provided for in rule 44, paragraph 1 of the Rules of Procedure: Egypt, Madagascar, Myanmar, Nepal.

9. One State, Israel, neither Party nor Signatory to the Convention, participated in the resumed session as an Observer, in accordance with rule 44, paragraph 2 (a).

10. The United Nations, including the United Nations Institute for Disarmament Research (UNIDIR), attended the resumed session of the Conference in accordance with rule 44, paragraph 3.

11. The International Committee of the Red Cross (ICRC) and the World Health Organization (WHO) participated in the resumed session as Observers. In addition, the International Atomic Energy Agency (IAEA) and the International Centre for Genetic Engineering and Biotechnology (ICGEB), upon their request, were granted Observer status during the resumed session. Sixteen non-governmental organizations and research institutes attended the resumed session of the Conference under rule 44, paragraph 5.

12. Lists of all delegations to the Conference, at its initial and resumed sessions, are contained in documents BWC/CONF.V/INF.3 and BWC/CONF.V/INF.5 respectively.

13. The Credentials Committee held two meetings, and at its second meeting on 6 December 2001 adopted its report on the credentials of States Parties (BWC/CONF.V/CC/1).

Work of the Conference

14. The work of the Conference during its initial session is recorded in the Interim Report (attached as Annex I).

15. During the resumed session, the Conference held a further three plenary meetings, in addition to the six plenary meetings held during the initial session.

16. At its seventh plenary meeting on 11 November 2002, the Conference approved the cost estimates for the resumed session, as contained in BWC/CONF.V/13, and adopted the President's proposal for a flexible programme of work for the resumed session, with the schedule of meetings to be determined as needed in consultation with the General Committee and the Regional Group Coordinators.

Documentation

17. A list of documents of the Conference is contained in Annex III to this Report.

Decisions and Recommendations

18. At its eighth plenary meeting on 14 November 2002, the Conference decided, by consensus, as follows:

(a) To hold three annual meetings of the States Parties of one week duration each year commencing in 2003 until the Sixth Review Conference, to be held not later than the end of 2006, to discuss, and promote common understanding and effective action on:

i. the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;

ii. national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;

iii. enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;

iv. strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants;

v. the content, promulgation, and adoption of codes of conduct for scientists.

(b) All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.

(c) Each meeting of the States Parties will be prepared by a two week meeting of experts. The topics for consideration at each annual meeting of States Parties will be as follows: items i and ii will be considered in 2003; items iii and iv in 2004; item v in 2005. The first meeting will be chaired by a representative of the Eastern Group, the second by a representative of the Group of Non-Aligned and Other States, and the third by a representative of the Western Group.

(d) The meetings of experts will prepare factual reports describing their work.

(e) The Sixth Review Conference will consider the work of these meetings and decide on any further action.

19. At the same meeting, the Conference approved the nomination by the Eastern Group of Ambassador Tibor Tóth of Hungary as Chairman of the 2003 meetings. At the ninth plenary meeting the Conference approved the cost estimates for the meetings to be held in 2003, 2004 and 2005, as contained in document BWC/CONF.V/14. The Conference requested the Depositaries of the Convention to consult with a view to establishing suitable dates for the 2003 meetings, and to notify States Parties accordingly.

20. At the eighth plenary meeting, the Conference decided that the Sixth Review Conference would be held in Geneva in 2006, and would be preceded by a Preparatory Committee.

21. At the same meeting, the Conference adopted by consensus its Final Document, comprising a Final Report (BWC/CONF.V/L.1), with oral amendments made at the ninth plenary meeting, and three annexes: Annex I – Interim Report of the Conference; Annex II – Rules of Procedure of the Conference; Annex III – List of documents of the Conference.

ANNEX I

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

INTERIM REPORT

Introduction

1. The Final Declaration of the Fourth Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, in the section dealing with the review of Article XII of the Convention, contained the following decision:

> "The Conference decides that a Fifth Review Conference shall be held in Geneva at the request of the majority of States Parties, or in any case, not later than 2001".[1]

2. By resolution 55/40, adopted without a vote on 20 November 2000, the General Assembly, *inter alia*, noted that, at the request of the States Parties, a Fifth Review Conference of the States Parties to the Convention would be held at Geneva from 19 November to 7 December 2001, and that, following appropriate consultations, a Preparatory Committee for that Conference had been formed, open to all States Parties to the Convention, and that the Preparatory Committee would meet in Geneva from 25 to 27 April 2001.

3. The Preparatory Committee held three meetings at Geneva from 25 to 27 April 2001. The following 68 States Parties to the Convention participated in the session of the Preparatory Committee: Albania, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Guatemala, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kuwait, Libyan Arab Jamahiriya, Lithuania, Malaysia, Malta, Mexico, Mongolia, Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka,
Sweden, Switzerland, Thailand, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan, Venezuela and Viet Nam.

4. At its 1st meeting, on 25 April 2001, the Preparatory Committee elected by acclamation Ambassador Tibor Tóth (Hungary) as Chairman of the Preparatory Committee. At the same

[1] BWC/CONF.IV/9

meeting, it also unanimously elected Ambassador Markku Reimaa (Finland) and Ambassador Munir Akram (Pakistan) as Vice-Chairmen of the Preparatory Committee. The Preparatory Committee authorized the Bureau to handle technical and other matters in the period before the Review Conference was convened.

5. On behalf of the Secretary-General of the United Nations, Mr. Enrique Roman-Morey, Director of the Geneva Branch, Department for Disarmament Affairs, opened the session of the Preparatory Committee. Mr. Vladimir Bogomolov, Political Affairs Officer, Geneva Branch, Department for Disarmament Affairs, served as Secretary of the Preparatory Committee.

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

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

8. The Preparatory Committee, taking note of their written requests, decided to invite the representatives of States Signatories of the Convention, namely, Egypt and Morocco, to participate in its discussions without the right to take part in the making of decisions.

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

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

(a) Date and duration;

(b) Provisional agenda;

(c) Draft rules of procedure;

(d) Background documentation;

(e) Publicity;

(f) Final document(s).

11. At its last meeting, on 27 April 2001, the Preparatory Committee adopted its report, which was issued as a pre-session document of the Conference (BWC/CONF.V/PC/1). The report contained, *inter alia*, the provisional agenda and the draft rules of procedure for the Conference (BWC/CONF.V/PC/1, Annexes I and II, respectively). In this connection, the Committee recommended that its report, without annexes, be annexed to the Final Document of the Fifth Review Conference.

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

1. Background information document providing, in summary tabular form, data on the participation of States Parties in the agreed Confidence-Building Measures since the last Review Conference. (BWC/CONF.V/2, and Corr.1, 2 and 3)

2. Background information document on compliance by States Parties with all their obligations under the Convention, compiled from information provided by them. (BWC/CONF.V/3, Corr.1, and Adds.1 to 9)

3. Background information on new scientific and technological developments relevant to the Convention and covering the applications being made of such developments and their relevance to various aspects of the Convention, compiled from information provided by the States Parties (BWC/CONF.V/4, Adds.1-2).

Organization of the Conference

13. In accordance with the decision of the Preparatory Committee, the Conference was convened on 19 November 2001 at the Palais des Nations in Geneva for a period of three weeks.

14. At its 1st meeting, on 19 November, the Conference elected by acclamation Ambassador Tibor Tóth (Hungary) as President.

15. At the same meeting, a message from the Secretary-General of the United Nations was read out by Mr. Jayantha Dhanapala, Under Secretary-General for Disarmament Affairs.

16. The Conference adopted its agenda as recommended by the Preparatory Committee (BWC/CONF.V/1 and BWC/CONF.V/PC/1, Annex I).

17. The Conference took note with appreciation of the report of the Preparatory Committee (BWC/CONF.V/PC/1).

18. The Conference adopted its Rules of Procedure as recommended by the Preparatory Committee (BWC/CONF.V/PC/1, Annex II). The Rules of Procedure provided, *inter alia*, for: (a) a General Committee, composed of the President of the Conference and chaired by him, the 20 Vice-Presidents, the Chairman and the two Vice-Chairmen of the Committee of the Whole, the Chairman and the two Vice-Chairmen of the Drafting Committee, the Chairman and the Vice-Chairman of the Credentials Committee, the three Regional Group Coordinators and the Depositaries (see paragraph 20 of the report of the Preparatory Committee); (b) a Committee of the Whole; (c) a Drafting Committee, composed of representatives of the same 35 States Parties that are represented on the General Committee; and (d) a Credentials Committee composed of a

Chairman and Vice-Chairman elected by the Conference and five other members appointed by the Conference on the proposal of the President.

19. The Conference elected by acclamation 20 Vice-Presidents from the following States Parties: Belgium, Brazil, Bulgaria, Canada, China, Cuba, Czech Republic, France, Germany, India, Indonesia, Libyan Arab Jamahiriya, Malaysia, Mexico, Peru, Poland, Republic of Korea, Russian Federation, South Africa and Sweden. It also elected by acclamation the Chairmen and Vice-Chairmen of the Committee of the Whole, the Drafting Committee and the Credentials Committee, as follows:

Committee of the Whole:	Chairman	Ambassador Markku Reimaa (Finland)
	Vice-Chairman	Mr. Alfredo Labbé Minister Counsellor (Chile)
	Vice-Chairman	Ambassador Krzysztof Jakubowski (Poland)
Drafting Committee:	Chairman	Ambassador Munir Akram (Pakistan)
	Vice-Chairman	Mr. Gennady Lutay (Russian Federation)
Vice-Chairman	Ambassador Christian Faessler (Switzerland)	
Credentials Committee:	Chairman	Ambassador Ali-Asghar Soltanieh (Islamic Republic of Iran)
	Vice-Chairman	Ambassador Chris Sanders (The Netherlands)

The Conference also appointed the following five States Parties as members of the Credentials Committee: Australia, Colombia, Romania, Ukraine, and Venezuela.

20. The Conference confirmed the nomination of Mr. Enrique Roman-Morey as Secretary-General of the Conference. The nomination had been made by the Secretary-General of the United Nations following an invitation by the Preparatory Committee.

Participation at the Conference

21. Ninety-one States Parties to the Convention participated in the Conference as follows: Albania, Algeria, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Ethiopia, Federal Republic

of Yugoslavia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Viet Nam and Yemen.

22. In addition, five States that had signed the Convention but had not yet ratified it participated in the Conference without taking part in the making of decisions, as provided for in rule 44, paragraph 1 of the Rules of Procedure: Egypt, Morocco, Myanmar, Nepal and the United Arab Emirates.

23. Two States, Holy See and Israel, neither Parties nor Signatories of the Convention, were granted Observer status in accordance with rule 44, paragraph 2 (a).

24. The United Nations, including the United Nations Institute for Disarmament Research (UNIDIR) attended the Conference in accordance with rule 44, paragraph 3.

25. The International Committee of the Red Cross (ICRC) and the World Health Organization (WHO), upon their request, were granted Observer status. Eighteen non-governmental organizations and research institutes attended the Conference under rule 44, paragraph 5.

Work of the Conference

26. The Conference held six plenary meetings between 19 November and 7 December 2001.

27. The general debate, in which 34 States Parties, Egypt and the ICRC made statements, took place from the 1st to the 4th plenary meetings, on 19 and 20 November 2001.

28. The General Committee, at its 1st meeting, on 19 November, considered item 9 of the agenda, "Programme of work", and decided, *inter alia*, to make the following recommendations to the Conference:

(1) The Committee of the Whole should consider the following substantive items:

10. Review of the operation of the Convention as provided for in its Article XII

(b) Articles I-XV

(c) Preambular paragraphs and purposes of the Convention

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

12. Work done to strengthen the Convention in accordance with the decision of the 1994 Special Conference.

13. Other matters, including the question of future review of the Convention.

(2) The Drafting Committee should undertake the task of preparing and submitting to the plenary the draft Final Document of the Conference, including the Final Declaration.

29. At its 3rd plenary meeting, on 20 November, the Conference adopted its indicative programme of work, as set out in BWC/CONF.V/1, Annex I.

30. The Committee of the Whole held seven plenary meetings between 21 November and 29 November, during which it reviewed the provisions of the Convention, article by article, followed by consideration of the Preamble. The Committee also examined agenda items 11, 12 and 13. It submitted its draft report (BWC/CONF.V/COW/L.1) to the Conference at its 5th plenary meeting, on 30 November. The Conference took note of the draft report.

31. The Drafting Committee held 13 meetings between 30 November and 7 December 2001. Based on a request by the Conference to the President, the Chairman of the Drafting Committee and the Chairman of the Committee of the Whole, the Chairman of the Drafting Committee was assisted in his work by Facilitators in the following areas:

- Solemn Declaration: Ambassador David Broucher (United Kingdom of Great Britain and Northern Ireland);
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- Use: Minister Counsellor Alfredo Labbé (Chile);

- Legislation/Criminalization: Ambassador Gustavo Albin (Mexico);

- Safety: Ambassador Volker Heinsberg (Germany);

- Investigations: Ambassador Rakesh Sood (India);

- Assistance: Ambassador Christopher Westdal (Canada);

- Disease Surveillance: Ambassador Ali-Asghar Soltanieh (Iran);

- Confidence-Building Measures: Ambassador Hubert de La Fortelle (France);

- Cooperation (other than on disease and assistance): Minister Counsellor F. S. Duque Estrada Meyer (Brazil);

- Follow-up/Ad Hoc Group: President of the Conference.

Documentation

32. A preliminary list of documents of the Conference is contained in the Annex to this Interim Report[2].

Adjournment of the Conference

33. At its 6th plenary meeting on 7 December 2001, the Conference decided by consensus to adjourn its proceedings and reconvene at Geneva from 11 to 22 November 2002.

[2] The preliminary list of documents was annexed to BWC/CONF.V/12

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

BWC/MSP/2003/4 (Vol. I)
26 November 2003

Original: ENGLISH

First Meeting
Geneva, 10 – 14 November 2003

REPORT OF THE MEETING OF STATES PARTIES

Volume I

Part I

Introduction

1. The Final Document of the Fifth Review Conference of the States Parties of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC/CONF.V/17), in the section dealing with Decisions and Recommendations, contained the following decision:

> "The Conference decided, by consensus, as follows:
>
> (a) To hold three annual meetings of the States Parties of one week duration each year commencing in 2003 until the Sixth Review Conference, to be held not later than the end of 2006, to discuss, and promote common understanding and effective action on:
>
> i. the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
>
> ii. national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
>
> iii. enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;
>
> iv. strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants;
>
> v. the content, promulgation, and adoption of codes of conduct for scientists.

(b) All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.

(c) Each meeting of the States Parties will be prepared by a two week meeting of experts. The topics for consideration at each annual meeting of States Parties will be as follows: items i and ii will be considered in 2003; items iii and iv in 2004; item v in 2005. The first meeting will be chaired by a representative of the Eastern Group, the second by a representative of the Group of Non-Aligned and Other States, and the third by a representative of the Western Group.

(d) The meetings of experts will prepare factual reports describing their work.

(e) The Sixth Review Conference will consider the work of these meetings and decide on any further action."

2. The Fifth Review Conference also approved the nomination by the Eastern Group of Ambassador Tibor Tóth of Hungary as Chairman of the 2003 meetings.

3. By decision 57/516, adopted without a vote on 22 November 2002, the General Assembly, *inter alia*, requested the United Nations Secretary-General to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences.

4. The first Meeting of Experts convened in Geneva from 18 to 29 August 2003. At its closing meeting on 29 August 2003, the Meeting of Experts adopted by consensus its Report (BWC/MSP.2003/MX/4 Part I and Part II).

Organization of the Meeting of States Parties

5. In accordance with the decision of the Fifth Review Conference, the Meeting of States Parties convened from 10 to 14 November 2003, under the Chairmanship of Ambassador Tibor Tóth of Hungary, at the Palais des Nations in Geneva.

6. At its first meeting, the Meeting of States Parties adopted its agenda (BWC/MSP/2003/1) and programme of work (BWC/MSP/2003/2) as proposed by the Chairman. The Chairman also drew the attention of delegations to the annotated agenda (BWC/MSP/2003/3).

7. At the same meeting, the Chairman recalled that, as decided at the Meeting of Experts, the rules of procedure of the Fifth Review Conference, as contained in Annex II of the Final Document of the Review Conference (BWC/CONF.V/17) would apply, *mutatis mutandis*, to the Meeting of States Parties. The Chairman also noted that formal credentials were not required for participation in the Meeting of States Parties.

8. Ms. Jenifer Mackby, Senior Political Affairs Officer, United Nations Department for Disarmament Affairs, served as Secretary of the Meeting of States Parties. Mr. Richard Lennane, Political Affairs Officer, Ms. Melissa Hersh and Dr. Piers Millett, Professional Assistants, United Nations Department for Disarmament Affairs, served in the Secretariat.

Participation at the Meeting of States Parties

9. Ninety-two States Parties to the Convention participated in the Meeting of States Parties as follows: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malaysia, Malta, Mexico, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Viet Nam, Yemen.

10. In addition, four States that had signed the Convention but had not yet ratified it participated in the Meeting of States Parties without taking part in the making of decisions, as provided for in rule 44, paragraph 1 of the rules of procedure: Egypt, Haiti, Madagascar, Myanmar.

11. Two States neither Parties nor Signatories to the Convention, participated in the Meeting of States Parties as observers, in accordance with rule 44, paragraph 2 (a): Israel, Kazakhstan.

12. The United Nations, including the United Nations Institute for Disarmament Research (UNIDIR) and the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), attended the Meeting of States Parties in accordance with rule 44, paragraph 3.

13. The International Committee of the Red Cross (ICRC) and the World Health Organization (WHO), upon their request, were granted observer status to participate in the Meeting of States Parties in accordance with rule 44, paragraph 4.

14. Nine non-governmental organizations and research institutes attended the Meeting of States Parties under rule 44, paragraph 5.

15. A list of all participants in the Meeting of States Parties is contained in document BWC/MSP/2003/INF.1.

Work of the Meeting of States Parties

16. The Meeting of States Parties held two public meetings, on 10 and 14 November respectively, and seven working sessions between 10 and 14 November 2003. In accordance with the programme of work (BWC/MSP/2003/2), the first working session on 10 November 2003 was allocated to a general debate, in which 32 States Parties participated.

17. Subsequent working sessions were devoted to detailed consideration of agenda item 5 (necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation) and agenda item 6 (national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins).

The second working session was devoted to consideration of incorporation of the prohibitions contained in Article I of the Convention, including the enactment of penal legislation. The third working session was devoted to consideration of licensing. The fourth working session was devoted to consideration of enforcement, relating to both agenda item 5 and agenda item 6. The fifth working session was devoted to consideration of biosecurity evaluation and implementation of biosecurity procedures. The sixth working session was devoted to consideration of identification and licensing/registration, and efforts by relevant international bodies.

18. In the course of this work, the Meeting of States Parties was able to draw on a number of working papers submitted by States Parties. These working papers are listed in Annex I to this Report. In addition, statements, presentations and contributions to the discussions were also provided by delegations in writing and were circulated daily to the Meeting as unofficial documents. The Meeting decided that all the statements, presentations and contributions made available to the Chairman by States Parties would be attached to this Report, in the languages of submission, as Annex II[1].

19. The Meeting of States Parties was also able to draw on a CD-ROM-based repository of information, prepared by the Secretariat, containing a listing of relevant national implementation measures in a large number of States Parties and other relevant information and documents, which was updated in the course of the Meeting.

Documentation

20. A complete list of documents of the Meeting of States Parties, including the working papers submitted by States Parties, is contained in Annex I to this Report.

21. The Meeting decided that all official documents of the Meeting of Experts and Meeting of States Parties would be placed on the Official Document System (ODS) of the United Nations, accessible to Member States of the United Nations via the internet at www.ods.unog.ch.

Conclusion of the Meeting of States Parties

22. At its closing meeting on 14 November 2003, the Meeting of States Parties approved the nomination by the Group of Non-aligned and Other States of Mr. Peter Goosen of South Africa as Chairman of the Meeting of Experts and Meeting of States Parties in 2004. The Meeting decided that the Meeting of Experts would be held in Geneva from 19 to 30 July 2004, and that the Meeting of States Parties would be held in Geneva from 6 to 10 December 2004, in accordance with the decision of the Fifth Review Conference.

23. At the same meeting, the Meeting of States Parties adopted its report, consisting of two parts and two annexes.

[1] Issued as a separate volume: BWC/MSP/2003/4 (Vol. II)

Part II

The Meeting of States Parties to the Biological Weapons Convention convened from 10 to 14 November 2003 to discuss, and promote common understanding and effective action on:

- the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation; and

- national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins.

This meeting was prepared by a Meeting of Experts held from 18 to 29 August 2003, where measures relevant to the agenda items were discussed in detail. Eighty three States Parties participated in the Meeting of Experts, the result of which were presented in an agreed Report of the Meeting of Experts, which included two Annexes containing submitted working papers, and presentations, statements, and contributions made available to the Chairman.

At the Meeting of States Parties, States Parties noted that notwithstanding the differing legal and constitutional arrangements among the 151 States Parties to the Convention, States have adopted similar basic approaches and share common principles. The States Parties stressed the need for undertaking activities at the national level in keeping with their obligations and responsibilities to strengthen and implement the Convention. The States Parties agreed, to that end, on the value of the following:

To review, and where necessary, enact or update national legal, including regulatory and penal, measures which ensure effective implementation of the prohibitions of the Convention, and which enhance effective security of pathogens and toxins.

The positive effect of cooperation between States Parties with differing legal and constitutional arrangements. States Parties in a position to do so may wish to provide legal and technical assistance to others who request it in framing and/or expanding their own legislation and controls in the areas of national implementation and biosecurity.

The need for comprehensive and concrete national measures to secure pathogen collections and the control of their use for peaceful purposes. There was a general recognition of the value of biosecurity measures and procedures, which will ensure that such dangerous materials are not accessible to persons who might or could misuse them for purposes contrary to the Convention.

States Parties considered that agreement on the value of these measures discussed at the Meeting constitutes an essential effort to facilitate more effective implementation and enforcement of the Convention, as well as providing a basis for review of progress at the 2006 Review Conference.

Annex I

LIST OF DOCUMENTS OF THE MEETING OF STATES PARTIES

Symbol	Title
BWC/MSP/2003/1	Provisional Agenda
BWC/MSP/2003/2	Provisional Programme of Work for the Meeting of States Parties
BWC/MSP/2003/3	Annotated Provisional Agenda for the Meeting of States Parties
BWC/MSP/2003/4 (Vol. I and Vol. II)	Report of the Meeting of States Parties
BWC/MSP/2003/INF.1 [English/French/Spanish Only]	List of Participants
BWC/MSP/2003/INF.2 [English Only]	List of States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) Weapons and on Their Destruction
BWC/MSP/2003/Misc.1 [English/French/Spanish Only]	Provisional List of Participants

The following working papers are in English only unless otherwise indicated:

BWC/MSP/2003/WP.1	Working Paper Submitted by the Netherlands
BWC/MSP/2003/WP.2	Working Paper Submitted by the Federal Republic of Germany: Core Elements of National Measures to Implement the Prohibitions Contained in the BTWC
BWC/MSP/2003/WP.3	Working Paper Submitted by the Federal Republic of Germany: Core Elements of National Mechanisms to Establish and Maintain the Security and Oversight of Dangerous Microorganisms and Toxins
BWC/MSP/2003/WP.4	Working Paper Submitted by the Federal Republic of Germany: Sources of Expert Advice on National BTWC Implementing Legislation and Legislation on Security and Oversight of Dangerous Pathogens in the Federal Republic of Germany

BWC/MSP/2003/WP.5 and Add.1	Working Paper Submitted by Japan: Japan's BWC Implementing Law
BWC/MSP/2003/WP.6	Working Paper Submitted by the Russian Federation: Answers to the Questionnaire on National Legislation Ensuring Compliance with the Convention on the Prohibition of Biological and Toxin Weapons
BWC/MSP/2003/WP.7	Working Paper Submitted by the Russian Federation: On the Procedure for the Management of Microorganisms of the Pathogenicity Groups I – IV in the Territory of the Russian Federation
BWC/MSP/2003/WP.8	Working Paper Submitted by Italy: the Italian National Committee for Biosafety and Biotechnology
BWC/MSP/2003/WP.9	Working Paper Submitted by Switzerland: National Surveillance of Activities with Pathogenic and Genetically Modified Organisms
BWC/MSP/2003/WP.10	Working Paper Submitted by the Netherlands

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

BWC/MSP/2004/3
14 December 2004

Original: ENGLISH

Second Meeting
Geneva, 6-10 December 2004

REPORT OF THE MEETING OF STATES PARTIES

Introduction

1. The Final Document of the Fifth Review Conference of the States Parties of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC/CONF.V/17), in the section dealing with Decisions and Recommendations, contained the following decision:

> "The Conference decided, by consensus, as follows:
>
> (a) To hold three annual meetings of the States Parties of one week duration each year commencing in 2003 until the Sixth Review Conference, to be held not later than the end of 2006, to discuss, and promote common understanding and effective action on:
>
> i. the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
>
> ii. national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
>
> iii. enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;
>
> iv. strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants;
>
> v. the content, promulgation, and adoption of codes of conduct for scientists.
>
> (b) All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.
>
> (c) Each meeting of the States Parties will be prepared by a two week meeting

of experts. The topics for consideration at each annual meeting of States Parties will be as follows: items i and ii will be considered in 2003; items iii and iv in 2004; item v in 2005. The first meeting will be chaired by a representative of the Eastern Group, the second by a representative of the Group of Non-Aligned and Other States, and the third by a representative of the Western Group.

(d) The meetings of experts will prepare factual reports describing their work.

(e) The Sixth Review Conference will consider the work of these meetings and decide on any further action."

2. In accordance with the decision of the Fifth Review Conference, the 2003 Meeting of States Parties was convened in Geneva from 10 to 14 November 2003, and was preceded by a Meeting of Experts held in Geneva from 18 to 29 August 2003. The 2003 Meeting of States Parties approved the nomination by the Group of Non-aligned and Other States of Mr. Peter Goosen of South Africa as Chairman of the Meeting of Experts and Meeting of States Parties in 2004. The 2003 Meeting of States Parties decided that the 2004 Meeting of Experts would be held in Geneva from 19 to 30 July 2004, and that the 2004 Meeting of States Parties would be held in Geneva from 6 to 10 December 2004.[1]

3. By resolution 59/110, adopted without a vote on 3 December 2004, the General Assembly, *inter alia*, requested the United Nations Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences, including all necessary assistance to the annual meetings of the States Parties and the meetings of experts.

4. The 2004 Meeting of Experts convened in Geneva from 19 to 30 July 2004. At its closing meeting on 30 July 2004, the Meeting of Experts adopted by consensus its Report (BWC/MSP/2004/MX/3).

Organization of the Meeting of States Parties

5. In accordance with the decisions of the Fifth Review Conference and the 2003 Meeting of States Parties, the 2004 Meeting of States Parties was convened at the Palais des Nations in Geneva from 6 to 10 December 2004, under the Chairmanship of Mr. Peter Goosen of South Africa.

6. At its first meeting, the Meeting of States Parties adopted its agenda (BWC/MSP/2004/1) and programme of work (BWC/MSP/2004/2) as proposed by the Chairman.

7. At the same meeting, following a suggestion by the Chairman, the Meeting of States Parties adopted as its rules of procedure, *mutatis mutandis*, the rules of procedure of the Fifth Review Conference, as contained in Annex II of the Final Document of the Review Conference (BWC/CONF.V/17).

8. Mr. Peter Kolarov, Political Affairs Officer, United Nations Department for Disarmament Affairs, was in charge of the BWC issues in the Department for Disarmament Affairs. Mr. Richard Lennane, Political Affairs Officer, served as Secretary of the Meeting of States

[1] See BWC/MSP/2003/4 (Vol I)

Parties. Ms. Melissa Hersh and Dr. Piers Millett, Professional Assistants, served in the Secretariat.

Participation at the Meeting of States Parties

9. Eighty-nine States Parties to the Convention participated in the Meeting of States Parties as follows: Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Holy See, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Viet Nam, Yemen.

10. In addition, five States that had signed the Convention but had not yet ratified it participated in the Meeting of States Parties without taking part in the making of decisions, as provided for in rule 44, paragraph 1 of the rules of procedure: Egypt, Madagascar, Myanmar, Syrian Arab Republic, United Republic of Tanzania.

11. Two States, Israel and Kazakhstan, neither Parties nor Signatories to the Convention, participated in the Meeting of States Parties as observers, in accordance with rule 44, paragraph 2 (a).

12. The United Nations, including the United Nations Institute for Disarmament Research (UNIDIR), attended the Meeting of States Parties in accordance with rule 44, paragraph 3.

13. The Food and Agriculture Organization (FAO), the International Committee of the Red Cross (ICRC), the World Health Organization (WHO) and the World Organization for Animal Health (OIE) were granted observer status to participate in the Meeting of States Parties in accordance with rule 44, paragraph 4.

14. Fourteen non-governmental organizations and research institutes attended the Meeting of States Parties under rule 44, paragraph 5.

15. A list of all participants in the Meeting of States Parties is contained in document BWC/MSP/2004/INF.3.

Work of the Meeting of States Parties

16. The Meeting of States Parties held two public meetings, on 6 and 10 December respectively, and six working sessions between 6 and 10 December 2004. In accordance with the programme of work (BWC/MSP/2004/2), on 6 December the Meeting of States Parties held a general debate in which 28 States Parties made statements. On 7 December, one meeting was devoted to consideration of strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants (agenda item 5), and on 8 December,

one meeting was devoted to consideration of enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease (agenda item 6).

17. The Meeting of States Parties was preceded by a Meeting of Experts where measures relevant to the two agenda items were discussed in detail. States Parties noted that the Meeting of Experts was helpful in promoting common understanding and effective action on the agenda items. They stressed the need for undertaking activities at the national and international levels on these two agenda items in accordance with the decision adopted by consensus in the Final Document of the Fifth Review Conference of the States Parties to the Convention (BWC/CONF.V/17) in the section dealing with decisions and recommendations.

18. On the mandate to discuss, and promote common understanding and effective action on strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants, the States Parties recognised that:

a) infectious disease outbreaks can be contained and suppressed through early-detection, immediate response and co-operation and support at the national and international level;
b) strengthening and broadening national and international surveillance, detection, diagnosis and combating of infectious disease may support the object and purpose of the Convention;
c) the primary responsibility for surveillance, detection, diagnosis and combating of infectious diseases rests with States Parties, while the WHO, FAO and OIE have global responsibilities, within their mandates, in this regard. The respective structures, planning and activities of States Parties and the WHO, FAO and OIE should be co-ordinated with and complement one another;
d) scientific and technological developments have the potential to significantly improve disease surveillance and response.

19. The States Parties consequently agreed on the value of:

a) supporting the existing networks of relevant international organisations for the surveillance, detection, diagnosis and combating of infectious diseases and acting to strengthen the WHO, FAO and OIE programmes, within their mandates, for the continued development and strengthening of, and research into, rapid, effective and reliable activities for the surveillance, detection, diagnosis and combating of infectious diseases, including in cases of emergencies of international concern;
b) improving, wherever possible, national and regional disease surveillance capabilities, and, if in a position to do so, assisting and encouraging, with the necessary agreement, other States Parties to do the same;
c) working to improve communication on disease surveillance, including with the WHO, FAO and OIE, and among States Parties.

20. On the mandate to discuss, and promote common understanding and effective action on enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease, the States Parties recognised that:

a) capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease promote the object and purpose of the Convention;
b) States Parties' national preparedness and arrangements substantially contribute to international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;
c) the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution A/Res/45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons.

21. The States Parties consequently agreed on the value of:

a) continuing to develop their own national capacities for response, investigation and mitigation, in cooperation with the relevant international and regional organisations, and, if in a position to do so, assisting and encouraging, with the necessary agreement, other States Parties to do the same;
b) the Sixth Review Conference considering, *inter alia*, the further development of current procedures for the provision of assistance, by those in a position to do so, to States Parties in cases of alleged use of biological weapons or suspicious outbreaks of disease.

22. The States Parties further considered that in pursuing the above understandings and actions, States Parties could, according to their respective circumstances, consider the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topics under discussion at the Meeting of Experts, as contained in the Annex II of the Report of the Meeting of Experts (BWC/MSP/2004/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2004/L.1, which are attached to this report as Annexes II and III. These annexes were not discussed or agreed upon and consequently have no status.

23. States Parties are encouraged to inform the Sixth Review Conference of, *inter alia*, any actions, measures or other steps that they may have taken on the basis of the discussions at the 2004 Meeting of Experts and of the outcome of the 2004 Meeting of States Parties in order to facilitate the Sixth Review Conference's consideration of the work undertaken at the meetings in 2004 and of a decision on any further action in accordance with paragraph 18 (e) of the decision adopted at the Fifth Review Conference (BWC/CONF.V/17).

Documentation

24. A complete list of official documents of the Meeting of States Parties, is contained in Annex I to this Report. All documents on this list are available on the United Nations Official Document System (ODS), accessible on the internet at www.ods.unog.ch.

Conclusion of the Meeting of States Parties

25. At its closing meeting on 10 December 2004, the Meeting of States Parties approved the nomination by the Western Group of Ambassador John Freeman of the United Kingdom of Great Britain and Northern Ireland as Chairman of the Meeting of Experts and Meeting of States Parties in 2005. The Meeting decided that the Meeting of Experts would be held in Geneva from 13 to 24 June 2005, and that the Meeting of States Parties would be held in Geneva from 5 to 9 December 2005, in accordance with the decision of the Fifth Review Conference.

26. At the same meeting, the Meeting of States Parties adopted its Report by consensus, as contained in document BWC/MSP/2004/CRP.1, as orally amended, to be issued as document BWC/MSP/2004/3.

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

BWC/MSP/2005/3
14 December 2005

Original: ENGLISH

Third Meeting
Geneva, 5-9 December 2005

REPORT OF THE MEETING OF STATES PARTIES

Introduction

1. The Final Document of the Fifth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC/CONF.V/17), in the section dealing with Decisions and Recommendations, contained the following decision:

> "The Conference decided, by consensus, as follows:
>
> (a) To hold three annual meetings of the States Parties of one week duration each year commencing in 2003 until the Sixth Review Conference, to be held not later than the end of 2006, to discuss, and promote common understanding and effective action on:
>
> (i) the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
>
> (ii) national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
>
> (iii) enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;
>
> (iv) strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants;
>
> (v) the content, promulgation, and adoption of codes of conduct for scientists.

(b) All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.

(c) Each meeting of the States Parties will be prepared by a two week meeting of experts. The topics for consideration at each annual meeting of States Parties will be as follows: items i and ii will be considered in 2003; items iii and iv in 2004; item v in 2005. The first meeting will be chaired by a representative of the Eastern Group, the second by a representative of the Group of Non-Aligned and Other States, and the third by a representative of the Western Group.

(d) The meetings of experts will prepare factual reports describing their work.

(e) The Sixth Review Conference will consider the work of these meetings and decide on any further action."

2. In accordance with the decision of the Fifth Review Conference, the 2003 Meeting of States Parties was convened in Geneva from 10 to 14 November 2003, and was preceded by a Meeting of Experts held in Geneva from 18 to 29 August 2003. The 2004 Meeting of States Parties was convened in Geneva from 6 to 10 December 2004, and was preceded by a Meeting of Experts held in Geneva from 19 to 30 July 2004. The 2004 Meeting of States Parties approved the nomination by the Western Group of Ambassador John Freeman of the United Kingdom of Great Britain and Northern Ireland as Chairman of the Meeting of Experts and Meeting of States Parties in 2005. The 2004 Meeting of States Parties decided that the 2005 Meeting of Experts would be held in Geneva from 13 to 24 June 2005, and that the 2005 Meeting of States Parties would be held in Geneva from 5 to 9 December 2005.[1]

3. By resolution 59/110, adopted without a vote on 3 December 2004, the General Assembly, *inter alia*, requested the United Nations Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences, including all necessary assistance to the annual meetings of the States Parties and the meetings of experts.

4. The 2005 Meeting of Experts convened in Geneva from 13 to 24 June 2005. At its closing meeting on 24 June 2005, the Meeting of Experts adopted by consensus its Report (BWC/MSP/2005/MX/3).

Organization of the Meeting of States Parties

5. In accordance with the decisions of the Fifth Review Conference and the 2004 Meeting of States Parties, the 2005 Meeting of States Parties was convened at the Palais des Nations in Geneva from 5 to 9 December 2005, under the Chairmanship of Ambassador John Freeman of the United Kingdom of Great Britain and Northern Ireland.

6. At its first meeting, the Meeting of States Parties adopted its agenda (BWC/MSP/2005/1) and programme of work (BWC/MSP/2005/2) as proposed by the Chairman.

[1] See BWC/MSP/2004/3

7. At the same meeting, following a suggestion by the Chairman, the Meeting of States Parties adopted as its rules of procedure, *mutatis mutandis*, the rules of procedure of the Fifth Review Conference, as contained in Annex II of the Final Document of the Review Conference (BWC/CONF.V/17).

8. Mr. Valere Mantels, Political Affairs Officer, United Nations Department for Disarmament Affairs, was in charge of the BWC issues in the Department for Disarmament Affairs. Mr. Richard Lennane, Political Affairs Officer, served as Secretary of the Meeting of States Parties. Ms. Melissa Hersh and Dr. Piers Millett, Associate Political Officers, served in the Secretariat.

Participation at the Meeting of States Parties

9. Eighty-seven States Parties to the Convention participated in the Meeting of States Parties as follows: Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bhutan, Bolivia, Bosnia-Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kuwait, Kyrgyzstan, Latvia, Lesotho, Libyan Arab Jamahiriya, Lithuania, Malaysia, Malta, Mauritius, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela, Viet Nam, and Yemen.

10. In addition, seven States that had signed the Convention but had not yet ratified it participated in the Meeting of States Parties without taking part in the making of decisions, as provided for in rule 44, paragraph 1 of the rules of procedure: Egypt, Haiti, Madagascar, Myanmar, the Syrian Arab Republic, the United Arab Emirates, and the United Republic of Tanzania.

11. Two States, Israel and Kazakhstan, neither Parties nor Signatories to the Convention, participated in the Meeting of States Parties as observers, in accordance with rule 44, paragraph 2 (a).

12. The United Nations, including the United Nations Department for Disarmament Affairs, the United Nations Institute for Disarmament Research (UNIDIR) and the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), attended the Meeting of States Parties in accordance with rule 44, paragraph 3.

13. The International Centre for Genetic Engineering and Biotechnology (ICGEB), the International Committee of the Red Cross (ICRC), the Organisation for Economic Co-operation and Development (OECD), and the Organization for the Prohibition of Chemical Weapons (OPCW), were granted observer status to participate in the Meeting of States Parties in accordance with rule 44, paragraph 4.

14. Eighteen non-governmental organizations and research institutes attended the Meeting of States Parties under rule 44, paragraph 5.

15. A list of all participants in the Meeting of States Parties is contained in document BWC/MSP/2005/INF.2.

Work of the Meeting of States Parties

16. The Meeting of States Parties held four public meetings, on 5, 6 and 9 December respectively, and five working sessions between 5 and 9 December 2005. In accordance with the programme of work (BWC/MSP/2005/2), on 5 December the Meeting of States Parties heard a message from the Secretary-General of the United Nations and held a general debate in which 25 States Parties made statements. On 6 December the Meeting of States Parties continued the general debate in which four States Parties made statements. On 6 and 7 December, three meetings were devoted to discussing, and promoting common understanding and effective action on the content, promulgation, and adoption of codes of conduct for scientists (agenda item 6).

17. The Meeting of States Parties was preceded by a Meeting of Experts where measures relevant to agenda item 6 were discussed in detail. States Parties noted that the Meeting of Experts was helpful in promoting common understanding and effective action on this agenda item. They stressed the need for undertaking activities at the national and international levels on this agenda item in accordance with the decision adopted by consensus in the Final Document of the Fifth Review Conference of the States Parties to the Convention (BWC/CONF.V/17) in the section dealing with decisions and recommendations.

18. On the mandate to discuss, and promote common understanding and effective action on the content, promulgation and adoption of codes of conduct for scientists, the States Parties recognised that:

(a) while the primary responsibility for implementing the Convention rests with States Parties, codes of conduct, voluntarily adopted, for scientists in the fields relevant to the Convention can support the object and purpose of the Convention by making a significant and effective contribution, in conjunction with other measures including national legislation, to combating the present and future threats posed by biological and toxin weapons, as well as by raising awareness of the Convention, and by helping relevant actors to fulfil their legal, regulatory and professional obligations and ethical principles;

(b) codes of conduct should reflect the provisions of the Convention and contribute to national implementation measures;

(c) a range of different approaches exist to develop codes of conduct in view of differences in national requirements and circumstances;

(d) codes of conduct should avoid impeding scientific discovery, placing undue constraints on research or international cooperation and exchange for peaceful purposes;

(e) science should be used for peaceful purposes only but has the potential to be misused in ways that are prohibited by the Convention, and therefore codes of conduct should require and enable relevant actors to have a clear understanding of the content, purpose and reasonably foreseeable consequences of their activities, and of the need to abide by the obligations contained in the Convention.

19. The States Parties recognised that all those with a responsibility for, or legitimate interest in, codes of conduct should be involved in their development, promulgation and adoption. The States Parties agreed on the value of codes of conduct applying not just to scientists, but to all those involved in scientific activity, including managers and technical and ancillary staff.

20. On the content of codes of conduct, recognising the principles listed in paragraph 18, the States Parties agreed on the importance of codes of conduct being:

(a) compatible with national legislation and regulatory controls and contributing to national implementation measures;

(b) simple, clear and easily understandable both to scientists and to wider civil society;

(c) relevant, helpful and effective for guiding relevant actors in making decisions and taking action in accordance with the purposes and objectives of the Convention;

(d) sufficiently broad in scope;

(e) regularly reviewed, evaluated for effectiveness, and revised as necessary.

21. On the adoption of codes of conduct, recognising that it is important to build on and coordinate with existing efforts, and avoid imposing burdensome and duplicative measures, the States Parties agreed on the value of:

(a) demonstrating the benefits of codes and encouraging relevant actors to develop codes themselves;

(b) using existing codes, mechanisms, frameworks and bodies as far as possible; and

(c) tailoring adoption strategies according to the needs of each relevant sector.

22. On the promulgation of codes of conduct, recognising that codes of conduct will be most effective if they, and the principles underlying them, are widely known and understood, the States Parties agreed on the value of continuous efforts on promulgation through appropriate channels.

23. The States Parties further considered that in pursuing the above understandings and actions, States Parties could, according to their respective circumstances, consider the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topic under discussion at the Meeting of Experts, as contained in Annex I of the Report of the Meeting of Experts (BWC/MSP/2005/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2005/L.1,

which is attached to this report as Annex I. This annex was not discussed or agreed upon and consequently has no status.

24. States Parties are encouraged to inform the Sixth Review Conference of, *inter alia*, any actions, measures or other steps that they may have taken on the basis of the discussions at the 2005 Meeting of Experts and of the outcome of the 2005 Meeting of States Parties in order to facilitate the Sixth Review Conference's consideration of the work undertaken at the meetings in 2005 and of a decision on any further action in accordance with paragraph 18 (e) of the decision adopted at the Fifth Review Conference (BWC/CONF.V/17).

Documentation

25. A complete list of official documents of the Meeting of States Parties is contained in Annex II to this Report. All documents on this list are available on the United Nations Official Document System (ODS), accessible on the internet at http://documents.un.org.

Conclusion of the Meeting of States Parties

26. At its closing meeting on 9 December 2005, the Meeting of States Parties noted the nomination by the Group of Non-Aligned and Other States of Ambassador Masood Khan of Pakistan to be President of the Sixth Review Conference and Chairman of the Preparatory Committee. The Meeting decided that in accordance with the decision of the Fifth Review Conference the Preparatory Committee for the Sixth Review Conference would be held in Geneva from 26 to 28 April 2006, and that the Sixth Review Conference would be held in Geneva within the period of 20 November to 8 December 2006, with the precise dates of the Conference to be decided by the Preparatory Committee. The Meeting approved the cost estimates for the Preparatory Committee and the Sixth Review Conference, as contained in document BWC/MSP/2005/INF.1*.

27. At the same meeting, the Meeting of States Parties adopted its Report by consensus, as contained in document BWC/MSP/2005/CRP.1, as orally amended, to be issued as document BWC/MSP/2005/3.

Annex I

SYNTHESIS OF CONSIDERATIONS, LESSONS, PERSPECTIVES, RECOMMENDATIONS, CONCLUSIONS AND PROPOSALS DRAWN FROM THE PRESENTATIONS, STATEMENTS, WORKING PAPERS AND INTERVENTIONS ON THE TOPIC UNDER DISCUSSION AT THE MEETING OF EXPERTS

Prepared by the Chairman

General considerations

Purpose and benefits

1. Recognising that codes of conduct for scientists can support the object and purpose of the Convention, it was suggested that codes of conduct can:

(i) Make a significant and effective contribution, in conjunction with other measures, to combating the present and future threats posed by biological weapons and bioterrorism;

(ii) Raise awareness of the Convention and of the potential risks inherent in scientific activity, and promote the need for reflection, consideration and discussion of the possible security implications of scientific work;

(iii) Help build a culture of responsibility and accountability among the scientific community, and increase public confidence that the risks are being appropriately managed;

(iv) Help scientists and others fulfil their legal, regulatory, professional and ethical obligations;

(v) Extend the responsibility for implementing the provisions of the Convention to the level of the individual.

Desirable qualities

2. Recognising the requirement that codes of conduct should avoid impeding scientific discovery or placing excessive constraints on research, it was suggested that codes of conduct should:

(i) Reflect the provisions of the Convention;

(ii) Be compatible with, and complement, national legislation and regulatory controls;

(iii) Be simple, clear and easily understandable both to scientists and to wider civil society;

(iv) Be seen as relevant, helpful and effective by those they apply to, and thus actively supported and followed;

(v) Be incorporated into existing working practices, funding and approval procedures, education and training;

(vi) Be revised and updated as necessary.

Scope, form and structure

3. Recognising that, although the principles underlying codes should reflect the Convention and be universal, a range of different approaches are needed to develop codes of conduct that apply to a wide variety of scientific activities and national circumstances, it was suggested that:

(i) Building blocks, core guidelines or common elements could be developed, that could then be used to develop specific codes;

(ii) Three layers of codes could be developed: a top layer describing the universal norms; a middle layer of more detailed codes developed or adapted by scientific bodies; and a bottom layer of operational codes specific to particular institutions;

(iii) There should be no attempt to impose a particular form or format of code;

(iv) Codes of conduct should apply not just to scientists, but to all relevant actors involved in scientific activity, including funders, publishers, managers and technical and ancillary staff;

(v) Codes of conduct should be sufficiently broad in scope to apply to new and unexpected scientific results and developments.

Content of codes of conduct

Principles

4. Recognising the dual-use dimension of much scientific activity and that in accordance with the Convention scientists should use their knowledge and abilities for the advancement of human and animal welfare in addition to respecting human rights and protecting the environment, it was suggested that codes of conduct should:

(i) Be aimed at the individual consciences of scientists and others;

(ii) Require individuals to refuse to participate in research, development or production of biological weapons or related materials or technology;

(iii) Require individuals to be aware of the risks of inadvertently participating in or assisting such activity, and to take active steps to prevent or stop it;

(iv) Require individuals to have a clear understanding of the content and purpose of their research or other work, and to consider its potential security consequences including dual-use implications;

(v) Be aimed at the intent and potential of the research, rather than attempting to define permissible or forbidden experiments.

References to norms, laws and standards

5. Recognising that codes of conduct should reflect the norms established by the Convention and should be consistent with national legislative and regulatory frameworks as well as with relevant professional standards, it was suggested that codes of conduct should:

(i) Refer to the Convention, and require awareness of and compliance with its provisions and with those of related national laws and regulations, including those dealing with export and transfer;

(ii) Require individuals to follow appropriate standards and procedures for biosafety, biosecurity, good laboratory and manufacturing practices, risk management, environmental protection, and other standards and procedures that relate to the safe and secure handling, storage and transfer of potentially hazardous materials;

(iii) Require individuals to be properly trained, qualified and licensed, as applicable, for the work they undertake, in accordance with relevant legislation and regulations.

Ethical guidance

6. Recognising that codes of conduct should help individuals make decisions and take action in accordance with the purposes and objectives of the Convention, it was suggested that codes of conduct should:

(i) Require individuals to investigate thoroughly and take into account the reasonably foreseeable social, environmental, health and security consequences of any proposed research or other scientific work;

(ii) Require individuals to analyse, assess and evaluate data throughout each step of the research process in order to be aware of emerging or unexpected implications that may be relevant to the Convention;

(iii) Contain guidance on the criteria and procedures for determining whether or not certain research or other work entails unacceptable risks;

(iv) Refer specifically, where appropriate, to areas of work with high potential for diversion or misuse, such as work aimed at increasing the pathogenicity, virulence, drug resistance or environmental persistence of microorganisms, altering host range or immune response, or synthesising pathogens;

(v) Contain guidance on the handling, dissemination and publication of research results, data and other information;

(vi) Encourage, as far as possible, transparency, peer review and open discussion of all scientific activity and its implications.

Notification, sanctions and consequences

7. Recognising that codes of conduct should help and encourage individuals prevent the misuse of science, it was suggested that codes of conduct should include:

(i) A requirement to report abuse, to raise concerns about possible breaches of the code, and to notify others when unexpected results may have social, environmental, safety, security or health implications;

(ii) Clear procedures for such notification, including nomination of a contact point;

(iii) Measures to protect the person reporting a concern, as well as to protect the legitimate rights of those involved in the activity reported;

(iv) Procedures for determining whether the code has been breached, and appropriate sanctions for those found to have breached the code.

Adoption of codes of conduct

Principles

8. Recognising that the involvement of scientists is crucial in the development and adoption of codes of conduct to ensure that codes are effective in preventing the misuse of science while not impeding scientific freedom, it was suggested that it is important to:

(i) Explain and demonstrate the benefits of codes to scientists, including increased public confidence and avoiding the need for more stringent and restrictive laws and regulations;

(ii) Demonstrate that the costs of development, promulgation and adoption of codes of conduct do not outweigh the benefits;

(iii) Encourage scientists, societies and institutions to develop codes, rather than have them imposed on them;

(iv) Avoid alienating scientists by suggesting that codes are aimed against them, or by implying that scientists need to be convinced to conduct responsible research.

Wider involvement

9. Recognising that all those with a responsibility for, or legitimate interest in, codes of conduct should be involved in their development and adoption, both individually and at organisational level, it was suggested this might involve the following:

(i) National, regional and international academies of science;

(ii) Academic and commercial scientists and their professional societies and unions;

(iii) The pharmaceutical, biotechnology and other relevant industries;

(iv) Scientific publishers and the mass media;

(v) Scientific funders;

(vi) Educational institutions;

(vii) Relevant international organisations.

Methods

10. Recognising that it is important to build on and coordinate with existing efforts, and avoid imposing burdensome and duplicative measures, it was suggested that:

(i) As far as possible, existing codes, mechanisms, frameworks and bodies should be used;

(ii) Adoption strategies should be tailored according to whether the code is to apply to government science, a professional body, industry, or individual institution;

(iii) Codes of conduct could be incorporated into licensing procedures, working practices and standard operating procedures, and internal review, evaluation and project approval procedures;

(iv) Codes of conduct could also be incorporated into employment procedures, conditions for suppliers, and conditions for the awarding of contracts or conclusion of other agreements;

(v) Codes of conduct should be regularly reviewed, evaluated for effectiveness, and revised as necessary.

Promulgation of codes of conduct

Principles

11. Recognising that codes of conduct will be most effective if they, and the principles underlying them, are widely known and understood, it was suggested that:

(i) Codes of conduct should be promulgated and promoted through multiple channels;

(ii) Discussion, exchange and networking, within and among institutions, societies, organisations and governments, both nationally and internationally, are important;

(iii) Promulgation and promotion of codes should be incorporated into education, training and licensing;

(iv) An active media, communication and outreach strategy is important for effective promulgation and promotion;

(v) Senior scientists and other personnel have a responsibility to ensure that junior colleagues are aware of codes of conduct and the principles underlying them;

(vi) Promulgation and promotion should be continuing efforts.

Methods

12. Recognising that there are many possible means of promulgation, and that the requirements for particular codes are likely to vary, it was suggested that the following methods could be useful for effectively promulgating codes of conduct and raising awareness of the principles underlying them:

(i) Use professional societies, industry bodies, institutional ethics and safety committees, and similar organs;

(ii) Convene or encourage the convening of seminars, symposia and conferences, within institutions, nationally and internationally;

(iii) Establish specific courses at undergraduate and postgraduate level, or include elements in existing courses, and consider targeting secondary schools also;

(iv) Include in textbooks and other educational materials;

(v) Incorporate into professional and technical training;

(vi) Use the scientific press, mass media, internet, public relations activities and collaborative promotions;

(vii) Offer incentives to institutions to promote codes of conduct and develop outreach programs;

(viii) Establish networks of laboratories to increase exchange and cooperation internationally;

(ix) Educate individuals on specific risks, provide case studies and practical examples.

Annex II

LIST OF DOCUMENTS OF THE MEETING OF STATES PARTIES

Symbol	**Title**
BWC/MSP/2005/1	Provisional Agenda
BWC/MSP/2005/2	Provisional Programme of Work
BWC/MSP/2005/3	Report of the Meeting of States Parties
BWC/MSP/2005/L.1	Synthesis of Considerations, Lessons, Perspectives, Recommendations, Conclusions and Proposals Drawn from the Presentations, Statements, Working Papers and Interventions on the Topic under Discussion at the Meeting of Experts Prepared by the Chairman
BWC/MSP/2005/INF.1*	Estimated Costs of the Preparatory Committee and Sixth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction Note by the Secretariat
BWC/MSP/2005/INF.2 [ENGLISH/FRENCH/ SPANISH ONLY]	List of Participants
BWC/MSP/2005/CRP.1 [ENGLISH ONLY]	Draft Report of the Meeting of States Parties
BWC/MSP/2005/MISC.1 [ENGLISH/FRENCH/ SPANISH ONLY]	Provisional List of Participants
BWC/MSP/2005/WP.1 [ENGLISH ONLY]	India’s Approach to Codes of Conduct for Scientists Prepared by India
BWC/MSP/2005/WP.2 [ENGLISH ONLY]	Basic Principles (Core Elements) of the Codes of Conduct of Scientists Majoring in Biosciences Prepared by the Russian Federation

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AD HOC MEETING OF SCIENTIFIC AND TECHNICAL EXPERTS OF STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION

BWC/CONF.II/EX/2
21 April 1987

Original: ENGLISH

Geneva, 31 March - 15 April 1987

REPORT

I. ORGANIZATION AND WORK OF THE AD HOC MEETING

Introduction

1. The Final Declaration of the Second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, stated, inter alia, the following:

> "The Conference, mindful of the provisions of Article V and Article X, and determined to strengthen the authority of the Convention and to enhance confidence in the implementation of its provisions, agrees that the States Parties are to implement, on the basis of mutual co-operation, the following measures, in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and in order to improve international co-operation in the field of peaceful bacteriological (biological) activities:
>
> 1. Exchange of data, including name, location, scope and general description of activities, on research centres and laboratories that meet very high national or international safety standards established for handling, for permitted purposes, biological materials that pose a high individual and community risk or specialize in permitted biological activities directly related to the Convention.
>
> 2. Exchange of information on all outbreaks of infectious diseases and similar occurrences caused by toxins that seem to deviate from the normal pattern as regards type, development, place, or time of occurrence. If possible, the information provided would include, as soon as it is available, data on the type of disease, approximate area affected, and number of cases.
>
> 3. Encouragement of publication of results of biological research directly related to the Convention, in scientific journals generally available to States Parties, as well as promotion of use for permitted purposes of knowledge gained in this research.
>
> 4. Active promotion of contacts between scientists engaged in biological research directly related to the Convention, including exchanges for joint research on a mutually agreed basis.

The Conference decides to hold an ad hoc meeting of scientific and technical experts from States Parties to finalize the modalities for the exchange of information and data by working out, inter alia, appropriate forms to be used by States Parties for the exchange of information agreed to in this Final Declaration, thus enabling States Parties to follow a standardized procedure. The group shall meet in Geneva for the period 31 March - 15 April 1987 and shall communicate the results of the work to the States Parties immediately thereafter.

Pending the results of this meeting, the Conference urges States Parties to promptly apply these measures and report the data agreed upon to the United Nations Department for Disarmament Affairs.

The Conference requests the United Nations Department for Disarmament Affairs to make available the information received to all States Parties."

Organization of the Ad Hoc Meeting

2. In accordance with the Final Declaration of the Second Review Conference, the Ad Hoc Meeting was held from 31 March to 15 April 1987, at the Palais des Nations, Geneva.

3. The Ad Hoc Meeting was opened by the President of the Second Review Conference, Ambassador Winfried Lang of Austria. In his opening statement, the President of the Review Conference noted that no other review conference had ever decided to hold such a follow-up meeting and that, according to an informal understanding, the Ad Hoc Meeting was to be considered as an appendix to the Review Conference, which implied that it would meet under the authority of the President of the Conference and that its costs would be borne by the States Parties to the Convention in accordance with the Rules of Procedure of the Conference.

4. At the first session, Dr. Bo Rybeck (Sweden) was elected Chairman by acclamation.

5. At the same session the Ad Hoc Meeting adopted its agenda (BWC/CONF.II/EX/1), which is reproduced in Annex I to this Report.

6. Ms. Aida Luisa Levin, Senior Political Affairs Officer, United Nations Department for Disarmament Affairs, served as Secretary of the Ad Hoc Meeting, assisted by Mr. Jerzy Zaleski, Political Affairs Officer, United Nations Department for Disarmament Affairs.

Participation in the Ad Hoc Meeting

7. The following States Parties to the Convention participated in the Ad Hoc Meeting: Afghanistan, Argentina, Australia, Austria, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, China, Colombia, Czechoslovakia, Denmark, Ecuador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Hungary, India, Ireland, Italy, Japan, Mongolia, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Romania, Spain, Sweden, Switzerland, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America. The list of delegations is contained in Annex II.

Work of the Ad Hoc Meeting

8. The Ad Hoc Meeting held seven plenary, as well as a number of informal sessions, during which it finalized the modalities for the exchange of information and data by working out, inter alia, appropriate forms to be used by States Parties for the exchange of information agreed to in the Final Declaration.

9. At the invitation of the Ad Hoc Meeting, Dr. K. Uemura, Director of the Division of Epidemiological Surveillance and Health Situation and Trend Assessment of the World Health Organization provided information concerning questions relevant to the Meeting's mandate.

Documentation

10. In order to facilitate the work of the Ad Hoc Meeting, the Chairman prepared informal Discussion Papers under Agenda items 4(a)-4(d).

Documents pertaining to Agenda items 4(a)-4(d) were presented by the following delegations:

4(a)-4(d)	Australia
4(a)-4(d)	Canada
4(a)	Germany, Federal Republic of
4(a)	Netherlands
4(a)-4(b)	Sweden
4(a)	United Kingdom
4(c)	United Kingdom
4(c)	United Kingdom
4(a)-4(d)	United States
4(a)	United States
4(c)	United States
4(d)	United States

Proposals under Agenda items 4(a)-4(d) were presented by the following delegations:

4(d)	Bulgaria
4(d)	Byelorussian SSR
4(b)	Czechoslovakia
4	German Democratic Republic
4(a)-4(b)	German Democratic Republic
4(b)	German Democratic Republic
4(b)	German Democratic Republic
4(c)-4(d)	Hungary
4(a)	Ireland/Austria
4(b)	Ireland
4(a)-4(b)	Sweden
4	Ukrainian SSR
4	Union of Soviet Socialist Republics

A list of these documents and proposals is contained in Annex III. For the convenience of delegations these documents and proposals are reproduced as received and attached to the adopted report.

Conclusion of the Ad Hoc Meeting

11. At its seventh and final plenary session on 15 April, the Ad Hoc Meeting adopted by consensus its Report. The Report consists of two parts: I. Organization and work of the Ad Hoc Meeting; II. Modalities for the exchange of information.

12. The President of the Second Review Conference received the Report for immediate distribution to the States Parties to the Convention and closed the meeting.

II. MODALITIES FOR THE EXCHANGE OF INFORMATION

A. Exchange of data on research centres and laboratories

At the Second Review Conference it was agreed that States Parties are to implement the following:

> "Exchange of data, including name, location, scope and general description of activities, on research centres and laboratories that meet very high national or international safety standards established for handling, for permitted purposes, biological materials that pose a high individual and community risk or specialize in permitted biological activities directly related to the Convention."

Modalities

The Ad Hoc Meeting agreed that data should be provided on each research centre or laboratory, within the territory of a State Party, under its jurisdiction or under its control anywhere,

(a) which has maximum containment unit(s) meeting the criteria for a "maximum containment laboratory" as specified in the 1983 WHO Laboratory Biosafety Manual (Annex IV), such as those designated as Biosafety Level 4 (BL4) or P4, or equivalent standard; or

(b) which has containment unit(s) and specializes in research or development for prophylactic or protective purposes against possible hostile use of microbial and/or other biological agents or toxins.

To enable the States Parties to follow a standardized procedure, the Ad Hoc Meeting has agreed that Form 1 should be used for the exchange of data on research centres and laboratories.

Form 1

Exchange of data on research centres and laboratories

1. Name(s) of the research centre and/or laboratory .....
.....

2. Responsible public or private organization or company .....
.....
.....

3. Location and postal address .....
.....
.....
.....

4. Source(s) of financing of the reported activity, including indication if the activity is wholly or partly financed by the Ministry of Defence

.....

5. Number of maximum containment units */ within the research centre and/or laboratory, with an indication of their respective size (m^2)

.....

6. If no maximum containment unit, indicate highest level of protection

.....

7. Scope and general description of activities, including type(s) of micro-organisms and/or toxins as appropriate

.....
.....
.....

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*/ In accordance with the 1983 WHO Laboratory Biosafety Manual, or equivalent.

B. Exchange of information on outbreaks of infectious diseases and similar occurrences caused by toxins

At the Second Review Conference it was agreed that States Parties are to implement the following:

"Exchange of information on all outbreaks of infectious diseases and similar occurrences caused by toxins that seem to deviate from the normal pattern as regards type, development, place, or time of occurrence. If possible, the information provided would include, as soon as it is available, data on the type of disease, approximate area affected, and number of cases."

Modalities

In its discussion of what constitutes an outbreak the Ad Hoc Meeting consulted an expert from the World Health Organization who informed that the WHO considers the terms "outbreak" and "epidemic" to be interchangeable, and the following definition was suggested:

"An outbreak or epidemic is the occurrence of an unusually large or unexpected number of cases of an illness or health-related event in a given place at a given time. The number of cases considered as unusual will vary according to the illness or event and the community concerned."

Furthermore, reference was made to the following definitions:

- "An epidemic of infectious disease is defined as the occurrence of an unusually large or unexpected number of cases of a disease known or suspected to be of infectious origin, for a given place and time. It is usually a rapidly evolving situation, requiring a rapid response." (WHO internal document CDS/Mtg/82.1)

- "The occurrence in a community or region of cases of an illness, specific health-related behaviour, or other health-related events clearly in excess of normal expectancy. The community or region, and the time period in which the cases occur, are specified precisely. The number of cases indicating the presence of an epidemic will vary according to the agent, size and type of population exposed, previous experience or lack of exposure to the disease, and time and place of occurrence: epidemicity is thus relative to usual frequency of the disease in the same area, among the specified population, at the same season of the year. A single case of a communicable disease long absent from a population or first invasion by a disease not previously recognized in that area requires immediate reporting and full field investigation: two cases of such a disease associated in time and place may be sufficient evidence to be considered an epidemic." (Last, J.M.; A Dictionary of Epidemiology, Oxford University Press, New York, Oxford, Toronto, 1983)

The Ad Hoc Meeting agreed on the following:

1. In determining what constitutes an outbreak States Parties are recommended to take guidance from the above.

2. Since no universal standards exist for what might constitute a deviation from the normal pattern, States Parties are encouraged

   - to fully utilize existing reporting systems within the WHO, and

   - to provide background information on diseases caused by organisms which meet the criteria for risk groups III and IV according to the classification in the 1983 WHO Laboratory Biosafety Manual, the occurrence of which, in their respective areas, does not necessarily constitute a deviation from normal patterns. */

3. Exchange of data on outbreaks that seem to deviate from the normal pattern is considered particularly important in the following cases:

   - when the cause of the outbreak cannot be readily determined or the causative agent **/ is difficult to diagnose,

   - when the disease may be caused by organisms which meet the criteria for risk group III or IV, according to the classification in 1983 WHO Laboratory Biosafety Manual,

   - when the causative agent is exotic to a given region,

   - when the disease follows an unusual pattern of development,

   - when the disease occurs in the vicinity of research centres and laboratories subject to exchange of data under item A,

   - when suspicions arise of the possible occurrence of a new disease.

4. In order to enhance confidence, an initial report of an outbreak of an infectious disease or a similar occurrence that deviate from the normal pattern should be given promptly after cognizance of the outbreak and should be followed up by annual reports.

   To enable States Parties to follow a standardized procedure, the Ad Hoc Meeting has agreed that Form 2 should be used, to the extent information is known and/or applicable, for the exchange of initial as well as annual information.

5. In order to improve international co-operation in the field of peaceful bacteriological (biological) activities and in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, States Parties are encouraged to invite experts from other States Parties to assist in the handling of an outbreak, and to respond favourably to such invitations.

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*/ This information should be provided in accordance with E.1.

**/ It is understood that this may include organisms made pathogenic by molecular biology techniques, such as genetic engineering.

Form 2

Information on outbreaks of infectious diseases and similar occurrences, that seem to deviate from the normal pattern

1. Time of cognizance of the outbreak .....

2. Location and approximate area affected .....

3. Type of disease/intoxication .....

4. Suspected source of disease/ intoxication .....

5. Possible causative agent(s) .....

6. Main characteristics of systems .....

7. Detailed symptoms, when applicable
   - respiratory .....
   - circulatory .....
   - neurological/behavioural .....
   - intestinal .....
   - dermatological .....
   - nephrological .....
   - other .....

8. Deviation(s) from the normal pattern as regards
   - type .....
   - development .....
   - place of occurrence .....
   - time of occurrence .....
   - symptoms .....
   - virulence pattern .....
   - drug resistance pattern .....
   - agent(s) difficult to diagnose .....
   - presence of unusual vectors .....
   - other .....

9. Approximate number of primary cases .....

10. Approximate number of total cases .....

11. Number of deaths .....

12. Development of the outbreak .....

13. Measures taken .....

C. Encouragement of publication of results and promotion of use of knowledge

At the Second Review Conference it was agreed that States Parties are to implement the following:

"Encouragement of publication of results of biological research directly related to the Convention, in scientific journals generally available to States Parties, as well as promotion of use for permitted purposes of knowledge gained in this research."

Modalities

The Ad Hoc Meeting agreed on the following:

1. It is recommended that basic research in biosciences, and particularly that directly related to the Convention should generally be unclassified and that applied research to the extent possible, without infringing on national and commercial interests, should also be unclassified.

2. States Parties are encouraged to provide information on their policy as regards publication of results of biological research, indicating, inter alia, their policies as regards publication of results of research carried out in research centres and laboratories subject to exchange of information under item A and publication of research on outbreaks of diseases covered by item B, and to provide information on relevant scientific journals and other relevant scientific publications generally available to States Parties.

3. The Ad Hoc Meeting discussed the question of co-operation and assistance as regards the safe handling of biological material covered by the Convention. It concluded that other international fora were engaged in this field and expressed its support for efforts aimed at enhancing such co-operation.

D. Active promotion of contacts

At the Second Review Conference it was agreed that States Parties are to implement the following:

"Active promotion of contacts between scientists engaged in biological research directly related to the Convention, including exchanges for joint research on a mutually agreed basis."

Modalities

The Ad Hoc Meeting agreed on the following:

In order to actively promote professional contacts between scientists, joint research projects and other activities aimed at preventing or reducing the occurrence of ambiguities, doubts and suspicions and at improving international co-operation in the field of peaceful bacteriological (biological) activities, States Parties are encouraged to provide information, to the extent possible.

- on planned international conferences, seminars, symposia and similar events dealing with biological research directly related to the Convention,

- on other opportunities for exchange of scientists, joint research or other measures to promote contacts between scientists engaged in biological research directly related to the Convention.

To enable States Parties to follow a standardized procedure, the Ad Hoc Meeting has agreed that Form 3 should be used for exchange of information under this item.

E. Procedural modalities

1. Bearing in mind resolution 41/58 A, adopted on 3 December 1986 by the General Assembly of the United Nations which requested the Secretary-General to render the necessary assistance and to provide such services as may be required for the implementation of relevant parts of the Final Declaration */), the Ad Hoc Meeting has agreed that all information agreed to above should be provided in one of the authentic languages of the Convention and be sent to the United Nations Department for Disarmament Affairs and be promptly forwarded, in the form received, to all States Parties. Information should also be made available to the World Health Organization.

2. The Ad Hoc Meeting has agreed that the first exchange of information and data should take place as soon as possible and be sent to the United Nations Department for Disarmament Affairs not later than 15 October 1987. Thereafter information to be given on an annual basis should be provided not later than 15 April and should cover the previous calendar year.

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*/ In connection with the adoption of that resolution, the Secretariat of the United Nations issued a note (A/C.1/41/9) concerning the responsibilities entrusted to the Secretary-General under the resolution, stating that the Secretary-General considered that "he would be required to render technical services and assistance to States Parties to the Convention with a view to enabling them to implement relevant parts of the Final Declaration of the Review Conference, it being understood that such services and assistance would have no financial implications for the regular budget of the United Nations and that all related costs would be met by the States Parties to the Convention in accordance with the rules of procedure adopted by the Second Review Conference".

Form 3

Active promotion of contacts

1. Planned international conferences, symposia, seminars, and other similar fora for exchange

For each such event, the following information should be provided:

- name of the conference, etc. .....
- arranging organization(s), etc. .....
- time .....
- place .....
- main subject(s) for the conference, etc. .....
.....
- conditions for participation .....
.....
- point of contact for further information, registration, etc. .....
.....
.....

2. Information regarding other opportunities

.....
.....
.....

3. The experts note that, should any question arise in relation to the objective of, or in the application of the provisions of, the Convention, including as regards the information and data which States Parties have undertaken to exchange, States Parties can make use of the provisions for consultation and co-operation under Article V of the Convention, using, inter alia, appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

Attention was drawn to the possibility that, inter alia, the Secretary-General of the United Nations might be requested to investigate, with the assistance of qualified experts, following procedures available to him, information that may be brought to his attention concerning possible use of bacteriological (biological) or toxin weapons and that this possibility covers outbreaks of infectious diseases and similar occurrences caused by toxins, that seem to deviate from the normal pattern and that could be interpreted as resulting from the use of bacteriological (biological) or toxin weapons.

F. Additional Considerations

1. In addition to the modalities agreed to under items A-E the Ad Hoc Meeting considered, inter alia, proposals

- that exchange of information should also cover research centres and laboratories which, in view of the type or scale of their activities involving highly pathogenic micro-organisms and/or toxins, could be considered relevant for the purpose of item A,

- that exchange of information under item A should also cover research centres and laboratories which engage in field aerosol experiments with micro-organisms and toxins relevant to the Convention, or in research and development in the field of large scale bioprocessing specifically designed for highly pathogenic micro-organisms,

- that exchange of information under item A could also occur on a voluntary basis with regard to research centres and laboratories engaged in research and development relevant to the Convention and related to the mechanism of transmission of micro-organisms and absorption and mode of action of toxins; toxicological assays; diagnostics and bio-sensors; and protective devices not elsewhere covered,

- that experts also discuss including animal and plant diseases in the exchange of information,

- that States Parties having national programmes for biological research should provide information on these programmes,

- that States Parties should refrain from any discriminatory practices that may hamper the international peaceful co-operation in bioscience and in related basic and applied research, as well as international trade in related goods and equipment,

- that exchange of data on outbreaks that seem to deviate from the normal pattern would be particularly important when the outbreak is associated with biological activities at a military facility.

- that exchange of data on outbreaks that seem to deviate from the normal pattern would be particularly important when the outbreak is associated with biological activities at any facility.

2. The Ad Hoc Meeting noted that with respect to items C and D it would be useful for States Parties to provide information on existing intergovernmental agreements that are relevant to the implementation of the commitments made in the Final Declaration.

3. Bearing in mind various proposals made, the Ad Hoc Meeting wishes to encourage States Parties to provide any additional information which they might consider useful to prevent or reduce the occurrence of ambiguities, doubts and suspicions and in order to improve international co-operation in the field of peaceful bacteriological (biological) activities.

4. Furthermore, the Ad Hoc Meeting is aware that the Third Review Conference shall consider, inter alia, the effectiveness of the co-operative measures agreed in the Final Declaration of the Second Review Conference and whether or not further actions are called for to create further co-operative measures in the context of Article V. In this regard States Parties may wish to take note of proposals presented during the Ad Hoc Meeting.

Annex to Final Declaration on Confidence-building measures

At the Third Review Conference it was agreed that all States Parties present the following declaration:

1. Declaration form on Nothing to Declare or Nothing New to Declare for use in the information exchange

Measure	Nothing to declare	Nothing new to declare
A, part 1	☐	☐
A, part 2 (i)	☐	☐
A, part 2 (ii)	☐	☐
A, part 2 (iii)	☐	☐
B (I)	☐	☐
B (ii)	☐	☐
C	☐	☐
D	☐	☐
E	☐	☐
F	☐	☐
G	☐	☐

(Please mark the appropriate box(es) for each measure, with a tick.)

Date: _____

State Party to the Convention: _____

2. CONFIDENCE-BUILDING MEASURE "A":

Part 1: Exchange of data on research centres and laboratories

At the Third Review Conference it was agreed that States Parties continue to implement the following:

> "Exchange of data, including name, location, scope and general description of activities, on research centres and laboratories that meet very high national or international safety standards established for handling, for permitted purposes, biological materials that pose a high individual and community risk or specialize in permitted biological activities directly related to the Convention."

Modalities

The Third Review Conference agreed that data should be provided by States Parties on each facility, within their territory or under their jurisdiction or control anywhere, which has any maximum containment laboratories meeting those criteria for such maximum containment laboratories as specified in the 1983 WHO Laboratory Biosafety Manual such as those designated as biosafety level 4 (BL4) or P4 or equivalent standards.

Form A, part 1

Exchange of data on research centres and laboratories[1]

1. Name(s) of facility[2] _____

2. Responsible public or private organization or company _____
_____

3. Location and postal address _____
_____
_____
_____

4. Source(s) of financing of the reported activity, including indication if the activity is wholly or partly financed by the Ministry of Defence

_____

5. Number of maximum containment units[3] within the research centre and/or laboratory, with an indication of their respective size (m^2)

_____

6. If no maximum containment unit, indicate highest level of protection

_____

7. Scope and general description of activities, including type(s) of micro-organisms and/or toxins as appropriate

_____
_____
_____

[1] The containment units which are fixed patient treatment modules, integrated with laboratories, should be identified separately.

[2] For facilities with maximum containment units participating in the national biological defence research and development programme, please fill in name of facility and mark "Declared in accordance with Form A, part 2 (iii)".

[3] In accordance with the 1983 WHO Laboratory Biosafety Manual, or equivalent.

Part 2: Exchange of information on national biological defence research and development programmes

At the Third Review Conference it was agreed that States Parties are to implement the following:

In the interest of increasing the transparency of national research and development programmes on biological defence, the States Parties will declare whether or not they conduct such programmes. States Parties agreed to provide, annually, detailed information on their biological defence research and development programmes including summaries of the objectives and costs of effort performed by contractors and in other facilities. If no biological defence research and development programme is being conducted, a null report will be provided.

States Parties will make declarations in accordance with the attached forms, which require the following information:

(1) The objective and summary of the research and development activities under way indicating whether work is conducted in the following areas: prophylaxis, studies on pathogenicity and virulence, diagnostic techniques, aerobiology, detection, treatment, toxinology, physical protection, decontamination and other related research;

(2) Whether contractor or other non-defence facilities are utilized and the total funding provided to that portion of the programme;

(3) The organizational structure of the programme and its reporting relationships; and

(4) The following information concerning the defence and other governmental facilities in which the biological defence research and development programme is concentrated;

(a) location;

(b) the floor areas (sqM) of the facilities including that dedicated to each of BL2, BL3 and BL4 level laboratories;

(c) the total number of staff employed, including those contracted full time for more than six months;

(d) numbers of staff reported in (c) by the following categories: civilian, military, scientists, technicians, engineers, support and administrative staff;

(e) a list of the scientific disciplines of the scientific/engineering staff;

(f) the source and funding levels in the following three areas: research, development, and test and evaluation; and

(g) the policy regarding publication and a list of publicly-available papers and reports.

Form A, part 2 (i)

National biological defence research and development programme Declaration

Is there a national programme to conduct biological defence research and development within the territory of the State Party, under its jurisdiction or control anywhere? Activities of such a programme would include prophylaxis, studies on pathogenicity and virulence, diagnostic techniques, aerobiology, detection, treatment, toxinology, physical protection, decontamination and other related research.

Yes/No

If the answer is Yes, complete Form A, part 2 (ii) which will provide a description of the programme.

Form A, part 2 (ii)

National biological defence research and development programme

Description

1. State the objectives and funding of the programme and summarize the principal research and development activities conducted in the programme. Areas to be addressed shall include: prophylaxis, studies on pathogenicity and virulence, diagnostic techniques, aerobiology, detection, treatment, toxinology, physical protection, decontamination and other related research.

2. State the total funding for the programme and its source.

3. Are aspects of this programme conducted under contract with industry, academic institutions, or in other non-defence facilities?

Yes/No

4. If yes, what proportion of the total funds for the programme is expended in these contracted or other facilities?

5. Summarize the objectives and research areas of the programme performed by contractors and in other facilities with the funds identified under paragraph 4.

6. Provide a diagram of the organizational structure of the programme and the reporting relationships (include individual facilities participating in the programme).

7. Provide a declaration in accordance with Form A, part 2 (iii) for each facility, both governmental and non-governmental, which has a substantial proportion of its resources devoted to the national biological defence research and development programme, within the territory of the reporting State, or under its jurisdiction or control anywhere.

National biological defence research and development programme

Facilities

Complete a form for each facility declared in accordance with paragraph 7 in Form A, part 2 (ii).

In shared facilities, provide the following information for the biological defence research and development portion only.

1. What is the name of the facility?

2. Where is it located (include both address and geographical location)?

3. Floor area of laboratory areas by containment level:

   BL2 _____ (sqM)

   BL3 _____ (sqM)

   BL4 _____ (sqM)

   Total laboratory floor area _____ (sqM)

4. The organizational structure of each facility.

   (i) Total number of personnel _____

   (ii) Division of personnel:

   Military _____

   Civilian _____

   (iii) Division of personnel by category:

   Scientists _____

   Engineers _____

   Technicians _____

   Administrative and support staff _____

   (iv) List the scientific disciplines represented in the scientific/ engineering staff.

(v) Are contractor staff working in the facility? If so, provide an approximate number.

(vi) What is (are) the source(s) of funding for the work conducted in the facility, including indication if activity is wholly or partly financed by the Ministry of Defence?

(vii) What are the funding levels for the following programme areas:

Research _____

Development _____

Test and evaluation _____

(viii) Briefly describe the publication policy of the facility:

(ix) Provide a list of publicly-available papers and reports resulting from the work during the previous 12 months. (To include authors, titles and full references.)

5. Briefly describe the biological defence work carried out at the facility, including type(s) of micro-organisms[4] and/or toxins studied, as well as outdoor studies of biological aerosols.

[4] Including viruses and prions.

3. CONFIDENCE-BUILDING MEASURE "B":

Exchange of information on outbreaks of infectious diseases and similar occurrences caused by toxins

At the Third Review Conference it was agreed that States Parties continue to implement the following:

> Exchange of information on outbreaks of infectious diseases and similar occurrences caused by toxins, and on all such events that seem to deviate from the normal pattern as regards type, development, place, or time of occurrence. The information provided on events that deviate from the norm will include, as soon as it is available, data on the type of disease, approximate area affected, and number of cases.

Modalities

The Third Review Conference agreed the following definition:

> An outbreak or epidemic is the occurrence of an unusually large or unexpected number of cases of an illness or health-related event in a given place at a given time. The number of cases considered as unusual will vary according to the illness or event and the community concerned.

Furthermore, reference was made to the following definitions:

> An epidemic of infectious disease is defined as the occurrence of an unusually large or unexpected number of cases of a disease known or suspected to be of infectious origin, for a given place and time. It is usually a rapidly evolving situation, requiring a rapid response (WHO internal document CDS/Mtg/82.1).
>
> The occurrence in a community or region of cases of an illness, specific health-related behaviour, or other health-related events clearly in excess of normal expectancy. The community or region, and the time period in which the cases occur, are specified precisely. The number of cases indicating the presence of an epidemic will vary according to the agent, size and type of population exposed, previous experience or lack of exposure to the disease, and time and place of occurrence: epidemicity is thus relative to usual frequency of the disease in the same area, among the specified population, at the same season of the year. A single case of a communicable disease long absent from a population or first invasion by a disease not previously recognized in that area requires immediate reporting and full field investigation: two cases of such a disease associated in time and place may be sufficient evidence to be considered an epidemic. (J.M. Last, A Dictionary of Epidemiology, Oxford University Press, New York, Oxford, Toronto, 1983.)

The Third Review Conference agreed on the following:

1. In determining what constitutes an outbreak States Parties are recommended to take guidance from the above.

2. Since no universal standards exist for what might constitute a deviation from the normal pattern, States Parties agreed to utilize fully existing national reporting systems on human diseases as well as animal and plant diseases, where possible, and systems within the WHO to provide annual update of background information on diseases caused by organisms which meet the criteria for risk groups II, III and IV according to the classification in the 1983 WHO Laboratory Biosafety Manual, the occurrence of which, in their respective areas, does not necessarily constitute a deviation from normal patterns.[5]

3. Exchange of data on outbreaks that seem to deviate from the normal pattern is considered particularly important in the following cases:

- When the cause of the outbreak cannot be readily determined or the causative agent[6] is difficult to diagnose,

- When the disease may be caused by organisms which meet the criteria for risk groups III or IV, according to the classification in the 1983 WHO Laboratory Biosafety Manual,

- When the causative agent is exotic to a given region,

- When the disease follows an unusual pattern of development,

- When the disease occurs in the vicinity of research centres and laboratories subject to exchange of data under item A,

- When suspicions arise of the possible occurrence of a new disease.

4. In order to enhance confidence, an initial report of an outbreak of an infectious disease or a similar occurrence that deviate from the normal pattern should be given promptly after cognizance of the outbreak and should be followed up by annual reports.

To enable States Parties to follow a standardized procedure, the Conference has agreed that Form B (ii) should be used, to the extent information is known and/or applicable, for the exchange of initial as well as annual information.

5. In order to improve international cooperation in the field of peaceful bacteriological (biological) activities and in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, States Parties are encouraged to invite experts from other States Parties to assist in the handling of an outbreak, and to respond favourably to such invitations.

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[5] This information should be provided in accordance with Form B (I).

[6] It is understood that this may include organisms made pathogenic by molecular biology techniques, such as genetic engineering.

Form B (I)

Background information on outbreaks of reportable infectious diseases

Disease		Number of cases per year			
	1988	1989	1990	1991	1992

Form B (ii)

Information on outbreaks of infectious diseases and similar occurrences, that seem to deviate from the normal pattern

1. Time of cognizance of the outbreak .....

2. Location and approximate area affected .....

3. Type of disease/intoxication .....

4. Suspected source of disease/ intoxication .....

5. Possible causative agent(s) .....

6. Main characteristics of systems .....

7. Detailed symptoms, when applicable .....

   - respiratory .....
   - circulatory .....
   - neurological/behavioural .....
   - intestinal .....
   - dermatological .....
   - nephrological .....
   - other .....

8. Deviation(s) from the normal pattern as regards

   - type .....
   - development .....
   - place of occurrence .....
   - time of occurrence .....
   - symptoms .....
   - virulence pattern .....
   - drug resistance pattern .....
   - agent(s) difficult to diagnose .....
   - presence of unusual vectors .....
   - other .....

9. Approximate number of primary cases .....

10. Approximate number of total cases .....

11. Number of deaths .....

12. Development of the outbreak .....

13. Measures taken .....

4. CONFIDENCE-BUILDING MEASURE "C":

Encouragement of publication of results and promotion of use of knowledge

At the Third Review Conference it was agreed that States parties continue to implement the following:

> "Encouragement of publication of results of biological research directly related to the Convention, in scientific journals generally available to States parties, as well as promotion of use for permitted purposes of knowledge gained in this research."

Modalities

The Third Review Conference agreed on the following:

1. It is recommended that basic research in biosciences, and particularly that directly related to the Convention should generally be unclassified and that applied research to the extent possible, without infringing on national and commercial interests, should also be unclassified.

2. States parties are encouraged to provide information on their policy as regards publication of results of biological research, indicating, *inter alia*, their policies as regards publication of results of research carried out in research centres and laboratories subject to exchange of information under item A and publication of research on outbreaks of diseases covered by item B, and to provide information on relevant scientific journals and other relevant scientific publications generally available to States parties.

3. The Third Review Conference discussed the question of cooperation and assistance as regards the safe handling of biological material covered by the Convention. It concluded that other international forums were engaged in this field and expressed its support for efforts aimed at enhancing such cooperation.

5. CONFIDENCE-BUILDING MEASURE "D"

Active promotion of contacts

At the Third Review Conference it was agreed that States parties continue to implement the following:

> "Active promotion of contacts between scientists, other experts and facilities engaged in biological research directly related to the Convention, including exchanges and visits for joint research on a mutually agreed basis."

Modalities

The Third Review Conference agreed on the following:

In order to actively promote professional contacts between scientists, joint research projects and other activities aimed at preventing or reducing the occurrence of ambiguities, doubts and suspicions and at improving international cooperation in the field of peaceful bacteriological (biological) activities, States parties are encouraged to provide information, to the extent possible:

- on planned international conferences, seminars, symposia and similar events dealing with biological research directly related to the Convention,

- on other opportunities for exchange of scientists, joint research or other measures to promote contacts between scientists engaged in biological research directly related to the Convention.

To enable States parties to follow a standardized procedure, the Third Review Conference has agreed that Form D should be used for exchange of information under this item.

Form D

Active promotion of contacts

1. Planned international conferences, symposia, seminars, and other similar forums for exchange

For each such event, the following information should be provided:

- name of the conference, etc. .....
- arranging organization(s), etc. .....
- time .....
- place .....
- main subject(s) for the conference, etc. .....

.....

- conditions for participation .....

.....

- point of contact for further information, registration, etc. .....

.....

.....

2. Information regarding other opportunities

.....

.....

.....

6. CONFIDENCE-BUILDING MEASURE "E"

Declaration of legislation, regulations and other measures

At the Third Review Conference the States parties agreed to implement the following:

As an indication of the measures which they have taken to implement the Convention, States parties shall declare whether they have legislation, regulations or other measures:

(a) To prohibit the development, production, stockpiling, acquisition or retention of microbial or other biological agents, or toxins, weapons, equipment and means of delivery, specified in Article I of the Convention, within their territory or anywhere under their jurisdiction or control;

(b) In relation to the export or import of micro-organisms pathogenic to man, animals and plants or of toxins in accordance with the Convention;

States parties shall complete the attached form (Form E) and shall be prepared to submit copies of the legislation or regulations, or written details of other measures on request to the United Nations Department for Disarmament Affairs or to an individual State party. On an annual basis States parties shall indicate, also on the attached form, whether or not there has been any amendment to their legislation, regulations or other measures.

Form E

Declaration of legislation, regulations and other measures

Relating to		Legislation	Regulations	Other measures	Amended since last year
(a)	Development, production stockpiling, acquisition or retention of microbial or other biological agents, or toxins, weapons, equipment and means of delivery specified in Article I	Yes/No	Yes/No	Yes/No	Yes/No
(b)	Exports of micro-organisms[7] and toxins	Yes/No	Yes/No	Yes/No	Yes/No
(c)	Imports of micro-organisms[7] and toxins	Yes/No	Yes/No	Yes/No	Yes/No

[7] Micro-organisms pathogenic to man, animals and plants in accordance with the Convention.

7. CONFIDENCE-BUILDING MEASURE "F":

Declaration of past activities in offensive and/or defensive biological research and development programmes

In the interest of increasing transparency and openness, States parties shall declare whether or not they conducted any offensive and/or defensive biological research and development programmes since 1 January 1946.

If so, States parties shall provide information on such programmes, in accordance with Form F.

Form F

Declaration of past activities in offensive and/or defensive biological research and development programmes

1. Date of entry into force of the Convention for the State party.

2. Past offensive biological research and development programmes:

   - Yes - No

   - Period(s) of activities

   - Summary of the research and development activities indicating whether work was performed concerning production, test and evaluation, weaponization, stockpiling of biological agents, the destruction programme of such agents and weapons, and other related research.

3. Past defensive biological research and development programmes:

   - Yes - No

   - Period(s) of activities

   - Summary of the research and development activities indicating whether or not work was conducted in the following areas: prophylaxis, studies on pathogenicity and virulence, diagnostic techniques, aerobiology, detection, treatment, toxinology, physical protection, decontamination, and other related research, with location if possible.

8. CONFIDENCE-BUILDING MEASURE "G"

Declaration of vaccine production facilities

To further increase the transparency of biological research and development related to the Convention and to broaden scientific and technical knowledge as agreed in Article X, each State party will declare all facilities, both governmental and non-governmental, within its territory or under its jurisdiction or control anywhere, producing vaccines licensed by the State party for the protection of humans. Information shall be provided on Form G attached.

Form G

Declaration of vaccine production facilities

1. Name of facility:

2. Location (mailing address):

3. General description of the types of diseases covered:

BWC/CONF.III/VEREX/9

AD HOC GROUP OF GOVERNMENTAL EXPERTS TO IDENTIFY AND EXAMINE POTENTIAL VERIFICATION MEASURES FROM A SCIENTIFIC AND TECHNICAL STANDPOINT

REPORT

Geneva, 1993

24 September 1993

Your Excellency,

The Third Review Conference (September 1991) of the Biological Weapons Convention decided to establish an Ad Hoc Group of Governmental Experts, open to all States Parties, to identify and examine potential verification measures from a scientific and technical standpoint.

The Group held four sessions in Geneva: 30 March - 10 April 1992; 23 November - 4 December 1992; 24 May-4 June 1993; and 13-24 September 1993.

As a result of its deliberations, the Group had identified in all 21 potential measures. Based on the examination and evaluation of the measures against the criteria given in the mandate, the Group considered, from a scientific and technical standpoint, that some of the verification measures would contribute to strengthening the effectiveness and improve the implementation of the Convention, also recognizing that appropriate and effective verification could reinforce the Convention.

In accordance with the decision of the Third Review Conference, which requested the report of the Group be circulated to all States Parties for their consideration, I have the honour to transmit herewith the attached Report on the work of the Group. According to the decision of the Third Review Conference, if a majority of States Parties ask for the convening of a conference to examine the report, by submitting a proposal to this effect to the Depositary Governments, such a conference will be convened. In such a case the Conference shall decide on any further action.

Please accept, your Excellency, the assurances of my highest consideration.

Tibor Tóth
Chairman
Ad Hoc Group of Governmental Experts
to Identify and Examine Potential Verification
Measures from a Scientific and Technical Standpoint

H.E. Minister for Foreign Affairs
Ministry of Foreign Affairs

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AD HOC GROUP OF GOVERNMENTAL EXPERTS TO IDENTIFY AND EXAMINE POTENTIAL VERIFICATION MEASURES FROM A SCIENTIFIC AND TECHNICAL STANDPOINT

BWC/CONF.III/VEREX/8
24 September 1993
ORIGINAL: ENGLISH

Fourth session
Geneva, 13-24 September 1993

SUMMARY REPORT

INTRODUCTION

1. The Third Review Conference (September 1991) of the Biological Weapons Convention agreed to establish an Ad Hoc Group of Governmental Experts, open to all States Parties to identify and examine potential verification measures from a scientific and technical standpoint.

2. The mandate of the Group was as follows:

AThe Conference, determined to strengthen the effectiveness and improve the implementation of the Convention and recognizing that effective verification could reinforce the Convention, decided to establish an Ad Hoc Group of Governmental Experts open to all States Parties to identify and examine potential verification measures from a scientific and technical standpoint.

AThe Group shall meet in Geneva for the period 30 March to 10 April 1992. The Group will hold additional meetings as appropriate to complete its work as soon as possible, preferably before the end of 1993. In accordance with the agreement reached at the Preparatory Committee, the Group shall be chaired by Ambassador Tibor Tóth (Hungary) who shall be assisted by two Vice-Chairmen to be elected by the States Parties participating in the first meeting.

AThe Group shall seek to identify measures which could determine:

- Whether a State Party is developing, producing, stockpiling, acquiring or retaining microbial or other biological agents or toxins, of types and in quantities that have no justification for prophylactic, protective or peaceful purposes;

- Whether a State Party is developing, producing, stockpiling, acquiring or retaining weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

ASuch measures could be addressed singly or in combination. Specifically, the Group shall seek to evaluate potential verification measures, taking into account the broad range of types and quantities of microbial and other biological agents and toxins, whether naturally occurring or altered which are capable of being used as means of warfare.

ATo these ends the Group could examine potential verification measures in terms of the following main criteria:

- Their strengths and weaknesses based on, but not limited to, the amount and quality of information they provide, and fail to provide;

- Their ability to differentiate between prohibited and permitted activities;

- Their technology, material, manpower and equipment requirements;

- Their financial, legal, safety and organizational implications;

- Their impact on scientific research, scientific cooperation, industrial development and other permitted activities, and their implications for the confidentiality of commercial proprietary information.

AIn examining potential verification measures, the Group should take into account data and other information relevant to the Convention provided by the States Parties.

AThe Group shall adopt by consensus a report taking into account views expressed in the course of its work. The report of the Group shall be a description of its work on the identification and examination of potential verification measures from a scientific and technical standpoint, according to this mandate.

AThe report of the Group shall be circulated to all States Parties for their consideration. If a majority of States Parties ask for the convening of a conference to examine the report, by submitting a proposal to this effect to the Depositary Governments, such a conference will be convened. In such a case the conference shall decide on any further action. The conference shall be preceded by a preparatory committee.≅

3. The Group held four sessions, from which three Summaries and a Procedural Report were produced and annexed as part of this Summary Report:

- VEREX 1 30 March-10 April 1992 (Identification of measures; Annex I);

- VEREX 2 23 November-4 December 1992 (Examination of measures; Annex II);

- VEREX 3 24 May-4 June 1993 (Evaluation of measures; Annex III);

- VEREX 4 13-24 September 1993 (Preparation of the report; Annex IV);

IDENTIFICATION AND EXAMINATION

4. During its first session the Group identified in all 21 potential measures suggested by individual delegations under the three broad areas of development, acquisition and production, and stockpiling and retaining, for later examination and evaluation against the mandate criteria. They were included in a list. The inclusion of a measure in this list constituted no judgement by the Group as to the usefulness of the potential measure in relation to the objectives stated in the mandate. Some potential measures included in the list were considered as individual measures which might be applied individually or with other individual measures in each category. Measures were divided as follows: off-site and on-site. They were grouped in a Chairman=s paper in seven broad categories for the purpose of later examination and evaluation:

Off-site Measures:

- Information Monitoring:
  surveillance of publications;
  surveillance of legislation;
  data on transfers, transfer requests and production
  multilateral information sharing.

- Data exchange:
  declarations;
  Notifications.

- Remote Sensing:
  surveillance by satellite;
  surveillance by aircraft;
  ground-based surveillance.

- Inspections:
  sampling and identification;
  observation;
  auditing.

On-site Measures:

- Exchange visits:
  international arrangements.

- Inspections:
  interviewing;
  visual inspections;
  identification of key equipment;
  auditing;

sampling and identification;
medical examination.

- Continuous monitoring:
  by instruments;
  by personnel.

5. During the second session, the Group decided to modify the list of measures identified at the first session. The new list agreed upon by consensus is included in Annex II, pages 131-133.

6. Each measure was examined according to the mandate in order to determine: AWhether a State Party is developing, producing, stockpiling, acquiring or retaining microbial or other biological agents or toxins, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes.≅. Similarly, measures were examined to determine: AWhether a State Party was developing, producing, stockpiling, acquiring or retaining weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict≅.

7. A methodology for detailed examination of measures was agreed by the Group which included a definition, a description of the characteristics and technologies in terms of the state-of-the-art, the capabilities and limitations, and a discussion of potential interaction with other measures.

8. A number of national and background papers were presented by participants. Each measure was fully described and introduced for group discussion by a rapporteur (Annex II, pages 52-122). In all cases potential interaction with other measures was identified. Moderators, (Annex II, pages 127-133) designated by the Chairman, prepared discussion papers in the three broad areas of development, production and stockpiling to assist in the evaluation. The examinations represented a technical summary of the key factors to consider. These consensus summaries discussed extensively by the Group, formed the basis of consolidated texts which could be used as a starting point for evaluation (Annex II, pages 46-148 and Annex III, pages 149-327).

EVALUATION OF MEASURES SINGLY

9. Each potential measure identified in the examination phase was evaluated singly in accordance with the mandate, i.e. its strengths and weaknesses based on, but not limited to, the amount and quality of information it provides, and fails to provide; the ability to differentiate between prohibited and permitted activities; the ability to resolve ambiguities about compliance; the technology, material, manpower and equipment requirements; the financial, legal, safety and organizational implications; and the impact on scientific research, scientific cooperation, industrial development and other permitted activities, and the implication on scientific research, scientific cooperation, industrial development and other permitted activities, and its implications for the confidentiality of commercial proprietary information. On the basis of the Introduction submitted by the rapporteur, the Group discussed and evaluated the measures at both formal and informal meetings and adopted by consensus an evaluation report on each measure. Summaries of the Group=s work in relation to the individual measures are

contained in a shortened form in a table attached to this report. The complete summaries of the examination and the evaluation can be found in the Summaries of Annex II, pages 52-122 and Annex III, pages 154-273.

EVALUATION OF MEASURES IN COMBINATION

10. While recognizing the possible utility of other methodologies, the Group agreed to use one methodology to assess illustrative but not exhaustive examples of measures in combination. Although the Group recognized that a large number of combinations were possible, the systematic evaluation of all possible combinations was considered to be impractical without prejudice to any future ideas that may evolve on the subject. The Group agreed that, in general, the capabilities and limitations of a combination of measures equal the sums of the capabilities and limitations of the single measures involved in the combination. This cumulative effect of measures in combination was not addressed. The analysis was intended to investigate whether, in particular cases, the application of measures in combination produces enhanced capabilities and limitations that differ from a simple accumulation of the capabilities and limitations of the single measures involved (synergy).

11. The following five combinations were proposed as examples to illustrate the evaluation of enhanced capabilities and limitations of measures in combinations:

- Declarations/Multilateral information sharing/ Satellite surveillance/Visual inspection

- Information monitoring (surveillance of publications/ surveillance of legislation/data on transfers, transfer requests and production/multilateral information-sharing/exchange visits)

- On-site inspection (interviewing/visual inspections; identification of key equipment/auditing/sampling and identification)

- Declarations/Multilateral information-sharing/ On-site visual inspection

- Declarations/Information monitoring.

12. The enumeration of these combinations was not meant to represent a proposal for combinations that would serve as a verification regime, since this is not part of the mandate of the Group (Annex III, pages 272-273). It was agreed that, in principle, States Parties could submit additional contributions related to the evaluation of measures in combination for consideration. In this context, the view was expressed that declarations and on-site inspections might be further considered

at a later stage. The Group discussed and evaluated the examples of measures in combination and adopted a report by consensus (Annex III, pages 150-153).

13. All rapporteurs have identified off-site and on-site measures which interact with the single measures. The capabilities of single measures might be enhanced if they are combined with other off-site measures and other on-site measures.

14. The measure ADeclarations≅ was most frequently identified for application in combination with other measures. The most frequently identified on-site measures in combination were on-site inspections (interviewing, visual inspection, identification of key equipment, sampling and identification, auditing). This does not mean that all the measures in parenthesis above always would be included in an on-site inspection.

OTHER ASPECTS

15. The 21 measures were grouped under the three broad areas of prohibition of Article 1 of the Convention (development; acquisition or production; stockpiling or retaining). Some measures were found to be useful for all three areas of prohibition, whereas some measures were considered useful only for one or two of the areas (Annex III, page 271; BWC/CONF.III/VEREX/6/WP.176).

16. The Group decided by consensus to include a paper recording the results of consultations on the question of types and quantities of agents. These results could be further considered at a later stage (Annex III, page 153; BWC/CONF.III/VEREX/6). According to the paper, agreed lists, which are difficult to construct at this stage, are a prerequisite to the implementation of many potential verification measures.

17. Some national background and rapporteur=s papers mentioned that microbial or other biological agents or toxins can be disseminated by weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

18. In the course of an informal meeting, delegations discussed the experiences gained by the three countries concerned from two trial inspections carried out by the Netherlands and Canada, and the UK, respectively. Two working papers on trial inspections were submitted - ABilateral Trial Inspection in Large Vaccine Facility≅ (BWC/CONF.III/VEREX/6/WP.112) by the Netherlands and Canada, and AUK Practice Inspection: Pharmaceutical Pilot Plant≅ (BWC/CONF.III/VEREX/6/WP.141) by the United Kingdom. While work would be required on the question of protection of CPI in order to achieve consensus, the countries concerned in two national trial inspections informed delegations of their national findings that the access given had not compromised commercial confidentiality.

19. The Group examined the potential verification measures in terms, *inter alia*, of their impact on scientific research, scientific cooperation, industrial development and other permitted activities. In that context, delegations recalled Article X of the Convention according to which States Parties Aundertake 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 the related provisions of the Final Document of the Third Review Conference. In particular those on the examination of means of improving related institutional mechanisms and those on the adoption of positive measures to promote technology transfer, consistent with all the other Articles of the Convention. Delegations recalled as well that the provisions of the Convention should not be used to impose restrictions and/or limitations on the transfer for purposes consistent with the objectives and the provisions of the Convention.

CONCLUSIONS

20. The Group identified, examined and evaluated from a scientific and technical standpoint in all 21 potential verification measures as well as some suggested examples of combinations of measures. Several of the measures evaluated singly have been identified as being closely related.

21. The findings of the identification, examination and evaluation of the 21 potential verification measures against the agreed mandate criteria indicated that capabilities and limitations existed for each measure in varying degrees, although reliance could not be placed on any single measure by itself to determine whether a State Party is developing, producing, stockpiling, acquiring or retaining: microbial or other biological agents or toxins, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes or; weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes.

22. Certain current scientific and technical shortcomings of some measures were appreciated. These included the acknowledgment that some technologies associated with particular measures are limited by the commercial availability of equipment, materials and stages of development.

23. The identified verification measures cover a variety of non-intrusive and intrusive measures. The Group described the capabilities and limitations of the measures and evaluated the impact on scientific research, scientific cooperation, industrial development and other permitted activities and their implications for the confidentiality of commercial proprietary information from a scientific and technical standpoint only. Some measures were considered inherently not capable by themselves of differentiating between prohibited and permitted activities.

24. It was difficult to assess accurately the feasibility and the effectiveness of all the 21 measures within the context and criteria laid down in the mandate for the Group. Concerns were expressed over the financial implications and the technical difficulties in the identification of biological agents.

25. Concern was also expressed that the implementation of any measure should ensure that sensitive commercial proprietary information and national security needs are protected. The issue of protection of CPI, some aspects of which were addressed in a preliminary way, needs further consideration at a later stage consistent with the effective verification needs of the BWC.

26. Taking into account already existing lists for different purposes (Annex III, pages 266-267; BWC/CONF.III/VEREX/6), illustrative lists of agents could be developed to support particular potential verification measures. Under the measure of "Declarations", data on production, including amounts of agents produced, may be collected. Under the measure of "Data on transfers, Transfer requests and on Production", data may provide background information for inspections and for other measures.

27. The development of equipment and technologies, which is difficult for some applications, is important to meet the needs of some discussed measures, and could support the technical applicability of these measures in the future.

28. Some of the measures which were identified were also subjected to an illustrative but not exhaustive evaluation of combinations of measures.

29. Some measures in combination may enhance the capabilities and/or reduce the limitations of the individual measures. However, some limitations inherent in individual measures could not be removed and in some cases combinations of measures may result in enhanced limitations. In certain cases the enhanced capabilities produced by combinations differ from a simple accumulation of the capabilities of the single measures thus creating synergy. Even if a combination does not create any synergies there will still be a cumulative effect of both capabilities and limitations.

30. Important positive and negative synergies which were not identified in the evaluation may exist for each of the combinations examined. From a technical standpoint some combinations of some potential verification measures including both off-site and on-site measures could provide information which could be useful for the main objective of the BWC.

31. The Ad Hoc Group of Governmental Experts concluded that potential verification measures as identified and evaluated could be useful to varying degrees in enhancing confidence, through increased transparency, that States Parties were fulfilling their obligations under the BWC. While it was agreed that reliance could not be placed on any single measure to differentiate conclusively between prohibited and permitted activity and to resolve ambiguities about compliance, it was also agreed that the measures could provide information of varying utility in strengthening the BWC. It was recognized that there remain a number of further technical questions to be addressed such as identity of agent, types and quantities, in the context of any future work. Some measure in combination could provide enhanced capabilities by increasing, for example, the focus and improving the quality of information, thereby improving the possibility of differentiating between prohibited and permitted activities and of resolving ambiguities about compliance.

32. Based on the examination and evaluation of the measures described above against the criteria given in the mandate, the Group considered, from the scientific and technical standpoint, that some of the potential verification measures would contribute to strengthening the effectiveness and improve the implementation of the Convention, also recognizing that appropriate and effective verification could reinforce the Convention.

DISPOSITION OF THE REPORT

33. The Ad Hoc Group of Governmental Experts recalled that the Third Review Conference had decided the following with regard to the disposition of the work of the Group:

> AThe report of the Group shall be circulated to all States Parties for their consideration. If a majority of States Parties ask for the convening of a conference to examine the report, by submitting a proposal to this effect to the Depositary Governments, such a conference will be convened. In such a case the conference shall decide on any further action. The conference shall be preceded by a preparatory committee.≅

Attachment to the Summary Report

(Table)

During Verex 3, all 21 potential verification measures, identified during Verex 1 and examined during Verex 2, were evaluated by the group. To evaluate these measures an agreed methodology was applied based on the six mandate criteria. The criteria for evaluating the measures are:

1. Strengths and weaknesses based on but not limited to the amount and quality of information they provide and fail to provide.

2. Ability to differentiate between prohibited and permitted activities.

3. Ability to resolve ambiguities about compliance.

4. Their technological, material, manpower and equipment requirements.

5. Their financial, legal, safety and organizational implications.

6. Their impact on scientific research, scientific cooperation, industrial development and other permitted activities; and their implications for the confidentiality of Commercial Proprietary Information (CPI).

The first three criteria mainly represent the effectiveness of individual measures; the second three mainly represent their requirements and their impact. According to these criteria, capabilities and limitations were considered.

A general observation was made that reliance could not be placed on any single measures by itself to differentiate conclusively between prohibited and permitted activity or resolve ambiguities about compliance. The attached table is an extract of the complete evaluations made by rapporteurs during Verex 3, which can be found in Annex III.

TABLE

Measure	Definition	EVALUATION (Capabilities and Limitations) Criteria 1-3[1]	 Criteria 4-6[2]
Surveillance of publications	Selective scanning and analysis of publicly available printed matter and of the media with special attention to scientific literature related to activities in the biological field. VEREX/9, Annex II, p.54)	It could provide useful information on relevant activities in State Party, but consistency in quantity and quality may vary. It may help in the selection of sites for inspections and in focusing ongoing inspection activities. The information provides only a partial picture of activities. This focusing could be done by using key identifiers. Not all types of relevant information are necessarily published. (VEREX/9, Annex III, p. 154 etc.)	If focused this measure need not be very costly. Some personnel with specific expertise and a computer data base would be needed. Translation services might be costly. The low level of intrusiveness of this measure is an advantage.
Surveillance of legislation	Collecting and analysing of information with regard to legislation that exists in relation to the BWC or other areas of interest. VEREX/9, Annex II, p. 56	Could provide information on relevant activities of States Parties. However, the absence of legislation is not an indication of non-compliance. It may help in the selection of sites for inspections and in focusing ongoing inspection activities. The amount of information could be very large and the quantity varies per State. May help explain the nature of dual purpose activities. (VEREX/9, Annex III, p. 156, etc.)	This measure need not be very costly. Although the precise requirements pertaining to this measure still need to be determined, an investment in a computer/data base is needed. Translation costs may be substantial. Limited impact, if any, on permitted activities.
Data on transfers, transfer requests and on production	Collection and analysis of national export and import data, available or specifically requested, governme nt and industrial production statistics, culture collection records and similar information. There may or there may not be an agreed standard for the availability of the nature of the information. (VEREX/9, Annex II, p. 57)	It may be a background for further investigation. It may well be an effective measure if combined with other measures. It may help in the selection of sites for inspections and in focusing ongoing inspection activities. Because of the large amount of information available, a focused survey may be necessary. This focusing could be done by using key identifiers to be determined. Information may be outdated quickly. The amount and quality of information may differ per Sate. May help in the analysis of dual purpose activities. (VEREX/9, Annex III, p.	If focused need not be very costly. Not all information may be freely accessible. Some personnel with specific expertise and a computer data base would be needed. Confidentiality concerns need to be considered. Data analysis and a continuing survey could be costly. There are no technological requirements. Material and manpower requirements are

Measure	Definition	EVALUATION (Capabilities and Limitations) Criteria 1-3[1]	 Criteria 4-6[2]
		158, etc.)	limited. In some cases the legal implications should be considered.
Multilateral information sharing	The use of any voluntary international provision or exchange of information on medical, veterinary, agricultural, environmental safety standards, defence and waste management issues, etc., relating to materials and activities of potential relevance to the BWC. Such information sharing on a voluntary basis may or may not have an agreed standard for the nature of the information to be provided. (VEREX/9, Annex II, p. 58)	May well be an effective measure if combined with other measures. May help explain the nature of dual purpose activities and provide indications of non-declared activities. However this measure depends on the willingness of a State Party to provide information. The information may be inaccurate and generate unwarranted concerns. (VEREX/9, Annex III, p. 160, etc.)	If focused this measure is not very costly. The precise requirements of this measure still need to be determined. A computer/data base is needed. Legal implications and confidentiality concerns need to be considered; access to CPI can be defined.
Exchange visits (off site)	Visits of experts arranged for scientific purposes by one country to comparable facilities of another country (States Parties) under bilateral or multilateral agreements. Exchange visits need not be restricted to declared facilities. (VEREX/9, Annex III, p. 162)	It can provide a mechanism of transfer of technical information for a given area of study. The scope of the agreement will largely determine the amount and quality of the information exchanged. It may serve best as an enhanced CBM, expanding openness and transparency. Information is generally limited to scientific matters and in limited area specified in agreement. (VEREX/9, Annex III, p. 162, etc.)	The potential loss of proprietary information is of concern. Financial costs could be a limiting factor. Legal factors such as rights of the exchange scientists and the protection of proprietary information must be considered. Visitor safety should be insured.
Declarations	Mandatory, periodic reporting on a regular basis of information considered to be of relevance for verification of the BWC. The nature of the events/items/facilities to be declared has yet to be fully defined. Notifications were considered to be a subset of declarations, concerned with the	Provides a base line of information regarding all three areas of development, production and stockpiling. There is a need to consider in more detail exactly what items/events should be declared. Examination of declarations could disclose irregularities. They give a nation the opportunity to explain actions or events to States Parties which may otherwise cause compliance concerns. Information may be inaccurate or	The technology, material and equipment requirements would be low. Manpower requirements, financial costs, legal implications and the impact on CPI would depend highly on the nature of the items/events that should be declared. Manpower needs for processing returns

Measure	Definition	EVALUATION (Capabilities and Limitations) Criteria 1-3[1]	 Criteria 4-6[2]
	reporting of new or unforeseen events or forecast of events in order to preempt compliance concerns. (VEREX/9, Annex III, p. 166)	manipulated, and it is unlikely that any nation would declare a prohibited activity. A non-declaration of a facility known by other means could give rise to compliance concerns. Declarations may give an uneven picture of activity. (VEREX/9, Annex III, p. 166, etc.)	may be substantial. A central processing body may be required to correlate and analyse data.
Surveillance by satellite	A variety of techniques operated by an artificial body placed in orbit around the earth or other planet that enable, to varying degrees, the detection, description, measurement or identification of some property of an object of interest without actually coming into physical contact with the object. (VEREX/9, Annex II, p.67)	It has a broad area coverage, bu the possibility of detecting non-compliance with the Convention when it occurs or resolve ambiguities about compliance is low. Lack of information on distinct external signatures of microbiological activities. It might provide validation of information from other sources. The performance of optical, infra-red and multi-spectral sensors can be affected by daylight, meteorological and atmospheric conditions, in addition to inherent technical limitations with respect to Aresolution≅. SAR has a 24-hour all-weather capability, interrupted only by extreme weather conditions such as hurricanes. (VEREX/9, Annex III, p. 174, etc.)	A dedicated system would be very costly. All services may be obtained commercially, precluding the need for an autonomous capability. The measure requires digital tape data, hardware and software as well as trained personnel. Some state-owned satellite enterprises apply limitations to the availability of imagery on their own country, at the present time. Manipulation and enhancement of digital data requires commercially-available specialized hardware and software, and trained personnel.
Surveillance by aircraft	A variety of techniques operated by manned and unmanned aerial vehicles, including airplanes, helicopters, airships and balloons that enable, to varying degrees, the detection, description, measurement or identification of some property of an object of interest without actually coming into physical contact with the object. (VEREX/9, Annex II, p. 73)	The assessed possibility that it will detect non-compliance with the Convention or resolve ambiguities about compliance was low. It might provide data of a quality that could be used to distinguish between prohibited and permitted activities at an open-air test facility. There is lack of information on distinct external signatures. There is inherent delay/warning. It can be affected by daylight, meteorological and atmospheric conditions. It may be very difficult to draw conclusions on the results of air samples about the source of material collected and	Legal implications, particularly those related to national sovereignty, and collection of information unrelated to the goals and objectives of the BWC would need to be addressed. The requirements for specialized equipment and personnel could pose considerable financial costs.

Measure	Definition	EVALUATION (Capabilities and Limitations) Criteria 1-3[1]	 Criteria 4-6[2]
		about compliance. (VEREX/9, Annex III, p. 181, etc.)	
Ground-based surveillance (off site)	Surveillance of a site of interest at some agreed perimeter surrounding a site or many kilometers distance either by remote sensing or by visual inspection. (VEREX/9, Annex II, p. 79)	Sensing of open air test sites may be technically feasible and reasonable but there are only very rare cases where specially tailored ground-based surveillance may have some special value for the monitoring of large enterprises. It may assist targeting for inspections. Effluence of biological substances from sites of concern may be unlikely. No ability to resolve ambiguities or differentiate between permitted and prohibited activities. Optical and spectroscopic methods are not capable of identifying biological agents; generic bio-sensors are not available for all biological agents. (VEREX/9.Annex III, p. 191, etc.)	Sensitivity is limited. Availability of high specific detection probe is limited. In particular, a large variety of recognition materials are required. This measure could be intrusive and, if not focused, expensive. Specialists for interpretation of data required. Surveillance would have to be based on international agreement. Impact on CPI unlikely. May require safety control areas. Sensor techniques for surveillance of sites from distance not available; spectroscopic methods are not able to identify specific biological agents; sensitivity of biosensors requires combination with a step for sample collection.
Sampling and identification (off site)	To take samples of the area in the vicinity of a declared or undeclared facility without penetrating its boundary. (VEREX/9, Annex II, p. 83)c	The measure will usually provide information of rather poor quality, as the probability of obtaining a relevant sample is low. Using this measure alone can result in ambiguities, as e.g., the origin of any agent isolated may not be possible to clarify, and the risk of false positive as well as false negative tests may be very high. Different interpretations of the information are possible. Ability to differentiate between permitted and prohibited activities as well as resolving ambiguities is low. Could be of value in connection with open air sites. (VEREX/9, Annex III, p. 197, etc.)	The costs will depend on the total number of inspections and subsequent number of samples. Small inspection teams will be required, but the chain of custody and laboratory analysis would be labour intensive. Safety problems for inspectors are generally low, except for open air test sites. Assays for identification are not developed for some agents. Minimal impact on permitted activities and CPI.

Measure	Definition	EVALUATION (Capabilities and Limitations) Criteria 1-3[1]	 Criteria 4-6[2]
Observation (off site)	Monitoring a site to get a sense of activities being carried out in the facility and also to get acquainted with the external characteristics of the facility. (VEREX/9, Annex III, p. 201)	The precision of the information about activities at the site is low, but it can provide a general view of the site=s characteristics. A good deal of information could be obtained about local diseases and epidemics or migration of inhabitants and environmental damage caused by the activity of the site. Its capability to distinguish between prohibited and permitted activities may be low. Also by itself it cannot determine compliance. If supplemented with on-site measures, however, it may resolve some ambiguities. (VEREX/9, Annex III, p. 201, etc.)	The technology and material requirements are generally low. Manpower will play a crucial role. Access in some States may require national legislation. Long-term physical presence of observers could be costly and may also have public relations implications. Poor weather conditions, darkness and obscuring mass could impose limitations. Impact on CPI is low.
Auditing (off site)	The critical examination, outside a facility boundary, in accordance with agreed standards and criteria, of documentary records, electronically-held data and manuals, to assess consistency of matters recorded and material account with declared purposes and permitted activity. (VEREX/9, Annex III, p. 204)	Substantial quantities of information from many sources exist; data are available on production, stockpiling and possibly development and contribute to the build-up of a picture of normal activity. Data could be highly focused and directed towards specific concerns. The scope and depth of information off site may be insufficient to make any meaningful conclusions. Standards of record keeping vary. Seems to have value as a verification measure in a limited range of circumstances, and could be considered not as a primary measure but rather as a follow-up event. (VEREX/9, Annex III, p. 204, etc.)	Technical and material requirements are minimal. Source information could have some impact on CPI. While source information could have commercial and proprietary value, procedures may be adopted that could reduce the risks of comprising commercially sensitive information. Broad range of knowledge required by auditors. Potentially some legal issues, i.e., may require consideration of national legislation and regulations.
Exchange visits - international arrangements	Visits of experts arranged for scientific purposes by one country to comparable facilities of another country (States Parties) under bilateral or multilateral agreements. Exchange visits need not be restricted to declared facilities. (VEREX/9, Annex III,	It can provide a mechanism of transfer of technical information for a given area. Some difficulties exist in implementation on a multilateral basis. The scope of the agreement can impact the amount and the quality of information. This measure is unlikely to differentiate between permitted and prohibited activities and resolve ambiguities about compliance, this measure would	The possible loss of proprietary information is of concern. Existing international organizations may support exchange programmes. Cost and legal implications could be limiting factors. Exchange visits are voluntary and

Measure	Definition	EVALUATION (Capabilities and Limitations) Criteria 1-3[1]	 Criteria 4-6[2]
	p. 208)	serve best as an enhanced CBM, expanding openness and transparency. The non-intrusive nature of this measure and the capability of less developed countries to acquire technical information through this mechanism is a unique capability. (VEREX/9, Annex III, p. 208, etc.)	reciprocal, these need not disrupt scientific programme activities.
Interviewing (on site)	One of the measures of fact-finding for on-site inspection. It is conducted with the personnel of the site. The objective is to gain information about the nature, scale and scope of the activities and also to assess the overall function of the site. (VEREX/9, Annex III, p. 213)	A considerable amount of information may be established. Depends on access of personnel to information. The accuracy of the information is highly dependent upon the cooperation of personnel. The possibility of giving false information weakens the differentiation between permitted and prohibited activities. Its ability to resolve ambiguities about compliance is low, but may contribute to an overall judgment. (VEREX/9, Annex III, p. 213, etc.)	It does not require specific material or technology. It requires trained, qualified experts and interpreters. It may interrupt the normal work of the site. There is the possibility of leakage of CPI. It could be costly. Access to facilities in some states may require national legislation.
Visual inspection (on site)	Aimed at acquiring a general view of the site, facilities, equipment, materials and the degree of protection, safety measures and the peaceful activities which are being carried out. It includes taking note of the specificities and the characteristics of the equipment and the instruments. (VEREX/9, Annex III, p. 217)	A large amount of information can be obtained, limited by the degree of access. May provide information on prohibited activities. But the dual-purpose nature of equipment may complicate interpretation of information and ability to resolve ambiguities about compliance. May provide information on production capacity and general capabilities. May provide information on possible undeclared activities, but it is unlikely to provide information on removed equipment. (VEREX/9, Annex III, p. 217, etc.)	It has a low capital investment requirement. The quality of the manpower available is of particular importance. CPI may be disclosed; contamination risk might be a limiting factor. It may cause an interruption of the routine work at the site and commercial confidentiality may be at risk. Inspector training is required and, in some facilities, in some States, may require national legislation.
Identification of key equipment	An essential part of identification of key equipment on site is to confirm a facility=s declaration and help to ensure that the	Can provide substantial amounts of high-quality information, if carried out by experienced specialists. Properly trained individuals may not be available immediately. Assessment of	There may be legal problems. Safety of inspectors must be considered. Proprietary information may be

Measure	Definition	EVALUATION (Capabilities and Limitations) Criteria 1-3[1]	 Criteria 4-6[2]
(on site)	equipment is not used for prohibited activities. (VEREX/9, Annex III, p. 221)	facilities= capabilities is possible. The vast majority of key equipment in biological facilities is of dual-use nature. Portable equipment can be moved out of a facility to deceive inspectors. Lack of equipment or combination of equipment as well as capacity could be used as one important indicator when it comes to differentiate activities, but equipment is mostly of dual-use nature. (VEREX/9, Annex III, p.221, etc.)	negatively affected. Financial implications should be taken into consideration. Costs can be high if a large number of inspections are carried out. Legal problems may be connected with on-site inspections as such and with the confidentiality of information obtained.
Auditing (on site)	The examination within a facility boundary, in accordance with agreed standards and criteria, of documentary records, electronically held data and manuals, to assess consistency of matters recorded and materials accounted with declared purposes and permitted activity. (VEREX/9, Annex III, p. 224)	Able to provide evidence on the linkage between events, people, activities and facilities and allow the testing of consistency and coherence. On its own would be unlikely to enable distinctions between prohibited and permitted activit ies and to resolve ambiguities about compliance. Unlikely to differentiate between prohibited and permitted activities and to resolve ambiguities about compliance. (VEREX/9, Annex III, p. 224, etc.)	Technological and material requirements are minimal. A broad range of knowledge is required. Procedures may be required to reduce the risks of compromising information. Commercial or other legitimate sensitivities may preclude access to all material in any one situation. Cost and national legislation and regulations may be limiting factors. Could cause some disturbance to staff.
Sampling and identification (on site)	The act of taking samples on the inspected site, analysing these samples either on the site using appropriate methods or to transfer these samples from the site for identification or further investigation in appropriate laboratories. (VEREX/9, Annex III, p. 228)	It could provide key information to resolve certain ambiguities about compliance because of the possibility of identifying the nature of an agent. Can provide information of significant quality and quantity, in particular because of the possibility of obtaining an independent confirmation of analytical results in the event that findings are disputed. A negative result does not necessarily rule out prohibited activities and may not resolve all cases of non-compliance ambiguities. The efficiency of this measure would be enhanced from a prior indication of	Currently available material would allow many of the on-site presumptive tests to be performed. There is a need to establish infrastructure for training and deployment of inspectors. Creation and maintenance of a sophisticated field laboratory or an independent laboratory could be very costly. There is a risk of loss of CPI, but the use of equipment

Measure	Definition	EVALUATION (Capabilities and Limitations) Criteria 1-3[1]	 Criteria 4-6[2]
		the agents one is looking for. Ambiguous results would be reduced if more than one analytical technique and several samples from the same site were used. There is a need for an environmental profile of the site. Key issues are the chain of custody and the use of good sampling and identification practices (GSIP) (VEREX/9, Annex III, p. 228)	and methodology from the site could reduce the costs and protect confidentiality. The need to preserve intellectual, individual and commercial proprietary rights in the case of legitimate activities, means the obligation to use special technical and legal procedures for processing samples, particularly if there are grounds for removing samples from the site for subsequent analysis.
Medical examination (on site)	The collection of information about the activities of a facility by auditing medical and occupational health records of the work force; examination of recent and past cases of diseases; taking and analyzing body fluids and other clinical materials; and surveying the immunological status of the work force versus epidemiological background data. (VEREX/9, Annex III, p. 238)	By its ability to detect human exposure to agents of concern, medical examination may be a useful measure. Possibility of incorrect or falsified reported epidemiological data or medical records. Reference laboratory analysis can be expected to detect and identify an agent of concern. Examination of meticulous bona fide records could help determine prohibited activity. Low significance of immunological tests for endemic diseases, common epidemics or mass immunization with the same type of agent could prevent association with BW activity. (VEREX/9, Annex III, p. 238, etc.)	There is a potential impact on human rights for legal, ethnic, religious or personal reasons. Sensitive laboratory methods do not exist for rapid detection and identification on site for most agents. Very few medical samples can be tested on site, and transport of samples and chain of custody could require material and logistical support. Will require highly qualified specialists. Confirmatory off-site laboratory analysis could be costly. Exposure is possible and liability costs may result. Considerable impact could result from false positive information.
Continuous monitoring by	Activity conducted on a continuing basis using devices or instruments with the specific role of monitoring ongoing	It is technically applicable at any facility. Ability to differentiate between prohibited and permitted activities is low because it is unlikely to determine the purpose of a dual-use	Many in- and on-line monitors are commercially available. Some monitor devices might not operate without the

Measure	Definition	EVALUATION (Capabilities and Limitations) Criteria 1-3[1]	Criteria 4-6[2]
instruments (on site)	processes, parameters or agents, occurring in key equipment of a particular facility, and/or storage rooms or special storage facility, or testing areas. (VEREX/9, Annex III, p. 247)	process solely by data collection. No existing instrumentation is sensitive or specific enough to independently identify non-compliance through the measurement of process parameters, or identification of agents. (VEREX/9, Annex III, p. 246, etc.)	continuous assistance of personnel. Possibly needs high investment development and operation costs. Specific antibodies as well as probes are available for several but not all agents or toxins. The technology would need further development. The measure would pose risk to intellectual rights and CPI. Risk of contamination and/or disruption of batch or continuous processes.
Continuous monitoring by personnel (on site)	Activity conducted on a continuing basis using observers or other highly qualified experts with the specific role of monitoring ongoing processes, parameters or agents, occurring in key equipment of a particular facility, and/or storage rooms or special storage facility, or testing areas. (VEREX/9, Annex III, p. 254)	Provides a fairly high degree of knowledge on the general activities undertaken at a facility. Specialized personnel could assist in differentiating between permitted and prohibited activity. However, on its own it is unlikely to determine the purpose of a dual-use process. Specificity of current methods could limit the quality of information. (VEREX/9, Annex III, p. 254, etc.)	Communication, language and cultural difficulties might occur. Costs may be very high, legal implications substantial and the risk of interference with permitted activities and infringement of commercial proprietary rights considerable. May cause contamination of processes. Personnel may need to be immunized against BTW agents or local diseases.

1. Criteria 1-3:
   1. Strengths and weaknesses based on but not limited to the amount and quality of information they provide and fail to provide.
   2. Ability to differentiate between prohibited and permitted activities.
   3. Ability to resolve ambiguities about compliance.

2. Criteria 4-6:
   4. Their technological, material, manpower and equipment requirements.
   5. Their financial, legal, safety and organizational implications.

6. Their impact on scientific research, scientific cooperation, industrial development and other permitted activities; and their implications for the confidentiality of CPI.

BWC/SPCONF/1

SPECIAL 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

(Geneva, 19-30 September 1994)

FINAL REPORT

PART II

II. FINAL DECLARATION

Consideration of the VEREX Report

30. Under item 9 of its agenda, the Special Conference considered the Report of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint.

31. The Conference welcomed the Report and noted that the Conference afforded States Parties a first opportunity to integrate political considerations with the Report's scientific and technical assessment.

32. The Conference also noted that the Group had examined and evaluated 21 potential verification measures and some examples of possible combinations of them, without prejudice to any further ideas that might evolve on the subject. While it had been agreed in the Group that reliance could not be placed on any single measure by itself to differentiate conclusively between prohibited and permitted activity and to resolve ambiguities about compliance, the measure described under the heading "Declarations" had been most frequently identified for application in combination with other measures. Some measures had been considered inherently not capable by themselves of differentiating between prohibited and permitted activities. The Group had considered that important positive and negative synergies which were not identified in the evaluation might exist for each of the combinations examined. It was recognized that there remained a number of further technical questions to be addressed, such as identity of agent, types and quantities, in the context of any future work.

33. The Conference further noted that the VEREX Report considered, from the scientific and technical standpoint, that some of the potential verification measures would contribute to strengthening the effectiveness and improve the implementation of the Convention and that some combinations of some potential verification measures, including both off-site and on-site measures, could provide information which could be useful for the main objective of the Biological Weapons Convention. The Conference noted that the Report recognised that appropriate and effective verification could reinforce the Convention.

34. The Conference recognized that the process aiming at strengthening compliance with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction should facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes.

35. The Conference also recognized that the complex nature of the issues pertaining to the strengthening of the Biological Weapons Convention underlined the need for a gradual approach towards the establishment of a coherent regime to enhance the effectiveness of and

improve compliance with the Convention. This regime would include, inter alia, potential verification measures, as well as agreed procedures and mechanisms for their efficient implementation and measures for the investigation of alleged use.

Strengthening the Convention

36. In pursuance of the second part of its mandate under Item 9, the Conference, determined to strengthen the effectiveness and improve the implementation of the Convention and recognizing that effective verification could reinforce the Convention, decides to establish an Ad Hoc Group, open to all States Parties. The objective of this Ad Hoc Group shall be to consider appropriate measures, including possible verification measures, and draft proposals to strengthen the Convention, to be included, as appropriate, in a legally binding instrument, to be submitted for the consideration of the States Parties. In this context, the Ad Hoc Group shall, inter alia consider:

- Definitions of terms and objective criteria, such as lists of bacteriological (biological) agents and toxins, their threshold quantities, as well as equipment and types of activities, where relevant for specific measures designed to strengthen the Convention;

- The incorporation of existing and further enhanced confidence building and transparency measures, as appropriate, into the regime;

- A system of measures to promote compliance with the Convention, including, as appropriate, measures identified, examined and evaluated in the VEREX Report. Such measures should apply to all relevant facilities and activities, be reliable, cost effective, non-discriminatory and as non-intrusive as possible, consistent with the effective implementation of the system and should not lead to abuse;

- Specific measures designed to ensure effective and full implementation of Article X, which also avoid any restrictions incompatible with the obligations undertaken under the Convention, noting that the provisions of the Convention should not be used to impose restrictions and/or limitations on the transfer for purposes consistent with the objectives and the provisions of the Convention of scientific knowledge, technology, equipment and materials.

Measures should be formulated and implemented in a manner designed to protect sensitive commercial proprietary information and legitimate national security needs.

Measures shall be formulated and implemented in a manner designed to avoid any negative impact on scientific research, international cooperation and industrial development.

37. In undertaking its task, the Ad Hoc Group will take into account all Working Papers, Summary Records, and all other relevant material presented to the Special Conference, as contained in its Final Report.

38. The Conference also decided that a short session of the Ad Hoc Group should be held in Geneva from 4 - 6 January, 1995. 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 Fourth Review Conference or later at a Special Conference. The Group will be chaired by Ambassador Tibor Tóth (Hungary), who will be assisted by two Vice-Chairmen, to be elected by the Group.

39. The Conference recommended that the General Assembly of the United Nations request the Secretary-General to render the necessary assistance and to provide such services as may be required for the convening of the Ad Hoc Group.

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FORMAL CONSULTATIVE MEETING
OF STATES PARTIES TO THE
CONVENTION ON THE PROHIBITION
OF THE DEVELOPMENT, PRODUCTION
AND STOCKPILING OF BACTERIOLOGICAL
(BIOLOGICAL) AND TOXIN WEAPONS
AND ON THEIR DESTRUCTION

BWC/CONS/1
29 August 1997

Original: ENGLISH

Geneva, 25-27 August 1997

REPORT OF THE FORMAL CONSULTATIVE MEETING OF STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION

1. As agreed at the Informal Meeting held on 31 July 1997 and subsequently confirmed in a Note issued by the Depositaries to all States Parties on 8 August 1997, the Formal Consultative Meeting of States Parties to the 1972 Biological and Toxin Weapons Convention was convened at the Palais des Nations, Geneva, from 25 to 27 August 1997, at the request of the Government of the Republic of Cuba. The States Parties held three meetings during that period under the Chairmanship of Ambassador Ian Soutar of the United Kingdom of Great Britain and Northern Ireland. At the 1st meeting, the States Parties elected six Vice Chairmen from the following countries: Brazil, Canada, Iran (Islamic Republic of), Netherlands, Nigeria and Russian Federation. Mr. Sola Ogunbanwo, Senior Coordinator of the Disarmament Training and Advisory Services Programme, Centre for Disarmament Affairs, served as Secretary of the Meeting.

2. The following States Parties to the Convention participated in the Meeting: Albania, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Belize, Bolivia, Bosnia-Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, El Salvador, Finland, France, Germany, Ghana, Greece, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, The Former Yugoslav Republic of Macedonia, Malaysia, Malta, Mexico, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Viet Nam. The following signatory States to the Convention also participated in the Meeting: Egypt, Myanmar, Syrian Arab Republic.

3. The meeting heard statements by the delegation of Cuba and the delegation of the United States, the texts of which were circulated to all States Parties participating in the meeting. Both delegations then made a further statement amplifying points raised in their formal statements.

4. In subsequent discussion, States Parties welcomed the fact that the delegations of Cuba and United States had sought to clarify their positions with respect to the concerns raised by the Government of Cuba. States Parties noted that the consultation was fully in conformity with the conclusions of the final document of the Third Review Conference relevant to the application of Article V of the Convention. A number of States Parties, however, considered that in the time available the meeting had not fully been able to resolve all matters considered ambiguous or unresolved arising from the request of the Government of Cuba. A number of other States Parties considered that the obligation to consult and cooperate in relation to any problems which might arise in relation to the objective of, or in the application of the provisions of, the Convention had been fulfilled by the holding of the formal consultative meeting.

5. It was therefore agreed that States Parties who wished to do so should provide to the Chairman by 27 September 1997 a submission containing their observations, including from national technical experts, on the information provided to the meeting by the Governments of Cuba and the United States. The Chairman and the Vice-Chairmen, together, would consult on the basis of the information supplied at the present meeting and in the light of these further observations in order as far as possible to clarify and resolve any outstanding issues related to the concerns raised by Cuba. The Chairman should report in writing on the outcome of these consultations to all States Parties by 31 December 1997. Notwithstanding the closure of the meeting on 27 August 1997, the Chairman and the Vice-Chairmen should continue to hold office until 31 December 1997 for the above purposes.

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15 December 1997

All States Parties to the
Biological and Toxin Weapons Convention

1. The Formal Consultative Meeting of States Parties to the Biological and Toxin Weapons Convention held from 25-27 August 1997 agreed that the Chairman and the Vice-Chairmen should consult in order as far as possible to clarify and resolve any outstanding issues related to the concerns raised by the Government of Cuba and that the Chairman should report in writing on the outcome of these consultations to all States Parties by 31 December 1997. As Chairman, I have the honour to submit the following report to all States Parties, in fulfilment of this mandate.

2. The Formal Consultative Meeting agreed that States Parties who wished to do so should provide to the Chairman by 27 September 1997 a submission containing their observations, including from national technical experts, on the information provided by the meeting to the Governments of Cuba and the United States.

3. By the deadline, I had received submissions from the governments of Australia, Canada, China, Cuba, Democratic People's Republic of Korea, Denmark, Germany, Japan, Netherlands, New Zealand, Viet Nam and Hungary. Copies of these submissions are annexed to this letter.

4. I convened a meeting with the six Vice-Chairmen (the Ambassadors or representatives of Brazil, Canada, Iran (Islamic Republic of), Netherlands, Nigeria and Russian Federation) on 7 October to consider these submissions. On that occasion, it was agreed that I should send copies of all

the submissions to the governments of Cuba and the United States and enquire whether, in their view, the further submissions had assisted in clarifying or resolving the concerns raised by Cuba. At the same time, I should make clear that I was available, if they wished, to meet their representatives to receive any further comments which they might wish to make.

5. I subsequently received replies from Ambassador Mahley of the United States, dated 20 October, and from Ambassador Amat of Cuba, dated 22 October. Copies of these letters are annexed. The former stated the view of the Government of the United States that no causal linkage between the infestation in Cuba and the overflight by a US aircraft had been demonstrated and that no further action on this issue was warranted or required. The latter stated the view of the Government of Cuba that the arguments put forward by the United States at the Formal Consultative Meeting were inadequate, lacking in objectivity and had done nothing to dispel the Cuban concerns. I also had a short meeting with the Deputy Minister of Foreign Affairs of Cuba, Senora Maria Florez, at her request, at which she reiterated that her Government continued to adhere to the suspicions which had given rise to the original complaint.

6. I forwarded copies of these letters to the Vice-Chairmen, and informed them of my meeting with the Cuban Deputy Foreign Minister. I convened a further meeting of the Bureau on 27 November to consider these latest communications. I also invited any reactions from their technical experts on the information contained in the submissions received earlier. Some members of the Bureau stated that further examination of the evidence in their capitals had confirmed their view that there was no causal link between the overflight of the US aircraft and the insect infestation in Cuba. Other members of the Bureau stated that the technical complexity of the issue and the lack of further detailed information made it impossible to draw any definitive conclusions.

7. On the basis of the above, I wish to report to States Parties that, due inter alia to the technical complexity of the subject and to the passage of time, it has not proved possible to reach a definitive conclusion with regard to the concerns raised by the Government of Cuba.

8. I would, however, emphasise that there has been general agreement throughout the process that the requirements of Article V of the Convention and of the consultative process established by the Third Review Conference have been fulfilled in an impartial and transparent manner.

9. The Bureau agreed that the experience of conducting this process of consultation had shown the importance of establishing as soon as possible an effective Protocol to strengthen the Convention which is being negotiated in the Ad Hoc Group.

10. The Bureau held a final meeting on 15 December to agree on the terms of this report.

S I Soutar
Ambassador

3. UN Documents

3. UN Documents

The BWC is a product of the international community's multilateral disarmament negotiating forum in Geneva. Now known as the Conference on Disarmament (formerly the Ten-Nation Committee on Disarmament (1960), the Eighteen-Nation Disarmament Committee (1962-68), the Conference of the Committee on Disarmament (1969-78) and the Committee on Disarmament (1979-1984)), the CD is not a formal UN organ but it has a special relationship with the UN. Under this relationship, the CD adopts its own agenda and rules of procedure, but acts on recommendations from the UN General Assembly and it reports annually to the General Assembly. In addition, the CD's funding is included in the UN's budget and the conference is serviced by staff members of the UN Department for Disarmament Affairs.

Besides the CD, biological weapons issues have also been taken up periodically by the main organs of the United Nations, namely the General Assembly and the Security Council and also by the Secretary-General.

UN General Assembly

Discussions in the UN General Assembly on biological weapons stretch back to its first resolution in 1946. The General Assembly has also adopted a resolution on the BWC almost every year since the treaty's completion in 1971. These resolutions typically call on all States to adhere to the BWC, urge all States Parties to submit their CBM returns annually and reiterate the affirmations made at the review conferences regarding the scope of the BWC's prohibitions. The resolutions are also the mechanism through which UN funds and resources are allocated to support BWC meetings such as the review conferences. This section of the Briefing Book includes copies of the BWC resolutions adopted since the Fifth Review Conference. No BWC resolutions were adopted in 2001 or 2002 while States Parties debated issues related to the deferment of the Ad Hoc Group and the suspension of the Fifth Review Conference. Copies of all General Assembly resolutions on the BWC prior to 2001 are available at www.unog.ch/bwc

In September 2006 the General Assembly adopted resolution 60/288 setting out the United Nations Global Counter-Terrorism Strategy. The plan of action annexed to the resolution includes a number of measures to prevent and combat terrorism such as: strengthening coordination and cooperation among States in combating crimes that might be connected with terrorism, including the smuggling of biological materials; the development of a single comprehensive database on biological incidents; the updating of the UN Secretary-General's investigative mechanism (see below); stepping up efforts to improve border and customs controls in order to prevent and detect illicit trafficking in biological weapons and materials; inviting the UN to improve coordination in planning a response to a terrorist attack using weapons of mass destruction; and encouraging the World Health Organization to step up its technical assistance to help States improve their public health systems to prevent and prepare for biological attacks by terrorists. A copy of General Assembly resolution 60/288 is included in this section of the Briefing Book.

UN Security Council

During the Iran-Iraq War of the 1980s, the Security Council passed resolution 620 (1988) which recognizes the UN Secretary-General's mandate (affirmed in UN General Assembly

resolutions 35/144 C (1980), 37/98 D (1982) and 42/37 C (1987)) to carry out prompt investigations into allegations by Member States of the use of chemical or biological weapons. Resolution 620 also call upon States to enact export controls on chemical precursors, particularly to states involved in conflicts in which chemical weapons are suspected of being used. At its first summit meeting, held in January 1992, the Security Council agreed a Presidential Statement in which it stated that proliferation of weapons of mass destruction (WMD) was a "threat to international peace and security." This section of the Briefing Book includes a copy of Security Council resolution 620 (1988) and the 1992 Presidential Statement, S/23500.

The UN Security Council has also established subsidiary bodies to carry out mandates relating to biological weapons (as well as nuclear and chemical weapons) disarmament. For example, the Security Council established the UN Special Commission (UNSCOM) in 1991 and the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) in 1999 to monitor, verify and assist in the disarmament of Iraq's WMD programmes. For reasons of space, no UNSCOM or UNMOVIC documents are included in the Briefing Book, but most are available at www.un.org/Depts/unscom/ and www.unmovic.org

In April 2004, the Security Council adopted resolution 1540 under Chapter VII of the UN Charter, on the non-proliferation of weapons of mass destruction. The resolution affirms that the proliferation and illicit trafficking of nuclear, biological and chemical weapons are threats to international peace and security and it requires all Member States to enact and enforce laws to prohibit and prevent the manufacture, acquisition, possession, development, transport, transfer or use of nuclear, chemical or biological weapons and their means of delivery by non-state actors. States must also take and enforce national measures to prevent the proliferation of these weapons, including means to account for and secure weapons and their means of delivery, physical protection measures, effective border controls and export controls. The resolution also obliges Member States to refrain from supporting attempts by non-state actors to acquire WMD capabilities.

All States were required to provide a report on their implementation of the resolution to a committee (the '1540 Committee'). This committee had a two-year mandate under resolution 1540, which was extended for a further two years by Security Council resolution 1673 in April 2006. Resolution 1673 calls on States to provide a first report on implementation if they have not already done so and encourages all States to provide additional information, at any time or upon the request of the 1540 Committee. The 1540 Committee has finalised its fifth work programme (for the period 1 October 2006 to 30 September 2007), under which it will focus on "increasing its knowledge by examination of information on the status of implementation of SCR 1540" and "outreach, dialogue, assistance and co-operation to promote implementation of all aspects of SCR 1540" through a range of activities. Both resolutions are included in this section of the Briefing Book. The report of the first two years of the implementation of resolution 1540 is available at http://disarmament2.un.org/Committee1540

UN Secretary-General

As part of the ongoing process of UN reform and in acknowledgement of the challenges posed by changes in the geopolitical environment, the UN Secretary-General appointed a High-Level Panel on Threats, Challenges and Change in November 2003. The Panel, made up of 16 high-ranking experts submitted its report, *A More Secure World: Our Shared Responsibility* (A/59/565) to the Secretary-General in December 2004. The report includes a

number of recommendations relating to the BWC, the World Health Organization's (WHO) role in public health emergencies and the UN Secretary-General's mechanism for the investigation of allegations of CBW use. The relevant section of the report is included in this section of the Briefing Book and the full report is available at www.un.org/secureworld/

In March 2005, the Secretary-General published *In Larger Freedom: Towards Development, Security and Human Rights for All* (A/59/2005) which was intended to contribute to the 2005 World Summit and which built upon some recommendations of the High-Level Panel. In the report, the Secretary-General calls for consolidation at the Sixth BWC Review Conference, the strengthening of his capability to investigate suspected use of biological agents and announces his readiness to bring to the attention of the Security Council any overwhelming outbreak of infectious disease that threatens international peace and security. This section of the Briefing Book includes the chapters of *In Larger Freedom* on "preventing catastrophic terrorism" and "nuclear, biological and chemical weapons". The full report is available at www.un.org/largerfreedom/

In April 2006 the Secretary-General published *Uniting Against Terrorism: Recommendations for a Global Counter-Terrorism Strategy* (A/60/825), as requested by the 2005 World Summit. The report states that the BWC needs strengthening and expresses the Secretary-General's hope that progress is made at the Sixth Review Conference. It also calls for the creation of "a forum that will bring together the various stakeholders — Governments, industry, science, public health, security, the public writ large — into a common programme, built from the bottom up, to ensure that biotechnology's advances are used for the public good and that the benefits are shared equitably around the world." This section of the Briefing Book contains the relevant extracts from *Uniting Against Terrorism*. The full report is available at www.un.org/unitingagainstterrorism/

UN Secretary-General's Investigative Mechanism

The UN Secretary-General has a long-standing authority to investigate activities that may constitute a violation of the 1925 Geneva Protocol "or other relevant rules of customary international law".

The first action to support such an authority was the adoption in 1980 by the General Assembly of resolution 35/144 C in which it decided to carry out an impartial investigation of allegations of the use of chemical weapons in South East Asia. These allegations were controversial and a number of States voted against the resolution. The "Group of Experts to Investigate Reports on the Alleged Use of Chemical Weapons" produced two investigation reports in 1981 and 1982. The Secretary-General's mechanism emerged in a form recognizable today from General Assembly resolution 37/98 D which was adopted in 1982, but which was also subject to some of the earlier controversies and was not adopted by consensus. Under this resolution, which is included in this section of the Briefing Book, the General Assembly requested the Secretary-General to investigate, with the assistance of qualified experts, allegations of violations of the Geneva Protocol. The resolution instructed the Secretary-General to compile lists of qualified experts who could be sent at short notice on investigations and to devise procedures for timely and efficient investigations. The Secretary-General duly appointed a group of consultant experts that submitted its final report, including procedures for investigations, in October 1984. Earlier in the same year, the Secretary-General also conducted the first investigation in the Iran-Iraq War, although not under the authority of resolution 37/98 D.

The experience of the numerous investigations that followed during the Iran-Iraq War led to a reappraisal of the mechanism and in 1987 the General Assembly adopted by consensus resolution 42/37 C which called on the Secretary-General to update the technical guidelines and procedures for conducting investigations. The Secretary-General accordingly appointed another group of consultant experts which submitted its final report in October 1989. The General Assembly endorsed the group's report in resolution 45/57 C adopted in December 1990, which is included in this section of the Briefing Book. During the group's existence, the Security Council also passed resolution 620 in August 1988 (mentioned in the Security Council section above) which implicitly endorsed the mechanism by encouraging the Secretary-General to investigate allegations "promptly". A further two investigations were carried out in 1992, these being the most recent to have been conducted. The table below provides details on the investigations carried out by the Secretary-General:

Date	Locations visited	Report reference
1981-1982	Thailand	A/36/613, 20 November 1981
1981-1982	Pakistan, Thailand	A/37/259, 1 December 1982
March 1984	Iran	S/16433, 26 March 1984 [also issued as A/39/210]
April 1985	European hospitals	S/17127 , 24 April 1985
March 1986	Iran	S/17911, 12 March 1986
May 1987	Iran & Iraq	S/18852, 8 May 1987
April 1988	Iran & Iraq	S/19823, 25 April 1988
July 1988	Iran	S/20060, 20 July 1988 [released 1 August 1988]
July 1988	Iraq	S/20063, 25 July 1988 [released 1 August 1988]
August 1988	Iran	S/20134, 19 August 1988
March 1992	Mozambique	S/24065, 12 June 1992
July 1992	Azerbaijan	S/24344, 24 July 1992

During the 1990s, the mechanism was somewhat neglected as international attention focused on the entry into force of the CWC and on the efforts to negotiate a protocol to the BWC. Recently however, more attention has been paid to the mechanism, particularly in the reports released by the Secretary-General himself, extracts of which are included in this section of the Briefing Book. The 2004 High-Level Panel report, *A More Secure World*, stated that "the Security Council should avail itself of the Secretary-General's roster of inspectors for biological weapons, who should remain independent and work under United Nations staff codes." The Secretary-General's report to the 2005 World Summit, *In Larger Freedom*, said that "the capability of the Secretary-General to investigate suspected use of biological agents, … , should be strengthened to incorporate the latest technology and expertise; and the Security Council should make use of that capability". Most recently, under General Assembly resolution 60/288 adopted in September 2006 states "encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use." Relevant extracts from all of the documents cited above are included in this section of the Briefing Book.

General Assembly

Distr.: General
7 January 2004

Fifty-eighth session
Agenda item 80

Resolution adopted by the General Assembly

[*on the report of the First Committee (A/58/469)*]

58/72. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

The General Assembly,

Recalling its previous resolutions relating to the complete and effective prohibition of bacteriological (biological) and toxin weapons and to their destruction,

Noting with satisfaction that there are one hundred and fifty States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,[1] including all of the permanent members of the Security Council,

Bearing in mind its call upon all States parties to the Convention to participate in the implementation of the recommendations of the Review Conferences, including the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,[2] and to provide such information and data in conformity with standardized procedure to the Secretary-General on an annual basis and no later than 15 April,

Welcoming the reaffirmation made in the Final Declaration of the Fourth Review Conference[3] that under all circumstances the use of bacteriological (biological) and toxin weapons and their development, production and stockpiling are effectively prohibited under article I of the Convention,

Recalling the decision reached at the Fifth Review Conference to hold three annual meetings of the States parties of one week duration each year commencing in 2003 until the Sixth Review Conference and to hold a two-week meeting of experts to prepare for each meeting of the States parties,[4]

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[1] Resolution 2826 (XXVI), annex.

[2] BWC/CONF.III/23, part II.

[3] BWC/CONF.IV/9, part II.

[4] BWC/CONF.V/17, para. 18.

1. *Notes with satisfaction* the increase in the number of States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,[1] reaffirms the call upon all signatory States that have not yet ratified the Convention to do so without delay, and calls upon those States that have not signed the Convention to become parties thereto at an early date, thus contributing to the achievement of universal adherence to the Convention;

2. *Welcomes* the information and data provided to date, and reiterates its call upon all States parties to the Convention to participate in the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention;[2]

3. *Recalls* the decision reached at the Fifth Review Conference,[4] and calls upon the States parties to the Convention to participate in its implementation;

4. *Requests* the Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences, including all necessary assistance to the annual meetings of the States parties and the meetings of experts;

5. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled “Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction”.

71st plenary meeting
8 December 2003

General Assembly

Distr.: General
10 December 2004

Fifty-ninth session
Agenda item 72

Resolution adopted by the General Assembly

[*on the report of the First Committee (A/59/466)*]

59/110. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

The General Assembly,

Recalling its previous resolutions relating to the complete and effective prohibition of bacteriological (biological) and toxin weapons and to their destruction,

Noting with satisfaction that there are one hundred and fifty-two States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,[1] including all of the permanent members of the Security Council,

Bearing in mind its call upon all States parties to the Convention to participate in the implementation of the recommendations of the Review Conferences, including the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,[2] and to provide such information and data in conformity with standardized procedure to the Secretary-General on an annual basis and no later than 15 April,

Welcoming the reaffirmation made in the Final Declaration of the Fourth Review Conference [3] that under all circumstances the use of bacteriological (biological) and toxin weapons and their development, production and stockpiling are effectively prohibited under article I of the Convention,

Recalling the decision reached at the Fifth Review Conference to hold three annual meetings of the States parties of one week's duration each year commencing in 2003 until the Sixth Review Conference and to hold a two-week meeting of experts to prepare for each meeting of the States parties,[4]

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[1] Resolution 2826 (XXVI), annex.

[2] BWC/CONF.III/23, part II.

[3] BWC/CONF.IV/9, part II.

[4] See BWC/CONF.V/17, para. 18.

1. *Notes with satisfaction* the increase in the number of States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,[1] reaffirms the call upon all signatory States that have not yet ratified the Convention to do so without delay, and calls upon those States that have not signed the Convention to become parties thereto at an early date, thus contributing to the achievement of universal adherence to the Convention;

2. *Welcomes* the information and data provided to date, and reiterates its call upon all States parties to the Convention to participate in the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention;[2]

3. *Recalls* the decision reached at the Fifth Review Conference[4] to discuss and promote common understanding and effective action: in 2003 on the two topics of the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation, and national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins; in 2004 on the two topics of enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease, and strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals and plants; and in 2005 on the topic of the content, promulgation and adoption of codes of conduct for scientists; and calls upon the States parties to the Convention to participate in its implementation;

4. *Requests* the Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences, including all necessary assistance to the annual meetings of the States parties and the meetings of experts;

5. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction".

66th plenary meeting
3 December 2004

General Assembly

Distr.: General
5 January 2006

Sixtieth session
Agenda item 104

Resolution adopted by the General Assembly

[*on the report of the First Committee (A/60/470)*]

60/96. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

The General Assembly,

Recalling its previous resolutions relating to the complete and effective prohibition of bacteriological (biological) and toxin weapons and to their destruction,

Noting with satisfaction that there are one hundred and fifty-five States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,[1] including all of the permanent members of the Security Council,

Bearing in mind its call upon all States parties to the Convention to participate in the implementation of the recommendations of the Review Conferences, including the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,[2] and to provide such information and data in conformity with standardized procedure to the Secretary-General on an annual basis and no later than 15 April,

Welcoming the reaffirmation made in the Final Declaration of the Fourth Review Conference [3] that under all circumstances the use of bacteriological (biological) and toxin weapons and their development, production and stockpiling are effectively prohibited under article I of the Convention,

Recalling the decision reached at the Fifth Review Conference to hold three annual meetings of the States parties of one week's duration each year commencing in 2003 until the Sixth Review Conference and to hold a two-week meeting of experts to prepare for each meeting of the States parties,[4]

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[1] Resolution 2826 (XXVI), annex.

[2] BWC/CONF.III/23, part II.

[3] BWC/CONF.IV/9, part II.

[4] See BWC/CONF.V/17, para. 18.

Recalling also the decision reached at the Fifth Review Conference that the Sixth Review Conference would be held in Geneva in 2006 and would be preceded by a preparatory committee,[5]

1. *Notes with satisfaction* the increase in the number of States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,[1] reaffirms the call upon all signatory States that have not yet ratified the Convention to do so without delay, and calls upon those States that have not signed the Convention to become parties thereto at an early date, thus contributing to the achievement of universal adherence to the Convention;

2. *Welcomes* the information and data provided to date, and reiterates its call upon all States parties to the Convention to participate in the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention;[2]

3. *Recalls* the decision reached at the Fifth Review Conference[4] to discuss and promote common understanding and effective action in 2003 on the two topics of the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation, and national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins; in 2004 on the two topics of enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease, and strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals and plants; and in 2005 on the topic of the content, promulgation and adoption of codes of conduct for scientists; and calls upon the States parties to the Convention to participate in its implementation;

4. *Welcomes* the significant participation of the States parties at the meetings of States parties and meetings of experts to date and the constructive and useful exchange of information achieved, and welcomes also the discussion and the promotion of common understanding and effective action on agreed topics;

5. *Notes* that, in accordance with the decision reached at the Fifth Review Conference,[5] the Sixth Review Conference will be held in Geneva in 2006 and the dates will be formally agreed by the preparatory committee for that Conference, which will be open to all States parties to the Convention and which will meet in Geneva during the week beginning 24 April 2006;

6. *Requests* the Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences, including all necessary assistance to the annual meetings of the States parties and the meetings of experts, and to render the necessary assistance and provide such services as may be required for the Sixth Review Conference and the preparations for it;

7. *Decides* to include in the provisional agenda of its sixty-first session the item entitled "Convention on the Prohibition of the Development, Production and

[5] Ibid., para. 20.

Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction".

62nd plenary meeting
8 December 2005

General Assembly

Distr.: General
20 September 2006

Sixtieth session
Agenda items 46 and 120

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/60/L.62)*]

60/288. The United Nations Global Counter-Terrorism Strategy

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and reaffirming its role under the Charter, including on questions related to international peace and security,

Reiterating its strong condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security,

Reaffirming the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 51/210 of 17 December 1996, and the 2005 World Summit Outcome,[1] in particular its section on terrorism,

Recalling all General Assembly resolutions on measures to eliminate international terrorism, including resolution 46/51 of 9 December 1991, and Security Council resolutions on threats to international peace and security caused by terrorist acts, as well as relevant resolutions of the General Assembly on the protection of human rights and fundamental freedoms while countering terrorism,

Recalling also that, in the 2005 World Summit Outcome, world leaders rededicated themselves to support all efforts to uphold the sovereign equality of all States, respect their territorial integrity and political independence, to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations, to uphold the resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination or foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion, international cooperation in solving international problems of an economic, social, cultural or

[1] See resolution 60/1.

humanitarian character, and the fulfilment in good faith of the obligations assumed in accordance with the Charter,

Recalling further the mandate contained in the 2005 World Summit Outcome that the General Assembly should develop without delay the elements identified by the Secretary-General for a counter-terrorism strategy, with a view to adopting and implementing a strategy to promote comprehensive, coordinated and consistent responses, at the national, regional and international levels, to counter terrorism, which also takes into account the conditions conducive to the spread of terrorism,

Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Reaffirming also that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming further Member States' determination to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism, including by resolving the outstanding issues related to the legal definition and scope of the acts covered by the convention, so that it can serve as an effective instrument to counter terrorism,

Continuing to acknowledge that the question of convening a high-level conference under the auspices of the United Nations to formulate an international response to terrorism in all its forms and manifestations could be considered,

Recognizing that development, peace and security, and human rights are interlinked and mutually reinforcing,

Bearing in mind the need to address the conditions conducive to the spread of terrorism,

Affirming Member States' determination to continue to do all they can to resolve conflict, end foreign occupation, confront oppression, eradicate poverty, promote sustained economic growth, sustainable development, global prosperity, good governance, human rights for all and rule of law, improve intercultural understanding and ensure respect for all religions, religious values, beliefs or cultures,

1. *Expresses its appreciation* for the report entitled "Uniting against terrorism: recommendations for a global counter-terrorism strategy" submitted by the Secretary-General to the General Assembly;[2]

2. *Adopts* the present resolution and its annex as the United Nations Global Counter-Terrorism Strategy ("the Strategy");

3. *Decides*, without prejudice to the continuation of the discussion in its relevant committees of all their agenda items related to terrorism and counter-terrorism, to undertake the following steps for the effective follow-up of the Strategy:

[2] A/60/825.

(*a*) To launch the Strategy at a high-level segment of its sixty-first session;

(*b*) To examine in two years progress made in the implementation of the Strategy, and to consider updating it to respond to changes, recognizing that many of the measures contained in the Strategy can be achieved immediately, some will require sustained work through the coming few years and some should be treated as long-term objectives;

(*c*) To invite the Secretary-General to contribute to the future deliberations of the General Assembly on the review of the implementation and updating of the Strategy;

(*d*) To encourage Member States, the United Nations and other appropriate international, regional and subregional organizations to support the implementation of the Strategy, including through mobilizing resources and expertise;

(*e*) To further encourage non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy;

4. *Decides* to include in the provisional agenda of its sixty-second session an item entitled "The United Nations Global Counter-Terrorism Strategy".

99th plenary meeting
8 September 2006

Annex

Plan of action

We, the States Members of the United Nations, resolve:

1. To consistently, unequivocally and strongly condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security;

2. To take urgent action to prevent and combat terrorism in all its forms and manifestations and, in particular:

(*a*) To consider becoming parties without delay to the existing international conventions and protocols against terrorism, and implementing them, and to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism;

(*b*) To implement all General Assembly resolutions on measures to eliminate international terrorism and relevant General Assembly resolutions on the protection of human rights and fundamental freedoms while countering terrorism;

(*c*) To implement all Security Council resolutions related to international terrorism and to cooperate fully with the counter-terrorism subsidiary bodies of the Security Council in the fulfilment of their tasks, recognizing that many States continue to require assistance in implementing these resolutions;

3. To recognize that international cooperation and any measures that we undertake to prevent and combat terrorism must comply with our obligations under international law, including the Charter of the United Nations and relevant international conventions and protocols, in particular human rights law, refugee law and international humanitarian law.

I. Measures to address the conditions conducive to the spread of terrorism

We resolve to undertake the following measures aimed at addressing the conditions conducive to the spread of terrorism, including but not limited to prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism:

1. To continue to strengthen and make best possible use of the capacities of the United Nations in areas such as conflict prevention, negotiation, mediation, conciliation, judicial settlement, rule of law, peacekeeping and peacebuilding, in order to contribute to the successful prevention and peaceful resolution of prolonged unresolved conflicts. We recognize that the peaceful resolution of such conflicts would contribute to strengthening the global fight against terrorism;

2. To continue to arrange under the auspices of the United Nations initiatives and programmes to promote dialogue, tolerance and understanding among civilizations, cultures, peoples and religions, and to promote mutual respect for and prevent the defamation of religions, religious values, beliefs and cultures. In this regard, we welcome the launching by the Secretary-General of the initiative on the Alliance of Civilizations. We also welcome similar initiatives that have been taken in other parts of the world;

3. To promote a culture of peace, justice and human development, ethnic, national and religious tolerance and respect for all religions, religious values, beliefs or cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society. In this regard, we encourage the United Nations Educational, Scientific and Cultural Organization to play a key role, including through inter-faith and intra-faith dialogue and dialogue among civilizations;

4. To continue to work to adopt such measures as may be necessary and appropriate and in accordance with our respective obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct;

5. To reiterate our determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including the Millennium Development Goals. We reaffirm our commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all;

6. To pursue and reinforce development and social inclusion agendas at every level as goals in themselves, recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists;

7. To encourage the United Nations system as a whole to scale up the cooperation and assistance it is already conducting in the fields of rule of law, human rights and good governance to support sustained economic and social development;

8. To consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives. In this regard, we encourage States to request the relevant United Nations entities to help them to develop such national

systems. We will also strive to promote international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation. This could include exploring at the General Assembly the possibility of developing practical mechanisms to provide assistance to victims.

II. Measures to prevent and combat terrorism

We resolve to undertake the following measures to prevent and combat terrorism, in particular by denying terrorists access to the means to carry out their attacks, to their targets and to the desired impact of their attacks:

1. To refrain from organizing, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that our respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens;

2. To cooperate fully in the fight against terrorism, in accordance with our obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens;

3. To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of national and international law, in particular human rights law, refugee law and international humanitarian law. We will endeavour to conclude and implement to that effect mutual judicial assistance and extradition agreements and to strengthen cooperation between law enforcement agencies;

4. To intensify cooperation, as appropriate, in exchanging timely and accurate information concerning the prevention and combating of terrorism;

5. To strengthen coordination and cooperation among States in combating crimes that might be connected with terrorism, including drug trafficking in all its aspects, illicit arms trade, in particular of small arms and light weapons, including man-portable air defence systems, money-laundering and smuggling of nuclear, chemical, biological, radiological and other potentially deadly materials;

6. To consider becoming parties without delay to the United Nations Convention against Transnational Organized Crime[3] and to the three protocols supplementing it,[4] and implementing them;

7. To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum-seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in section II, paragraph 1, above;

8. To encourage relevant regional and subregional organizations to create or strengthen counter-terrorism mechanisms or centres. Should they require cooperation and assistance to this end, we encourage the Counter-Terrorism Committee and its Executive Directorate and, where consistent with their existing

[3] Resolution 55/25, annex I.

[4] Resolution 55/25, annexes II and III; and resolution 55/255, annex.

mandates, the United Nations Office on Drugs and Crime and the International Criminal Police Organization, to facilitate its provision;

9. To acknowledge that the question of creating an international centre to fight terrorism could be considered, as part of international efforts to enhance the fight against terrorism;

10. To encourage States to implement the comprehensive international standards embodied in the Forty Recommendations on Money-Laundering and Nine Special Recommendations on Terrorist Financing of the Financial Action Task Force, recognizing that States may require assistance in implementing them;

11. To invite the United Nations system to develop, together with Member States, a single comprehensive database on biological incidents, ensuring that it is complementary to the biocrimes database contemplated by the International Criminal Police Organization. We also encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use. In addition, we note the importance of the proposal of the Secretary-General to bring together, within the framework of the United Nations, the major biotechnology stakeholders, including industry, the scientific community, civil society and Governments, into a common programme aimed at ensuring that biotechnology advances are not used for terrorist or other criminal purposes but for the public good, with due respect for the basic international norms on intellectual property rights;

12. To work with the United Nations with due regard to confidentiality, respecting human rights and in compliance with other obligations under international law, to explore ways and means to:

(*a*) Coordinate efforts at the international and regional levels to counter terrorism in all its forms and manifestations on the Internet;

(*b*) Use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard;

13. To step up national efforts and bilateral, subregional, regional and international cooperation, as appropriate, to improve border and customs controls in order to prevent and detect the movement of terrorists and prevent and detect the illicit traffic in, inter alia, small arms and light weapons, conventional ammunition and explosives, and nuclear, chemical, biological or radiological weapons and materials, while recognizing that States may require assistance to that effect;

14. To encourage the Counter-Terrorism Committee and its Executive Directorate to continue to work with States, at their request, to facilitate the adoption of legislation and administrative measures to implement the terrorist travel-related obligations and to identify best practices in this area, drawing whenever possible on those developed by technical international organizations, such as the International Civil Aviation Organization, the World Customs Organization and the International Criminal Police Organization;

15. To encourage the Committee established pursuant to Security Council resolution 1267 (1999) to continue to work to strengthen the effectiveness of the travel ban under the United Nations sanctions regime against Al-Qaida and the Taliban and associated individuals and entities, as well as to ensure, as a matter of priority, that fair and transparent procedures exist for placing individuals and entities on its lists, for removing them and for granting humanitarian exceptions. In

this regard, we encourage States to share information, including by widely distributing the International Criminal Police Organization/United Nations special notices concerning people subject to this sanctions regime;

16. To step up efforts and cooperation at every level, as appropriate, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use, while recognizing that States may require assistance in doing so. In this regard, we invite the International Criminal Police Organization to enhance its database on stolen and lost travel documents, and we will endeavour to make full use of this tool, as appropriate, in particular by sharing relevant information;

17. To invite the United Nations to improve coordination in planning a response to a terrorist attack using nuclear, chemical, biological or radiological weapons or materials, in particular by reviewing and improving the effectiveness of the existing inter-agency coordination mechanisms for assistance delivery, relief operations and victim support, so that all States can receive adequate assistance. In this regard, we invite the General Assembly and the Security Council to develop guidelines for the necessary cooperation and assistance in the event of a terrorist attack using weapons of mass destruction;

18. To step up all efforts to improve the security and protection of particularly vulnerable targets, such as infrastructure and public places, as well as the response to terrorist attacks and other disasters, in particular in the area of civil protection, while recognizing that States may require assistance to this effect.

III. Measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard

We recognize that capacity-building in all States is a core element of the global counter-terrorism effort, and resolve to undertake the following measures to develop State capacity to prevent and combat terrorism and enhance coordination and coherence within the United Nations system in promoting international cooperation in countering terrorism:

1. To encourage Member States to consider making voluntary contributions to United Nations counter-terrorism cooperation and technical assistance projects, and to explore additional sources of funding in this regard. We also encourage the United Nations to consider reaching out to the private sector for contributions to capacity-building programmes, in particular in the areas of port, maritime and civil aviation security;

2. To take advantage of the framework provided by relevant international, regional and subregional organizations to share best practices in counter-terrorism capacity-building, and to facilitate their contributions to the international community's efforts in this area;

3. To consider establishing appropriate mechanisms to rationalize States' reporting requirements in the field of counter-terrorism and eliminate duplication of reporting requests, taking into account and respecting the different mandates of the General Assembly, the Security Council and its subsidiary bodies that deal with counter-terrorism;

4. To encourage measures, including regular informal meetings, to enhance, as appropriate, more frequent exchanges of information on cooperation and technical assistance among Member States, United Nations bodies dealing with counter-terrorism, relevant specialized agencies, relevant international, regional and

subregional organizations and the donor community, to develop States' capacities to implement relevant United Nations resolutions;

5. To welcome the intention of the Secretary-General to institutionalize, within existing resources, the Counter-Terrorism Implementation Task Force within the Secretariat in order to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

6. To encourage the Counter-Terrorism Committee and its Executive Directorate to continue to improve the coherence and efficiency of technical assistance delivery in the field of counter-terrorism, in particular by strengthening its dialogue with States and relevant international, regional and subregional organizations and working closely, including by sharing information, with all bilateral and multilateral technical assistance providers;

7. To encourage the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, to enhance, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions;

8. To encourage the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and the financing of terrorism;

9. To encourage the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons to continue their efforts, within their respective mandates, in helping States to build capacity to prevent terrorists from accessing nuclear, chemical or radiological materials, to ensure security at related facilities and to respond effectively in the event of an attack using such materials;

10. To encourage the World Health Organization to step up its technical assistance to help States to improve their public health systems to prevent and prepare for biological attacks by terrorists;

11. To continue to work within the United Nations system to support the reform and modernization of border management systems, facilities and institutions at the national, regional and international levels;

12. To encourage the International Maritime Organization, the World Customs Organization and the International Civil Aviation Organization to strengthen their cooperation, work with States to identify any national shortfalls in areas of transport security and provide assistance, upon request, to address them;

13. To encourage the United Nations to work with Member States and relevant international, regional and subregional organizations to identify and share best practices to prevent terrorist attacks on particularly vulnerable targets. We invite the International Criminal Police Organization to work with the Secretary-General so that he can submit proposals to this effect. We also recognize the importance of developing public-private partnerships in this area.

IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism

We resolve to undertake the following measures, reaffirming that the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism:

1. To reaffirm that General Assembly resolution 60/158 of 16 December 2005 provides the fundamental framework for the "Protection of human rights and fundamental freedoms while countering terrorism";

2. To reaffirm that States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law;

3. To consider becoming parties without delay to the core international instruments on human rights law, refugee law and international humanitarian law, and implementing them, as well as to consider accepting the competence of international and relevant regional human rights monitoring bodies;

4. To make every effort to develop and maintain an effective and rule of law-based national criminal justice system that can ensure, in accordance with our obligations under international law, that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in support of terrorist acts is brought to justice, on the basis of the principle to extradite or prosecute, with due respect for human rights and fundamental freedoms, and that such terrorist acts are established as serious criminal offences in domestic laws and regulations. We recognize that States may require assistance in developing and maintaining such effective and rule of law-based criminal justice systems, and we encourage them to resort to the technical assistance delivered, inter alia, by the United Nations Office on Drugs and Crime;

5. To reaffirm the important role of the United Nations system in strengthening the international legal architecture by promoting the rule of law, respect for human rights and effective criminal justice systems, which constitute the fundamental basis of our common fight against terrorism;

6. To support the Human Rights Council and to contribute, as it takes shape, to its work on the question of the promotion and protection of human rights for all in the fight against terrorism;

7. To support the strengthening of the operational capacity of the Office of the United Nations High Commissioner for Human Rights, with a particular emphasis on increasing field operations and presences. The Office should continue to play a lead role in examining the question of protecting human rights while countering terrorism, by making general recommendations on the human rights obligations of States and providing them with assistance and advice, in particular in the area of raising awareness of international human rights law among national law-enforcement agencies, at the request of States;

8. To support the role of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur should continue to support the efforts of States and offer concrete advice by corresponding with Governments, making country visits, liaising with the United Nations and regional organizations and reporting on these issues.

the consent of the Council, to appoint Major-General Slavko Jović, of Yugoslavia, as Chief Military Observer of the United Nations Iran-Iraq Military Observer Group. In a letter dated 11 August 1988,[47] the President of the Council informed the Secretary-General as follows:

"I have the honour to inform you that your letter dated 10 August 1988[46] concerning your proposal to appoint Major-General Slavko Jović of Yugoslavia as the Chief Military Observer of the United Nations Iran-Iraq Military Observer Group has been brought to the attention of the members of the Security Council. They considered the matter in informal consultations held on 11 August 1988 and agreed with the proposal contained in your letter."

In a letter dated 23 August 1988,[48] the Secretary-General informed the President of the Council of his intention to add Peru and Uruguay to the list of contingents included in the United Nations Iran-Iraq Military Observer Group. In a letter dated 26 August 1988,[49] the President of the Council informed the Secretary-General as follows:

"I have the honour to inform you that your letter dated 23 August 1988[48] concerning the additional contingents for the United Nations Iran-Iraq Military Observer Group has been brought to the attention of the members of the Security Council. They considered the matter in informal consultations held on 26 August and agreed with the proposal contained in your letter."

At its 2825th meeting, on 26 August 1988, the Council proceeded with the discussion of the item entitled "The situation between Iran and Iraq: reports of the missions dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq (S/20060 and Add.1, S/20063 and Add.1 and S/20134)".[42]

Resolution 620 (1988)
of 26 August 1988

The Security Council,

Recalling its resolution 612 (1988) of 9 May 1988,

Having considered the reports of 20 and 25 July and of 2 and 19 August 1988[50] of the missions dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq,

Deeply dismayed by the missions' conclusions that there had been continued use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq and that such use against Iranians had become more intense and frequent,

Profoundly concerned by the danger of possible use of chemical weapons in the future,

Bearing in mind the current negotiations in the Conference on Disarmament on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction,

Determined to intensify its efforts to end all use of chemical weapons in violation of international obligations now and in the future,

1. *Condemns resolutely* the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq, in violation of obligations under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,[39] and in defiance of its resolution 612 (1988);

2. *Encourages* the Secretary-General to carry out promptly investigations in response to allegations brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxic weapons that may constitute a violation of the 1925 Geneva Protocol or other relevant rules of customary international law, in order to ascertain the facts of the matter, and to report the results;

3. *Calls upon* all States to continue to apply, to establish or to strengthen strict control of the export of chemical products serving for the production of chemical weapons, in particular to parties to a conflict, when it is established or when there is substantial reason to believe that they have used chemical weapons in violation of international obligations;

4. *Decides* to consider immediately, taking into account the investigations of the Secretary-General, appropriate and effective measures in accordance with the Charter of the United Nations, should there be any future use of chemical weapons in violation of international law, wherever and by whomever committed.

Adopted unanimously at the 2825th meeting.

[47] S/20112.
[48] S/20154.
[49] S/20155.
[50] *Official Records of the Security Council, Forty-third Year, Supplement for July, August and September 1988*, documents S/20060 and Add.1, S/20063 and Add.1 and S/20134.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/23500
31 January 1992

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

At the conclusion of the 3046th meeting of the Security Council, held at the level of Heads of State and Government on 31 January 1992 in connection with the item entitled "The responsibility of the Security Council in the maintenance of international peace and security", the President of the Security Council made the following statement on behalf of the members of the Council.

"The members of the Security Council have authorized me to make the following statement on their behalf.

"The Security Council met at the Headquarters of the United Nations in New York on 31 January 1992, for the first time at the level of Heads of State and Government. The members of the Council considered, within the framework of their commitment to the United Nations Charter, 'The responsibility of the Security Council in the maintenance of international peace and security'. 1/

1/ The meeting was chaired by the Prime Minister of the United Kingdom of Great Britain and Northern Ireland as the President of the Security Council for January. Statements were made by His Excellency Dr. Franz Vranitzky, Federal Chancellor of Austria, His Excellency Mr. Wilfried Martens, Prime Minister of Belgium, His Excellency Dr. Carlos Alberto Wahnon de Carvalho Veiga, Prime Minister of Cape Verde, His Excellency Mr. Li Peng, Premier of the State Council of China, His Excellency Dr. Rodrigo Borja-Cevallos, Constitutional President of Ecuador, His Excellency Mr. François Mitterrand, President of France, His Excellency Dr. Géza Jeszenszky, Minister for Foreign Affairs and Personal Emissary of the Prime Minister of Hungary, His Excellency Mr. P. V. Narasimha Rao, Prime Minister of India, His Excellency Mr. Kiichi Miyazawa, Prime Minister of Japan, His Majesty Hassan II, King of Morocco, His Excellency Mr. Boris N. Yeltsin, President of the Russian Federation, His Excellency the Rt. Hon. John Major MP, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, His Excellency Mr. George Bush, President of the United States of America, His Excellency Dr. Carlos Andrés Pérez, President of Venezuela and His Excellency Dr. Nathan Shamuyarira, Minister of Foreign Affairs and Personal Emissary of the President of Zimbabwe, as well as by the Secretary-General, His Excellency Dr. Boutros Boutros-Ghali.

"The members of the Security Council consider that their meeting is a timely recognition of the fact that there are new favourable international circumstances under which the Security Council has begun to fulfil more effectively its primary responsibility for the maintenance of international peace and security.

"A time of change

"This meeting takes place at a time of momentous change. The ending of the Cold War has raised hopes for a safer, more equitable and more humane world. Rapid progress has been made, in many regions of the world, towards democracy and responsive forms of government, as well as towards achieving the Purposes set out in the Charter. The completion of the dismantling of apartheid in South Africa would constitute a major contribution to these Purposes and positive trends, including to the encouragement of respect for human rights and fundamental freedoms.

"Last year, under the authority of the United Nations, the international community succeeded in enabling Kuwait to regain its sovereignty and territorial integrity, which it had lost as a result of Iraqi aggression. The resolutions adopted by the Security Council remain essential to the restoration of peace and stability in the region and must be fully implemented. At the same time the members of the Council are concerned by the humanitarian situation of the innocent civilian population of Iraq.

"The members of the Council support the Middle East peace process, facilitated by the Russian Federation and the United States, and hope that it will be brought to a successful conclusion on the basis of Council resolutions 242 (1967) and 338 (1973).

"They welcome the role the United Nations has been able to play under the Charter in progress towards settling long-standing regional disputes, and will work for further progress towards their resolution. They applaud the valuable contribution being made by United Nations peace-keeping forces now operating in Asia, Africa, Latin America and Europe.

"The members of the Council note that United Nations peace-keeping tasks have increased and broadened considerably in recent years. Election monitoring, human rights verification and the repatriation of refugees have in the settlement of some regional conflicts, at the request or with the agreement of the parties concerned, been integral parts of the Security Council's effort to maintain international peace and security. They welcome these developments.

"The members of the Council also recognize that change, however welcome, has brought new risks for stability and security. Some of the most acute problems result from changes to State structures. The members of the Council will encourage all efforts to help achieve peace, stability and cooperation during these changes.

"The international community therefore faces new challenges in the search for peace. All Member States expect the United Nations to play a central role at this crucial stage. The members of the Council stress the importance of strengthening and improving the United Nations to increase its effectiveness. They are determined to assume fully their responsibilities within the United Nations Organization in the framework of the Charter.

"The absence of war and military conflicts amongst States does not in itself ensure international peace and security. The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security. The United Nations membership as a whole, working through the appropriate bodies, needs to give the highest priority to the solution of these matters.

"Commitment to collective security

"The members of the Council pledge their commitment to international law and to the United Nations Charter. All disputes between States should be peacefully resolved in accordance with the provisions of the Charter.

"The members of the council reaffirm their commitment to the collective security system of the Charter to deal with threats to peace and to reverse acts of aggression.

"The members of the Council express their deep concern over acts of international terrorism and emphasize the need for the international community to deal effectively with all such acts.

"Peacemaking and peace-keeping

"To strengthen the effectiveness of these commitments, and in order that the Security Council should have the means to discharge its primary responsibility under the Charter for the maintenance of international peace and security, the members of the Council have decided on the following approach.

"They invite the Secretary-General to prepare, for circulation to the Members of the United Nations by 1 July 1992, his analysis and recommendations on ways of strengthening and making more efficient within the framework and provisions of the Charter the capacity of the United Nations for preventive diplomacy, for peacemaking and for peace-keeping.

"The Secretary-General's analysis and recommendations could cover the role of the United Nations in identifying potential crises and areas of instability as well as the contribution to be made by regional organizations in accordance with Chapter VIII of the United Nations Charter in helping the work of the Council. They could also cover the need for adequate resources, both material and financial. The

Secretary-General might draw on lessons learned in recent United Nations peace-keeping missions to recommend ways of making more effective Secretariat planning and operations. He could also consider how greater use might be made of his good offices, and of his other functions under the United Nations Charter.

"Disarmament, arms control and weapons of mass destruction

"The members of the Council, while fully conscious of the responsibilities of other organs of the United Nations in the fields of disarmament, arms control and non-proliferation, reaffirm the crucial contribution which progress in these areas can make to the maintenance of international peace and security. They express their commitment to take concrete steps to enhance the effectiveness of the United Nations in these areas.

"The members of the Council underline the need for all Member States to fulfil their obligations in relation to arms control and disarmament; to prevent the proliferation in all its aspects of all weapons of mass destruction; to avoid excessive and destabilizing accumulations and transfers of arms; and to resolve peacefully in accordance with the Charter any problems concerning these matters threatening or disrupting the maintenance of regional and global stability. They emphasize the importance of the early ratification and implementation by the States concerned of all international and regional arms control arrangements, especially the START and CFE Treaties.

"The proliferation of all weapons of mass destruction constitutes a threat to international peace and security. The members of the Council commit themselves to working to prevent the spread of technology related to the research for or production of such weapons and to take appropriate action to that end.

"On nuclear proliferation, they note the importance of the decision of many countries to adhere to the Non-Proliferation Treaty and emphasize the integral role in the implementation of that Treaty of fully effective IAEA safeguards, as well as the importance of effective export controls. The members of the Council will take appropriate measures in the case of any violations notified to them by the IAEA.

"On chemical weapons, they support the efforts of the Geneva Conference with a view to reaching agreement on the conclusion, by the end of 1992, of a universal convention, including a verification regime, to prohibit chemical weapons.

"On conventional armaments, they note the General Assembly's vote in favour of a United Nations register of arms transfers as a first step, and in this connection recognize the importance of all States providing all the information called for in the General Assembly's resolution.

* * *

"In conclusion, the members of the Security Council affirm their determination to build on the initiative of their meeting in order to secure positive advances in promoting international peace and security. They agree that the United Nations Secretary-General has a crucial role to play. The members of the Council express their deep appreciation to the outgoing Secretary-General, His Excellency Mr. Javier Pérez de Cuéllar, for his outstanding contribution to the work of the United Nations, culminating in the signature of the El Salvador peace agreement. They welcome the new Secretary-General, His Excellency Dr. Boutros Boutros-Ghali, and note with satisfaction his intention to strengthen and improve the functioning of the United Nations. They pledge their full support to him, and undertake to work closely with him and his staff in fulfilment of their shared objectives, including a more efficient and effective United Nations system.

"The members of the Council agree that the world now has the best chance of achieving international peace and security since the foundation of the United Nations. They undertake to work in close cooperation with other United Nations Member States in their own efforts to achieve this, as well as to address urgently all the other problems, in particular those of economic and social development, requiring the collective response of the international community. They recognize that peace and prosperity are indivisible and that lasting peace and stability require effective international cooperation for the eradication of poverty and the promotion of a better life for all in larger freedom."

United Nations S/RES/1540 (2004)

Security Council

Distr.: General
28 April 2004

Resolution 1540 (2004)

Adopted by the Security Council at its 4956th meeting, on 28 April 2004

The Security Council,

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery,* constitutes a threat to international peace and security,

Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Affirming its support for the multilateral treaties whose aim is to eliminate or prevent the 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,

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* Definitions for the purpose of this resolution only:

Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

Non-State actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.

Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

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Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,

Affirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

Gravely concerned by the threat of terrorism and the risk that non-State actors* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

Gravely concerned by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials,* which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

Recognizing the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

Recognizing that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

Recognizing further the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

Encouraging all Member States to implement fully the disarmament treaties and agreements to which they are party,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Determined to facilitate henceforth an effective response to global threats in the area of non-proliferation,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides that* all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

2. *Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for

terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

3. *Decides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

4. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution;

5. *Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

6. *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

7. *Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

8. *Calls upon* all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

9. *Calls upon* all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

10. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

11. *Expresses* its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;

12. *Decides* to remain seized of the matter.

United Nations S/RES/1673 (2006)

Security Council

Distr.: General
27 April 2006

Resolution 1673 (2006)

Adopted by the Security Council at its 5429th meeting, on 27 April 2006

The Security Council,

Having considered the report of the Security Council Committee established pursuant to resolution 1540 (2004), hereafter the 1540 Committee (S/2006/257), and reaffirming its resolution 1540 (2004) of 28 April 2004,

Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Endorsing the work already carried out by the 1540 Committee, particularly in its consideration of the national reports submitted by States pursuant to resolution 1540 (2004),

Recalling that not all States have presented to the 1540 Committee their reports on the steps they have taken or intend to take to implement resolution 1540 (2004),

Reaffirming its decision that none of the obligations in resolution 1540 (2004) shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons,

Noting that the full implementation of resolution 1540 (2004) by all States, including the adoption of national laws and measures to ensure the implementation of these laws, is a long-term task that will require continuous efforts at national, regional and international levels,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* its decisions in and the requirements of resolution 1540 (2004) and *emphasizes* the importance for all States to implement fully that resolution;

2. *Calls upon* all States that have not yet presented a first report on steps they have taken or intend to take to implement resolution 1540 (2004) to submit such a report to the 1540 Committee without delay;

3. *Encourages* all States that have submitted such reports to provide, at any time or upon the request of the 1540 Committee, additional information on their implementation of resolution 1540 (2004);

4. *Decides* to extend the mandate of the 1540 Committee for a period of two years, with the continued assistance of experts, until 27 April 2008;

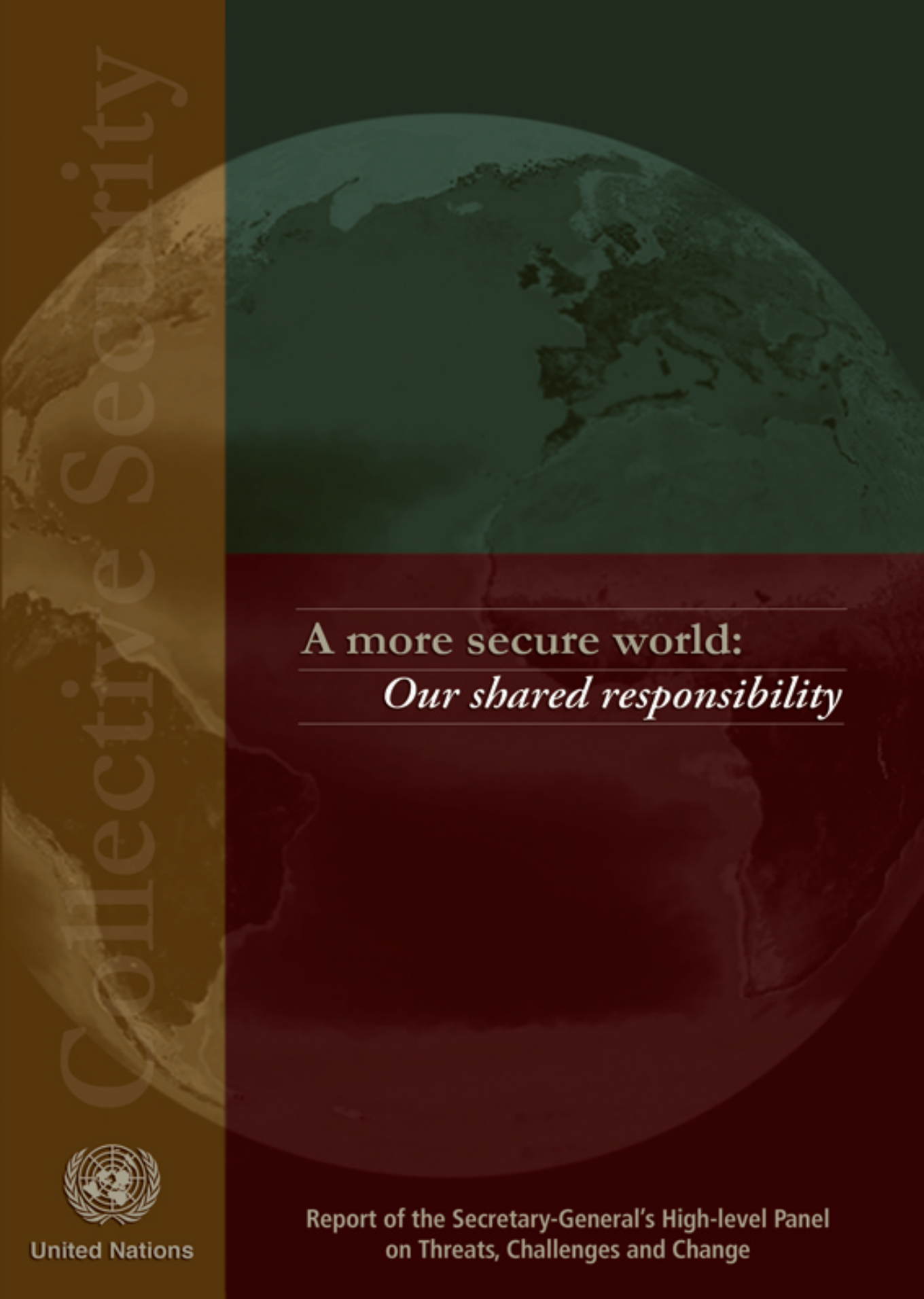
5. *Decides* that the 1540 Committee shall intensify its efforts to promote the full implementation by all States of resolution 1540 (2004) through a work programme which shall include the compilation of information on the status of States' implementation of all aspects of resolution 1540 (2004), outreach, dialogue, assistance and cooperation, and which shall address in particular all aspects of paragraphs 1 and 2 of that resolution, as well as of paragraph 3 which encompasses (a) accountability, (b) physical protection, (c) border controls and law enforcement efforts and (d) national export and trans-shipment controls including controls on providing funds and services such as financing to such export and trans-shipment, and in that regard:

(a) *encourages* the pursuit of the ongoing dialogue between the 1540 Committee and States on the full implementation of resolution 1540 (2004), including on further actions needed from States to that end and on technical assistance needed and offered;

(b) *invites* the 1540 Committee to explore with States and international, regional and subregional organizations experience-sharing and lessons learned in the areas covered by resolution 1540 (2004), and the availability of programmes which might facilitate the implementation of resolution 1540 (2004);

6. *Decides* that the 1540 Committee will submit to the Security Council a report no later than 27 April 2008 on compliance with resolution 1540 (2004) through the achievement of the implementation of its requirements;

7. *Decides* to remain seized of the matter.



A more secure world:
Our shared responsibility

United Nations

Report of the Secretary-General's High-level Panel
on Threats, Challenges and Change

A more secure world:
*Our shared responsibility**

Report of the High-level Panel on Threats, Challenges and Change

**with endnotes*

United Nations
2004

3. Chemical and biological weapons

114. Chemical and biological materials also pose a growing threat: they share with nuclear weapons the awful potential of being used in a single attack to inflict mass casualties. Chemical agents are widespread and relatively easy to acquire and weaponize. There are almost 6,000 industrial chemical facilities worldwide,[85] posing potential targets and opportunities for the acquisition of materials. Chemical-weapon States have lagged behind in the destruction of chemical weapons scheduled by the Chemical Weapons Convention: of the 70,000 metric tons of declared weapons agents, the Organization for the Prohibition of Chemical Weapons (OPCW) has verified the destruction of only 9,600, and if the current pace persists, the Convention's goal of the complete destruction of chemical weapons agents will not be met even by the agreed extended deadline of 2012.

While scientific advances in the biotechnology sector hold out the prospect of prevention and cure for many diseases, they also increase opportunities for the development of deadly new ones.

115. While rapid growth and scientific advances in the biotechnology sector hold out the prospect of prevention and cure for many diseases, they also increase opportunities for the development of deadly new ones. Dramatic advances in recombinant DNA technology and direct genetic manipulation raise the spectre of "designer bugs", which may be developed to reconstruct eradicated diseases and to resist existing vaccinations, antibiotics and other treatments.[86] There are countless fermentation, medical and research facilities equipped to produce biological agents. Meanwhile, the biological toxin ricin has been discovered in several terrorist workshops. Unlike anthrax, which can be treated by antibiotics, ricin has no antidote and is lethal to humans in quantities smaller than the size of a pinhead.[87] Use of similar materials to cause deliberate outbreaks of infectious disease could prove equally if not more lethal than a nuclear detonation. Under worst-case assumptions, an attack using only one gram of weaponized smallpox could produce between 100,000 and 1,000,000 fatalities.[88]

116. That a high-damage attack has not occurred is not a cause for complacency but a call for urgent prevention.

B. Meeting the challenge of prevention

117. Multilayered action is required. The first layer of an effective strategy to prevent the proliferation of nuclear, radiological, chemical and biological weapons should feature global instruments that reduce the demand for them. The second layer should contain global instruments that operate on the supply side - to limit the capacity of both States and non-State actors to acquire weapons and

the materials and expertise needed to build them. The third layer must consist of Security Council enforcement activity underpinned by credible, shared information and analysis. The fourth layer must comprise national and international civilian and public health defence.

1. Better strategies to reduce demand

118. Lacklustre disarmament by the nuclear-weapon States weakens the diplomatic force of the non-proliferation regime and thus its ability to constrain proliferation. Despite Security Council commitment to the contrary (resolution 984 (1995)), these nuclear-weapon States are increasingly unwilling to pledge assurances of non-use (negative security assurances) and they maintain the right to retaliate with nuclear weapons against chemical or biological attack.

119. Despite the end of the cold war, nuclear-weapon States earn only a mixed grade in fulfilling their disarmament commitments. While the United States and the Russian Federation have dismantled roughly half of their nuclear weapons, committed to large reductions in deployed strategic warheads and eliminated most of their non-strategic nuclear weapons, such progress has been overshadowed by recent reversals. In 2000, the nuclear-weapon States committed to 13 practical steps towards nuclear disarmament, which were all but renounced by them at the 2004 meeting of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

120. **The nuclear-weapon States must take several steps to restart disarmament:**

    (a) **They must honour their commitments under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons to move towards disarmament and be ready to undertake specific measures in fulfilment of those commitments**;

    (b) **They should reaffirm their previous commitments not to use nuclear weapons against non-nuclear-weapon States**, to further diminish the perceived value of nuclear weapons, and secure robust international cooperation to staunch proliferation, formalizing such commitments in pending and future nuclear-weapon-free zones agreements.

121. **The United States and the Russian Federation, other nuclear-weapon States and States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should commit to practical measures to reduce the risk of accidental nuclear war, including, where appropriate, a progressive schedule for de-alerting their strategic nuclear weapons.**

122. In addition, **we believe it would be valuable if the Security Council explicitly pledged to take collective action in response to a nuclear attack or the threat of such attack on a non-nuclear-weapon State.**

123. Given the challenge to the nuclear non-proliferation regime posed by States not party to the Treaty on the Non-Proliferation of Nuclear Weapons, and recognizing the impact of that challenge on regional insecurity, **we recommend that negotiations to resolve regional conflicts include confidence-building measures and steps towards disarmament.**

124. **States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should pledge a commitment to non-proliferation and disarmament, demonstrating their commitment by ratifying the Comprehensive Nuclear-Test-Ban Treaty and supporting negotiations for a fissile material cut-off treaty, both of which are open to nuclear-weapon and non-nuclear-weapon States alike. We recommend that peace efforts in the Middle East and South Asia launch nuclear disarmament talks that could lead to the establishment of nuclear-weapon-free zones in those regions similar to those established for Latin America and the Caribbean, Africa, the South Pacific and South-East Asia.**

125. For biological and chemical weapons, there is both an obligation and a historic opportunity to fully eliminate all declared chemical weapons stockpiles: **all chemical-weapon States should expedite the scheduled destruction of all existing chemical weapons stockpiles by the agreed target date of 2012.**

126. Verification of the Chemical Weapons Convention should also be further strengthened, and the long-standing impasse over a verification mechanism for the Biological and Toxin Weapons Convention, which has undermined confidence in the overall regime, should be overcome. **States parties to the Biological and Toxin Weapons Convention should without delay return to negotiations for a credible verification protocol, inviting the active participation of the biotechnology industry.** States parties to the Biological and Toxin Weapons Convention and the Chemical Weapons Convention must increase bilateral diplomatic pressure to universalize membership.

2. Better strategies to reduce supply

127. We recognize that nuclear energy, in the view of many, is an important source of power for civilian uses and may become even more crucial in the context of a worldwide effort to reduce dependency on fossil fuels and emissions of greenhouse gases. At the same time, the mounting tension between the goals of

achieving a more effective non-proliferation regime and the right of all signatories of the Treaty on the Non-Proliferation of Nuclear Weapons to develop civilian nuclear industries needs to be addressed and defused.

128. Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons guarantees States parties' rights to develop the research, production and use of nuclear energy for peaceful purposes; this right must be preserved. The Treaty also specifies that this right must be used in conformity with its articles I and II; this obligation also must be respected. In recent years, it has become clear that the proliferation risks from the enrichment of uranium and from the reprocessing of spent fuel are great and increasing. These two processes in particular provide a route by which Treaty signatories can (and in some cases have) clandestinely pursued activities not in conformity with the Treaty and designed to give them the option of acquiring a nuclear-weapon capability.

129. Two remedies are required. First, the inspection and verification rules that have governed IAEA through the mid-1990s have proven increasingly inadequate. IAEA initiated more stringent inspection rules in the Model Additional Protocol, but as yet only one third of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons have ratified the Protocol. **The IAEA Board of Governors should recognize the Model Additional Protocol as today's standard for IAEA safeguards, and the Security Council should be prepared to act in cases of serious concern over non-compliance with non-proliferation and safeguards standards.**

130. Second, **we urge that negotiations be engaged without delay and carried forward to an early conclusion on an arrangement, based on the existing provisions of articles III and IX of the IAEA statute, which would enable IAEA to act as a guarantor for the supply of fissile material to civilian nuclear users.** Such an arrangement would need to put the Agency in a position to meet, through suppliers it authorized, demands for nuclear fuel supplies of low enriched uranium and for the reprocessing of spent fuel at market rates and to provide a guarantee of uninterrupted supply of these services, as long as there was no breach of safeguard or inspection procedures at the facilities in question.

131. **While that arrangement is being negotiated, States should, without surrendering the right under the Treaty on the Non-Proliferation of Nuclear Weapons to construct such facilities, voluntarily institute a time-limited moratorium on the construction of any further enrichment or reprocessing facilities, with a commitment to the moratorium matched by a guarantee of the supply of fissile materials by the current suppliers at market rates.**

132. Recent experience of the activities of the A.Q. Khan network has demonstrated the need for and the value of measures taken to interdict the illicit and clandestine trade in components for nuclear programmes. This problem is currently being addressed on a voluntary basis by the Proliferation Security Initiative. **We believe that all States should be encouraged to join this voluntary initiative.**

133. In order to reinforce international legal provisions against the illicit trafficking of nuclear, biological and chemical weapons and materials, ongoing negotiations at the International Maritime Organization (IMO) to amend the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation should be completed in a timely manner. The Security Council may need to be prepared to consider mandatory action if progress in the Convention negotiations is unsatisfactory.

134. While the Treaty on the Non-Proliferation of Nuclear Weapons provides the right of withdrawal from the Treaty, States should be urged not to do so. Those who withdraw should be held responsible for violations committed while still a party to the Treaty. **A State's notice of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons should prompt immediate verification of its compliance with the Treaty, if necessary mandated by the Security Council. The IAEA Board of Governors should resolve that, in the event of violations, all assistance provided by IAEA should be withdrawn.**

135. Urgent short-term action is needed to defend against the possible terrorist use of nuclear, radiological, chemical and biological weapons. High priority must be accorded to consolidating, securing, and when possible eliminating potentially hazardous materials, and implementing effective export controls. To that end, we welcome the Global Threat Reduction Initiative, which facilitates (a) the reduction of global highly enriched uranium stockpiles, (b) the conversion of HEU research reactors to "proliferation-resistant" reactors, and (c) the "downblending" of existing HEU. **The proposed timeline for implementing the Global Threat Reduction Initiative should be halved from 10 to 5 years.**

136. The Security Council, acting under its resolution 1540 (2004), can offer States model legislation for security, tracking, criminalization and export controls, and by 2006 develop minimum standards for United Nations Member State implementation. To achieve that goal, the implementation committee of Council resolution 1540 (2004) should establish a permanent liaison with IAEA, OPCW and the Nuclear Suppliers Group.

137. **States parties to the Biological and Toxin Weapons Convention should also negotiate a new bio-security protocol to classify dangerous biological agents and establish binding international standards for the export of**

such agents. Within a designated time frame, States parties to the Convention should refrain from participating in such biotechnology commerce with non-members.

138. IAEA member States should increase funding for its programmes that help to locate and secure radioactive sources and that assist States in establishing pertinent domestic legislation. **Moreover, the Conference on Disarmament should move without further delay to negotiate a verifiable fissile material cut-off treaty that, on a designated schedule, ends the production of highly enriched uranium for non-weapon as well as weapons purposes.**

3. Better enforcement capability

139. The Security Council today has few arrows in its quiver other than sanctions and military force to enforce non-proliferation agreements. Moreover, a special referral to the Security Council that results in no action is worse than no referral. The ability of the Security Council to generate credible information about potential instances of proliferation should be strengthened.

140. To that end, links between IAEA and OPCW and the Security Council must also be strengthened. **The Directors-General of IAEA and OPCW should be invited by the Security Council to report to it twice-yearly on the status of safeguards and verification processes, as well as on any serious concerns they have which might fall short of an actual breach of the Treaty on the Non-Proliferation of Nuclear Weapons and the Chemical Weapons Convention.**

141. The Security Council should also be prepared to deploy inspection capacities for suspected nuclear and chemical violations, drawing on the capacities of IAEA and OPCW. Until multilateral negotiations yield a Biological and Toxin Weapons Convention verification mechanism, the Security Council should avail itself of the Secretary-General's roster of inspectors for biological weapons, who should remain independent and work under United Nations staff codes. This roster of inspectors should also be available to advise the Council and liaise with WHO authorities in the event of a suspicious disease outbreak, as discussed below.

4. Better public health defences

142. Scientific advancements in biotechnology and the ubiquity of facilities capable of producing biological agents circumscribe prospects for the elimination of biological weapons and complicate verification efforts. But unlike nuclear weapons, many (though not all) biological agents can be countered by vaccinations and effective responses (including rapid diagnosis, quarantines and treat-

ment). Well-prepared societies may thus be able to avoid the worst-case scenarios of biological attacks.

143. However, at present, international aid for infectious disease monitoring, detection and response is lacking, security planning and spending are poorly coordinated with health-care policies and budgets, and there is insufficient understanding that an inevitable, new biological future makes active bio-defence the most viable option against the likelihood of attack.

144. Given the potential international security threat posed by the intentional release of an infectious biological agent or an overwhelming natural outbreak of an infectious disease, there is a need for the WHO Director-General, through the Secretary-General, to keep the Security Council informed during any suspicious or overwhelming outbreak of infectious disease. In such an event, the Security Council should be prepared to support the work of WHO investigators or to deploy experts reporting directly to the Council, and if existing International Health Regulations do not provide adequate access for WHO investigations and response coordination, the Security Council should be prepared to mandate greater compliance. In the event that a State is unable to adequately quarantine large numbers of potential carriers, the Security Council should be prepared to support international action to assist in cordon operations. **The Security Council should consult with the WHO Director-General to establish the necessary procedures for working together in the event of a suspicious or overwhelming outbreak of infectious disease.**

VI. Terrorism

A. The threat we face

145. Terrorism attacks the values that lie at the heart of the Charter of the United Nations: respect for human rights; the rule of law; rules of war that protect civilians; tolerance among peoples and nations; and the peaceful resolution of conflict. Terrorism flourishes in environments of despair, humiliation, poverty, political oppression, extremism and human rights abuse; it also flourishes in contexts of regional conflict and foreign occupation; and it profits from weak State capacity to maintain law and order.

146. Two new dynamics give the terrorist threat greater urgency. Al-Qaida is the first instance - not likely to be the last - of an armed non-State network with global reach and sophisticated capacity. Attacks against more than 10 Member States on four continents in the past five years have demonstrated that Al-Qaida and associated entities pose a universal threat to the membership of the United Nations and the United Nations itself.[89] In public statements, Al-Qaida has sin-

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Follow-up to the outcome of the Millennium Summit

In larger freedom: towards development, security and human rights for all

Report of the Secretary-General

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B. Preventing catastrophic terrorism

Transnational terrorism

87. Terrorism is a threat to all that the United Nations stands for: respect for human rights, the rule of law, the protection of civilians, tolerance among peoples and nations, and the peaceful resolution of conflict. It is a threat that has grown more urgent in the last five years. Transnational networks of terrorist groups have global reach and make common cause to pose a universal threat. Such groups profess a desire to acquire nuclear, biological and chemical weapons and to inflict mass casualties. Even one such attack and the chain of events it might set off could change our world forever.

88. Our strategy against terrorism must be comprehensive and should be based on five pillars: it must aim at dissuading people from resorting to terrorism or supporting it; it must deny terrorists access to funds and materials; it must deter States from sponsoring terrorism; it must develop State capacity to defeat terrorism; and it must defend human rights. **I urge Member States and civil society organizations everywhere to join in that strategy.**

89. Several steps are urgently required, as described below.

90. We must convince all those who may be tempted to support terrorism that it is neither an acceptable nor an effective way to advance their cause. But the moral authority of the United Nations and its strength in condemning terrorism have been hampered by the inability of Member States to agree on a comprehensive convention that includes a definition.

91. It is time to set aside debates on so-called “State terrorism”. The use of force by States is already thoroughly regulated under international law. And the right to resist occupation must be understood in its true meaning. It cannot include the right to deliberately kill or maim civilians. I endorse fully the High-level Panel’s call for a definition of terrorism, which would make it clear that, in addition to actions already proscribed by existing conventions, any action constitutes terrorism if it is intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a Government or an international organization to do or abstain from doing any act. **I believe this proposal has clear moral force, and I strongly urge world leaders to unite behind it and to conclude a comprehensive convention on terrorism before the end of the sixtieth session of the General Assembly.**

92. It is vital that we deny terrorists access to nuclear materials. This means consolidating, securing and, when possible, eliminating hazardous materials and

implementing effective export controls. While the Group of Eight Major Industrialized Countries (G8) and the Security Council have taken important steps to do this, we need to make sure that these measures are fully enforced and that they reinforce each other. **I urge Member States to complete, without delay, an international convention for the suppression of acts of nuclear terrorism.**

93. The threat of biological terrorism differs from that of nuclear terrorism. There will soon be thousands of laboratories around the world capable of producing designer bugs with awesome lethal potential. Our best defence against this danger lies in strengthening public health, and the recommendations to this end contained in section II above have a double merit: they would both help to address the scourge of naturally occurring infectious disease and contribute to our safety against manmade outbreaks. As we commit ourselves to strengthen local health systems — a task that will take us a generation — we must also ensure that our existing global response is adequate. The World Health Organization Global Outbreak Alert and Response Network has done an impressive job in monitoring and responding to outbreaks of deadly infectious disease, whether natural or suspicious. But it has done so on a shoestring. **I urge Member States to give it the resources it needs to do the job thoroughly, in all our interests.**

94. Terrorists are accountable to no one. We, on the other hand, must never lose sight of our accountability to citizens all around the world. In our struggle against terrorism, we must never compromise human rights. When we do so we facilitate achievement of one of the terrorist's objectives. By ceding the moral high ground we provoke tension, hatred and mistrust of Governments among precisely those parts of the population where terrorists find recruits. **I urge Member States to create a special rapporteur who would report to the Commission on Human Rights on the compatibility of counter-terrorism measures with international human rights laws.**

C. Nuclear, biological and chemical weapons

97. Multilateral efforts to bridle the dangers of nuclear technology while harnessing its promise are nearly as old as the United Nations itself. The Treaty on the Non-Proliferation of Nuclear Weapons,[12] 35 years old this month, has proved indispensable: it has not only diminished nuclear peril but has also demonstrated the value of multilateral agreements in safeguarding international peace and security. But today, the Treaty has suffered the first withdrawal of a party to the Treaty and faces a crisis of confidence and compliance born of a growing strain on verification and enforcement. The Conference on Disarmament, for its part, faces a crisis of relevance resulting in part from dysfunctional decision-making procedures and the paralysis that accompanies them.

98. Progress in both disarmament and non-proliferation is essential and neither should be held hostage to the other. Recent moves towards disarmament by the nuclear-weapon States should be recognized. Bilateral agreements, including the 2002 Strategic Offensive Reductions Treaty signed by the United States and the Russian Federation, have led to the dismantlement of thousands of nuclear weapons, accompanied by commitments to further sharp reductions in stockpiles**. However, the unique status of nuclear-weapon States also entails a unique responsibility, and they must do more, including but not limited to further reductions in their arsenals of non-strategic nuclear weapons and pursuing arms control agreements that entail not just dismantlement but irreversibility. They should also reaffirm their commitment to negative security assurances. Swift negotiation of a fissile material cut-off treaty is essential. The moratorium on nuclear test explosions must also be upheld until we can achieve the entry into force of the Comprehensive Nuclear Test-Ban Treaty. I strongly encourage States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to endorse these measures at the 2005 Review Conference.**

99. The spread of nuclear technology has exacerbated a long-standing tension within the nuclear regime, arising from the simple fact that the technology required for civilian nuclear fuel can also be used to develop nuclear weapons. Measures to mitigate this tension must confront the dangers of nuclear proliferation but must also take into account the important environmental, energy, economic and research applications of nuclear technology. **First, the verification authority of the International Atomic Energy Agency (IAEA) must be strengthened through universal adoption of the Model Additional Protocol. Second, while the access of non-nuclear weapon States to the benefits of nuclear technology should not be curtailed, we should focus on creating incentives for States to voluntarily forego the development of domestic uranium enrichment and plutonium separation capacities, while guaranteeing their supply of the fuel necessary to develop peaceful uses.** One option is an arrangement in which IAEA would act as a guarantor for the supply of fissile material to civilian nuclear users at market rates.

100. While the Treaty on the Non-Proliferation of Nuclear Weapons remains the foundation of the non-proliferation regime, we should welcome recent efforts to supplement it. These include Security Council resolution 1540 (2004), designed to prevent non-State actors from gaining access to nuclear, chemical and biological weapons, technology and materials, and their means of delivery; and the voluntary Proliferation Security Initiative, under which more and more States are cooperating to prevent illicit trafficking in nuclear, biological and chemical weapons.

101. The availability of ballistic missiles with extended range and greater accuracy is of growing concern to many States, as is the spread of shoulder-fired missiles which could be used by terrorists. **Member States should adopt effective national export controls covering missiles and other means of delivery for nuclear, biological and chemical weapons, rockets and shoulder-fired missiles, as well as a ban on transferring any of them to non-State actors.** The Security Council should also consider adopting a resolution aimed at making it harder for terrorists to acquire or use shoulder-fired missiles.

102. Where progress has been made, it should be consolidated. The 1997 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction[13] calls for the complete elimination and destruction of chemical weapons by all States parties, thus offering a historic opportunity to complete a task begun more than a century ago. **States parties to the Convention on Chemical Weapons should recommit themselves to achieving the scheduled destruction of declared chemical weapons stockpiles. I call upon all States to accede immediately to the Convention.**

103. The 1975 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction[14] has enjoyed a remarkable degree of support and adherence, and has been strengthened further through recent annual meetings. **States parties should consolidate the results of these meetings at the 2006 Review Conference and commit themselves to further measures to strengthen the Biological and Toxin Weapons Convention. I also call upon all States to accede immediately to the Convention and to increase the transparency of bio-defence programmes.**

104. Further efforts are needed to bolster the biological security regime. The capability of the Secretary-General to investigate suspected use of biological agents, as authorized by the General Assembly in its resolution 42/37, should be strengthened to incorporate the latest technology and expertise; and the Security Council should make use of that capability, consistent with Security Council resolution 620 (1988).

105. Indeed, the Security Council must be better informed on all matters relevant to nuclear, chemical and biological threats. I encourage the Council to regularly invite the Director-General of IAEA and the Director-General of the Organization for the Prohibition of Chemical Weapons to brief the Council on the status of safeguards and verification processes. And I myself stand ready, in consultation with the Director-General of the World Health Organization, to use my powers under Article 99 of the Charter of the United Nations to call to the attention of the Security Council any overwhelming outbreak of infectious disease that threatens international peace and security.

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Follow-up to the outcome of the Millennium Summit

Uniting against terrorism: recommendations for a global counter-terrorism strategy

Report of the Secretary-General

I. Introduction

1. As Member States will recall, in 2004 the High-level Panel on Threats, Challenges and Change recommended in its report (A/59/565) that I promote a comprehensive global strategy against terrorism, one that would strengthen the ability of responsible States to counter terrorism and promote the rule of law, all while protecting human rights. In Madrid in March of the following year, on the one-year anniversary of the train bombings that killed and maimed more than 1,600 innocent people, I took up the challenge and set out elements of such a strategy. These consisted of five pillars: dissuading people from resorting to terrorism or supporting it; denying terrorists the means to carry out an attack; deterring States from supporting terrorism; developing State capacity to defeat terrorism; and defending human rights. Later the same month, in my report, entitled "In larger freedom: towards development, security, and human rights for all" (A/59/2005), I urged Member States to adopt a strategy along those lines.

2. In the 2005 World Summit Outcome (General Assembly resolution 60/1), Member States welcomed those elements of a strategy, and agreed to develop them further. They requested that I submit proposals to strengthen the capacity of the United Nations system to assist States in combating terrorism and to enhance the coordination of United Nations activities in this regard. In December 2005, the President of the General Assembly asked me for a report on capacity-building, as well as for additional inputs of relevance for the forthcoming work of the General Assembly on a counter-terrorism strategy.

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3. In response to those requests, the present report contains recommendations for a global counter-terrorism strategy, with an emphasis on specific proposals for strengthening the capacity of the United Nations to combat terrorism. In formulating these recommendations, I have been assisted by the Counter-Terrorism Implementation Task Force, which I created in 2005 to bring together key actors in the United Nations system and its partners dealing with counter-terrorism issues. The Task Force is the first step in ensuring that United Nations departments, funds, programmes, agencies and other related entities contribute fully to counter-terrorism efforts, while maximizing synergies and avoiding duplication of work.

4. A real strategy is more than simply a list of laudable goals or an observation of the obvious. To say that we seek to prevent future acts of terrorism and that we seek better responses in the event of a terrorist attack does not amount to a strategy. Only when it guides us in the accomplishment of our goals is a strategy worthy of its name. In order to unite against terrorism, we need an operational strategy that will enable us to work together to counter terrorism. As laid out here, my recommendations for a strategy seek to both guide and unite us by emphasizing operational elements of dissuasion, denial, deterrence, development of State capacity and defence of human rights. What is common to all of these elements is the indispensability of the rule of law, nationally and internationally, in countering the threat of terrorism.

5. Inherent to the rule of law is the defence of human rights — a core value of the United Nations and a fundamental pillar of our work. Effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing ones. Accordingly, the defence of human rights is essential to the fulfilment of all aspects of a counter-terrorism strategy. The central role of human rights is therefore highlighted in every substantive section of this report, in addition to a section on human rights per se.

6. Victims of terrorist acts are denied their most fundamental human rights. Accordingly, a counter-terrorism strategy must emphasize the victims and promote their rights. In addition, implementing a global strategy that relies in part on dissuasion, is firmly grounded in human rights and the rule of law, and gives focus to victims depends on the active participation and leadership of civil society. Therefore, highlighted throughout this report is the role civil society can play in promoting a truly global strategy against terrorism.

2. Nuclear, biological, chemical or radiological weapons

47. A nuclear, biological, chemical or radiological terrorist attack would have a devastatingly far-reaching impact. In addition to causing widespread death and destruction, it could deal a crippling blow to the world economy and drive millions of people into dire poverty. An ensuing effect on infant mortality could unleash a second wave of deaths throughout the developing world.

48. Our common goal must be to secure, and wherever possible eliminate, nuclear, biological, chemical or radiological weapons and implement effective domestic and export controls on dual-use materials related to weapons of mass destruction. Although there exist distinct challenges for controlling the peaceful use of each type of hazardous material, United Nations organizations like the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons have been working with Member States to address these challenges. That vital work must be strengthened.

49. Equally, States should reinforce existing non-proliferation mechanisms and create effective tools to prevent the proliferation of weapons of mass destruction and missiles, consistent with relevant international treaties. As stressed, inter alia, in the Riyadh Declaration adopted at the Counter-Terrorism International Conference held in February 2005, there is, inter alia, a need to strengthen international measures to prevent terrorists from acquiring weapons of mass destruction and to support the role of the United Nations in this respect. States must fully implement Security Council resolution 1540 (2004) by enacting and enforcing effective national legal and regulatory measures to prevent non-State actors from acquiring weapons of mass destruction. I also urge Member States to take steps specified in General Assembly resolution 60/78 on measures to prevent terrorists from acquiring weapons of mass destruction and resolution 60/73 on preventing the risk of radiological terrorism.

50. A majority of States have reported to the Security Council Committee established pursuant to resolution 1540 (2004) on the status of their planned steps in fulfilling the resolution’s requirements, including those pertaining to domestic and export controls and contributions to international cooperation. Yet, as at 19 April 2006, 62 States had not yet reported to the Committee. I urge them to do so without delay. Those reports help to identify and close gaps in the system that terrorists might exploit.

51. The recent adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism, which aims to assist States in thwarting terrorist groups

possessing nuclear material and in post-crisis situations by rendering the nuclear material safe in accordance with safeguards provided by IAEA, is a major advance in multilateral efforts to prevent nuclear terrorism. I call on all States to become parties to it and implement it fully. The same applies to the amended Convention on the Physical Protection of Nuclear Material. I also commend the Global Threat Reduction Initiative and the beneficial work that it has brought about.

3. The challenge of biological terrorism

52. The most important under-addressed threat relating to terrorism, and one which acutely requires new thinking on the part of the international community, is that of terrorists using a biological weapon. Biotechnology, like computer technology, has developed exponentially. Such advances herald promising breakthroughs and are one of the key battlefronts in our attempts to eliminate the infectious diseases that kill upwards of 14 million people every year. They can, however, also bring incalculable harm if put to destructive use by those who seek to develop designer diseases and pathogens.

53. We find ourselves now at a point akin to the period in the 1950s, when farsighted citizens, scientists, diplomats and international civil servants recognized the enormous potential impact, both good and bad, of nuclear power. The challenge then was to harness the power of nuclear energy for civilian purposes, and to minimize its use and spread in nuclear weapons. The result was the creation of IAEA and, eventually, the Treaty on the Non-Proliferation of Nuclear Weapons. The answer to biotechnology's dual-use dilemma will look very different. But the approach to developing it must be equally ambitious.

54. Preventing bioterrorism requires innovative solutions specific to the nature of the threat. Biotechnology is not like nuclear technology. Soon, tens of thousands of laboratories worldwide will be operating in a multi-billion-dollar industry. Even students working in small laboratories will be able to carry out gene manipulation. The approach to fighting the abuse of biotechnology for terrorist purposes will have more in common with measures against cybercrime than with the work to control nuclear proliferation.

55. Many Member States see biological weapons as a State-sponsored threat, for which the proper antidote is the Biological Weapons Convention. Indeed, the Convention does need strengthening and I hope that progress is made at the forthcoming Sixth Review Conference. Nonetheless, we need additional measures to address the problem of non-State actors.

56. International dialogue has begun through the follow-up process to the Biological Weapons Convention, while civil society has made novel efforts to address the dual-use issue. The International Committee of the Red Cross has sought to bring attention to the problem among Governments, industry and scientific communities. The International Centre for Genetic Engineering and Biotechnology, working together with various national academies of science, has drafted a code of conduct for scientists working in the biotechnology field.

57. These efforts are to be applauded but, unless they are brought together, their effects will be diffuse. What we need now is a forum that will bring together the various stakeholders — Governments, industry, science, public health, security, the public writ large — into a common programme, built from the bottom up, to ensure

that biotechnology's advances are used for the public good and that the benefits are shared equitably around the world. Such an effort must ensure that nothing is done to impede the potential positive benefits from this technology. The United Nations is well placed to coordinate and facilitate such a forum, and to bring to the table a wide range of relevant actors. I urge Member States to consider this proposal in the near future.

D

Provisional procedures to uphold the authority of the 1925 Geneva Protocol

The General Assembly,

Recalling the provisions of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods in Warfare, signed at Geneva on 17 June 1925,[88] which entered into force on 8 February 1928,

Noting that States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction[89] have reaffirmed their adherence to the principles and objectives of that Protocol and called upon all States to comply with them,

Noting also that the Protocol does not provide for the establishment of procedures for investigating reports concerning activities prohibited by the Protocol,

Noting further that the Committee on Disarmament is currently engaged in the negotiation of a convention on the prohibition of chemical weapons, which should contain provisions to ensure its effective verification,

Believing it conducive to the continued authority of the Protocol that, pending eventual formal arrangements, procedures be established to make possible the prompt and impartial investigation of information concerning possible violations of the provisions of the Protocol,

1. *Calls upon* all States that have not yet done so to accede to the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare;

2. *Calls upon* all States to comply with the provisions of the Protocol;

3. *Calls upon* the Committee on Disarmament to expedite its negotiations on a convention on the prohibition of chemical weapons with a view to its submission to the General Assembly with the shortest possible delay;

4. *Requests* the Secretary-General to investigate, with the assistance of qualified experts, information that may be brought to his attention by any Member State concerning activities that may constitute a violation of the Protocol or of the relevant rules of customary international law in order to ascertain thereby the facts of the matter, and promptly to report the results of any such investigation to all Member States and to the General Assembly;

5. *Requests* the Secretary-General, with the co-operation of Member States, to compile, as a matter of priority, and maintain lists of qualified experts whose services could be made available at short notice to undertake such investigations, and of laboratories with the capability to undertake testing for the presence of agents the use of which is prohibited;

6. *Requests* the Secretary-General, in meeting the objectives of paragraph 4 above:

(*a*) To appoint, as necessary, groups of experts selected from the above-mentioned list to undertake urgent investigation of possible violations;

(*b*) To make the necessary arrangements for the experts to collect and examine evidence, including on-site, with the co-operation of the countries concerned, to the extent relevant to the investigation, and for such testing as may be required;

(*c*) To seek, in any such investigation, appropriate assistance and relevant information from all Governments and international organizations concerned, as well as from other appropriate sources;

7. *Further requests* the Secretary-General, with the assistance of qualified consultant experts, to devise procedures for the timely and efficient investigation of information concerning activities that may constitute a violation of the Geneva Protocol or of the relevant rules of customary international law and to assemble and organize systematically documentation relating to the identification of signs and symptoms associated with the use of such agents as a means of facilitating such investigations and the medical treatment that may be required;

8. *Requests* Governments, national and international organizations, as well as scientific and research institutions, to co-operate fully with the Secretary-General in this work;

9. *Requests* the Secretary-General to report to the General Assembly at its thirty-eighth session on the implementation of the present resolution.

101st plenary meeting
13 December 1982

E

Chemical and bacteriological (biological) weapons

The General Assembly,

Having considered the report of the Secretary-General[93] to which was annexed the report of the Group of Experts to Investigate Reports on the Alleged Use of Chemical Weapons, appointed by the Secretary-General pursuant to General Assembly resolutions 35/144 C of 12 December 1980 and 36/96 C of 9 December 1981,

Taking note of the final conclusion of the Group of Experts that, while it could not state that the allegations had been proven, nevertheless it could not disregard the circumstantial evidence suggestive of the possible use of some sort of toxic chemical substance in some instances,[94]

Recalling that the use of chemical and biological weapons has been declared incompatible with the accepted norms of civilization,

1. *Takes note* of the report of the Secretary-General and expresses its appreciation to the Group of Experts to Investigate Reports on the Alleged Use of Chemical Weapons for the work it has accomplished, as well as to the Member States that co-operated with the Group in fulfilling its mandate;

2. *Calls anew* for strict observance by all States of the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare[88] and condemns all actions that are contrary to those objectives.

101st plenary meeting
13 December 1982

37/99. General and complete disarmament

A

Non-stationing of nuclear weapons on the territories of States where there are no such weapons at present

The General Assembly,

Conscious that a nuclear war would have devastating consequences for the whole of mankind,

Recalling its resolution 33/91 F of 16 December 1978, which contains an appeal to all nuclear-weapon States to

[93] A/37/259.
[94] *Ibid.*, para. 197.

be required for the Third Review Conference and its preparation;

3. *Recalls* in that regard the decision taken at the Second Review Conference that the Third Review Conference should consider, *inter alia,* the issues set out in article XII of the Final Declaration of the Second Review Conference;

4. *Reiterates its call* upon all States parties to the Convention to participate in the exchange of information and data agreed to in the Final Declaration of the Second Review Conference and to provide such information and data in conformity with the standardized procedure[40] to the Secretary-General on an annual basis and not later than 15 April;

5. *Also recalls* its request in resolution 44/115 C of 15 December 1989 that the Secretary-General should render the necessary assistance and should provide such services as may be required for the implementation of the relevant parts of the Final Declaration of the Second Review Conference;

6. *Further recalls* its request in resolution 44/115 C that the Secretary-General should circulate to the States parties to the Convention not later than four months prior to the convening of the Third Review Conference a report on the implementation of these confidence-building measures;

7. *Calls upon* all States that have not ratified or acceded to the Convention to do so without delay, thus contributing to the achievement of universal adherence to the Convention and to the strengthening of international confidence.

54th plenary meeting
4 December 1990

C

CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS: MEASURES TO UPHOLD THE AUTHORITY OF THE 1925 GENEVA PROTOCOL

The General Assembly,

Recalling its previous resolutions, and those adopted by the Security Council, on the use of chemical weapons,

Reaffirming its resolution 44/115 B of 15 December 1989 on measures to uphold the authority of the 1925 Geneva Protocol and to support the conclusion of a chemical weapons convention,

Bearing in mind the reaffirmation in the Final Declaration of the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held in Paris from 7 to 11 January 1989, of the importance and the continuing validity of the 1925 Protocol,[35]

Deploring the use and threat of use of chemical weapons,

1. *Condemns vigorously* all actions that violate or threaten to violate the obligations assumed under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,[34] and other relevant provisions of international law;

2. *Renews its call* to all States to observe strictly the principles and objectives of the 1925 Geneva Protocol, and reaffirms the vital necessity of upholding its provisions;

3. *Endorses* the proposals of the group of qualified experts established in pursuance of its resolution 42/37 C of 30 November 1987 concerning technical guidelines and procedures to guide the Secretary-General in the conduct of timely and efficient investigation of the reports of use of chemical and bacteriological (biological) or toxin weapons;[41]

4. *Notes* the continuing significance of the Security Council decision to consider immediately, taking into account the investigations of the Secretary-General, appropriate and effective measures in accordance with the Charter of the United Nations,[42] should there be any future use of chemical weapons in violation of international law.

54th plenary meeting
4 December 1990

45/58. General and complete disarmament

A

RELATIONSHIP BETWEEN DISARMAMENT AND DEVELOPMENT

The General Assembly,

Recalling the provisions of the Final Document of the Tenth Special Session of the General Assembly[15] related to the relationship between disarmament and development,

Recalling also the adoption on 11 September 1987 of the Final Document of the International Conference on the Relationship between Disarmament and Development,[43]

Stressing the growing importance of the relationship between disarmament and development in current international relations,

1. *Welcomes* the report of the Secretary-General[44] and actions undertaken in accordance with the Final Document of the International Conference on the Relationship between Disarmament and Development;

2. *Requests* the Secretary-General to continue to take action, through the appropriate organs and within available resources, for the implementation of the action programme adopted at the International Conference;[45]

3. *Also requests* the Secretary-General to submit a report to the General Assembly at its forty-sixth session;

4. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Relationship between disarmament and development".

54th plenary meeting
4 December 1990

[40] BWC/CONF.II/EX/2.

[41] A/44/561, annex.

[42] Security Council resolution 620 (1988).

[43] United Nations publication, Sales No. E.87.IX.8.

[44] A/45/592.

[45] United Nations publication, Sales No. E.87.IX.8, para. 35.

4. IO Documents

4. Documents from International Organizations (IOs)

States Parties to the BWC are joined in their efforts to govern biological weapons by other international organizations. Documents emanating from these organizations are included in this section. The activities and initiatives of these organizations also serve to strengthen the international norm against the hostile use of disease against humans, animals and plants and thereby fall within the BW regime.

Food and Agriculture Organization

The Food and Agriculture Organization (FAO) based in Rome is a specialized agency of the United Nations established in 1945. The FAO's mandate is to raise levels of nutrition, improve agricultural productivity, better the lives of rural populations and contribute to the growth of the world economy. The FAO has acknowledged that it has a role in preventing and responding to emergencies that affect food security, including providing early warning, whether the emergencies are caused through natural or deliberate events. The organization has therefore established institutional mechanisms for coordinating emergency assistance. The FAO also hosts the secretariat of the 1952 International Plant Protection Convention (IPPC) (as amended) which is designed to secure action to prevent the introduction and spread of pests of plants and plant products, and to promote appropriate measures for their control.

Officials from the FAO attended the 2003 BWC Meeting of Experts and gave presentations at the 2004 Meeting of Experts (on "Emergency Prevention System for Transboundary Animal and Plant Pests and Diseases (EMPRES)" and "Current Mechanisms for Pest Surveillance, Monitoring and Outbreak Response under the IPPC"), at the same year's Meeting of States Parties and at the 2005 Meeting of Experts (on the topic of codes of conduct for scientists). Copies of the presentations are on the internet at www.opbw.org This section of the Briefing Book includes a 2003 FAO document on "Biosecurity in Food and Agriculture".

International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) is an independent, neutral organization ensuring humanitarian protection and assistance for victims of war and armed violence. Established in 1863, the ICRC is headquartered in Geneva with delegations in around 80 countries and it has more than 12,000 staff. The ICRC's involvement in preventing the hostile application of poisons and disease is long standing; it issued an appeal against the use of poison gas in 1918, during the First World War. Regarding the use of these weapons as abhorrent, the ICRC has argued that "the use of such weapons would contravene existing international treaties and many of the fundamental norms of international humanitarian law". In September 2002, the ICRC launched an *Appeal on Biotechnology, Weapons and Humanity* to promote consideration of the risks, rules and responsibilities related to advances in biotechnology which may lead to their hostile use.

Following on from this appeal, the ICRC released its principles of practice, *Preventing Hostile Use of the Life Sciences: From Ethics and Law to Best Practice*, in November 2004. Developed through a consultative process with experts in science and policy matters, the principles of practice are designed to form part of a multidisciplinary preventive framework which maximizes the benefits of research in life sciences and its application for humanity, while

minimizing the risk of hostile use of advances in this domain. Both the 2002 appeal and the 2004 principles or practice are included in this section of the Briefing Book.

International Maritime Organization

The International Maritime Organization (IMO) is a specialized agency of the United Nations responsible for improving maritime safety and preventing pollution from ships. The IMO was established in 1948 and is headquartered in London. Prompted by reports of crews being kidnapped and ships being hijacked (especially the Achille Lauro in 1985), deliberately run aground or blown up by explosives, the UN General Assembly urged states to cooperate in contributing to the elimination of causes underlying terrorism (in resolution 40/61 (1985)). The IMO was invited to study the problem of terrorism aboard or against ships with a view to making recommendations on appropriate measures. This resulted in the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (known as the SUA Convention) which entered into force in March 1992.

As a result of the terrorist attacks in the USA on 11 September 2001, IMO Member States became increasingly concerned about the risks posed to maritime navigation by terrorism and the possibility of WMD being transported by ship. In response, IMO Member States negotiated a protocol to the 1988 SUA Convention which was adopted at a diplomatic conference in London in October 2005. The Protocol provides the first international treaty framework for combating and prosecuting anyone who uses a ship as a weapon or as a means to carry out a terrorist attack, or who transports by ship terrorists or cargo (including associated delivery systems and related materials) destined to support WMD programmes. Article 1 of the Protocol defines biological weapons using the same wording as the BWC and Article 3 states that nothing in he Protocol affects States Parties' rights, obligations and responsibilities under the BWC. The Protocol also establishes a mechanism to facilitate boarding of ships suspected of engaging in these activities in international waters. The Protocol was opened for signature in February 2006 and will enter into force after it has been ratified by 12 IMO Member States. The text of the 2005 Protocol is included in this section of the Briefing Book.

Interpol

The International Criminal Police Organization, better known as Interpol, has recently become an active player in the regime to prevent the hostile use of disease. Interpol was established in 1923 and currently has 186 Member States. Using its perspective as an international law enforcement agency, and concentrating specifically on bioterrorist and other bio-criminal activities, the first ever Interpol Global Conference on Bioterrorism was held in March 2005 at Interpol headquarters in Lyon. The conference brought together senior police officers and counter-terrorism specialists, national and international governmental and non-governmental agencies, scientists and other academics and agreed a programme of work, including developing police training programmes; establishing a resource centre at the disposal of law enforcement worldwide; developing an Incident Response Guide for law enforcement; and enhancing cooperation and understanding between international organizations, including public health officials, customs and law enforcement officials. As part of its aim to provide regional training for countries in need of capacity-building in the appropriate responses to a bioterrorist incident, Interpol has convened three regional workshops for law enforcements officials in Africa (South Africa in November 2005), Asia (Singapore in March 2006) and the Americas (Chile in July 2006). The Final Communiqué of

the 1st Interpol Global Conference on Bioterrorism is included in this section of the Briefing Book, and the Outcome Documents of the three subsequent regional workshops are on the internet at www.interpol.org/Public/BioTerrorism/default.asp as is the *Bioterrorism Incident Pre-Planning and Response Guide* that was launched at the Chile workshop.

Organization for the Prohibition of Chemical Weapons

The Organization for the Prohibition of Chemical Weapons (OPCW) consists of: the 180 States Parties to the 1993 Chemical Weapons Convention (CWC) (as of 17 October 2006), which convene as the Conference of the States Parties; the Executive Council; and the Technical Secretariat. The OPCW is headquartered in The Hague. The relationship between the CWC and the BWC is necessarily close for a number of reasons, not least the overlap between the two treaties regarding toxins and the increasingly blurred lines between chemistry and biology. In addition, Article IX of the BWC calls on its States Parties to "continue negotiations in good faith with a view to reaching early agreement on effective measures" to prohibit chemical weapons, so issues regarding the CWC are formally on the agenda of BWC review conferences.

The CWC stipulates that its States Parties should convene a Review Conference every five years (unlike the BWC, for which five-yearly review conferences only became established practice after the convening of the one review conference mandated by the treaty in 1980). The First CWC Review Conference took place in April/May 2003 in The Hague. As the CWC has an international organization to oversee and assist States Parties' implementation of the treaty (unlike the BWC), the preparations for, and the conduct of, the First CWC Review Conference differed from the BWC Review Conferences. An open-ended working group met periodically throughout the 18 months prior to the Review Conference to prepare its agenda. At the Review Conference the States Parties reviewed the operation of the CWC thematically, rather than article-by-article as in the BWC. The Political Declaration adopted at the First CWC Review Conference is included in this section of the Briefing Book. The report of the First CWC Review Conference is on the internet at www.opcw.org/docs/rc105.pdf The Second CWC Review Conference will meet in The Hague during 7-18 April 2008 and its open-ended working group has already held two meetings.

The First CWC Review Conference drew attention to the issues of national implementation and universality and recommended the adoption of action plans to facilitate progress on both issues, which were subsequently adopted by the Executive Council and Conference of the States Parties in October 2003. The action plans incorporate various deadlines and reporting requirements to ensure that political pressure is maintained to promote their objectives. Both action plans have been reviewed at sessions of the Conference of the States Parties in 2004 and 2005 and follow-up decisions have been adopted. There have been calls for the Sixth BWC Review Conference to adopt similar action plans. The CWC action plans on national implementation and universality are included in this section of the Briefing Book for reference.

World Health Organization

The World Health Organization (WHO) is the United Nations specialized agency for health established in April 1948 and based in Geneva. It is governed by its 193 Member States through the World Health Assembly. The WHO has long been concerned with preventing the hostile exploitation of biology. For example, in 1967 the World Health Assembly resolved

that "scientific achievements, and particularly in the field of biology and medicine—that most humane science—should be used only for mankind's benefit, but never to do it any harm." In 1969, the World Health Assembly, requested the WHO Director-General to continue to cooperate with the United Nations Secretary-General on the issue of chemical and biological weapons and the consequences of their possible use. The 1970 WHO report on *Health Aspects of Chemical and Biological Weapons: Report of a WHO Group of Consultants* was the result of that work and echoed the concerns of Member States about the misuse of biology.

In May 2002, the World Health Assembly adopted resolution WHA 55.16 defining a role for WHO in responding to the "natural occurrence, accidental release or deliberate use of biological and chemical agents or radionuclear material that affect health." The WHO Secretariat also established a unit focusing on "preparedness for deliberate epidemics" and a Chemical and Biological Weapons Working Group. In 2004, the WHO issued the third edition of its *Laboratory Biosafety Manual* (see www.who.int/csr/resources/publications/biosafety/WHO_CDS_CSR_LYO_2004_11/en/) which for the first time included a section on laboratory biosecurity. Also in 2004, the WHO published *Public Health Response to Biological and Chemical Weapons – WHO Guidance* (see www.who.int/csr/delibepidemics/biochemguide/en/index.html), a revised and updated version of its 1970 report. In September 2006, the WHO released *Biorisk Management: Laboratory Biosecurity Guidance* (see www.who.int/entity/csr/resources/publications/biosafety/WHO_CDS_EPR_2006_6.pdf) which elaborates on the biosecurity section of the *Laboratory Biosafety Manual* by providing more detailed guidance on biosecurity within a biological laboratory and addresses the basic principles and best practices of biosecurity. The WHO is also charged with overseeing the two authorised stockpiles of the smallpox virus at laboratories in Russia and the USA. In 2005, the WHO established a Global Smallpox Vaccine Reserve with the intention of acquiring 5 million doses to be stored in Geneva and a further 200 million doses to be pledged by States, to facilitate an effective response to a smallpox outbreak (although the disease was declared eradicated in 1980 there is some concern that non-authorised stocks remain and could fall into the wrong hands).

In 2005, WHO Member States unanimously adopted an update to the revised International Health Regulations (IHR). First adopted in 1969 (replacing the 1951 International Sanitary Regulations), the IHR provide an international legal framework for efforts to prevent and control the cross-border spread of communicable diseases. However, under the 1969 IHR, States are only required to notify the WHO if three diseases (cholera, plague and yellow fever) occur on their territory. In 1995, after outbreaks of emerging infectious diseases and the resurgence of existing diseases had rendered the IHR increasingly obsolete, WHO Member States requested a major updating of the regulations to adapt them to the highly mobile, globalized world of the 21st century. After negotiations in 2004 and 2005, the revised IHR text was adopted unanimously by the World Health Assembly at its session in 2005.

The updated regulations depart in important ways from the 1969 version, particularly in their expanded scope and the powers they grant to the WHO Secretariat. Rather than being limited to three diseases, the IHR 2005 require States to notify the WHO of any event that may constitute a "public health emergency of international concern" which is defined as "an extraordinary event which is determined … : (i) to constitute a public health risk to other States through the international spread of disease and (ii) to potentially require a coordinated international response." The decision of what constitutes a public health emergency of international concern is based on four criteria: (1) the seriousness of the public health impact; (2) the unusual or unexpected nature of the event; (3) the potential for

international spread; and (4) the risk of restrictions on international travel or trade. The IHR 2005 will enter into force on 15 June 2007, although Member States may apply them immediately. The text of the IHR 2005 is included in this section of the Briefing Book.

World Organization for Animal Health

The World Organization for Animal Health, formerly known as the Office International des Epizooties (OIE), was established in 1924 and is based in Paris. It currently has 167 Member States. Preventing the spread of animal diseases through international movements is one of the key objectives of the OIE. One of the ways it seeks to achieve this is by publishing international standards and guidelines aimed at preventing the importation of pathogens that are dangerous for animals and humans and strengthening veterinary services so that they can improve their surveillance and response systems. The OIE works in close partnership with the FAO, and together they have developed a joint initiative – the Global Framework for the Progressive Control of Trans-boundary Animal Diseases (GF-TADs).

Officials from the OIE attended the 2003 Meeting of Experts and gave a presentation at the 2004 Meeting of Experts on "The Challenge of International Biosecurity: the OIE Standards and FAO-OIE Actions". A copy of the presentation is on the internet at www.opbw.org along with a copy of the OIE presentation to the 2004 Meeting of States Parties. This section of the Briefing Book includes one of the articles describing the role of the OIE in helping to protect against natural and intentional biological disasters taken from a recent special issue of the OIE's *Scientific and Technical Review* addressing "Biological disasters of animal origin – The role and preparedness of veterinary and public health services."

COAG/2003/9

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January 2003

منظمة الأغذية والزراعة للأمم المتحدة | 联合国粮食及农业组织 | Food and Agriculture Organization of the United Nations | Organisation des Nations Unies pour l'alimentation et l'agriculture | Organización de las Naciones Unidas para la Agricultura y la Alimentación

COMMITTEE ON AGRICULTURE

Seventeenth Session

Rome, 31 March-4 April 2003

Biosecurity in Food and Agriculture

Item 9 of the Provisional Agenda

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W0000

I. BACKGROUND

1. National regulatory and export certification systems are being challenged by large increases in the volume of food and agricultural products being traded internationally, by the expanding variety of imported products and by the growing number of countries from which these imports are originating. Increased travel is also creating more pathways to spread pests, diseases and other hazards that are moving faster and further than ever before. Improved coordination is being sought among national bodies responsible for enforcing sanitary, phytosanitary and zoosanitary measures to better protect human, animal and plant life and health without creating unnecessary technical barriers to trade.

2. FAO uses the term, *Biosecurity*, in relation to sanitary, phytosanitary and zoosanitary measures applied in food and agricultural regulatory systems. FAO uses the term synonymously with "*Biosecurity* in food and agriculture". *Biosecurity* is a relatively new concept and a term that is evolving as usage varies among countries with different specialist groups using it in different ways. For FAO, *Biosecurity* broadly describes the process and objective of managing biological risks associated with food and agriculture in a holistic manner.[1]

3. *Biosecurity* measures in agriculture are needed:

i) To protect agricultural production systems, and those dependent on these systems: Producers and others dependent on agriculture can see their livelihood destroyed by animal and plant pests and disease or damage to the environment such as impacts resulting from invasive alien species;

ii) To protect human health and consumer confidence in agricultural products: *Biosecurity* measures are essential to protect consumers–particularly vulnerable groups–that can be exposed to severe health risks, which *Biosecurity* attempts to prevent;

iii) To protect the environment and promote sustainable production: Public awareness of environmental issues and human dependency on biodiversity has resulted in numerous commitments to achieving sustainable development, and achieving these will require an effective approach to *Biosecurity*.

4. *Biosecurity* is a strategic and integrated approach that encompasses the policy and regulatory frameworks (including instruments and activities) that analyse and manage risks in the sectors of food safety, animal life and health, and plant life and health, including associated environmental risk. *Biosecurity* covers the introduction of plant pests, animal pests and diseases, and zoonoses, the introduction and release of genetically modified organisms (GMOs) and their products, and the introduction and management of invasive alien species and genotypes. *Biosecurity* is a holistic concept of direct relevance to the sustainability of agriculture, food safety, and the protection of the environment, including biodiversity.

5. The issues encompassed in *Biosecurity* have traditionally been dealt with in a sectorial manner by means of food safety laws, and animal and plant quarantine and pesticide regulations. Implementation of such laws and regulations has also traditionally been sectorial. Emerging issues of Biosafety[2] and to control the introduction and management of invasive alien species into the environment means that a growing number of issues need to be addressed. This results in

[1] With "agriculture" used in its broadest sense to include agronomy, livestock, forestry, fisheries and related environmental aspects.

[2] The term, "biosafety" refers to the introduction, release and use of genetically modified organisms. The Cartagena Protocol on Biosafety to the CBD applies to "the transboundary movements, transit, handling and use of all living modified organisms that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health".

costly regulatory systems that require high investment and recurrent costs (infrastructure and human resources).

6. In recent years, there has been greater recognition of the importance of *Biosecurity* in relation to protection of the environment. In some countries, *Biosecurity* programmes are expanding to include natural ecosystems, including forest and marine ecosystems. The role of traditional *Biosecurity*-related institutions is expanding beyond agricultural production to public health and the environment. Although some of these issues may be outside the core competencies of FAO, they must be addressed in the establishment of sustainable national *Biosecurity* systems. An important factor, which is within FAO's competence, is the heightened attention paid to the environmental impacts of agricultural practices, including increased scrutiny of animal and plant pest and disease control methods.

7. Countries with small economies and limited capacity cannot afford traditional sector-oriented approaches, which are often ill-adapted to their means and circumstances. There is a growing recognition that *Biosecurity* will profit from a more integrated approach. Closer cooperation among institutions responsible for implementing *Biosecurity* and the rationalisation of infrastructures, where appropriate, will benefit, in particular, developing countries and countries with economies in transition. Models to rationalise regulatory functions among sectors in the quest for improved effectiveness and efficiency have appeared in a number of countries. For example, New Zealand has had a Biosecurity Act since 1993 and a Biosecurity Minister and Council since 1999. In Belize, food safety, and animal and plant quarantine and environmental issues, are dealt with by a single authority, the Belize Agricultural and Health Authority.

8. The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) of the World Trade Organization, disciplines SPS measures in relation to international trade. The Codex Alimentarius Commission (Codex), the International Plant Protection Convention (IPPC) and the Office international des epizooties (OIE) provide international standards for food safety, plant health, and animal health, respectively.

9. A further relevant instrument (not yet entered into force) is the Cartagena Protocol, which applies to the transboundary movement, transit, handling and use of Living Genetically Modified Organisms (LMOs). Guidelines on the management of invasive alien species have been developed under the Convention on Biological Diversity (CBD).

10. This group of international agreements, organizations and programmes are part of a loose international framework for *Biosecurity*, and reflect the historically sectorial approach to regulation in this area.

11. FAO has recognized the growing importance of *Biosecurity*, and therefore made it one of the Organization's sixteen Priority Areas for Inter-disciplinary Action (PAIAs). *Biosecurity* was included in the Medium Term Plan to address corporate strategy B, which aims at "*promoting, developing and reinforcing policy and regulatory frameworks for food, agriculture, fisheries and forestry*."[3]

12. *Biosecurity* in Food and Agriculture was discussed by COAG in March 2001, in document COAG/01/8. The Committee appreciated the proactive nature of the document and welcomed the recommendation to convene a consultation to explore *Biosecurity* further. The Committee also appreciated the scope for in-house coordination through the PAIA on *Biosecurity*, in particular to identify possibilities to harmonize, where appropriate, methods of risk analysis, to coordinate capacity building, and to establish a system for the exchange of official information on *Biosecurity*. With the aid of external assistance[4], FAO, through the *Biosecurity* PAIA, undertook

[3] The Strategic Framework for FAO 2000-2015, Food and Agriculture Organization of the United Nations, Rome, 1999.

[4] Financial support from the FAO/Government of the Netherlands partnership programme for international consultation, and financial and in-kind assistance from the USA Government for the information exchange system.

to examine and advance *Biosecurity* in food and agriculture in order to explore possible synergies in relation to standard setting, information exchange and capacity-building.

13. In September 2002, an Inter-agency Meeting on *Biosecurity* in Food and Agriculture[5] discussed the concept and possible mechanisms for cooperation among relevant international organizations. The Inter-agency meeting was followed by an Expert Consultation[6], with the participation of nineteen international experts and resource persons from twelve countries, to explore the relevance of *Biosecurity* in Food and Agriculture, and to advise FAO on modalities for its implementation, particularly in developing countries.

14. In order to broaden awareness of *Biosecurity* and to debate its relevance and practicality more widely, particularly in relation to the needs of developing countries and countries with economies in transition, FAO convened an international Technical Consultation[7] in Bangkok, 13-17 January 2003, with the participation of 38 countries and eight international organizations, including *Codex Alimentarius*, the IPPC, OIE, and the CBD.

15. As information exchange is a common core component of *Biosecurity* sectors, FAO has initiated a project to develop an International Portal for Food Safety and Animal and Plant Health, for the exchange of official *Biosecurity*-related information. This takes the form of a project, implemented in cooperation with other relevant organizations, so as to seek complementarities and synergies, and to avoid duplication.

16. Capacity-building in developing countries and countries with economies in transition has mostly been approached on a sectorial basis. Requests for such assistance have increased substantially over recent years. At the same time, multi-sectorial awareness building has started, through programmes like the FAO Uruguay Round training programme, and various initiatives of WTO and the World Bank, to which the standard-setting organizations have contributed. At the WTO Ministerial meeting in Doha, the Executive Heads of FAO, OIE, WHO, the World Bank and WTO issued a joint communiqué committing their institutions to explore new modes of collaboration to improve the efficiency of their technical assistance programmes on matters related to the SPS Agreement, and to enhance the level and quality of the participation of these countries in international standard setting bodies. The five agencies, including Codex and IPPC, have agreed to establish a Standards and Trade Development Facility.

17. Collaborative efforts to assist developing countries may, in future, also benefit from the participation of international institutions that address biosafety and the introduction and management of invasive alien species.

18. FAO has also developed a programme proposal to address capacity-building in relation to biotechnology, food safety and animal and plant life and health.

II. OUTCOME OF THE CONSULTATION PROCESS

19. The present document is based on the outcome of a broad consultation process on *Biosecurity*, which included the Inter-agency Meeting, the Expert Consultation, specialized studies and bilateral interaction with interested bodies. The process culminated in the inter-

[5] Delegates from eleven organizations participated in the meeting: the Convention on Biological Diversity (CBD), the World Trade Organisation (WTO), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organisation (UNIDO), the Organisation for European Economic Cooperation and Development (OECD), *Office international des épizooties* (OIE), the International Plant Protection Convention (IPPC), *Codex Alimentarius*, FAO, the International Plant Genetic Resource Institute (IPGRI), the International Centre for Genetic Engineering (ICGEB).

[6] Report of the Expert Consultation on *Biosecurity* in Food and Agriculture, 10-13 September 2002, FAO, Rome, Italy.

[7] Report of the Technical Consultation on Biological Risk Management in Food and Agriculture, 13-17 January 2003, Bangkok, Thailand.

governmental Technical Consultation, and the following section contains its conclusions and recommendations.

20. The Consultation recognized the advantages of a more coherent, holistic approach to *Biosecurity* that sought synergies between the sectors at national and international levels, without necessarily creating new or unified structures. It further recognized that the integration of various aspects of *Biosecurity* and the institutions involved was occurring in a number of countries. The traditional focus on regulating individual production systems was shifting to one of ensuring confidence in the overall regulatory framework. It noted that many countries, including developing countries and countries with economies in transition, were revising their *Biosecurity* arrangements to take into account the SPS Agreement, at the same time seeking greater efficiencies. The Consultation recognized the valuable contribution of the development of international standards[8], which provided countries, particularly small countries, with a means to achieve *Biosecurity* objectives, while reducing the burden of having to implement national risk assessment and management procedures in each individual case. However, external support for capacity-building in developing countries and countries with economies in transition, to enable them to effect such improvements, including facilitating the development of trade partnerships, was crucial for many countries. It stressed the need to further incorporate developing country perspectives in the development of international standards, in ways that took into account local conditions, and in ways that facilitated their economic development. These included economies characterized by the existence of large numbers of small farmer communities.

21. The Consultation recognized the central role of risk analysis as a framework for *Biosecurity*, including across sectors. There was therefore an opportunity to harmonize terminology and methodology, while respecting the need for individual sectors to tailor risk analysis procedures to the characteristics of the risks involved. It recognized that risk analysis procedures should provide an appropriate basis for *Biosecurity*, while not creating unnecessary barriers to trade. Increased trade was increasing the need for effective risk analysis capacities, including in developing countries and countries with economies in transition, and for bilaterally and multilaterally agreed standards. In this context, many developing countries and countries with economies in transition have insufficient risk analysis capacities to support *Biosecurity* frameworks for both imports and exports. The Consultation recognized that biological risk analysis across sectors necessarily involves the consideration of complex risks and uncertainties associated with them.

22. The Consultation supported the need for a variety of economic analyses in relation to *Biosecurity*. It was suggested that examples be compiled and analysed of where pest eradication campaigns, or the implementation of improved food standards, had resulted in quantifiable export increases. One possible methodology could be developed around an analysis of the values of goods transiting through control and inspection systems, in relation to the costs of such systems. Examples of effective, pooled regional *Biosecurity* standards and procedures were needed. Methodologies were required to document the economic advantages flowing from cross-sectorial cooperation, and of documenting and analysing the costs and the benefits of public-private sector cooperation, as well as where investments in *Biosecurity* measures had been most successful. A further methodology could consider market opportunities in relation to the *Biosecurity* investments that would be required to realize them.

23. The Consultation recognized the central importance of capacity-building, in particular to assist developing countries and countries with economies in transition to establish and sustain their *Biosecurity* systems, to meet international *Biosecurity* standards for food and agriculture, and take advantage of trade opportunities. It welcomed the various initiatives under way. The Consultation stressed that institutional sustainability should be a guiding priority in capacity-building. It was agreed that the IPPC's Phytosanitary Capacity Evaluation model and similar tools

[8] The term "standards" used in this document includes agreed guidelines, recommendations and procedures.

would be useful in the development of *Biosecurity*-wide capacity-building tools, and that relevant international organizations should be associated in such an initiative. The Consultation noted that case studies on institutional development for *Biosecurity* would be valuable, and that governments should take measures to ensure lasting support for their *Biosecurity* organizations.

24. The Consultation supported the development of the International Portal for Food Safety and Animal and Plant Health as a valuable database and information tool for *Biosecurity*, which could help bring together the various sectors involved, nationally and internationally. It should be coordinated with other relevant organizations, so as to add value, avoid duplication, and achieve inter-operability. The Consultation noted that countries needed to improve their internal system for communication and information exchange.

A. GENERAL RECOMMENDATIONS

25. The Consultation considered the use of the English term, *Biosecurity*, bearing in mind the need for translation and to harmonize terminology. Delegates noted that the term *Biosecurity* is used widely, and that usage varies among countries. They also noted that the term presents translation challenges, particularly for Spanish and French translation[9]. Following considerable discussion on terminology, delegates agreed that the term *Biosecurity* in food and agriculture best describes the concept as used by FAO, and recommended that for the purposes of the Consultation and this report, the English term, *Biosecurity* be used in all languages, and that it be italicized and capitalized, and not be translated.

26. The Consultation considered that *Biosecurity* involves the management of biological risks in a comprehensive manner to achieve food safety, protect animal and plant life and health, protect the environment and contribute to its sustainable use. Achieving *Biosecurity* requires an understanding of, and the ability to analyse diverse and complex risks, and determine and apply measures in a coherent manner while respecting differences among sectors and organizations. Risk analysis[10] is the most important unifying concept across different *Biosecurity* sectors[11]. *Biosecurity* frameworks should not create unjustified barriers to international trade.

27. The Consultation recommended that:

i) Countries should determine the potential for synergies and harmonization within their national and sub-national regulatory frameworks that would result from a holistic and coordinated approach to *Biosecurity*. Policy-makers should recognize the importance of *Biosecurity* as a key element of sustainable development, and the benefits, including in trade that can be gained from comprehensive approaches to *Biosecurity*.

ii) Recognizing the efficiencies that may emanate from regional and sub-regional approaches to risk analysis, particularly in relation to animal and plant life and health, and living modified organisms, countries should also cooperate to address *Biosecurity* issues at regional and sub-regional levels.

iii) Risk analysis and management frameworks are essential to achieve *Biosecurity*. In the past, such frameworks have been mostly sectorial or used to address specific technical issues. In future, such frameworks should seek to improve collaboration among diverse interests and institutions (particularly agriculture, public health, environment, trade, and their associated stakeholders) to achieve *Biosecurity* in a mutually supportive manner, thus avoiding duplication and possible inconsistencies.

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[9] The terms "Bioseguridad" and "Biosécurité" have been used in the Cartagena Protocol on Biosafety for the translation of the word "Biosafety" (see footnote 2).

[10] Risk analysis as used in this document includes risk assessment, risk management and risk communication, unless otherwise indicated.

[11] These include, *inter alia*, food safety, plant and animal health and life, and the environment.

iv) General principles for risk analysis for biological risk analysis in food and agriculture are the same, although procedures may differ depending on the hazards addressed. The IPPC, the *Codex* Alimentarius, the OIE, the CBD and its Cartagena Protocol (noting that the Protocol has not yet entered into force), where appropriate, should apply coherent risk analysis methodologies in different sectors by jointly analysing differences and commonalities in approaches, and use of terms in risk analysis.

v) Many developing countries and countries with economies in transition have limited infrastructure and limited capacity to undertake risk analysis, and to enforce risk management decisions. International standards should thus be developed with due consideration of their implications and impacts on developing countries and countries with economies in transition, including the effect on their ability to participate in international trade. The participation of countries in the development of such standards should be supported.

vi) Countries should implement a more coherent and holistic approach to biological risk management in food and agriculture by respective government authorities to strengthen the achievement of common *Biosecurity* objectives.

vii) FAO, in collaboration with relevant international and regional organizations should provide guidance and develop guidelines to assist countries to develop and implement national *Biosecurity* frameworks in harmony with their international obligations.

viii) FAO, in collaboration with other relevant international and regional organizations should consider undertaking further analysis to better understand and advance *Biosecurity*, including:

- analysis of differences, similarities, duplications and gaps, across the various sectors of *Biosecurity*;
- the implications for developing countries and countries with economies in transition of *Biosecurity* standards, procedures and technical regulations; and
- measures required to establish coherent and mutually supportive *Biosecurity* approaches in relation to food safety, animal health and life, plant health and life, and the environment.

B. CAPACITY BUILDING RECOMMENDATIONS

28. The Consultation stressed the importance of capacity-building as the challenges of *Biosecurity* are increasingly placing demands on countries, with urgent needs in particular areas. The Consultation identified the critical need for capacity-building for developing countries and countries with economies in transition, taking into account both the public and private sector.

29. The Consultation recommended that:

ix) FAO should work with *Codex*, the IPPC, the OIE, the CBD and other relevant international organizations to further develop tools, including tools to extend the Phytosanitary Capacity Evaluation to other sectors, to assist countries analyse their capacity-building needs that take account of the full scope of *Biosecurity*, including the communicational, legal, institutional, scientific and technical aspects.

x) Countries should use the tools developed under the above recommendations or other appropriate methodologies to identify, analyse and integrate their *Biosecurity* capacity building needs and determine priorities.

xi) Donors should base their support for capacity-building activities on this assessment.

xii) In developing capacity-building activities, donors and recipient countries should aim to achieve sustainable improvements in *Biosecurity* systems.

xiii) The roles and responsibilities of both the public and private sectors should be considered in planning *Biosecurity* capacity-building initiatives.

xiv) Appropriate linkages and coordination mechanisms among existing and planned *Biosecurity* capacity-building initiatives should be established to enhance complementarity and avoid duplication of efforts, and to ensure that capacity building is directed at country and regional *Biosecurity* priorities.

xv) FAO, in collaboration with other relevant international organizations, should compile, analyse and summarize examples or cases studies of *inter alia*: economic analysis of *Biosecurity*; establishment of regional *Biosecurity* approaches; and implementation of *Biosecurity* measures, including risk communications measures, and widely share these examples among Member Nations and relevant organizations.

C. INFORMATION EXCHANGE RECOMMENDATIONS

30. The Consultation stressed the need to share information and to ensure better understanding of the requirements for achieving *Biosecurity*. It endorsed the need for an Internet-based *Biosecurity* Portal to facilitate information exchange on *Biosecurity*. It also recognized the importance of information access and exchange in developing *Biosecurity* capacity.

31. The Consultation recommended that:

xvi) FAO, in collaboration with relevant organizations, should give further support to the development of a publicly accessible, Internet-based *Biosecurity* Portal mechanism for exchange of official information on food safety, and animal and plant health and the environment, which would facilitate improved communication among countries in these sectors, noting the need for this mechanism to complement but not duplicate other relevant information exchange mechanisms. The Portal should be user friendly, demand-driven and linked to other existing relevant portals.

xvii) Countries should be encouraged to develop appropriate mechanisms for information exchange in *Biosecurity*, and to participate in the development of the Portal.

D. COMMUNICATION RECOMMENDATION

32. The Consultation recommended that:

xviii) Countries should ensure adequate opportunities for appropriate participation by all stakeholders, including members of the public, in addressing *Biosecurity*, and enable them to contribute in meaningful ways to the design and implementation of *Biosecurity* risk management frameworks.

III. ISSUES THE COMMITTEE MAY WISH TO CONSIDER

33. The Committee may wish to consider the recommendations of the Technical Consultation, as given above, for possible endorsement, and where appropriate give guidance to the secretariat in the area of *Biosecurity*.

APPEAL

of the International Committee of the Red Cross

on *Biotechnology, Weapons and Humanity*

Summary

Alarmed by the potential hostile uses of biotechnology, the International Committee of the Red Cross (ICRC) appeals to:

ð *all political and military authorities to strengthen their commitment to the international humanitarian law norms which prohibit the hostile uses of biological agents and to work together to subject potentially dangerous biotechnology to effective controls.*

ð *the scientific and medical communities, industry and civil society in general to ensure that potentially dangerous biological knowledge and agents be subject to effective controls.*

(Full text follows on pages 4-5)

Background

The "age of biotechnology", like the industrial revolution and the "information age", promises great benefits to humanity. Yet if biotechnology is put to hostile uses, including to spread terror, the human species faces great dangers.

The International Committee of the Red Cross (ICRC), in keeping with its mandate to protect and assist victims of armed conflict, is particularly alarmed by the potential hostile uses of biological agents.

Potential benefits of advances in biological sciences and technologies are impressive. These include cures for diseases, new vaccines and increases in food production, including in impoverished regions of the world.

Yet the warnings of what can go wrong are profoundly disturbing. The ICRC believes these merit reflection at every level of society. Testimony from governments, UN agencies, scientific circles, medical associations and industry provides a long list of existing and emerging capacities for misuse. These include:

§ Deliberate spread of existing diseases such as typhoid, anthrax and smallpox to cause death, disease and fear in a population.

§ Alteration of existing disease agents rendering them more virulent, as already occurred unintentionally in research on the "mousepox" virus.

§ Creation of viruses from synthetic materials, as occurred this year using a recipe from the Internet and gene sequences from a mail order supplier.

§ Possible future development of ethnically or racially specific biological agents.

§ Creation of novel biological warfare agents for use in conjunction with corresponding vaccines for one's own troops or population. This could increase the attractiveness of biological weapons.

§ New methods to covertly spread naturally occurring biological agents to alter physiological or psychological processes of target populations such as consciousness, behavior and fertility, in some cases over a period of years.

§ Production of biological agents that could attack agricultural or industrial infrastructure. Even unintended release of such agents could have uncontrollable and unknown effects on the natural environment.

§ Creation of biological agents that could affect the makeup of human genes, pursuing people through generations and adversely affecting human evolution itself.

The life processes at the core of human existence must never be manipulated for hostile ends. In the past, scientific advances have all too often been misused. It is essential that humanity acts together now to prevent the abuse of biotechnology.

The ICRC calls on all concerned to assume their responsibilities in this field, before it is too late. We must reaffirm the ancient taboo against the use in war of "plague and poison", passed down for generations in diverse cultures. From the ancient Greeks and Romans, to the Manu Law of War in India, to rules on the conduct of war drawn from the Koran by the Saracens, the use of poison and poison weapons has been forbidden. This ban was codified in the 1863 Lieber Code during the US Civil War and, internationally, in the 1899 Hague Declaration and the Regulations annexed to the 1907 Hague Convention IV.

In February 1918, the ICRC launched an impassioned appeal, describing warfare by poison as "a barbaric invention which science is bringing to perfection..." and protesting "with all the force at [its] command against such warfare, which can only be called criminal." This appeal is still valid today.

Responding in part to the ICRC's appeal, States adopted the 1925 Geneva Protocol, reaffirming the general ban on the use of poison gas and extending it to cover bacteriological weapons. This norm is now part of customary international law - binding on all parties to all armed conflicts.

The 1972 Biological Weapons Convention significantly reinforced this prohibition by outlawing the development, production, stockpiling, acquisition, retention and transfer of biological weapons. As regards new advances in biotechnology and possible terrorist threats, this Convention covers all biological agents which "have no justification for prophylactic, protective or other peaceful purposes" and includes the means to deliver such agents. (Article 1, 1972 Biological Weapons Convention). The ICRC deeply regrets that lengthy negotiations to strengthen this Convention through a compliance-monitoring regime did not come to fruition as expected in November 2001. This underlines the urgent need for a renewed commitment by all States to ensure effective control of biological agents.

The responsibility to prevent hostile uses of biotechnology lies with each State. But it extends beyond governments to all persons, especially to military, scientific and medical professionals and those in the biotechnology and pharmaceutical industries.

Full text

APPEAL

of the International Committee of the Red Cross

on *Biotechnology, Weapons and Humanity*

Alarmed by the potential hostile uses of biotechnology, **the International Committee of the Red Cross (ICRC) appeals** to:

ð all political and military authorities to strengthen their commitment to the international humanitarian law norms which prohibit the hostile uses of biological agents, and to work together to subject potentially dangerous biotechnology to effective controls.

ð the scientific and medical communities, industry and civil society in general to ensure that potentially dangerous biological knowledge and agents be subject to effective controls.

The ICRC appeals in particular:

TO ALL POLITICAL AND MILITARY AUTHORITIES

§ To become parties to the 1925 Geneva Protocol and the 1972 Biological Weapons Convention, if they have not already done so, to encourage States which are not parties to become parties, and to lift reservations on use to the 1925 Geneva Protocol,

§ To resume with determination efforts to ensure faithful implementation of these treaties and develop appropriate mechanisms to maintain their relevance in the face of scientific developments,

§ To adopt stringent national legislation, where it does not yet exist, for implementation of the 1925 Geneva Protocol and the 1972 Biological Weapons Convention, and to enact effective controls on biological agents with potential for abuse,

§ To ensure that any person who commits acts prohibited by the above instruments is prosecuted,

§ To undertake actions to ensure that the legal norms prohibiting biological warfare are known and respected by members of armed forces,

§ To encourage the development of effective codes of conduct by scientific and medical associations and by industry to govern activities and biological agents with potential for abuse, and

§ To enhance international cooperation, including through the development of greater international capacity to monitor and respond to outbreaks of infectious disease.

TO THE SCIENTIFIC AND MEDICAL COMMUNITIES AND TO THE BIOTECHNOLOGY AND PHARMACEUTICAL INDUSTRIES

§ To scrutinize all research with potentially dangerous consequences and to ensure it is submitted to rigorous and independent peer review,

§ To adopt professional and industrial codes of conduct aimed at preventing the abuse of biological agents,

§ To ensure effective regulation of research programs, facilities and biological agents which may lend themselves to misuse, and supervision of individuals with access to sensitive technologies, and

§ To support enhanced national and international programs to prevent and respond to the spread of infectious disease.

The ICRC calls on all those addressed here to assume their responsibilities as members of a species whose future may be gravely threatened by abuse of biological knowledge. The ICRC appeals to you to make your contribution to the age-old effort to protect humanity from disease. We urge you to consider the threshold at which we all stand and to remember our common humanity.

The ICRC urges States to adopt at a high political level an international Declaration on "Biotechnology, Weapons and Humanity" containing a renewed commitment to existing norms and specific commitments to future preventive action.

Geneva, September 2002

ICRC

International Committee of the Red Cross

20-09-2006

Preventing hostile use of the life sciences: From ethics and law to best practice

General Principle
Life sciences have been, and must continue to be, of great benefit to humanity. However, the benefits to humanity of any particular development in the life sciences must always outweigh the risks of that development being used to facilitate poisoning and deliberate spread of infectious disease.

Principles and action points
To minimize the risks of poisoning and deliberate spread of infectious disease resulting from advances in the life sciences, those working in this field should recognise their individual and collective responsibilities, bear in mind certain key principles and take action as appropriate:

Conflict of interest

1. Preventing advances in the life sciences from being used for poisoning and deliberate spread of infectious disease must always take precedence over personal, commercial or security interests.

Action points:

- Encourage education of scientists from undergraduate level onwards about pertinent ethical issues.
- Develop and promote professional ethics and adhere to agreed codes of conduct that may be voluntary, professional or enforced as appropriate.

Legal responsibilities

2. Research and its application must always be compatible with respect for, and promotion of, national and international laws.

Action points:

- Encourage education of scientists from undergraduate level onwards about relevant national and international laws.
- Work with government officials to prevent biological or chemical weapons from being developed, produced, transferred or used and call for governments to fully uphold, implement and strengthen existing and pertinent laws.

Diligence

3. Undertaking well-intentioned research does not justify neglect of possible hostile use of the outcome.

Action points:

- Be diligent in safeguarding legitimate research, whether in academia, industry or defence from being used for any hostile purpose, including the development of chemical or biological weapons.
- Raise concerns with policy-makers and institutions about existing regulations which may not be adequate for safeguarding legitimate research.

Governance of research and publication

4. Knowledge gained from research must ultimately become universal for the progress of science; however, the potential for hostile use of some advances in life science and biotechnology may pose a fundamental dilemma about how and when knowledge is made accessible to others.

Action points:

- Maintain an open dialogue about and, if possible, define what constitutes 'dangerous' research.
- Build a regime of governance of potentially dangerous research and its subsequent publication.

A culture of transparency

5. Transparency and a culture of dialogue together constitute the most important element in minimising the risk that advances in life sciences will be turned to hostile use.

Action point:

- Create and promote a working culture of dialogue and transparency between colleagues about the nature of research undertaken.

Increasing speed of advances

6. The increasing power and variety of advances in life sciences must be matched by commensurate objective assessments of risk and closer vigilance.

Action point:

- Be vigilant with respect to scientific advances that could facilitate poisoning and the deliberate spread of infectious disease.
- Discuss mechanisms that could ensure that the divide between advances in science and advances in its governance and applicable law is minimised.

A "web of prevention"

7. Minimising the risk of poisoning and deliberate spread of infectious disease require a range of synergistic measures and so is, by necessity, a multidisciplinary endeavour.

Action points:

- Encourage and participate in multidisciplinary dialogue and action about the prevention of poisoning and deliberate spread of infectious disease.
- Make the risks of poisoning and deliberate spread of infectious disease comprehensible to actors in related fields and explore ways to work in cooperation to reduce the risks.
- Work with the media with these principles of practice and action points in mind.

Voicing concern

8. Those working in life sciences who voice concern and take responsible action require and deserve political and professional support and protection.

Action points:

- Encourage people who work in the life sciences to voice concern about issues relating to poisoning and the deliberate spread of infectious disease.
- Ensure that adequate mechanisms exist for voicing such concerns without fear of retribution.

Specific characteristics of biological weapons

9. Because of their particular characteristics, preventing the development, proliferation and use of biological weapons requires a very different approach to preventing the development, proliferation and use of chemical weapons.

Action point:

- Develop and promote awareness of the specific risks of the development, proliferation and use of biological weapons and promote preventive strategies.

"Dual use"

10. Some materials and technologies more than others lend themselves to poisoning and deliberate spread of infectious disease.

Action point:

- Be vigilant with respect to and maintain a dialogue about the 'dual-use' phenomenon.

Diffusion of materials and technologies

11. Materials and technologies associated with the life sciences can diffuse rapidly.

Action point:

- Ensure materials and technologies are transferred in a manner that minimises the risk of their use for poisoning and deliberate spread of infectious disease while maximising their potential benefit for humanity.

 20-09-2006

Section:

INTERNATIONAL MARITIME ORGANIZATION

IMO

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INTERNATIONAL CONFERENCE ON THE REVISION OF THE SUA TREATIES
Agenda item 8

LEG/CONF.15/DC/1
13 October 2005
Original: ENGLISH

CONSIDERATION OF A DRAFT PROTOCOL OF 2005 TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION

Texts examined and approved by the Drafting Committee

Preamble

THE STATES PARTIES to this Protocol,

BEING PARTIES to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation done at Rome on 10 March 1988,

ACKNOWLEDGING that terrorist acts threaten international peace and security,

MINDFUL of resolution A.924(22) of the Assembly of the International Maritime Organization requesting the revision of existing international legal and technical measures and the consideration of new measures in order to prevent and suppress terrorism against ships and to improve security aboard and ashore, and thereby to reduce the risk to passengers, crews and port personnel on board ships and in port areas and to vessels and their cargoes,

CONSCIOUS of the Declaration on Measures to Eliminate International Terrorism, annexed to United Nations General Assembly resolution 49/60 of 9 December 1994, in which, *inter alia,* the States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States,

NOTING United Nations General Assembly resolution 51/210 of 17 December 1996 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism annexed thereto,

RECALLING resolutions 1368 (2001) and 1373 (2001) of the United Nations Security Council, which reflect international will to combat terrorism in all its forms and manifestations, and which assigned tasks and responsibilities to States, and taking into account the continued threat from terrorist attacks,

RECALLING ALSO resolution 1540 (2004) of the United Nations Security Council, which recognizes the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

RECALLING FURTHER the Convention on Offences and Certain Other Acts Committed on Board Aircraft, done at Tokyo on 14 September 1963; the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970; the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971; the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973; the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979; the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979 and amendments thereto adopted on 8 July 2005; the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988; the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988; the Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991; the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; the International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999, and the International Convention for the Suppression of Acts of Nuclear Terrorism adopted by the General Assembly of the United Nations on 13 April 2005,

BEARING IN MIND the importance of the United Nations Convention on the Law of the Sea done at Montego Bay, on 10 December 1982, and of the customary international law of the sea,

CONSIDERING resolution 59/46 of the United Nations General Assembly, which reaffirmed that international co-operation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter of the United Nations, international law and relevant international conventions, and resolution 59/24 of the United Nations General Assembly, which urged States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol, invited States to participate in the review of those instruments by the Legal Committee of the International Maritime Organization to strengthen the means of combating such unlawful acts, including terrorist acts, and also urged States to take appropriate measures to ensure the effective implementation of those instruments, in particular through the adoption of legislation, where appropriate, aimed at ensuring that there is a proper framework for responses to incidents of armed robbery and terrorist acts at sea,

CONSIDERING ALSO the importance of the amendments to the International Convention for the Safety of Life at Sea, 1974 and the International Ship and Port Facility Security (ISPS) Code both adopted by the 2002 Conference of Contracting Governments to that Convention in establishing an appropriate international technical framework involving co-operation between Governments, Government agencies, national and local administrations and the shipping and port industries to detect security threats and take preventative measures against security incidents affecting ships or port facilities used in international trade,

CONSIDERING FURTHER resolution 58/187 of the United Nations General Assembly, which reaffirmed that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,

BELIEVING that it is necessary to adopt provisions supplementary to those of the Convention, to suppress additional terrorist acts of violence against the safety and security of international maritime navigation and to improve its effectiveness,

HAVE AGREED as follows:

ARTICLE 1

For the purposes of this Protocol:

1 "Convention" means the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988;

2 "Organization" means the International Maritime Organization (IMO); and

3 "Secretary-General" means the Secretary-General of the Organization.

ARTICLE 2

Article 1 of the Convention is amended to read as follows:

Article 1

1 For the purposes of this Convention,

(a) "ship" means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft;

(b) "transport" means to initiate, arrange or exercise effective control, including decision-making authority**,** over the movement of a person or item;

(c) "serious injury or damage" means

(i) serious bodily injury; or

(ii) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss; or

(iii) substantial damage to the environment, including air, soil, water, fauna, or flora.

(d) "BCN weapon" means

(i) "biological weapons", which are:

(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; or

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

(ii) "chemical weapons", which are, together or separately:

(1) toxic chemicals and their precursors, except where intended for:

(A) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes; or

(B) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons; or

(C) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

(D) law enforcement including domestic riot control purposes;

as long as the types and quantities are consistent with such purposes;

(2) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (ii)(1), which would be released as a result of the employment of such munitions and devices;

(3) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (ii)(2).

(iii) nuclear weapons and other nuclear explosive devices.

(e) "toxic chemical" means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

(f) "precursor" means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system.

(g) "Organization" means the International Maritime Organization (IMO).

(h) "Secretary-General" means the Secretary-General of the Organization.

2 For the purposes of this Convention,

(a) the terms "place of public use", "State or government facility", "infrastructure facility", and "public transportation system" have the same meaning as given to those terms in the International Convention for the Suppression of Terrorist Bombings, done at New York on 15 December 1997, and

(b) the terms "source material" and "special fissionable material" have the same meaning as given to those terms in the Statute of the International Atomic Energy Agency (IAEA), done at New York on 26 October 1956.

ARTICLE 3

The following text is added as article 2*bis* of the Convention:

Article 2*bis*

1 Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international human rights, refugee and humanitarian law.

2 This Convention does not apply to the activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law.

3 Nothing in this Convention shall affect the rights, obligations and responsibilities under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London and Moscow on 1 July 1968**,** the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, done at Washington, London and Moscow on 10 April 1972 or the Convention on the Prohibition of the

Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris on 13 January 1993**,** of States Parties to such treaties.

ARTICLE 4

1 The *chapeau* of Article 3, paragraph 1 of the Convention is replaced by the following text:

Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

2 Article 3, paragraph 1(f) of the Convention is replaced by the following text:

(f) communicates information which that person knows to be false, thereby endangering the safe navigation of a ship.

3 Article 3, paragraph 1(g) of the Convention is deleted.

4 Article 3, paragraph 2 of the Convention is replaced by the following text:

2 Any person also commits an offence if that person threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraph 1, subparagraphs (b), (c), and (e), if that threat is likely to endanger the safe navigation of the ship in question.

5 The following text is added as article 3*bis* of the Convention:

Article 3*bis*

1 Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

(a) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act:

(i) uses against or on a ship or discharges from a ship any explosive, radioactive material or BCN weapon in a manner that causes or is likely to cause death or serious injury or damage; or

(ii) discharges, from a ship, oil, liquefied natural gas, or other hazardous or noxious substance, which is not covered by subparagraph (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage; or

(iii) uses a ship in a manner that causes death or serious injury or damage; or

(iv) threatens, with or without a condition, as is provided for under national law, to commit an offence set forth in subparagraph (i), (ii) or (iii); or

(b) transports on board a ship:

(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, with or without a condition, as is provided for under national law, death or serious injury or damage for the purpose of intimidating a population, or compelling a Government or an international organization to do or to abstain from doing any act; or

(ii) any BCN weapon, knowing it to be a BCN weapon as defined in article 1; or

(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an IAEA comprehensive safeguards agreement; or

(iv) any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a BCN weapon, with the intention that it will be used for such purpose.

2 It shall not be an offence within the meaning of this Convention to transport an item or material covered by subparagraph 1(b)(iii) or, insofar as it relates to a nuclear weapon or other nuclear explosive device, subparagraph 1(b)(iv), if such item or material is transported to or from the territory of, or is otherwise transported under the control of, a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons where:

(a) the resulting transfer or receipt, including internal to a State, of the item or material is not contrary to such State Party's obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and,

(b) if the item or material is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, the holding of such weapon or device is not contrary to that State Party’s obligations under that Treaty.

6 The following text is added as Article 3*ter* of the Convention:

Article 3*ter*

Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally transports another person on board a ship

knowing that the person has committed an act that constitutes an offence set forth in articles 3, 3*bis* or 3*quater* or an offence set forth in any treaty listed in the Annex, and intending to assist that person to evade criminal prosecution.

7 The following text is added as Article 3*quater* of the Convention:

Article 3*quater*

Any person also commits an offence within the meaning of this Convention if that person:

(a) unlawfully and intentionally injures or kills any person in connection with the commission of any of the offences set forth in article 3, paragraph 1, article 3*bis*, or article 3*ter*; or

(b) attempts to commit an offence set forth in article 3, paragraph 1, article 3*bis*, subparagraph 1(a)(i), (ii) or (iii) , or subparagraph (a) of this article; or

(c) participates as an accomplice in an offence set forth in article 3, article 3*bis*, article 3*ter* or subparagraph (a) or (b) of this article; or

(d) organizes or directs others to commit an offence set forth in article 3, article 3*bis*, article 3*ter* or subparagraph (a) or (b) of this article; or

(e) contributes to the commission of one or more offences set forth in article 3, article 3*bis*, article 3*ter* or subparagraph (a) or (b) of this article by a group of persons acting with a common purpose, intentionally and either:

(i) with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence set forth in article 3, article 3*bis* or article 3*ter*; or

(ii) in the knowledge of the intention of the group to commit an offence set forth in article 3, article 3*bis* or article 3*ter*.

ARTICLE 5

1 Article 5 of the Convention is replaced by the following text:

Each State Party shall make the offences set forth in articles 3, 3*bis*, 3*ter* and 3*quater* punishable by appropriate penalties which take into account the grave nature of those offences.

2 The following text is added as Article *5bis* of the Convention:

Article 5*bis*

1 Each State Party, in accordance with its domestic legal principles, shall take the necessary measures to enable a legal entity located in its territory or organized under its laws to be held liable when a person responsible for management or control of that legal entity has, in that capacity, committed an offence set forth in this Convention. Such liability may be criminal, civil or administrative.

2 Such liability is incurred without prejudice to the criminal liability of individuals having committed the offences.

3 Each State Party shall ensure, in particular, that legal entities liable in accordance with paragraph 1 are subject to effective, proportionate and dissuasive criminal, civil or administrative sanctions. Such sanctions may include monetary sanctions.

ARTICLE 6

1 The *chapeau of* Article 6, paragraph 1 of the Convention is replaced by the following text:

1 Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in articles 3, 3*bis*, 3*ter* and 3*quater* when the offence is committed:

2 Article 6, paragraph 3 of the Convention is replaced by the following text:

3 Any State Party which has established jurisdiction mentioned in paragraph 2 shall notify the Secretary-General. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General.

3 Article 6, paragraph 4 of the Convention is replaced by the following text:

4 Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in articles 3, 3*bis*, 3*ter* and 3*quater* in cases where the alleged offender is present in its territory and it does not extradite the alleged offender to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.

ARTICLE 7

The following text is added as an Annex to the Convention:

ANNEX

1 Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970.

2 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971.

3 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.

4 International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979.

5 Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979.

6 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988.

7 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988.

8 International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

9 International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.

ARTICLE 8

1 Article 8, paragraph 1 of the Convention is replaced by the following text:

1 The master of a ship of a State Party (the "flag State") may deliver to the authorities of any other State Party (the "receiving State") any person who the master has reasonable grounds to believe has committed an offence set forth in article 3, 3*bis*, 3*ter*, or 3*quater*.

2 The following text is added as Article 8*bis* of the Convention:

Article 8*bis*

1 States Parties shall co-operate to the fullest extent possible to prevent and suppress unlawful acts covered by this Convention, in conformity with international law, and shall respond to requests pursuant to this article as expeditiously as possible.

2 Each request pursuant to this article should, if possible, contain the name of the suspect ship, the IMO ship identification number, the port of registry, the ports of origin and destination, and any other relevant information. If a request is conveyed orally, the requesting Party shall confirm the request in writing as soon as possible. The requested Party shall acknowledge its receipt of any written or oral request immediately.

3 States Parties shall take into account the dangers and difficulties involved in boarding a ship at sea and searching its cargo, and give consideration to whether other appropriate measures agreed between the States concerned could be more safely taken in the next port of call or elsewhere.

4 A State Party that has reasonable grounds to suspect that an offence set forth in article 3, 3*bis*, 3*ter* or 3*quater* has been, is being or is about to be committed involving a ship flying its flag, may request the assistance of other States Parties in preventing or suppressing that offence. The States Parties so requested shall use their best endeavours to render such assistance within the means available to them.

5 Whenever law enforcement or other authorized officials of a State Party ("the requesting Party") encounter a ship flying the flag or displaying marks of registry of another State Party ("the first Party"), located seaward of any State's territorial sea, and the requesting Party has reasonable grounds to suspect that the ship or a person on board the ship has been, is or is about to be involved in the commission of an offence set forth in article 3, 3*bis*, 3*ter* or 3*quater*, and the requesting Party desires to board,

(a) it shall request, in accordance with paragraphs 1 and 2 that the first Party confirm the claim of nationality, and

(b) if nationality is confirmed, the requesting Party shall ask the first Party (hereinafter referred to as, "the flag State") for authorization to board and to take appropriate measures with regard to that ship which may include stopping, boarding and searching the ship, its cargo and persons on board, and questioning the persons on board in order to determine if an offence set forth in article 3, 3*bis*, 3*ter* or 3*quater* has been, is being or is about to be committed, and

(c) the flag State shall either:

(i) authorize the requesting Party to board and to take appropriate measures set out in subparagraph 5(b), subject to any conditions it may impose in accordance with paragraph 7; or

(ii) conduct the boarding and search with its own law enforcement or other officials; or

(iii) conduct the boarding and search together with the requesting Party, subject to any conditions it may impose in accordance with paragraph 7; or

(iv) decline to authorize a boarding and search.

The requesting Party shall not board the ship or take measures set out in subparagraph 5(b) without the express authorization of the flag State.

(d) Upon or after depositing its instrument of ratification, acceptance, approval or accession, a State Party may notify the Secretary-General that, with respect to ships flying its flag or displaying its mark of registry, the requesting Party is granted authorization to board and search the ship, its cargo and persons on board, and to question the persons on board in order to locate and examine documentation of its nationality and determine if an offence set forth in article 3, 3*bis*, 3*ter* or 3*quater* has been, is being or is about to be committed, if there is no response from the first Party within four hours of acknowledgement of receipt of a request to confirm nationality.

(e) Upon or after depositing its instrument of ratification, acceptance, approval or accession, a State Party may notify the Secretary-General that, with respect to ships flying its flag or displaying its mark of registry, the requesting Party is authorized to board and search a ship, its cargo and persons on board, and to question the persons on board in order to determine if an offence under article 3, 3*bis*, 3*ter* or 3*quater* has been, is being or is about to be committed.

The notifications made pursuant to this paragraph can be withdrawn at any time.

6 When evidence of conduct described in article 3, 3*bis*, 3*ter* or 3*quater* is found as the result of any boarding conducted pursuant to this article, the flag State may authorize the requesting Party to detain the ship, cargo and persons on board pending receipt of disposition instructions from the flag State. The requesting Party shall inform promptly the flag State of the results of a boarding, search, and detention conducted pursuant to this article. The requesting Party shall also inform promptly the flag State of the discovery of evidence of illegal conduct that is not subject to this Convention.

7 The flag State, consistent with the other provisions of this Convention, may subject its authorization under paragraph 5 or 6 to conditions, including obtaining additional information from the requesting Party, and conditions relating to responsibility for and the extent of measures to be taken. No additional measures may be taken without the express authorization of the flag State, except when necessary to relieve imminent danger to the lives of persons or where those measures derive from relevant bilateral or multilateral agreements.

8 For all boardings pursuant to this article, the flag State has the right to exercise jurisdiction over a detained ship, cargo or other items and persons on board, including seizure, forfeiture, arrest and prosecution. However, the flag State may, subject to its constitution and laws, consent to the exercise of jurisdiction by another State having jurisdiction under article 6.

9 When carrying out the authorized actions under this article, the use of force shall be avoided except when necessary to ensure the safety of its officials and persons on board, or where the officials are obstructed in the execution of the authorized actions. Any use of force pursuant to this article shall not exceed the minimum degree of force which is necessary and reasonable in the circumstances.

10 Safeguards:

(a) Where a State Party takes measures against a ship in accordance with this article, it shall:

(i) take due account of the need not to endanger the safety of life at sea;

(ii) ensure that all persons on board are treated in a manner which preserves their basic human dignity, and in compliance with the applicable provisions of international law, including international law of human rights;

(iii) ensure that a boarding and search pursuant to this article shall be conducted in accordance with applicable international law;

(iv) take due account of the safety and security of the ship and its cargo;

(v) take due account of the need not to prejudice the commercial or legal interests of the flag State;

(vi) ensure, within available means, that any measure taken with regard to the ship or its cargo is environmentally sound under the circumstances;

(vii) ensure that persons on board against whom proceedings may be commenced in connection with any of the offences set forth in article 3, 3*bis*, 3*ter* or *3quater* are afforded the protections of paragraph 2 of article 10, regardless of location;

(viii) ensure that the master of a ship is advised of its intention to board, and is, or has been, afforded the opportunity to contact the ship's owner and the flag State at the earliest opportunity; and

(ix) take reasonable efforts to avoid a ship being unduly detained or delayed.

(b) Provided that authorization to board by a flag State shall not *per se* give rise to its liability, States Parties shall be liable for any damage**,** harm or loss attributable to them arising from measures taken pursuant to this article when:

(i) the grounds for such measures prove to be unfounded**,** provided that the ship has not committed any act justifying the measures taken; or

(ii) such measures are unlawful or exceed that reasonably required in light of available information to implement the provisions of this article.

States Parties shall provide effective recourse in respect of such damage, harm or loss.

(c) Where a State Party takes measures against a ship in accordance with this Convention, it shall take due account of the need not to interfere with or to affect:

(i) the rights and obligations and the exercise of jurisdiction of coastal States in accordance with the international law of the sea; or

(ii) the authority of the flag State to exercise jurisdiction and control in administrative, technical and social matters involving the ship.

(d) Any measure taken pursuant to this article shall be carried out by law enforcement or other authorized officials from warships or military aircraft, or from other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect and, notwithstanding articles 2 and 2*bis*, the provisions of this article shall apply.

(e) For the purposes of this article "law enforcement or other authorized officials" means uniformed or otherwise clearly identifiable members of law enforcement or other government authorities duly authorized by their government. For the specific purpose of law enforcement under this Convention, law enforcement or other authorized officials shall provide appropriate government-issued identification documents for examination by the master of the ship upon boarding.

11 This article does not apply to or limit boarding of ships, conducted by any State Party in accordance with international law, seaward of any State's territorial sea, including boardings based upon the right of visit, the rendering of assistance to persons, ships and property in distress or peril, or an authorization from the flag State to take law enforcement or other action.

12 States Parties are encouraged to develop standard operating procedures for joint operations pursuant to this article and consult, as appropriate, with other States Parties with a view to harmonizing such standard operating procedures for the conduct of operations.

13 States Parties may conclude agreements or arrangements between them to facilitate law enforcement operations carried out in accordance with this article.

14 Each State Party shall take appropriate measures to ensure that its law enforcement or other authorized officials, and law enforcement or other authorized officials of other States Parties acting on its behalf, are empowered to act pursuant to this article.

15 Upon or after depositing its instrument of ratification, acceptance, approval or accession, each State Party shall designate the authority, or, where necessary, authorities to receive and respond to requests for assistance, for confirmation of nationality, and for authorization to take appropriate measures. Such designation, including contact information, shall be notified to the Secretary-General within one month of becoming a Party, who shall inform all other States Parties within one month of the designation. Each State Party is responsible for providing prompt notice through the Secretary-General of any changes in the designation or contact information.

ARTICLE 9

Article 10, paragraph 2 is replaced by the following text:

2 Any person who is taken into custody or regarding whom any other measures are taken or proceedings are being carried out pursuant to this Convention shall be

guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international human rights law.

ARTICLE 10

1 Article 11, paragraphs 1, 2, 3 and 4 are replaced by the following text:

1 The offences set forth in articles 3, 3*bis*, 3*ter* and 3*quater* shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2 If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in articles 3, 3*bis*, 3*ter* and 3*quater*. Extradition shall be subject to the other conditions provided by the law of the requested State Party.

3 States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in articles 3, 3*bis*, 3*ter* and 3*quater* as extraditable offences between themselves, subject to the conditions provided by the law of the requested State Party.

4 If necessary, the offences set forth in articles 3, 3*bis*, 3*ter* and 3*quater* shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in a place within the jurisdiction of the State Party requesting extradition.

2 The following text is added as Article 11*bis*, of the Convention:

Article 11*bis*

None of the offences set forth in article 3, 3*bis*, 3*ter* or 3*quater* shall be regarded for the purposes of extradition or mutual legal assistance as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

3 The following text is added as Article 11*ter* of the Convention:

Article 11*ter*

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 3, 3*bis*, 3*ter* or 3*quater* or for mutual legal assistance with respect

to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinion or gender, or that compliance with the request would cause prejudice to that person's position for any of these reasons.

ARTICLE 11

1 Article 12, paragraph 1 of the Convention is replaced by the following text:

1 States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in articles 3, 3*bis*, 3*ter* and 3*quater*, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2 The following text is added as Article 12*bis* of the Convention:

Article 12*bis*

1 A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences set forth in article 3, 3*bis*, 3*ter* or 3*quater* may be transferred if the following conditions are met:

(a) the person freely gives informed consent; and

(b) the competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

2 For the purposes of the present article:

(a) the State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;

(b) the State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(c) the State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) the person transferred shall receive credit for service of the sentence being served in the State from which the person was transferred for time spent in the custody of the State to which the person was transferred.

3 Unless the State Party from which a person is to be transferred in accordance with the present article so agrees, that person, whatever that person's nationality, shall not be prosecuted or detained or subjected to any other restriction of personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to that person's departure from the territory of the State from which such person was transferred.

ARTICLE 12

Article 13 of the Convention is replaced by the following text:

1 States Parties shall co-operate in the prevention of the offences set forth in articles 3, 3*bis*, 3*ter* and 3*quater*, particularly by:

(a) taking all practicable measures to prevent preparation in their respective territories for the commission of those offences within or outside their territories;

(b) exchanging information in accordance with their national law, and co-ordinating administrative and other measures taken as appropriate to prevent the commission of offences set forth in articles 3, 3*bis*, 3*ter* and 3*quater*.

2 When due to the commission of an offence set forth in article 3, 3bis, 3*ter* or 3*quater*, the passage of a ship has been delayed or interrupted, any State Party in whose territory the ship or passengers or crew are present shall be bound to exercise all possible efforts to avoid a ship, its passengers, crew or cargo being unduly detained or delayed.

ARTICLE 13

Article 14 of the Convention is replaced by the following text:

Any State Party having reason to believe that an offence set forth in article 3, 3*bis*, 3*ter* or 3*quater* will be committed shall, in accordance with its national law, furnish as promptly as possible any relevant information in its possession to those States which it believes would be the States having established jurisdiction in accordance with article 6.

ARTICLE 14

Article 15, paragraph 3 of the Convention is replaced by the following text:

3 The information transmitted in accordance with paragraphs 1 and 2 shall be communicated by the Secretary-General to all States Parties, to Members of the Organization, to other States concerned, and to the appropriate international intergovernmental organizations.

ARTICLE 15

Interpretation and application

1 The Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.

2 Articles 1 to 16 of the Convention, as revised by this Protocol, together with articles 17 to 24 of this Protocol and the annex thereto, shall constitute and be called the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005 (2005 SUA Convention).

ARTICLE 16

The following text is added as article 16*bis* of the Convention:

Final clauses of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005

The final clauses of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005 shall be articles 17 to 24 of the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988. References in this Convention to States Parties shall be taken to mean references to States Parties to that Protocol.

FINAL CLAUSES

ARTICLE 17

Signature, ratification, acceptance, approval and accession

1 This Protocol shall be open for signature at the Headquarters of the Organization from 14 February 2006 to 13 February 2007 and shall thereafter remain open for accession.

2 States may express their consent to be bound by this Protocol by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

(c) accession.

3 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

4 Only a State which has signed the Convention without reservation as to ratification, acceptance or approval, or has ratified, accepted, approved or acceded to the Convention may become a Party to this Protocol.

ARTICLE 18

Entry into force

1 This Protocol shall enter into force ninety days following the date on which twelve States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession with the Secretary-General.

2 For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Protocol after the conditions in paragraph 1 for entry into force thereof have been met, the ratification, acceptance, approval or accession shall take effect ninety days after the date of such deposit.

ARTICLE 19

Denunciation

1 This Protocol may be denounced by any State Party at any time after the date on which this Protocol enters into force for that State.

2 Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3 A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the deposit of the instrument with the Secretary-General.

ARTICLE 20

Revision and amendment

1 A conference for the purpose of revising or amending this Protocol may be convened by the Organization.

2 The Secretary-General shall convene a conference of States Parties to this Protocol for revising or amending the Protocol, at the request of one third of the States Parties, or ten States Parties, whichever is the higher figure.

3 Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to this Protocol shall be deemed to apply to the Protocol as amended.

ARTICLE 21

Declarations

1 Upon depositing its instrument of ratification, acceptance, approval or accession, a State Party which is not a party to a treaty listed in the Annex may declare that, in the application of this Protocol to the State Party, the treaty shall be deemed not to be included in article 3*ter*. The declaration shall cease to have effect as soon as the treaty enters into force for the State Party, which shall notify the Secretary-General of this fact.

2 When a State Party ceases to be a party to a treaty listed in the Annex, it may make a declaration as provided for in this article, with respect to that treaty.

3 Upon depositing its instrument of ratification, acceptance, approval or accession, a State Party may declare that it will apply the provisions of article 3*ter* in accordance with the principles of its criminal law concerning family exemptions of liability.

ARTICLE 22

Amendments to the Annex

1 The Annex may be amended by the addition of relevant treaties that:

(a) are open to the participation of all States;

(b) have entered into force; and

(c) have been ratified, accepted, approved or acceded to by at least twelve States Parties to this Protocol.

2 After the entry into force of this Protocol, any State Party thereto may propose such an amendment to the Annex. Any proposal for an amendment shall be communicated to the Secretary-General in written form. The Secretary-General shall circulate any proposed amendment that meets the requirements of paragraph 1 to all members of the Organization and seek from States Parties to this Protocol their consent to the adoption of the proposed amendment.

3 The proposed amendment to the Annex shall be deemed adopted after more than twelve of the States Parties to this Protocol consent to it by written notification to the Secretary-General.

4 The adopted amendment to the Annex shall enter into force thirty days after the deposit with the Secretary-General of the twelfth instrument of ratification, acceptance or approval of such amendment for those States Parties to this Protocol that have deposited such an instrument. For each State Party to this Protocol ratifying, accepting or approving the amendment after the deposit of the twelfth instrument with the Secretary-General, the amendment shall enter into force on the thirtieth day after deposit by such State Party of its instrument of ratification, acceptance or approval.

ARTICLE 23

Depositary

1 This Protocol and any amendments adopted under articles 20 and 22 shall be deposited with the Secretary-General.

2 The Secretary-General shall:

(a) inform all States which have signed this Protocol or acceded to this Protocol of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession together with the date thereof;

(ii) the date of the entry into force of this Protocol;

(iii) the deposit of any instrument of denunciation of this Protocol together with the date on which it is received and the date on which the denunciation takes effect;

(iv) any communication called for by any article of this Protocol;

(v) any proposal to amend the Annex which has been made in accordance with article 22, paragraph 2;

(vi) any amendment deemed to have been adopted in accordance with article 22, paragraph 3;

(vii) any amendment ratified, accepted or approved in accordance with article 22, paragraph 4, together with the date on which that amendment shall enter into force; and

(b) transmit certified true copies of this Protocol to all States which have signed or acceded to this Protocol.

3 As soon as this Protocol enters into force, a certified true copy of the text shall be transmitted by the Secretary-General to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 24

Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this fourteenth day of October two thousand and five.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Protocol.

_____

13 September 2006

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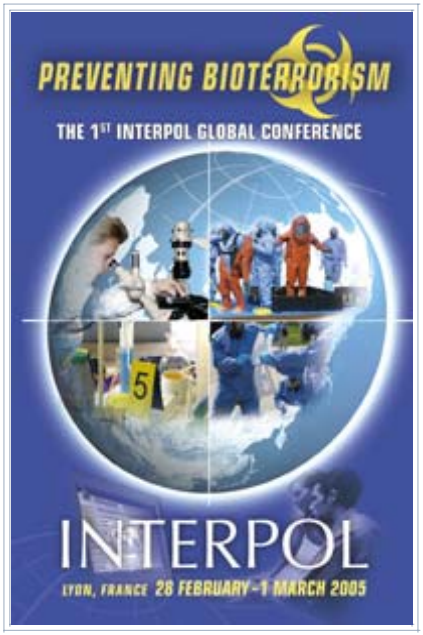
Bioterrorism

Final Communiqué

1st Interpol Global Conference
Lyon, France, 1-2 March 2005



Introduction

The 1st Interpol Global Conference on Preventing Bio-terrorism was held in Lyon, France on 1 and 2 March 2005. It was attended by more than 500 delegates from 155 countries, with representatives from the police, scientific and academic communities, as well as delegates from international and non governmental organizations.

The Conference,

Recognized the continuing threat posed by global terrorism and the ongoing need to enhance the co-ordination of effort at national and international levels, in order to strengthen the global response to this serious challenge and threat to international security;

Acknowledged that the terrorist use of biological weapons, inter alia, constitutes a serious threat to global security and to the civilian population across the world;

Agreed that effective international law enforcement co-ordination and national action is necessary, in partnership with relevant agencies, to recognize, prevent and contain the threat from the terrorist use of biological weapons; and

Welcomed the timely Interpol initiative, supported by the Alfred P Sloan Foundation, to improve the understanding, preparedness and capability of law enforcement agencies to tackle bio-terrorism.

In particular, the Conference noted that:

> *Developing* further co-operation between law enforcement agencies, public and animal health authorities and other relevant organizations, nationally and internationally, is essential to address the threat of bio-terrorism; and
>
> *Interpol* has an important role to play in supporting national and international efforts to prevent and investigate terrorism generally, and bio-terrorism particularly.

In this respect, delegates agreed that:

- The Conference had provided a valuable opportunity to improve understanding of the current and future threats posed by bio-terrorism;
- Interpol, as the global police organization, should further promote and enhance co-operation and partnership initiatives between law

enforcement and relevant agencies to strengthen the global response to bio-terrorism; and

- Specifically, Interpol should be encouraged to further co-ordinate, develop and enhance the knowledge, training and capability of law enforcement to recognize, prevent, contain and investigate bio-terrorist threats, including by:
  - establishing a resource centre at the disposal of worldwide law enforcement;
  - enhancing co-operation and understanding between international organizations and research centres, including those dealing in genetic engineering;
  - developing an Incident Response Guide; and,
  - providing training and awareness programmes, including Regional workshops;
  - seeking to develop, with law enforcement and relevant agencies, ways of gathering and sharing information concerning the threat of bio-terrorism more effectively.

News and Media Releases

- Interpol Conference agrees on measures to fight Bio-Terrorism ar en es fr
- Bio-Terrorism Conference opens with warning of major threat ar en es fr
- Interpol Bio-Terrorism Conference set to be largest ever ar en es fr
- Interpol hosts first global conference on bio-terrorism ar en es fr
- Interpol launches police training programme on bio-terrorism ar en es fr

Speeches

- Speech by Jackie Selebi, President, Interpol
- Speech by Ronald K. Noble, Secretary General, Interpol

See also

- Presentations
- Final Communiqué ar en es fr
- Steps taken by member countries in response to UNSCR 1540
- National Laws and Measures
- Speakers' CVs
- Conference announcement en es fr
- Photo gallery en es fr
- Agenda (Diffusion - 30/12/2004) ar en es fr (Acrobat files)

Rev. sci. tech. Off. int. Epiz., 2006, **25** (1), 163-172

International organisations and their role in helping to protect the worldwide community against natural and intentional biological disasters

B. Vallat, J. Pinto & A. Schudel

World Organisation for Animal Health (OIE), 12 rue de Prony, 75017 Paris

Summary

Preventing the spread of disease through international movements is one of the key objectives of the World Organisation for Animal Health (OIE). One of the ways it seeks to achieve this is by publishing international standards and guidelines aimed at, *inter alia*, preventing the importation of pathogens that are dangerous for animals and humans and strengthening Veterinary Services so that they can improve their surveillance and response systems. The OIE works in close partnership with the Food and Agriculture Organization of the United Nations (FAO), and together the two organisations have developed a joint initiative – the Global Framework for the Progressive Control of Transboundary Animal Diseases (GF-TADs). Member Countries of these organisations could increase their capacity to manage the risks of disease occurrences, whether natural or deliberately introduced, if they would all strictly implement existing OIE international standards. Compliance with these standards greatly depends on the political willingness of national policy-makers and on a successful transfer of resources to developing countries in support of good governance and appropriate policy implementation. A United Nations Resolution obliging its Member Countries to implement OIE standards could prove invaluable in this respect.

Keywords

Agreement on the Application of Sanitary and Phytosanitary Measures – Food and Agriculture Organization of the United Nations – Global Framework for the Progressive Control of Transboundary Animal Diseases – International standard – Surveillance – Transparency – Veterinary Services – World Organisation for Animal Health.

Introduction

Preventing the spread of animal diseases and zoonoses through international movements is one of the key objectives of both the World Organisation for Animal Health (OIE) and the Food and Agriculture Organization of the United Nations (FAO). The OIE seeks to accomplish this by establishing international standards and guidelines aimed at preventing the importation of pathogens that are dangerous for animals and humans (while avoiding unjustified sanitary barriers) and through the surveillance, notification and control of diseases.

The OIE was founded in 1924, well before the creation of the United Nations. Initially, 28 countries united with a mandate to share information on animal disease outbreaks to allow Member Countries to take the appropriate control measures to protect themselves and to prevent further spread of the disease. There are now 167 OIE Member Countries. Providing a mechanism for prompt reporting of

disease outbreaks/occurrences is still one of the primary roles of the OIE, but the organisation is also recognised as the international standard-setting agency in the area of animal health. OIE standards include:

– procedures for surveillance and prompt reporting of outbreaks of animal diseases and zoonoses

– requirements to be met by Veterinary Services for surveillance, notification, early warning and response, and the chain of command

– requirements that should be met for a country or zone to be defined as free from certain infectious animal diseases and zoonoses

– recommendations for the safe importation of animals, animal products, semen, and embryos

– procedures for the inactivation of infectious agents

– the general provisions that countries should meet to reduce the risk of the spread of infectious animal diseases and zoonoses, including standards on the quality of national Veterinary Services.

These standards are included in various OIE publications, such as the *Terrestrial Animal Health Code (Terrestrial Code)*, the *Aquatic Animal Health Code (Aquatic Code)*, the *Manual of Diagnostic Tests and Vaccines for Terrestrial Animals (Terrestrial Manual* [3]) and the *Manual of Diagnostic Tests for Aquatic Animals* (the *Aquatic Manual* [2]), the contents of which will be described in more detail later.

The FAO is one of the largest of the specialised United Nations Agencies, the mission of which is to develop agriculture, animal production, fisheries and forestry. In the field of animal production, the FAO Animal Health Service focuses its activities on assisting developing country members to control infectious and parasitic diseases, and to prevent their spread to other countries or regions. Livestock are important in supporting the livelihoods of poor livestock keepers, consumers, traders, and labourers throughout the developing world. Diseases affecting livestock can have a significant impact on animal productivity and production, on trade in live animals, meat and other animal products, on human health (through diseases transmissible from animals to humans), and, consequently, on the overall process of economic development. The activities of the FAO Animal Health Service include the provision of relevant and up-to-date information on:

– selected animal and zoonotic diseases

– the means of, and basic requirements for, the control and management of major animal diseases

– the increasingly important area of safeguarding humans from diseases originating from livestock and/or transmitted through the consumption of animal products.

More recently, the OIE and FAO have been strongly committed to convincing national policy-makers and international donors that the cost of strengthening Veterinary Services so that they can provide better surveillance, early warning systems and management of epizootics, including zoonoses, is negligible compared with the economic losses resulting from the accidental or intentional introduction of infectious animal diseases and zoonoses.

This paper briefly describes the shared objectives of the two organisations before discussing the systems they have in place to achieve these aims and providing details of the standard-setting work of the OIE.

Common objectives of the OIE and the FAO

The OIE and FAO have certain key objectives in their work for the prevention and control of infectious animal diseases and zoonoses; these main areas of activity are discussed below.

Transparency in the animal disease situation worldwide

Each OIE Member Country is committed to providing reports to the OIE Animal Health Information Department on its health status regarding significant animal diseases and diseases transmissible to humans; the OIE then disseminates the information to all Member Countries to enable them to take appropriate action and to protect themselves. The FAO stipulates that notification to the OIE is obligatory and provides tools for data capture and reporting. Non-member countries are encouraged to report.

Collection, analysis and dissemination of veterinary scientific information

Using the FAO network and its own network of internationally recognised scientists, Collaborating Centres and Reference Laboratories, the OIE collects, analyses and publishes the latest scientific information on the control and prevention of important animal diseases, including those transmissible to humans. The FAO serves as a source of expert advice to OIE groups and committees.

Strengthening of international coordination and cooperation in the control of animal diseases

The FAO implements and/or contributes to the implementation of country or regional projects and

programmes to prevent and control animal diseases by strengthening capacities and emergency preparedness for disease detection, analysis, and reaction. With OIE support, the FAO provides technical expertise to Member Countries (particularly developing countries) requesting assistance with animal disease control and eradication programmes. These activities are performed in coordination with other regional and international organisations, donor countries, and agencies responsible for supporting and funding the control of infectious animal diseases and zoonoses.

World trade in animals and animal products: protecting animal and human health while avoiding unjustified sanitary barriers

The OIE develops standards for use by its Member Countries to enable them to protect themselves against disease incursions as a result of trade in animals and animal products, while avoiding unjustified sanitary barriers. These standards are developed by experts from the Member Countries and from the OIE network of 170 Collaborating Centres and Reference Laboratories and in collaboration with FAO and FAO/IAEA (International Atomic Energy Agency) Joint Division experts.

In 1995 the standards developed by the OIE were recognised by the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) of the World Trade Organization (WTO). In order to harmonise SPS measures and remove unjustifiable sanitary restrictions to international trade, the Agreement states that Governments should use these international standards, guidelines and recommendations. Its goal is to minimise the risk of importing pathogens and to remove unjustified restrictions to international trade. The Agreement states that while it is the sovereign right of a country to provide an appropriate level of animal and public health protection at its borders, this right is not to be misused for protectionist purposes. An importing country can only apply sanitary measures to imports if a similar level of protection is applied internally and to all imports. Members Countries may introduce standards providing a higher level of protection than that provided by the OIE standards if there is a scientific justification, but these standards must be based on science-based risk analysis.

The FAO is in charge of assisting its Member Countries, particularly the developing countries, to implement international animal health standards. It has undertaken several studies on the cost of complying with the standards established by world bodies and has developed mid- and long-term policy options that countries can use to implement such standards. Moreover, the FAO is committed to developing a systems approach, through national capacity building and performance indicators, to assist countries to attain compliance and improve trade opportunities.

Towards greater transparency in the animal health situation worldwide

The OIE is the worldwide observatory for animal health. It is supported in this mandate by the FAO. Its key mission is to keep national Veterinary Services and international organisations informed of the appearance and course of epizootics in any country in the world that represent a threat to animal or public health (zoonoses). The system is based on official animal disease information reports that the Veterinary Services of Member Countries have an obligation to submit to the OIE. The use of standard reporting forms ensures that the system is fed with the required data in a standardised format. The strength of the OIE Animal Disease Information System is its 'legal' basis as defined in Chapters 1.1.2 and 1.1.3 of the OIE *Terrestrial Code* and in Chapters 1.1.3 and 1.2.1 of the OIE *Aquatic Code* (6, 7).

The OIE Animal Health Information System has procedures for gathering weekly, annual and biannual animal health data from around the world (the International Monitoring System) and procedures for collecting more urgent information (the International Early Warning System). The International Early Warning System consists of an alert procedure to warn of exceptional epidemiological events (natural or intentional) occurring in Member Countries. Information is aimed at decision-makers and other stakeholders to enable them to take necessary preventive measures. Under this system, the occurrence of a disease, including zoonoses, or any exceptional epidemiological event must be reported as soon as possible (within 24 hours) to the OIE Central Bureau, which then quickly redistributes the information through a variety of channels. Follow-up reports are provided weekly to allow end-users to follow the epidemiological situation as it develops.

To improve the transparency of animal health information, the OIE is also working with the FAO to develop a verification procedure for non-official information from various sources on the existence of disease outbreaks that have not yet been officially notified to the OIE. These processes use different sources of information such as diagnostic results from OIE or FAO Reference Laboratories, scientific papers, field projects, newspapers, the internet, Global Public Health Intelligence (GPHIN), and ProMed.

In addition, in order to improve the control of highly contagious diseases, the FAO and OIE have recently developed a new initiative: the Global Framework for the Progressive Control of Transboundary Animal Diseases (GF-TADs), which is based on a regional approach to animal disease control. The GF-TADs will improve both the quality and quantity of disease information and epidemiological intelligence. An integral aspect of the GF-TADs programme is the Global Early Warning System (GLEWS), which is due to be developed jointly by the FAO, the OIE and the World Health Organization (WHO) as an instrument to assist stakeholders and the international community to predict and prevent livestock animal disease threats through epidemiological analysis and the integration of additional factors that may have an impact on the occurrence and spread of such diseases (e.g. economic factors, civil unrest, climatic changes). The success of this initiative will rely heavily on the sharing of information on animal health and zoonoses in humans among the three organisations. Results of disease information tracking systems will be shared and compared for verification purposes. Through its own Animal Disease Information System the OIE will verify information with the Government representatives of the various Member Countries, thus significantly improving the quality of official information. Similarly, the FAO, through projects and activities in its Member Countries, will also verify the reliability of information and work towards improving transparency. The WHO will also share information gathered by its Global Alert and Response Team and other parties working in the area of zoonotic diseases and veterinary public health.

The expected activities of the GLEWS can be summarised as follows:

– use of designated OIE/FAO Collaborating Centres/Reference Laboratories for specific analysis and modelling trends;

– dissemination of information that complements the OIE Information System;

– dissemination of early warning messages that concentrate on predicting livestock animal disease threats through epidemiological analysis and the integration of additional factors that may have an impact on the occurrence and spread of such diseases;

– design of control strategies;

– development of coordinated responses to animal health and zoonotic emergencies. If consultation among the OIE and FAO shows that an onsite assessment of the situation would be valuable, an urgent field mission may be considered, in consultation with the WHO when relevant. This joint mission would engage the country authorities, especially those of the Ministries of Health and of Agriculture, to obtain a better appreciation of the situation and offer assistance in the formulation of urgent intervention strategies. The joint mission experts would be responsible for briefing supervisors and suggesting a course of action.

While every effort is being made to improve the OIE Animal Health Information System, the major difficulty encountered, as with any international activity, is the quality of the information received, especially information from countries where the Veterinary Services do not comply with OIE standards and do not have adequate resources (e.g. lack of trained veterinarians and epidemiologists, poor equipment and laboratory facilities, inadequate involvement of farmers and other stakeholders in national surveillance systems, and absence of disease control programmes and emergency preparedness plans). In such countries, potentially dangerous situations might go unnoticed or not be dealt with promptly, thereby increasing the risk of disease spreading to other countries.

The OIE has a limited source of emergency funds for use in rapidly assisting Member Countries faced with exceptional epidemiological situations. Typically, these funds are used to immediately send experts from OIE Reference Laboratories or Collaborating Centres to assess the epidemiological situation in the field, and advise national authorities and other international organisations.

The FAO has a well-defined mandate to provide assistance to countries in the field of animal health. One of the key tools it uses to achieve this is its Emergency Prevention System-Livestock (EMPRES-Livestock) programme, which became fully operational in 1994. This system promotes the containment and control of the most serious epizootic diseases of livestock (transboundary animal diseases – TADs), and their progressive elimination on a regional and ultimately a global basis, through international cooperation, involving early warning, early reaction, research, and coordination. EMPRES capitalises on the information provided by the Global Livestock Production and Health Atlas (GLiPHA: www.fao.org/ag/againfo/resources/en/glipha/default.html), which depicts animal population densities, production systems, soil use, and other quantitative information that aids in disease intelligence, ecological understanding, and the development of intervention measures. The EMPRES-Livestock programme focuses on the major epizootic diseases – rinderpest, avian influenza, contagious bovine pleuropneumonia, foot and mouth disease, peste des petits ruminants, Rift Valley fever, Newcastle disease, lumpy skin disease, classical swine fever, and African swine fever. Early warning messages with trend analyses and the potential implications of the disease are posted on the web and distributed via the EMPRES-Livestock mailing list. EMPRES provides training assistance to national epidemiologists and advises on the development of surveillance programmes in the least developed countries.

In the event of a disease emergency and at the request of an FAO Member Country EMPRES can intervene to assist in combating diseases through the FAO's Technical Cooperation Division. Currently, technical cooperation projects (TCPs) are ongoing in over 40 countries, some with regional approaches to disease surveillance and control. While efforts are being made to build capacities in some least-advanced countries, what has been achieved so far has to be further strengthened to better respond to the real needs of many countries, e.g. the need for assistance in improving their national surveillance and monitoring systems and in bringing their contingency plans up to an acceptable level. Furthermore, the available resources must be dramatically increased for tackling emergency situations and to avoid the spread of TADs to other countries.

The warning system operated by the OIE Central Bureau allows Member Countries to react rapidly if the need arises. Member Countries must report any of the following incidents to the OIE Central Bureau within 24 hours:

– the first outbreak of an OIE listed disease

– the re-occurrence of a listed disease following a report declaring that the outbreak has ended

– the first occurrence of a new strain of a pathogen

– the sudden and unexpected increase in the distribution, incidence, morbidity or mortality of a disease prevalent within the country

– an emerging disease with significant morbidity and mortality or zoonotic potential

– evidence of change in the epidemiology of a listed disease (including host range, pathogenicity, strain).

This information is immediately relayed to the other Member Countries as follows:

– by fax or e-mail to countries directly threatened

– through the weekly publication *Disease Information*, available on the OIE website or by mail using the OIE distribution list.

Subsequent to any of the above notifications, Member Countries should send weekly reports by fax or e-mail to provide further information on the evolution of the incident that justified urgent notification.

The FAO obtains additional information from its networks: extensive field activities, Reference Laboratories, rumour-tracking (e.g. GPHIN, ProMed). This information and the resulting analyses are communicated to Member Countries and the OIE either directly or through various channels (FAO-AGA website, EMPRES Bulletin, etc.). As previously mentioned in the above discussion of the GLEWS, a cooperative approach to the information systems is currently being developed between the OIE, FAO and WHO.

These warning systems will provide an improved worldwide surveillance network for the early detection and rapid reporting of any suspicious disease occurrence that is natural or could have its origin in an act of agroterrorism/bioterrorism, i.e. an intentional introduction of pathogens.

Through the International Early Warning System all OIE Member Countries receive alert messages on disease outbreaks, or suspicion thereof, via fax or e-mail. In addition, the OIE annual publication entitled *World Animal Health* provides a wide variety of information on the animal health situation worldwide and reports on the disease control methods Member Countries apply. A selection of all this information is integrated into the World Animal Health Information Database (WAHID) – a regularly updated computerised database available on the OIE website (www.oie.int).

Scientific information is disseminated through other publications, including the OIE *Scientific and Technical Review* (and similar FAO publications), which contains research articles and guidelines of the very highest standard for animal disease control. The FAO also publishes manuals on specific disease recognition, guides on contingency planning, participatory approaches to epidemiology, and booklets on sample collection and submission.

By collecting, processing and disseminating data on animal diseases throughout the world, the OIE and FAO endeavour to ensure transparency in the animal health situation worldwide for the benefit of its Member Countries. The information thus generated is essential for the success of national and regional disease control programmes, for reducing the health risks arising from international movements, and for the early detection of disease attributable to the escape or deliberate introduction of pathogens from acts of bioterrorism.

Towards improved health safeguards in international trade

The smooth flow of animals and animal products requires:

– the development and adoption by the international community of animal health standards aimed at avoiding the risk of importing and spreading diseases and pathogens transmissible to animals and humans

– the harmonisation, strict implementation, and greater transparency of national animal health regulations applicable to trade in animals and their products so as to avoid unjustified sanitary barriers.

OIE Standards

The WTO Agreement on the Application of Sanitary and Phytosanitary Measures advocates the use of standards developed under the auspices of the OIE. Various normative works, approved by the OIE International Committee (the OIE's highest authority; every Member Country is represented), are designed to promote the harmonisation of regulations applicable to trade and animal disease control, these are:

– the *Terrestrial Code*

– the *Aquatic Code*

– the *Terrestrial Manual*

– the *Aquatic Manual*.

The *Terrestrial Code* for mammals, birds and bees is developed by the Terrestrial Animal Health Standards Commission, and the *Aquatic Code* is developed by the Aquatic Animal Health Standards Commission (see section entitled Specialist Commissions). The *Codes* contain the requirements for the international movement of animals and animal products and also provide guidelines for disease reporting (see chapters 1.1.2 and 1.1.3 of the *Terrestrial Code* and chapters 1.1.3 and 1.2.1 of the *Aquatic Code* [6, 7]). Both these publications are updated annually and are available in paper and electronic versions (www.oie.int).

The *Terrestrial Manual*, developed by the Biological Standards Commission, and the *Aquatic Manual*, developed by the Aquatic Animal Health Standards Commission, presents standard methods for diagnostic tests and vaccine production to be applied notably in the context of international trade and national animal disease control programmes. Both texts constitute the reference standards for the international harmonisation of the diagnosis of animal diseases and vaccine control; they also contain specific chapters on the following topics:

– sampling methods

– the packaging and transport of samples

– quality management and the biosecurity of veterinary laboratories

– tests for sterility and freedom from contaminants

– human safety in the veterinary microbiology laboratory

– veterinary vaccine production

– disinfection and inactivation procedures

– laboratory methodologies for bacterial antimicrobial susceptibility testing.

In addition to the standards that appear in the *Manuals* the OIE publication *Quality Standard and Guidelines for Veterinary Laboratories: Infectious Diseases* (1) describes standards for the management and biosecurity of laboratories conducting tests for infectious diseases. It contains technical requirements for these laboratories and includes specific details with respect to test method validation, reference reagents, and laboratory proficiency testing.

The FAO plays a prominent role in providing expertise to the OIE and assisting countries to meet OIE standards through various activities such as national expert capacity building, field projects, and the transfer of technologies and expertise.

OIE activities

As well as publishing standards and disseminating disease information reported by Member Countries, the OIE now takes a proactive approach to disease reporting and will also report information on confirmed positive results provided by OIE Reference Laboratories (4) or from unofficial sources, such as scientific publications, ProMed and lay publications, after the information has been verified by the Member Country.

In addition to reporting disease occurrence the OIE, through the work of the Scientific Commission for Animal Diseases, develops and updates lists of countries recognised as being free from some serious diseases, most notably foot and mouth disease, bovine spongiform encephalopathy, rinderpest and contagious bovine pleuropneumonia. These lists make a substantial contribution to the health security of international movements.

Towards objective and impartial expertise in animal health

The International Agreement of 25 January 1924 establishing the OIE made it responsible for promoting and co-ordinating research on the surveillance and control of animal diseases throughout the world. This objective has been attained by the creation of a worldwide animal health network, involving the establishment of Specialist Commissions and Working Groups, the designation of Collaborating Centres and Reference Laboratories, the

organisation of meetings of experts and the continuing publication of scientific articles.

Specialist Commissions

The four Specialist Commissions study problems of animal disease surveillance and control and questions relating to the harmonisation of international regulations. Members are elected by the representatives of all OIE Member Countries (the International Committee).

The Terrestrial Animal Health Standards Commission contributes to the development, in collaboration with other Specialist Commissions, of the generic and specific chapters in the *Terrestrial Code*. In addition, it promotes the adoption by the International Committee of standards on animal health (including zoonoses), animal welfare, and animal production food safety. It also promotes harmonised surveillance methods and disease control regulations and proposes guidelines and recommendations concerning the trade or international movement of mammals, birds and bees and their products.

The Scientific Commission for Animal Diseases contributes to the development of better strategies and methods for animal disease surveillance and control. The Commission convenes groups of specialists of the highest standard, particularly in the event of an animal health emergency, to verify or evaluate the status of Member Countries in terms of specific animal diseases.

The Biological Standards Commission harmonises methods for the diagnosis of animal diseases and the control of biological products, especially vaccines used for veterinary purposes. The Commission coordinates a programme to develop standard reagents aimed at standardising diagnosis.

The Aquatic Animal Health Standards Commission collects all available information on disease control methods for fish, molluscs and crustaceans. The Commission harmonises rules governing trade in aquaculture products and recommends the optimum diagnostic methods. It also organises scientific meetings on these topics.

All the standards proposed by the various specialist Commissions must be approved by the International Committee before publication. All the standards, recommendations and guidelines of the OIE relating to animal health, zoonoses and international trade in animals and animal products are recognised by the WTO.

OIE Reference Laboratories and Collaborating Centres

These OIE Reference Laboratories and Collaborating Centres, of which there are 170, covering 92 diseases and topics and located in 31 different countries, provide OIE Member Countries with support and scientific advice on all matters relating to the surveillance and control of animal diseases. This support can take many forms, such as the provision of experts (over 150 world-renowned scientists), the preparation and supply of diagnostic kits or standard reagents, and the organisation of seminars, courses, and scientific meetings.

Working Groups

Three OIE Working Groups are currently active:

– wildlife diseases

– animal welfare

– animal production food safety.

These Working Groups meet to review progress made in their field and to ensure that the information is made available rapidly to all OIE Member Countries. They also contribute to the organisation of scientific meetings, seminars, workshops and training courses.

The OIE Working Group most concerned with biosafety and biosecurity is the Working Group on Wildlife Diseases (WGWD). This Group collects information on wildlife diseases from Member Countries and urges Member Countries to recognise the importance of wild animals as potential reservoirs (and even as possible targets of deliberately introduced biological agents) when planning responses to outbreaks of disease, exotic or otherwise.

The WGWD has determined that relatively few countries have developed plans for responding to any disease incursions that may affect wild animals. In order to assist OIE Member Countries that may wish to undertake such planning, the WGWD will, in the course of the next 3 years, review preparedness and response plans that already may have been prepared. From these plans the Group will identify the essential major components and information requirements for this planning.

National preparedness for the possible incursion of exotic diseases must include both the preparedness of all the relevant public authorities and stakeholders to intervene and the assembly of up-to-date information on the population size, demography and susceptibility of indigenous wild animal species. It should also include the development of feasible procedures for the early recognition and diagnosis of a disease outbreak, the subsequent prevention of disease transmission between wildlife and domestic livestock and the spread of disease within wild animal populations. Effective planning for responses to an exotic disease incursion must accord to wildlife the same degree of attention that is now given

solely to domestic livestock. A national consultative network of wildlife expertise needs to be created and deployed in order to develop a range of techniques that can be used to reduce the risk of transmission of disease from livestock to wildlife (and *vice versa*) in the event of an exotic disease outbreak. These actions will establish the necessary databases, lines of communication and science-based plans to achieve a high level of preparedness to deal with an exotic disease incursion into a national wildlife population.

The OIE Working Group on Animal Production Food Safety, established between the OIE and high level representatives of the Codex Alimentarius Commission, is responsible for hazards to consumers that are likely to occur during animal production (on the farm). This Working Group also covers intentional actions likely to occur on a farm, e.g. the introduction of zoonotic agents.

During the 72nd General Session of the OIE International Committee in 2004, Member Countries recognised that zoonotic diseases are emerging and re-emerging with great frequency. They indicated their overwhelming support for a greater OIE role in confronting the challenges of such zoonoses. They also recognised the need to co-ordinate activities horizontally, among animal and public health officials and organisations, and vertically, through national, State, and local groups. For this purpose a Resolution (Resolution No. XXIX) was adopted during the 72nd General Session which encouraged further consideration of the OIE's thinking and commitment regarding emerging and re-emerging zoonoses; more specifically, it advocated the following:

– active consideration of this issue as part of the development of the fourth OIE strategic plan (2005-2010)

– the creation of an Ad hoc Group on Emerging Diseases which would work closely with members of the Working Group on Wildlife Diseases, the Working Group on Animal Production Food Safety, the Ad hoc Group on Epidemiology, OIE Reference Laboratories and other relevant bodies or experts (5).

There appears to be little possibility of preventing bioterrorist attacks on domestic animals and the subsequent spill-over into wildlife populations. There is also the risk that wildlife could be the initial target of covert bio-attacks and that infection could then spread into contiguous domestic livestock. Consequently, interdisciplinary and international efforts to increase surveillance and identification of disease pathogens and improved mechanisms for interagency and intergovernmental co-operation and collaboration will be necessary to combat the threat of disease agents likely to be used as a bioweapon.

Conclusions

If they are correctly implemented the tools currently available through the OIE and FAO can do a lot to increase the ability of Member Countries and of the International Community to protect themselves against the threat of a bioterrorist incident. However, such protection depends on the diligence with which Member Countries follow the existing guidelines and recommendations. The livestock development programmes of the FAO Animal Production and Health Division include recommendations on animal production, health and policy, all of which are invaluable in preparing an effective response to a biological disaster. If these recommendations are implemented alongside OIE guidelines the better prepared a country can be. The OIE guidelines and the benefits they bring can be summarised as follows:

– the OIE standards designed to control disease and to prevent the accidental or intentional introduction of pathogens provide a basis for the harmonisation of national legislation

– the OIE guidelines relating to the biosecurity of laboratories (based on expertise provided from researchers in human and animal health), provide advice on the safe management of biological agents used in those laboratories

– the OIE guidelines, standards and recommendations (and EMPRES principles) relating to surveillance and prompt notification of diseases of domestic livestock and wild animals (including zoonoses) encourage transparency of disease information

– the OIE standards on the quality and evaluation of Veterinary Services can be used to improve the quality and efficiency of Member Countries Veterinary Services, thereby guaranteeing increased vigilance in disease monitoring and surveillance. Compliance with these standards leads to improved early warning and early detection systems, thus ensuring a timely and rapid response to any emergency.

It is plain therefore that effective global biosecurity can only be achieved if all OIE and FAO Member Countries conscientiously comply with the standards and guidelines of the OIE, effectively train stakeholders and ensure the availability of adequate human and material veterinary resources.

Many countries share a common concern about the natural occurrence or deliberate misuse of biological pathogens that can affect public health, food and animal production. Existing methods of disease prevention and containment, regulations, international guidelines and standards are being extended at both national and international levels to improve the ability of countries to prevent, manage and recover from natural, accidental or deliberate introduction

of animal diseases. In this regard there are, at present, substantial differences among countries in the perception of national threat from the deliberate use of pathogenic biological agents. However, significant progress would be made if all Member Countries would strictly implement existing OIE international standards. This is dependent on the political willingness of all national policy-makers and the transfer of resources from developed countries to developing countries in order to support good governance and appropriate policies based on the implementation of existing standards. A Resolution on this voted by the United Nations would provide great support in this respect.

Les organisations internationales et leur contribution à la protection de la communauté mondiale contre les catastrophes biologiques naturelles et d'origine intentionnelle

B. Vallat, J. Pinto & A. Schudel

Résumé

L'un des objectifs fondamentaux de l'Organisation mondiale de la santé animale (OIE) consiste à prévenir la propagation des maladies animales via les mouvements internationaux. L'OIE cherche à atteindre cet objectif notamment en publiant des normes internationales et des lignes directrices visant, entre autres, à prévenir l'importation d'agents pathogènes dangereux pour les animaux et pour l'homme et à renforcer les Services vétérinaires pour qu'ils puissent améliorer leurs systèmes de surveillance et d'interventions. L'OIE travaille en partenariat étroit avec l'Organisation des Nations Unies pour l'alimentation et l'agriculture (FAO), et ensemble, les deux organisations ont élaboré un programme commun – le Cadre global pour le contrôle progressif des maladies animales transfrontalières (GF-TADs). Les Pays membres de ces organisations pourraient accroître leur capacité à gérer les risques d'apparition de maladies, tant naturelles qu'introduites délibérément, si tous appliquaient rigoureusement les normes internationales de l'OIE existantes. Le respect de ces normes dépend en grande partie de la volonté politique des décideurs nationaux et du transfert probant des ressources en faveur des pays en développement à l'appui de la bonne gouvernance et de la mise en œuvre des politiques appropriées. Une résolution des Nations Unies obligeant ses Pays membres à appliquer les normes de l'OIE serait extrêmement utile à cet égard.

Mots-clés

Accord sur l'application des mesures sanitaires et phytosanitaires – Cadre mondial pour le contrôle progressif des maladies animales transfrontalières – Norme internationale – Organisation mondiale de la santé animale – Organisation des Nations Unies pour l'alimentation et l'agriculture – Service vétérinaire – Surveillance – Transparence.

Las organizaciones internacionales y su influencia en la protección de la comunidad internacional contra desastres biológicos de origen natural o intencionado

B. Vallat, J. Pinto & A. Schudel

Resumen

Uno de los objetivos básicos de la OIE (Organización Mundial de Sanidad Animal) se cifra en impedir la propagación de enfermedades a consecuencia del movimiento internacional de animales y productos de origen animal. Uno de los métodos que utiliza para ello es la publicación de normas y directrices internacionales destinadas, entre otras cosas, a prevenir la importación de patógenos peligrosos para el hombre y los animales y a fortalecer los Servicios Veterinarios ayudándolos a mejorar sus sistemas de vigilancia y respuesta. La OIE colabora estrechamente con la Organización de las Naciones Unidas para la Agricultura y la Alimentación (FAO), y ambos organismos han puesto en marcha una iniciativa conjunta denominada Programa Global para el Control Progresivo de las Enfermedades Transfronterizas de los Animales (GF-TADs). Si todos los países miembros de ambas organizaciones aplicaran estrictamente las normas internacionales vigentes de la OIE, mejorarían su capacidad para manejar el riesgo de enfermedades, debidas a causas naturales o a actos intencionados. El cumplimiento de esas normas depende en gran medida de la voluntad de los responsables políticos nacionales y de la eficaz transferencia de recursos a los países en desarrollo para apoyar la buena gobernanza y la correcta aplicación de las políticas. En este sentido, una resolución de las Naciones Unidas por la que se obligara a los Estados Miembros a aplicar las normas de la OIE podría resultar de gran ayuda.

Palabras clave

Acuerdo sobre las Medidas Sanitarias y Fitosanitarias – Norma internacional – Organización Mundial de Sanidad Animal – Organización de las Naciones Unidas para la Agricultura y la Alimentación – Programa Global para el Control Progresivo de las Enfermedades Transfronterizas de los Animales – Servicio Veterinario – Transparencia – Vigilancia.

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ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

Political Declaration as approved by the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention

The States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (hereinafter "the Convention"), having convened in The Hague for the First Special Session of the Conference of the States Parties to Review the Operation of the Convention (hereinafter "the First Review Conference"), solemnly declare the following:

1. The States Parties reaffirm their commitment to achieving the object and purpose of the Convention, as set out in its Preamble and provisions. The Convention and its implementation contribute to enhancing international peace and security. Its full, universal and effective implementation will exclude completely, for the sake of all humankind, the possibility of the use of chemical weapons (CWs), which is prohibited by the Convention. Furthermore, the Convention mandates the elimination of CW stockpiles and CW production capacities by all States Parties, aims at CW non-proliferation and at confidence building among States Parties, establishes an international system for verification of compliance with its provisions, and provides for the fostering of international cooperation and assistance in the peaceful uses of chemistry.

2. The States Parties will continue to take account of developments in science and technology in the implementation of the Convention, in accordance with its provisions.

3. The States Parties reaffirm their commitment to comply with all their obligations under all the provisions of the Convention, and their commitment to implement them fully, effectively, and in a manner which is non-discriminatory and which further enhances confidence among the States Parties and between the States Parties and the Technical Secretariat of the OPCW.

4. The States Parties note that universality of the Convention is fundamental to the achievement of its object and purpose. Much progress has been made since the entry into force of the Convention, to which there are now 151 States Parties. However, serious concerns exist that there remain States not Party to the Convention. The States Parties reaffirm, in particular, that achieving the goals of the Convention requires ratification or accession by those States that cause serious concern. The States Parties pledge to intensify their bilateral and multilateral efforts towards universality of the Convention, and urge all States not Party to join the Convention without delay.

5. The States Parties, recognising the role of the United Nations in the global fight against terrorism in all its forms and manifestations, stress that the full and effective implementation of all provisions of the Convention is in itself an important contribution to this fight. Universality of the Convention, in conjunction with its full and effective implementation, helps to prevent access to CWs by terrorists.

6. The States Parties reaffirm, in order to resolve any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of the Convention, their undertaking to consult and cooperate, directly among themselves or through the OPCW, or by following other appropriate international procedures.

7. The States Parties, without prejudice to the right to request a challenge inspection, should, whenever possible, first make every effort to clarify and resolve any ambiguity or concern about compliance by exchanging information and by conducting consultations among themselves. The OPCW must ensure that requests for clarification and fact-finding, including requests for challenge inspections that meet the requirements of the Convention, can be dealt with expeditiously and effectively.

8. The States Parties reaffirm the obligation to destroy CWs and to destroy or convert CW production facilities within the time limits provided for by the Convention. The possessor States Parties are fully committed to meeting their destruction obligations and the verification costs, as required by the Convention. There has been progress in CW disarmament. However, there have been difficulties in the destruction of CW stockpiles, and the Conference of the States Parties has taken action on delays in some States Parties and granted extensions of destruction time limits, as provided for by the Convention.

9. The States Parties welcome the cooperation afforded by many States Parties to assist some possessor States Parties in meeting their obligation to destroy their CW stockpiles, and invite States Parties that are willing and able to do so, upon request, to continue to cooperate in this field, using, as appropriate, relevant international mechanisms.

10. The States Parties reaffirm the obligation to destroy or otherwise dispose of old CWs, in accordance with the Convention, and note the progress made in this regard. The States Parties, furthermore, attach importance to the destruction of abandoned CWs and to the cooperation that has developed between the Territorial and Abandoning States Parties. Such cooperation would also be necessary for any abandoned CWs discovered in the future.

11. The States Parties note that the OPCW has established an effective international verification system based on declarations and on-site inspections. This provides for the systematic verification of CW stockpiles and CW production facilities, including their destruction. Furthermore, it provides for the verification of activities not prohibited under the Convention that are of importance to its object and purpose. The effective application of the verification system builds confidence in compliance with the Convention by States Parties. It also provides for challenge inspections as one of the mechanisms for the resolution of concerns about possible non-compliance, and for the investigation of allegations of the use, or threat of use, of CWs.

12. The States Parties stress that this verification system should be applied in a non-discriminatory, efficient, and cost-effective manner, and take into account relevant developments in science, technology and industry, in accordance with the provisions of the Convention.

13. The States Parties underline the importance of, and their commitment to, a credible and effective verification regime related to CWs and their destruction. The same applies to the destruction of CW production facilities, as well as to converted CW production facilities. They stress the importance of further assessing the verification regime applied to CW storage, production and destruction facilities, with a view to optimising

verification measures, in accordance with the Convention.

14. The States Parties stress the importance of a credible verification regime related to the chemical industry and other facilities used for purposes not prohibited under the Convention, and of improving its effectiveness and efficiency, with a view to achieving the non-proliferation and confidence-building aims of the Convention, and to contributing to ensuring that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred or used for purposes not prohibited by the Convention. The States Parties also affirm the need to ensure adequate inspection frequency and intensity for each category of declared facilities under Article VI, taking into account, as relevant, all factors envisaged in the Convention, including, inter alia, risk to the object and purpose of the Convention, activities, characteristics and equitable geographical distribution.

15. The States Parties underline the importance of providing confidence in the implementation of the Convention by all States Parties, through submitting information to, and receiving information from, the OPCW, subject to the provisions of the Convention, including its Confidentiality Annex.

16. The States Parties stress that national implementation is one of the essential elements for the effective operation of the Convention. The States Parties will make every effort to overcome difficulties and delays in order to fully meet their obligation to adopt, in accordance with their respective constitutional processes, the necessary implementation measures, including penal legislation. They will cooperate with each other, through the OPCW or bilaterally, towards this objective and afford each other the appropriate legal assistance, upon request, to facilitate the adoption of national implementation measures, and will cooperate, as appropriate, to ensure the safety of people and to protect the environment.

17. The States Parties reaffirm that national implementation measures must reflect all relevant provisions of the Convention and the comprehensive nature of its prohibitions, to ensure that they apply to all toxic chemicals and precursors except where intended for purposes not prohibited under the Convention, as long as their types and quantities are consistent with such purposes.

18. The States Parties stress the very important nature of the Convention's provisions on assistance and protection against the use, or threat of use, of CWs. The States Parties will review and, where possible, further enhance the measures they have elected to provide assistance, with a view to ensuring an effective and timely response to any assistance request.

19. The States Parties reaffirm their undertaking to foster international cooperation for peaceful purposes in the field of chemical activities of the States Parties. The States Parties stress the importance of international cooperation and its contribution to the promotion of the Convention as a whole. The States Parties invite the OPCW to further enhance its international cooperation programmes, and to develop partnerships with other relevant international and regional organisations. In this regard, each State Party is encouraged to take into account relevant developments in science, technology and industry for the common benefit, consistent with their applications for purposes not prohibited under the Convention.

20. The States Parties reaffirm their desire to promote free trade in chemicals as well as

international cooperation and the exchange of scientific and technical information in the field of chemical activities for purposes not prohibited under the Convention, in order to enhance the economic and technological development of the States Parties. They also reaffirm their commitment to facilitate the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under the Convention.

21. The States Parties reaffirm their commitment to implement the Convention in a manner which avoids hampering their economic and technological development for purposes not prohibited under the Convention. They further reaffirm their undertaking not to maintain among themselves any restrictions that are incompatible with the obligations undertaken under the Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for peaceful purposes.

22. The States Parties pledge to further strengthen the OPCW in order to achieve the object and purpose of the Convention and to ensure the full and effective implementation of its provisions.

23. The First Review Conference expresses its appreciation to the international community, including the United Nations and other international and regional organisations, the chemical industry sector, NGOs and civil society, for their active cooperation with, and support for, the work of the OPCW to help fulfil the object and purpose of the Convention.

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OPCW **Conference of the States Parties**

Eighth Session
20 – 24 October 2003

C-8/DEC.16
24 October 2003
Original: ENGLISH

DECISION

PLAN OF ACTION REGARDING THE IMPLEMENTATION OF ARTICLE VII OBLIGATIONS

The Conference of the States Parties,

Recalling the recommendations that the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (First Review Conference) made on national implementation measures (as covered under agenda item 7(c)(v) of its report, subparagraphs 7.74 to 7.83 of RC-1/5, dated 9 May 2003), in particular the agreement in subparagraph 7.83(h) of that report to develop, at its next regular session, a plan of action based on a recommendation from the Executive Council (hereinafter "the Council") regarding the implementation of obligations under Article VII of the Chemical Weapons Convention (hereinafter "the Convention"), with the objective of fostering the full, effective, and non-discriminatory implementation of the Convention by all States Parties;

Stressing the need to fully implement the recommendations of the First Review Conference on national implementation measures;

Recognising how important and how urgent it is that States Parties complete their obligations under Article VII to adopt, in accordance with their constitutional processes, the necessary measures to implement the Convention;

Convinced that the full and effective implementation of Article VII by all States Parties also contributes to universal adherence to the Convention;

Concerned that a large number of States Parties have not yet fulfilled the range of obligations under Article VII, and **recognising** that many of them may have difficulties in doing so; and

Taking note of the report by the Director-General to the Eighth Session of the Conference on national implementation measures (C-8/DG.5, dated 18 September 2003, and Add.1, dated 22 October 2003);

Having received the recommendation by the Council on the Plan of Action on national implementation measures (EC-M-23/DEC.2, dated 21 October 2003),

Hereby:

Identification and analysis of problems and needs (action items for the Technical Secretariat and States Parties)

1. **Requests** the Technical Secretariat (hereinafter "the Secretariat") to intensify its work with those States Parties that have difficulties in adopting the measures required under Article VII, by further identifying, analysing, and addressing those difficulties;

2. **Further requests** the Secretariat to submit to the Thirty-Sixth Session of the Council a report covering, *inter alia*, problems that have been identified, requirements of States Parties for support, the capabilities of the OPCW (that is, both of the Secretariat and of the States Parties) to provide implementation support, and any recommendations relevant to the implementation of the plan of action;

3. **Requests** States Parties seeking assistance of any kind in meeting their national implementation obligations and that have not yet informed the Secretariat of what assistance they require, to do so preferably before 1 March 2004;

Resources for implementation support (action items for the Technical Secretariat and States Parties)

4. **Requests** the Secretariat, within the parameters set by the OPCW Programme and Budget, to offer sustained technical support to States Parties that request it for the establishment and effective functioning of National Authorities, the enactment of national implementing legislation, and the adoption of any administrative measures required in accordance with Article VII;

5. **Welcomes** voluntary contributions from States Parties towards the implementation of this plan of action, and **requests** the Secretariat to implement the plan of action within the resources approved for the OPCW Programme and Budget, together with any voluntary contributions received for national implementation, and in a cost-effective manner;

6. **Encourages** States Parties to lend advice, upon request, to other States Parties in drafting and adopting national measures necessary to implement the Convention, *inter alia* to ensure that the laws reflect the comprehensive nature of the Convention by covering all activities that are to be prohibited or required in accordance with the Convention, and that involve the use of any toxic chemicals and their precursors; to cover the provision of annual declarations on past and anticipated activities; to ensure the implementation of the provisions related to transfers of scheduled chemicals; and to cover the annual submission of information on national protective programmes in accordance with paragraph 4 of Article X;

7. **Requests** States Parties able to provide assistance of any kind towards national implementation in other States Parties to inform the Secretariat, preferably before 1 March 2004, of what they can offer;

8. **Requests** the Secretariat to further develop and improve its implementation support programme, including by mobilising States Parties' efforts so as to provide, upon request and within the limits on available resources, technical assistance and technical evaluations to States Parties in the implementation of the provisions of the Convention, in the areas identified in the section of the report of the First Review Conference on national implementation measures (subparagraph 7.74 to 7.83 of RC-1/5);

9. **Encourages** the Secretariat to identify and, by mutual consent, engage with regional, subregional and other relevant groups of States Parties that can render support to the States Parties concerned in their implementation efforts;

10. **Encourages** the Secretariat and the States Parties to develop partnerships with relevant regional organisations and agencies that could render support to States Parties in their implementation work;

Overall time-frame, intermediate steps, and target date (action items for States Parties)

11. Without prejudice to the timelines set by the Convention, recalling States Parties' obligations under Article VII, and reminding them that it has been more than six years since the entry into force of the Convention, **agrees** that it is imperative that those States Parties that still need to do so take the necessary steps and set realistic target dates for these steps leading to the enactment of the necessary legislation, including penal legislation, and/or the adoption of administrative measures to implement the Convention no later than the Tenth Session of the Conference of the States Parties, scheduled for November 2005;

12. **Calls upon** those States Parties that still need to do so to make every effort to adhere to the overall time-frame established in paragraph 11 above, as well as to the steps and target dates they have established for themselves, and to maintain regular contact with the Secretariat about the implementation of these steps and target dates;

13. **Encourages** States Parties and the Secretariat to take measures to raise awareness of the prohibitions and requirements of the Convention, *inter alia* in their armed forces, in industry, and in their scientific and technological communities;

14. **Underlines** that the steps mentioned in paragraph 11 above should include:

(a) designating or establishing a National Authority and notifying the Secretariat thereof in accordance with Article VII of the Convention, as soon as possible;

(b) taking the steps necessary to enact the legislation, including penal legislation, and/or to adopt the administrative measures States Parties need in order to implement the Convention in accordance with their constitutional processes; and

(c) providing the Secretariat with the full text of their national implementing legislation, including updates, or, in the case of States Parties with a monist legal system, with information on the specific measures they have taken to implement the Convention;

15. **Urges** States Parties that have not yet done so to review their existing regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention;

Oversight by the Executive Council and the Conference of the States Parties (action items for States Parties and the Technical Secretariat)

16. **Requests** the Secretariat to report to the Ninth Session of the Conference and to every second session of the Council starting with the Thirty-Sixth, in March 2004, on the progress made in implementing this plan of action;

17. **Further requests** the Council to provide guidance to, and to coordinate with, the Secretariat as necessary and to monitor the implementation of this plan of action;

18. **Also requests** States Parties that lend advice, upon request, to other States Parties on the drafting and adopting of national measures to implement the Convention, to keep the OPCW informed of their actions and the results they have achieved; and

19. **Undertakes to review**, at its Ninth Session, the progress made in implementing this plan of action, and to **decide** on any further action needed; and **undertakes to review further**, at its Tenth Session, the status of implementation of Article VII and to **consider** and **decide on** any appropriate measures to be taken, if necessary, in order to ensure compliance by all States Parties with Article VII.

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ANNEX II ACTION PLAN FOR THE UNIVERSALITY OF THE CHEMICAL WEAPONS CONVENTION: OPCW Executive Council, EC-M-23/DEC.3, dated 24 October 2003

DECISION

ACTION PLAN FOR THE UNIVERSALITY OF THE CHEMICAL WEAPONS CONVENTION

The Executive Council,

Recalling that the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter "the First Review Conference") attached great importance to the attainment of universal adherence by States to the Chemical Weapons Convention (hereinafter "the Convention") and **acting upon** the recommendation of the First Review Conference that the Executive Council (hereinafter "the Council"), with the cooperation of the Technical Secretariat, develop and implement a plan of action to further encourage, in a systematic and coordinated manner, adherence to the Convention, and to assist States ready to join the Convention in their national preparations for its implementation;

Recalling also resolutions of the United Nations General Assembly which stress the importance of achieving the universality of the Convention;

Recalling that the Conference of the States Parties has reviewed annually the progress, and has repeatedly adopted decisions entitled "Recommendation on ensuring the universality of the Chemical Weapons Convention" which, *inter alia*, have urged all States that have neither ratified nor acceded to the Convention to do so without delay;

Firmly believing that universality of the Convention is fundamental to the full achievement of its object and purpose;

Welcoming the substantial progress made towards universality of the Convention since its entry into force;

Noting however that among the States not Party are some whose non-ratification or non-accession is a cause for serious concern;

Recognising the positive effects that every new accession or ratification has for international peace and security and for global stability;

Recalling the decision of the Council that the OPCW's contribution to global anti-terrorist efforts in the context of the Convention should focus, *inter alia*, on the promotion of universal adherence to the Convention;

Underlining the important political, economic, and security benefits of becoming a State Party to the Convention, **recognising** the positive effect of international cooperation (e.g. on Article XI) among the States Parties on universality, **and convinced** that the desire for increased security and the determination to participate fully in the global community are incentives for States not Party to adhere to the Convention;

Recalling that States that remain outside the Convention would not be able to take advantage of the benefits that the Convention offers the States Parties;

Encouraging States Parties to promote the achievement of the common objectives of the Convention in order to encourage other countries to join the Convention;

Conscious of the fact that States Parties can encourage States not Party to adhere to the Convention, **and determined to** take all appropriate steps to intensify bilateral and multilateral efforts towards universality of the Convention; and

Inspired by the objective of achieving universal adherence to the Convention ten years after its entry into force;

Hereby:

Urges the States Parties, in conjunction with the Council and the Technical Secretariat, to undertake further efforts to promote universality of the Convention, including initiatives to address specific regions, sub-regions, or States, and covering all States not Party, in particular those whose non-adherence is a cause of serious concern;

Strongly supports the designation of "points of contact" by States Parties, on a voluntary and informal basis, in all regions and sub-regions relevant for the effective promotion of universality, to assist regularly in the implementation of this Action Plan and for the purposes of effective coordination;

Recommends that the Director-General should designate an officer of the External Relations Division to act as the focal point within the Technical Secretariat for the implementation of this Action Plan and for the purposes of effective coordination;

Requests the Technical Secretariat, having consulted with States Parties, to prepare a comprehensive annual document on planned universality-related activities, and to provide information to the Council on proposed initiatives, including on potential synergies with States Parties willing and able to join in universality-related efforts. The document should contemplate and systematise activities in which the Technical Secretariat has traditionally engaged and, if deemed appropriate, formulate new universality-oriented projects. The document should set indicative targets for increased membership. In particular, the document could include:

(a) measures envisaged by the Technical Secretariat to assist States ready to join the Convention in their national preparations for implementing it;

(b) bilateral assistance visits;

(c) bilateral meetings with States not Party not represented in The Hague, as well as those represented in The Hague, and other activities of participation support and outreach;

(d) regional and sub-regional seminars and workshops;

(e) international cooperation activities which might include States in the process of ratifying or acceding to the Convention;

(f) measures to increase awareness of the Convention, and of the work of the OPCW, including publications in official languages, as well as measures to reach the appropriate audience in States not Party; and

(g) attendance at meetings of, or joint activities with, relevant international and regional organisations;

Requests the Technical Secretariat, in support of the document of planned activities, to provide information containing up-to-date details regarding the status of States not Party *vis-à-vis* the Convention, their prospects for adherence, their participation in universality related activities, any significant chemical industry and any other issues relevant to the provisions of the Convention;

Requests the Technical Secretariat to implement the document of planned activities within the resources approved for the Organisation's Programme and Budget, together with any voluntary contributions received for universality-related purposes, and in a cost-effective manner;

Strongly encourages States Parties to strengthen their efforts in the promotion of universality of the Convention, to actively pursue this objective, as appropriate, in their contacts with States not Party, and to seek the cooperation of relevant international and regional organisations;

Requests the Director-General to submit to the Conference at its regular sessions an annual report on the implementation of the Action Plan, and to keep the Council regularly informed, so that the Conference and the Council may review progress and monitor its implementation effectively;
Requests that this Action Plan be brought to the attention of the Conference at its Eighth regular session; and

Recommends that the Conference decide to review, at its Tenth Session, the implementation of this Action Plan, and take any decisions deemed necessary.

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FIFTY-FOURTH WORLD HEALTH ASSEMBLY **WHA54.14**

Agenda item 13.3 **21 May 2001**

Global health security: epidemic alert and response

The Fifty-fourth World Health Assembly,

Recalling resolutions WHA48.7 on the International Health Regulations, WHA48.13 on new, emerging and re-emerging infectious diseases, and WHA51.17 on antimicrobial resistance;

Recalling that public health is a priority for development and that combating communicable diseases, which are a major burden in terms of human mortality and morbidity, provides important and immediate opportunities for progress;

Mindful of the globalization of trade and of the movement of people, animals, goods and food products, as well as the speed with which these take place;

Recognizing that, as a result, any upsurge in cases of infectious disease in a given country is potentially of concern for the international community,

1. EXPRESSES its support for:

   (1) ongoing work on the revision of the International Health Regulations, including criteria to define what constitutes a health emergency of international concern;

   (2) development of a global strategy for containment and, where possible, prevention of antimicrobial drug resistance;

   (3) collaboration between WHO and all potential technical partners in the area of epidemic alert and response, including relevant public sectors, intergovernmental organizations, nongovernmental organizations and the private sector;

2. URGES Member States:

   (1) to participate actively in the verification and validation of surveillance data and information concerning health emergencies of international concern, together with WHO and other technical partners;

   (2) to develop and update national preparation and response plans;

(3) to develop training for the staff involved and the exchange of good practice between specialists in response to alerts;

(4) to update regularly information on the resources available for the surveillance and control of infectious diseases;

(5) to designate a focal point for the International Health Regulations;

3. REQUESTS the Director-General:

(1) to devise relevant international tools, and to provide technical support to Member States for developing or strengthening preparedness and response activities against risks posed by biological agents, as an integral part of their emergency management programmes;

(2) to provide technical support to Member States for developing intervention programmes that prevent epidemics and respond to communicable disease threats and emergencies, particularly with regard to epidemiological investigations, laboratory diagnoses and community and clinical management of cases;

(3) to make appropriate arrangements for the development of regional preparedness and response plans;

(4) to provide support to Member States for strengthening their capacity to detect and respond rapidly to communicable disease threats and emergencies, especially by developing the laboratory skills needed for diagnosis and providing training in epidemiological methods for use in the field, particularly in the most exposed countries;

(5) to make available relevant information on public health risks to Member States, relevant intergovernmental organizations and technical partners;

(6) to provide technical support to Member States in the implementation of national efforts to contain and prevent resistance to antimicrobials.

Ninth plenary meeting, 21 May 2001
A54/VR/9

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FIFTY-FIFTH WORLD HEALTH ASSEMBLY **WHA55.16**

Agenda item 13.15 **18 May 2002**

Global public health response to natural occurrence, accidental release or deliberate use of biological and chemical agents or radionuclear material that affect health

The Fifty-fifth World Health Assembly,

Underlining that the World Health Organization focuses on the possible public health consequences of an incident involving biological and chemical agents and radionuclear material, regardless of whether it is characterized as a natural occurrence, accidental release or a deliberate act;

Having reviewed the report on the deliberate use of biological and chemical agents to cause harm: public health response;[1]

Seriously concerned about threats against civilian populations, including those caused by natural occurrence or accidental release of biological or chemical agents or radionuclear material as well as their deliberate use to cause illness and death in target populations;

Noting that such agents can be disseminated through a range of mechanisms, including the food- and water-supply chains, thereby threatening the integrity of public health systems;

Acknowledging that natural occurrence or accidental release of biological, chemical agents and radionuclear material could have serious global public health implications and jeopardise the public health achievements of the past decades;

Acknowledging also that the local release of biological, chemical and radionuclear material designed to cause harm could have serious global public health implications and jeopardize the public health achievements of the past decades;

Recalling resolution WHA54.14 on global health security: epidemic alert and response, which stresses the need for all Member States to work together, with WHO and with other technical partners, in addressing health emergencies of international concern, and resolution WHA45.32 on the International Programme on Chemical Safety, which emphasized the need to establish or strengthen national and local capacities to respond to chemical incidents;

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[1] Document A55/20.

Recognizing that one of the most effective methods of preparing for deliberately caused disease is to strengthen public health surveillance and response activities for naturally or accidentally occurring diseases,

1. URGES Member States:

(1) to ensure they have in place national disease-surveillance plans which are complementary to regional and global disease-surveillance mechanisms, and to collaborate in the rapid analysis and sharing of surveillance data of international humanitarian concern;

(2) to collaborate and provide mutual support in order to enhance national capacity in field epidemiology, laboratory diagnoses, toxicology and case management;

(3) to treat any deliberate use, including local, of biological and chemical agents and radionuclear attack to cause harm also as a global public health threat, and to respond to such a threat in other countries by sharing expertise, supplies and resources in order rapidly to contain the event and mitigate its effects;

2. REQUESTS the Director-General:

(1) to continue, in consultation with relevant intergovernmental agencies and other international organizations, to strengthen global surveillance of infectious diseases, water quality, and food safety, and related activities such as revision of the International Health Regulations and development of WHO's food safety strategy, by coordinating information gathering on potential health risks and disease outbreaks, data verification, analysis and dissemination, by providing support to laboratory networks, and by making a strong contribution to any international humanitarian response, as required;

(2) to provide tools and support for Member States, particularly developing countries, in strengthening their national health systems, notably with regard to emergency preparedness and response plans, including disease surveillance and toxicology, risk communication, and psychosocial consequences of emergencies;

(3) to continue to issue international guidance and technical information on recommended public health measures to deal with the deliberate use of biological and chemical agents to cause harm, and to make this information available on WHO's web site;

(4) to examine the possible development of new tools, within the mandate of WHO, including modelling of possible scenarios of natural occurrence, accidental release or deliberate use of biological, chemical agents and radionuclear material that affect health, and collective mechanisms concerning the global public health response to contain or mitigate the effects of natural occurrence, accidental release or deliberate use of biological, chemical agents and radionuclear material that affect health.

Ninth plenary meeting, 18 May 2002
A55/VR/9

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Laboratory biosafety manual

Third edition

World Health Organization
Geneva
2004

9. Laboratory biosecurity concepts

The *Laboratory biosafety manual* has in the past focused on traditional biosafety guidance for laboratories. The manual emphasizes the use of good microbiological work practices, appropriate containment equipment, proper facility design, operation and maintenance, and administrative considerations to minimize the risk of worker injury or illness. In following these recommendations, the risk to the environment and surrounding community-at-large is also minimized. It has now become necessary to expand this traditional approach to biosafety through the introduction of laboratory biosecurity measures. Global events in the recent past have highlighted the need to protect laboratories and the materials they contain from being intentionally compromised in ways that may harm people, livestock, agriculture or the environment. Before the laboratory biosecurity needs of a facility can be defined, however, it is important to understand the distinction between "laboratory biosafety" and "laboratory biosecurity".

"Laboratory biosafety" is the term used to describe the containment principles, technologies and practices that are implemented to prevent unintentional exposure to pathogens and toxins, or their accidental release. "Laboratory biosecurity" refers to institutional and personal security measures designed to prevent the loss, theft, misuse, diversion or intentional release of pathogens and toxins.

Effective biosafety practices are the very foundation of laboratory biosecurity activities. Through risk assessments, performed as an integral part of an institution's biosafety programme, information is gathered regarding the type of organisms available, their physical location, the personnel who require access to them, and the identification of those responsible for them. This information can be used to assess whether an institution possesses biological materials that are attractive to those who may wish to use them improperly. National standards should be developed that recognize and address the ongoing responsibility of countries and institutions to protect specimens, pathogens and toxins from misuse.

A specific laboratory biosecurity programme must be prepared and implemented for each facility according to the requirements of the facility, the type of laboratory work conducted, and the local conditions. Consequently, laboratory biosecurity activities should be representative of the institution's various needs and should include input from scientific directors, principal investigators, biosafety officers, laboratory

scientific staff, maintenance staff, administrators, information technology staff, and law enforcement agencies and security staff if appropriate.

Laboratory biosecurity measures should be based on a comprehensive programme of accountability for pathogens and toxins that includes an updated inventory with storage location, identification of personnel with access, description of use, documentation of internal and external transfers within and between facilities, and any inactivation and/or disposal of the materials. Likewise, an institutional laboratory biosecurity protocol should be established for identifying, reporting, investigating and remediating breaches in laboratory biosecurity, including discrepancies in inventory results. The involvement and roles and responsibilities of public health and security authorities in the event of a security infraction must be clearly defined.

Laboratory biosecurity training, distinct from laboratory biosafety training, should be provided to all personnel. Such training should help personnel understand the need for protection of such materials and the rationale for the specific biosecurity measures, and should include a review of relevant national standards and institution-specific procedures. Procedures describing the security roles and responsibilities of personnel in the event of a security infraction should also be presented during training.

The professional and ethical suitability for working with dangerous pathogens of all personnel who have regular authorized access to sensitive materials is also central to effective laboratory biosecurity activities.

In summary, security precautions should become a routine part of laboratory work, just as have aseptic techniques and other safe microbiological practices. Laboratory biosecurity measures should not hinder the efficient sharing of reference materials, clinical and epidemiological specimens and related information necessary for clinical or public health investigations. Competent security management should not unduly interfere with the day-to-day activities of scientific personnel or be an impediment to conducting research. Legitimate access to important research and clinical materials must be preserved. Assessment of the suitability of personnel, security-specific training and rigorous adherence to pathogen protection procedures are reasonable means of enhancing laboratory biosecurity. All such efforts must be established and maintained through regular risk and threat assessments, and regular review and updating of procedures. Checks for compliance with these procedures, with clear instructions on roles, responsibilities and remedial actions, should be integral to laboratory biosecurity programmes and national standards for laboratory biosecurity.

FIFTY-EIGHTH WORLD HEALTH ASSEMBLY **WHA58.3**

Agenda item 13.1 **23 May 2005**

Revision of the International Health Regulations

The Fifty-eighth World Health Assembly,

Having considered the draft revised International Health Regulations;[1]

Having regard to articles 2(*k*), 21(*a*) and 22 of the Constitution of WHO;

Recalling references to the need for revising and updating the International Health Regulations in resolutions WHA48.7 on revision and updating of the International Health Regulations, WHA54.14 on global health security: epidemic alert and response, WHA55.16 on global public health response to natural occurrence, accidental release or deliberate use of biological and chemical agents or radionuclear material that affect health, WHA56.28 on revision of the International Health Regulations, and WHA56.29 on severe acute respiratory syndrome (SARS), with a view to responding to the need to ensure global public health;

Welcoming resolution 58/3 of the United Nations General Assembly on enhancing capacity building in global public health, which underscores the importance of the International Health Regulations and urges that high priority should be given to their revision;

Affirming the continuing importance of WHO's role in global outbreak alert and response to public health events, in accordance with its mandate;

Underscoring the continued importance of the International Health Regulations as the key global instrument for protection against the international spread of disease;

Commending the successful conclusion of the work of the Intergovernmental Working Group on Revision of the International Health Regulations,

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[1] See document A58/4.

1. ADOPTS the revised International Health Regulations attached to this resolution, to be referred to as the "International Health Regulations (2005)";

2. CALLS UPON Member States and the Director-General to implement fully the International Health Regulations (2005), in accordance with the purpose and scope set out in Article 2 and the principles embodied in Article 3;

3. DECIDES, for the purposes of paragraph 1 of Article 54 of the International Health Regulations (2005), that States Parties and the Director-General shall submit their first report to the Sixty-first World Health Assembly, and that the Health Assembly shall on that occasion consider the schedule for the submission of further such reports and the first review on the functioning of the Regulations pursuant to paragraph 2 of Article 54;

4. FURTHER DECIDES that, for the purposes of paragraph 1 of Article 14 of the International Health Regulations (2005), the other competent intergovernmental organizations or international bodies with which WHO is expected to cooperate and coordinate its activities, as appropriate, include the following: United Nations, International Labour Organization, Food and Agriculture Organization, International Atomic Energy Agency, International Civil Aviation Organization, International Maritime Organization, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, International Air Transport Association, International Shipping Federation, and *Office International des Epizooties*;

5. URGES Member States:

(1) to build, strengthen and maintain the capacities required under the International Health Regulations (2005), and to mobilize the resources necessary for that purpose;

(2) to collaborate actively with each other and WHO in accordance with the relevant provisions of the International Health Regulations (2005), so as to ensure their effective implementation;

(3) to provide support to developing countries and countries with economies in transition if they so request in the building, strengthening and maintenance of the public health capacities required under the International Health Regulations (2005);

(4) to take all appropriate measures, pending entry into force of the International Health Regulations (2005), for furthering their purpose and eventual implementation, including development of the necessary public health capacities and legal and administrative provisions, and, in particular, to initiate the process for introducing use of the decision instrument contained in Annex 2;

6. REQUESTS the Director-General:

(1) to give prompt notification of the adoption of the International Health Regulations (2005) in accordance with paragraph 1 of Article 65 thereof;

(2) to inform other competent intergovernmental organizations or international bodies of the adoption of the International Health Regulations (2005) and, as appropriate, to cooperate with them in the updating of their norms and standards and to coordinate with them the activities of WHO under the International Health Regulations (2005) with a view to ensuring the application

of adequate measures for the protection of public health and strengthening of the global public-health response to the international spread of disease;

(3) to transmit to the International Civil Aviation Organization (ICAO) the recommended changes to the Health Part of the Aircraft General Declaration,[1] and, after completion by ICAO of its revision of the Aircraft General Declaration, to inform the Health Assembly and replace Annex 9 of the International Health Regulations (2005) with the Health Part of the Aircraft General Declaration as revised by ICAO;

(4) to build and strengthen the capacities of WHO to perform fully and effectively the functions entrusted to it under the International Health Regulations (2005), in particular through strategic health operations that provide support to countries in detection and assessment of, and response to, public health emergencies;

(5) to collaborate with States Parties to the International Health Regulations (2005), as appropriate, including through the provision or facilitation of technical cooperation and logistical support;

(6) to collaborate with States Parties to the extent possible in the mobilization of financial resources to provide support to developing countries in building, strengthening and maintaining the capacities required under the International Health Regulations (2005);

(7) to draw up, in consultation with Member States, guidelines for the application of health measures at ground crossings in accordance with Article 29 of the International Health Regulations (2005);

(8) to establish the Review Committee of the International Health Regulations (2005) in accordance with Article 50 of these Regulations;

(9) to take steps immediately to prepare guidelines for the implementation and evaluation of the decision instrument contained in the International Health Regulations (2005), including elaboration of a procedure for the review of its functioning, which shall be submitted to the Health Assembly for its consideration pursuant to paragraph 3 of Article 54 of these Regulations;

(10) to take steps to establish an IHR Roster of Experts and to invite proposals for its membership, pursuant to Article 47 of the International Health Regulations (2005).

[1] Document A58/41 Add.2.

INTERNATIONAL HEALTH REGULATIONS (2005)

PART I – DEFINITIONS, PURPOSE AND SCOPE, PRINCIPLES AND RESPONSIBLE AUTHORITIES

Article 1 Definitions

1. For the purposes of the International Health Regulations (hereinafter the "IHR" or "Regulations"):

"affected" means persons, baggage, cargo, containers, conveyances, goods, postal parcels or human remains that are infected or contaminated, or carry sources of infection or contamination, so as to constitute a public health risk;

"affected area" means a geographical location specifically for which health measures have been recommended by WHO under these Regulations;

"aircraft" means an aircraft making an international voyage;

"airport" means any airport where international flights arrive or depart;

"arrival" of a conveyance means:

(a) in the case of a seagoing vessel, arrival or anchoring in the defined area of a port;

(b) in the case of an aircraft, arrival at an airport;

(c) in the case of an inland navigation vessel on an international voyage, arrival at a point of entry;

(d) in the case of a train or road vehicle, arrival at a point of entry;

"baggage" means the personal effects of a traveller;

"cargo" means goods carried on a conveyance or in a container;

"competent authority" means an authority responsible for the implementation and application of health measures under these Regulations;

"container" means an article of transport equipment:

(a) of a permanent character and accordingly strong enough to be suitable for repeated use;

(b) specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading;

(c) fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another; and

(d) specially designed as to be easy to fill and empty;

"container loading area" means a place or facility set aside for containers used in international traffic;

"contamination" means the presence of an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk;

"conveyance" means an aircraft, ship, train, road vehicle or other means of transport on an international voyage;

"conveyance operator" means a natural or legal person in charge of a conveyance or their agent;

"crew" means persons on board a conveyance who are not passengers;

"decontamination" means a procedure whereby health measures are taken to eliminate an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk;

"departure" means, for persons, baggage, cargo, conveyances or goods, the act of leaving a territory;

"deratting" means the procedure whereby health measures are taken to control or kill rodent vectors of human disease present in baggage, cargo, containers, conveyances, facilities, goods and postal parcels at the point of entry;

"Director-General" means the Director-General of the World Health Organization;

"disease" means an illness or medical condition, irrespective of origin or source, that presents or could present significant harm to humans;

"disinfection" means the procedure whereby health measures are taken to control or kill infectious agents on a human or animal body surface or in or on baggage, cargo, containers, conveyances, goods and postal parcels by direct exposure to chemical or physical agents;

"disinsection" means the procedure whereby health measures are taken to control or kill the insect vectors of human diseases present in baggage, cargo, containers, conveyances, goods and postal parcels;

"event" means a manifestation of disease or an occurrence that creates a potential for disease;

"*free pratique*" means permission for a ship to enter a port, embark or disembark, discharge or load cargo or stores; permission for an aircraft, after landing, to embark or disembark, discharge or load cargo or stores; and permission for a ground transport vehicle, upon arrival, to embark or disembark, discharge or load cargo or stores;

"goods" mean tangible products, including animals and plants, transported on an international voyage, including for utilization on board a conveyance;

"ground crossing" means a point of land entry in a State Party, including one utilized by road vehicles and trains;

"ground transport vehicle" means a motorized conveyance for overland transport on an international voyage, including trains, coaches, lorries and automobiles;

"health measure" means procedures applied to prevent the spread of disease or contamination; a health measure does not include law enforcement or security measures;

"ill person" means an individual suffering from or affected with a physical ailment that may pose a public health risk;

"infection" means the entry and development or multiplication of an infectious agent in the body of humans and animals that may constitute a public health risk;

"inspection" means the examination, by the competent authority or under its supervision, of areas, baggage, containers, conveyances, facilities, goods or postal parcels, including relevant data and documentation, to determine if a public health risk exists;

"international traffic" means the movement of persons, baggage, cargo, containers, conveyances, goods or postal parcels across an international border, including international trade;

"international voyage" means:

(a) in the case of a conveyance, a voyage between points of entry in the territories of more than one State, or a voyage between points of entry in the territory or territories of the same State if the conveyance has contacts with the territory of any other State on its voyage but only as regards those contacts;

(b) in the case of a traveller, a voyage involving entry into the territory of a State other than the territory of the State in which that traveller commences the voyage;

"intrusive" means possibly provoking discomfort through close or intimate contact or questioning;

"invasive" means the puncture or incision of the skin or insertion of an instrument or foreign material into the body or the examination of a body cavity. For the purposes of these Regulations, medical examination of the ear, nose and mouth, temperature assessment using an ear, oral or cutaneous thermometer, or thermal imaging; medical inspection; auscultation; external palpation; retinoscopy; external collection of urine, faeces or saliva samples; external measurement of blood pressure; and electrocardiography shall be considered to be non-invasive;

"isolation" means separation of ill or contaminated persons or affected baggage, containers, conveyances, goods or postal parcels from others in such a manner as to prevent the spread of infection or contamination;

"medical examination" means the preliminary assessment of a person by an authorized health worker or by a person under the direct supervision of the competent authority, to determine the person's health status and potential public health risk to others, and may include the scrutiny of health documents, and a physical examination when justified by the circumstances of the individual case;

"National IHR Focal Point" means the national centre, designated by each State Party, which shall be accessible at all times for communications with WHO IHR Contact Points under these Regulations;

"Organization" or "WHO" means the World Health Organization;

"permanent residence" has the meaning as determined in the national law of the State Party concerned;

"personal data" means any information relating to an identified or identifiable natural person;

"point of entry" means a passage for international entry or exit of travellers, baggage, cargo, containers, conveyances, goods and postal parcels as well as agencies and areas providing services to them on entry or exit;

"port" means a seaport or a port on an inland body of water where ships on an international voyage arrive or depart;

"postal parcel" means an addressed article or package carried internationally by postal or courier services;

"public health emergency of international concern" means an extraordinary event which is determined, as provided in these Regulations:

(i) to constitute a public health risk to other States through the international spread of disease and

(ii) to potentially require a coordinated international response;

"public health observation" means the monitoring of the health status of a traveller over time for the purpose of determining the risk of disease transmission;

"public health risk" means a likelihood of an event that may affect adversely the health of human populations, with an emphasis on one which may spread internationally or may present a serious and direct danger;

"quarantine" means the restriction of activities and/or separation from others of suspect persons who are not ill or of suspect baggage, containers, conveyances or goods in such a manner as to prevent the possible spread of infection or contamination;

"recommendation" and "recommended" refer to temporary or standing recommendations issued under these Regulations;

"reservoir" means an animal, plant or substance in which an infectious agent normally lives and whose presence may constitute a public health risk;

"road vehicle" means a ground transport vehicle other than a train;

"scientific evidence" means information furnishing a level of proof based on the established and accepted methods of science;

"scientific principles" means the accepted fundamental laws and facts of nature known through the methods of science;

"ship" means a seagoing or inland navigation vessel on an international voyage;

"standing recommendation" means non-binding advice issued by WHO for specific ongoing public health risks pursuant to Article 16 regarding appropriate health measures for routine or periodic application needed to prevent or reduce the international spread of disease and minimize interference with international traffic;

"surveillance" means the systematic ongoing collection, collation and analysis of data for public health purposes and the timely dissemination of public health information for assessment and public health response as necessary;

"suspect" means those persons, baggage, cargo, containers, conveyances, goods or postal parcels considered by a State Party as having been exposed, or possibly exposed, to a public health risk and that could be a possible source of spread of disease;

"temporary recommendation" means non-binding advice issued by WHO pursuant to Article 15 for application on a time-limited, risk-specific basis, in response to a public health emergency of international concern, so as to prevent or reduce the international spread of disease and minimize interference with international traffic;

"temporary residence" has the meaning as determined in the national law of the State Party concerned;

"traveller" means a natural person undertaking an international voyage;

"vector" means an insect or other animal which normally transports an infectious agent that constitutes a public health risk;

"verification" means the provision of information by a State Party to WHO confirming the status of an event within the territory or territories of that State Party;

"WHO IHR Contact Point" means the unit within WHO which shall be accessible at all times for communications with the National IHR Focal Point.

2. Unless otherwise specified or determined by the context, reference to these Regulations includes the annexes thereto.

Article 2 Purpose and scope

The purpose and scope of these Regulations are to prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade.

Article 3 Principles

1. The implementation of these Regulations shall be with full respect for the dignity, human rights and fundamental freedoms of persons.

2. The implementation of these Regulations shall be guided by the Charter of the United Nations and the Constitution of the World Health Organization.

3. The implementation of these Regulations shall be guided by the goal of their universal application for the protection of all people of the world from the international spread of disease.

4. States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to legislate and to implement legislation in pursuance of their health policies. In doing so they should uphold the purpose of these Regulations.

Article 4 Responsible authorities

1. Each State Party shall designate or establish a National IHR Focal Point and the authorities responsible within its respective jurisdiction for the implementation of health measures under these Regulations.

2. National IHR Focal Points shall be accessible at all times for communications with the WHO IHR Contact Points provided for in paragraph 3 of this Article. The functions of National IHR Focal Points shall include:

(a) sending to WHO IHR Contact Points, on behalf of the State Party concerned, urgent communications concerning the implementation of these Regulations, in particular under Articles 6 to 12; and

(b) disseminating information to, and consolidating input from, relevant sectors of the administration of the State Party concerned, including those responsible for surveillance and reporting, points of entry, public health services, clinics and hospitals and other government departments.

3. WHO shall designate IHR Contact Points, which shall be accessible at all times for communications with National IHR Focal Points. WHO IHR Contact Points shall send urgent communications concerning the implementation of these Regulations, in particular under Articles 6 to 12, to the National IHR Focal Point of the States Parties concerned. WHO IHR Contact Points may be designated by WHO at the headquarters or at the regional level of the Organization.

4. States Parties shall provide WHO with contact details of their National IHR Focal Point and WHO shall provide States Parties with contact details of WHO IHR Contact Points. These contact details shall be continuously updated and annually confirmed. WHO shall make available to all States Parties the contact details of National IHR Focal Points it receives pursuant to this Article.

PART II – INFORMATION AND PUBLIC HEALTH RESPONSE

Article 5 Surveillance

1. Each State Party shall develop, strengthen and maintain, as soon as possible but no later than five years from the entry into force of these Regulations for that State Party, the capacity to detect, assess, notify and report events in accordance with these Regulations, as specified in Annex 1.

2. Following the assessment referred to in paragraph 2, Part A of Annex 1, a State Party may report to WHO on the basis of a justified need and an implementation plan and, in so doing, obtain an extension of two years in which to fulfil the obligation in paragraph 1 of this Article. In exceptional circumstances, and supported by a new implementation plan, the State Party may request a further extension not exceeding two years from the Director-General, who shall make the decision, taking into account the technical advice of the Committee established under Article 50 (hereinafter the "Review Committee"). After the period mentioned in paragraph 1 of this Article, the State Party that has obtained an extension shall report annually to WHO on progress made towards the full implementation.

3. WHO shall assist States Parties, upon request, to develop, strengthen and maintain the capacities referred to in paragraph 1 of this Article.

4. WHO shall collect information regarding events through its surveillance activities and assess their potential to cause international disease spread and possible interference with international traffic. Information received by WHO under this paragraph shall be handled in accordance with Articles 11 and 45 where appropriate.

Article 6 Notification

1. Each State Party shall assess events occurring within its territory by using the decision instrument in Annex 2. Each State Party shall notify WHO, by the most efficient means of communication available, by way of the National IHR Focal Point, and within 24 hours of assessment of public health information, of all events which may constitute a public health emergency of international concern within its territory in accordance with the decision instrument, as well as any health measure implemented in response to those events. If the notification received by WHO involves the competency of the International Atomic Energy Agency (IAEA), WHO shall immediately notify the IAEA.

2. Following a notification, a State Party shall continue to communicate to WHO timely, accurate and sufficiently detailed public health information available to it on the notified event, where possible including case definitions, laboratory results, source and type of the risk, number of cases and deaths, conditions affecting the spread of the disease and the health measures employed; and report, when necessary, the difficulties faced and support needed in responding to the potential public health emergency of international concern.

Article 7 Information-sharing during unexpected or unusual public health events

If a State Party has evidence of an unexpected or unusual public health event within its territory, irrespective of origin or source, which may constitute a public health emergency of international concern, it shall provide to WHO all relevant public health information. In such a case, the provisions of Article 6 shall apply in full.

Article 8 Consultation

In the case of events occurring within its territory not requiring notification as provided in Article 6, in particular those events for which there is insufficient information available to complete the decision instrument, a State Party may nevertheless keep WHO advised thereof through the National IHR Focal Point and consult with WHO on appropriate health measures. Such communications shall be treated in accordance with paragraphs 2 to 4 of Article 11. The State Party in whose territory the event has occurred may request WHO assistance to assess any epidemiological evidence obtained by that State Party.

Article 9 Other reports

1. WHO may take into account reports from sources other than notifications or consultations and shall assess these reports according to established epidemiological principles and then communicate information on the event to the State Party in whose territory the event is allegedly occurring. Before taking any action based on such reports, WHO shall consult with and attempt to obtain verification from the State Party in whose territory the event is allegedly occurring in accordance with the procedure set forth in Article 10. To this end, WHO shall make the information received available to the States Parties and only where it is duly justified may WHO maintain the confidentiality of the source. This information will be used in accordance with the procedure set forth in Article 11.

2. States Parties shall, as far as practicable, inform WHO within 24 hours of receipt of evidence of a public health risk identified outside their territory that may cause international disease spread, as manifested by exported or imported:

(a) human cases;

(b) vectors which carry infection or contamination; or

(c) goods that are contaminated.

Article 10 Verification

1. WHO shall request, in accordance with Article 9, verification from a State Party of reports from sources other than notifications or consultations of events which may constitute a public health emergency of international concern allegedly occurring in the State's territory. In such cases, WHO shall inform the State Party concerned regarding the reports it is seeking to verify.

2. Pursuant to the foregoing paragraph and to Article 9, each State Party, when requested by WHO, shall verify and provide:

(a) within 24 hours, an initial reply to, or acknowledgement of, the request from WHO;

(b) within 24 hours, available public health information on the status of events referred to in WHO's request; and

(c) information to WHO in the context of an assessment under Article 6, including relevant information as described in that Article.

3. When WHO receives information of an event that may constitute a public health emergency of international concern, it shall offer to collaborate with the State Party concerned in assessing the potential for international disease spread, possible interference with international traffic and the adequacy of control measures. Such activities may include collaboration with other standard-setting organizations and the offer to mobilize international assistance in order to support the national authorities in conducting and coordinating on-site assessments. When requested by the State Party, WHO shall provide information supporting such an offer.

4. If the State Party does not accept the offer of collaboration, WHO may, when justified by the magnitude of the public health risk, share with other States Parties the information available to it, whilst encouraging the State Party to accept the offer of collaboration by WHO, taking into account the views of the State Party concerned.

Article 11 Provision of information by WHO

1. Subject to paragraph 2 of this Article, WHO shall send to all States Parties and, as appropriate, to relevant intergovernmental organizations, as soon as possible and by the most efficient means available, in confidence, such public health information which it has received under Articles 5 to 10 inclusive and which is necessary to enable States Parties to respond to a public health risk. WHO should communicate information to other States Parties that might help them in preventing the occurrence of similar incidents.

2. WHO shall use information received under Articles 6 and 8 and paragraph 2 of Article 9 for verification, assessment and assistance purposes under these Regulations and, unless otherwise agreed with the States Parties referred to in those provisions, shall not make this information generally available to other States Parties, until such time as:

(a) the event is determined to constitute a public health emergency of international concern in accordance with Article 12; or

(b) information evidencing the international spread of the infection or contamination has been confirmed by WHO in accordance with established epidemiological principles; or

(c) there is evidence that:

(i) control measures against the international spread are unlikely to succeed because of the nature of the contamination, disease agent, vector or reservoir; or

(ii) the State Party lacks sufficient operational capacity to carry out necessary measures to prevent further spread of disease; or

(d) the nature and scope of the international movement of travellers, baggage, cargo, containers, conveyances, goods or postal parcels that may be affected by the infection or contamination requires the immediate application of international control measures.

3. WHO shall consult with the State Party in whose territory the event is occurring as to its intent to make information available under this Article.

4. When information received by WHO under paragraph 2 of this Article is made available to States Parties in accordance with these Regulations, WHO may also make it available to the public if

other information about the same event has already become publicly available and there is a need for the dissemination of authoritative and independent information.

Article 12 Determination of a public health emergency of international concern

1. The Director-General shall determine, on the basis of the information received, in particular from the State Party within whose territory an event is occurring, whether an event constitutes a public health emergency of international concern in accordance with the criteria and the procedure set out in these Regulations.

2. If the Director-General considers, based on an assessment under these Regulations, that a public health emergency of international concern is occurring, the Director-General shall consult with the State Party in whose territory the event arises regarding this preliminary determination. If the Director-General and the State Party are in agreement regarding this determination, the Director-General shall, in accordance with the procedure set forth in Article 49, seek the views of the Committee established under Article 48 (hereinafter the "Emergency Committee") on appropriate temporary recommendations.

3. If, following the consultation in paragraph 2 above, the Director-General and the State Party in whose territory the event arises do not come to a consensus within 48 hours on whether the event constitutes a public health emergency of international concern, a determination shall be made in accordance with the procedure set forth in Article 49.

4. In determining whether an event constitutes a public health emergency of international concern, the Director-General shall consider:

(a) information provided by the State Party;

(b) the decision instrument contained in Annex 2;

(c) the advice of the Emergency Committee;

(d) scientific principles as well as the available scientific evidence and other relevant information; and

(e) an assessment of the risk to human health, of the risk of international spread of disease and of the risk of interference with international traffic.

5. If the Director-General, following consultations with the State Party within whose territory the public health emergency of international concern has occurred, considers that a public health emergency of international concern has ended, the Director-General shall take a decision in accordance with the procedure set out in Article 49.

Article 13 Public health response

1. Each State Party shall develop, strengthen and maintain, as soon as possible but no later than five years from the entry into force of these Regulations for that State Party, the capacity to respond promptly and effectively to public health risks and public health emergencies of international concern as set out in Annex 1. WHO shall publish, in consultation with Member States, guidelines to support States Parties in the development of public health response capacities.

2 Following the assessment referred to in paragraph 2, Part A of Annex 1, a State Party may report to WHO on the basis of a justified need and an implementation plan and, in so doing, obtain an extension of two years in which to fulfil the obligation in paragraph 1 of this Article. In exceptional circumstances and supported by a new implementation plan, the State Party may request a further extension not exceeding two years from the Director-General, who shall make the decision, taking into account the technical advice of the Review Committee. After the period mentioned in paragraph 1 of this Article, the State Party that has obtained an extension shall report annually to WHO on progress made towards the full implementation.

3. At the request of a State Party, WHO shall collaborate in the response to public health risks and other events by providing technical guidance and assistance and by assessing the effectiveness of the control measures in place, including the mobilization of international teams of experts for on-site assistance, when necessary.

4. If WHO, in consultation with the States Parties concerned as provided in Article 12, determines that a public health emergency of international concern is occurring, it may offer, in addition to the support indicated in paragraph 3 of this Article, further assistance to the State Party, including an assessment of the severity of the international risk and the adequacy of control measures. Such collaboration may include the offer to mobilize international assistance in order to support the national authorities in conducting and coordinating on-site assessments. When requested by the State Party, WHO shall provide information supporting such an offer.

5. When requested by WHO, States Parties should provide, to the extent possible, support to WHO-coordinated response activities.

6. When requested, WHO shall provide appropriate guidance and assistance to other States Parties affected or threatened by the public health emergency of international concern.

Article 14 Cooperation of WHO with intergovernmental organizations and international bodies

1. WHO shall cooperate and coordinate its activities, as appropriate, with other competent intergovernmental organizations or international bodies in the implementation of these Regulations, including through the conclusion of agreements and other similar arrangements.

2. In cases in which notification or verification of, or response to, an event is primarily within the competence of other intergovernmental organizations or international bodies, WHO shall coordinate its activities with such organizations or bodies in order to ensure the application of adequate measures for the protection of public health.

3. Notwithstanding the foregoing, nothing in these Regulations shall preclude or limit the provision by WHO of advice, support, or technical or other assistance for public health purposes.

PART III – RECOMMENDATIONS

Article 15 Temporary recommendations

1. If it has been determined in accordance with Article 12 that a public health emergency of international concern is occurring, the Director-General shall issue temporary recommendations in accordance with the procedure set out in Article 49. Such temporary recommendations may be

modified or extended as appropriate, including after it has been determined that a public health emergency of international concern has ended, at which time other temporary recommendations may be issued as necessary for the purpose of preventing or promptly detecting its recurrence.

2. Temporary recommendations may include health measures to be implemented by the State Party experiencing the public health emergency of international concern, or by other States Parties, regarding persons, baggage, cargo, containers, conveyances, goods and/or postal parcels to prevent or reduce the international spread of disease and avoid unnecessary interference with international traffic.

3. Temporary recommendations may be terminated in accordance with the procedure set out in Article 49 at any time and shall automatically expire three months after their issuance. They may be modified or extended for additional periods of up to three months. Temporary recommendations may not continue beyond the second World Health Assembly after the determination of the public health emergency of international concern to which they relate.

Article 16 Standing recommendations

WHO may make standing recommendations of appropriate health measures in accordance with Article 53 for routine or periodic application. Such measures may be applied by States Parties regarding persons, baggage, cargo, containers, conveyances, goods and/or postal parcels for specific, ongoing public health risks in order to prevent or reduce the international spread of disease and avoid unnecessary interference with international traffic. WHO may, in accordance with Article 53, modify or terminate such recommendations, as appropriate.

Article 17 Criteria for recommendations

When issuing, modifying or terminating temporary or standing recommendations, the Director-General shall consider:

(a) the views of the States Parties directly concerned;

(b) the advice of the Emergency Committee or the Review Committee, as the case may be;

(c) scientific principles as well as available scientific evidence and information;

(d) health measures that, on the basis of a risk assessment appropriate to the circumstances, are not more restrictive of international traffic and trade and are not more intrusive to persons than reasonably available alternatives that would achieve the appropriate level of health protection;

(e) relevant international standards and instruments;

(f) activities undertaken by other relevant intergovernmental organizations and international bodies; and

(g) other appropriate and specific information relevant to the event.

With respect to temporary recommendations, the consideration by the Director-General of subparagraphs (e) and (f) of this Article may be subject to limitations imposed by urgent circumstances.

Article 18 Recommendations with respect to persons, baggage, cargo, containers, conveyances, goods and postal parcels

1. Recommendations issued by WHO to States Parties with respect to persons may include the following advice:

– no specific health measures are advised;

– review travel history in affected areas;

– review proof of medical examination and any laboratory analysis;

– require medical examinations;

– review proof of vaccination or other prophylaxis;

– require vaccination or other prophylaxis;

– place suspect persons under public health observation;

– implement quarantine or other health measures for suspect persons;

– implement isolation and treatment where necessary of affected persons;

– implement tracing of contacts of suspect or affected persons;

– refuse entry of suspect and affected persons;

– refuse entry of unaffected persons to affected areas; and

– implement exit screening and/or restrictions on persons from affected areas.

2. Recommendations issued by WHO to States Parties with respect to baggage, cargo, containers, conveyances, goods and postal parcels may include the following advice:

– no specific health measures are advised;

– review manifest and routing;

– implement inspections;

– review proof of measures taken on departure or in transit to eliminate infection or contamination;

– implement treatment of the baggage, cargo, containers, conveyances, goods, postal parcels or human remains to remove infection or contamination, including vectors and reservoirs;

– the use of specific health measures to ensure the safe handling and transport of human remains;

– implement isolation or quarantine;

– seizure and destruction of infected or contaminated or suspect baggage, cargo, containers, conveyances, goods or postal parcels under controlled conditions if no available treatment or process will otherwise be successful; and

– refuse departure or entry.

PART IV – POINTS OF ENTRY

Article 19 General obligations

Each State Party shall, in addition to the other obligations provided for under these Regulations:

(a) ensure that the capacities set forth in Annex 1 for designated points of entry are developed within the timeframe provided in paragraph 1 of Article 5 and paragraph 1 of Article 13;

(b) identify the competent authorities at each designated point of entry in its territory; and

(c) furnish to WHO, as far as practicable, when requested in response to a specific potential public health risk, relevant data concerning sources of infection or contamination, including vectors and reservoirs, at its points of entry, which could result in international disease spread.

Article 20 Airports and ports

1. States Parties shall designate the airports and ports that shall develop the capacities provided in Annex 1.

2. States Parties shall ensure that Ship Sanitation Control Exemption Certificates and Ship Sanitation Control Certificates are issued in accordance with the requirements in Article 39 and the model provided in Annex 3.

3. Each State Party shall send to WHO a list of ports authorized to offer:

(a) the issuance of Ship Sanitation Control Certificates and the provision of the services referred to in Annexes 1 and 3; or

(b) the issuance of Ship Sanitation Control Exemption Certificates only; and

(c) extension of the Ship Sanitation Control Exemption Certificate for a period of one month until the arrival of the ship in the port at which the Certificate may be received.

Each State Party shall inform WHO of any changes which may occur to the status of the listed ports. WHO shall publish the information received under this paragraph.

4. WHO may, at the request of the State Party concerned, arrange to certify, after an appropriate investigation, that an airport or port in its territory meets the requirements referred to in paragraphs 1

and 3 of this Article. These certifications may be subject to periodic review by WHO, in consultation with the State Party.

5. WHO, in collaboration with competent intergovernmental organizations and international bodies, shall develop and publish the certification guidelines for airports and ports under this Article. WHO shall also publish a list of certified airports and ports.

Article 21 Ground crossings

1. Where justified for public health reasons, a State Party may designate ground crossings that shall develop the capacities provided in Annex 1, taking into consideration:

(a) the volume and frequency of the various types of international traffic, as compared to other points of entry, at a State Party's ground crossings which might be designated; and

(b) the public health risks existing in areas in which the international traffic originates, or through which it passes, prior to arrival at a particular ground crossing.

2. States Parties sharing common borders should consider:

(a) entering into bilateral or multilateral agreements or arrangements concerning prevention or control of international transmission of disease at ground crossings in accordance with Article 57; and

(b) joint designation of adjacent ground crossings for the capacities in Annex 1 in accordance with paragraph 1 of this Article.

Article 22 Role of competent authorities

1. The competent authorities shall:

(a) be responsible for monitoring baggage, cargo, containers, conveyances, goods, postal parcels and human remains departing and arriving from affected areas, so that they are maintained in such a condition that they are free of sources of infection or contamination, including vectors and reservoirs;

(b) ensure, as far as practicable, that facilities used by travellers at points of entry are maintained in a sanitary condition and are kept free of sources of infection or contamination, including vectors and reservoirs;

(c) be responsible for the supervision of any deratting, disinfection, disinsection or decontamination of baggage, cargo, containers, conveyances, goods, postal parcels and human remains or sanitary measures for persons, as appropriate under these Regulations;

(d) advise conveyance operators, as far in advance as possible, of their intent to apply control measures to a conveyance, and shall provide, where available, written information concerning the methods to be employed;

(e) be responsible for the supervision of the removal and safe disposal of any contaminated water or food, human or animal dejecta, wastewater and any other contaminated matter from a conveyance;

(f) take all practicable measures consistent with these Regulations to monitor and control the discharge by ships of sewage, refuse, ballast water and other potentially disease-causing matter which might contaminate the waters of a port, river, canal, strait, lake or other international waterway;

(g) be responsible for supervision of service providers for services concerning travellers, baggage, cargo, containers, conveyances, goods, postal parcels and human remains at points of entry, including the conduct of inspections and medical examinations as necessary;

(h) have effective contingency arrangements to deal with an unexpected public health event; and

(i) communicate with the National IHR Focal Point on the relevant public health measures taken pursuant to these Regulations.

2. Health measures recommended by WHO for travellers, baggage, cargo, containers, conveyances, goods, postal parcels and human remains arriving from an affected area may be reapplied on arrival, if there are verifiable indications and/or evidence that the measures applied on departure from the affected area were unsuccessful.

3. Disinsection, deratting, disinfection, decontamination and other sanitary procedures shall be carried out so as to avoid injury and as far as possible discomfort to persons, or damage to the environment in a way which impacts on public health, or damage to baggage, cargo, containers, conveyances, goods and postal parcels.

PART V – PUBLIC HEALTH MEASURES

Chapter I – General provisions

Article 23 Health measures on arrival and departure

1. Subject to applicable international agreements and relevant articles of these Regulations, a State Party may require for public health purposes, on arrival or departure:

(a) with regard to travellers:

(i) information concerning the traveller's destination so that the traveller may be contacted;

(ii) information concerning the traveller's itinerary to ascertain if there was any travel in or near an affected area or other possible contacts with infection or contamination prior to arrival, as well as review of the traveller's health documents if they are required under these Regulations; and/or

(iii) a non-invasive medical examination which is the least intrusive examination that would achieve the public health objective;

(b) inspection of baggage, cargo, containers, conveyances, goods, postal parcels and human remains.

2. On the basis of evidence of a public health risk obtained through the measures provided in paragraph 1 of this Article, or through other means, States Parties may apply additional health measures, in accordance with these Regulations, in particular, with regard to a suspect or affected traveller, on a case-by-case basis, the least intrusive and invasive medical examination that would achieve the public health objective of preventing the international spread of disease.

3. No medical examination, vaccination, prophylaxis or health measure under these Regulations shall be carried out on travellers without their prior express informed consent or that of their parents or guardians, except as provided in paragraph 2 of Article 31, and in accordance with the law and international obligations of the State Party.

4. Travellers to be vaccinated or offered prophylaxis pursuant to these Regulations, or their parents or guardians, shall be informed of any risk associated with vaccination or with non-vaccination and with the use or non-use of prophylaxis in accordance with the law and international obligations of the State Party. States Parties shall inform medical practitioners of these requirements in accordance with the law of the State Party.

5. Any medical examination, medical procedure, vaccination or other prophylaxis which involves a risk of disease transmission shall only be performed on, or administered to, a traveller in accordance with established national or international safety guidelines and standards so as to minimize such a risk.

Chapter II – Special provisions for conveyances and conveyance operators

Article 24 Conveyance operators

1. States Parties shall take all practicable measures consistent with these Regulations to ensure that conveyance operators:

(a) comply with the health measures recommended by WHO and adopted by the State Party;

(b) inform travellers of the health measures recommended by WHO and adopted by the State Party for application on board; and

(c) permanently keep conveyances for which they are responsible free of sources of infection or contamination, including vectors and reservoirs. The application of measures to control sources of infection or contamination may be required if evidence is found.

2. Specific provisions pertaining to conveyances and conveyance operators under this Article are provided in Annex 4. Specific measures applicable to conveyances and conveyance operators with regard to vector-borne diseases are provided in Annex 5.

Article 25 Ships and aircraft in transit

Subject to Articles 27 and 43 or unless authorized by applicable international agreements, no health measure shall be applied by a State Party to:

(a) a ship not coming from an affected area which passes through a maritime canal or waterway in the territory of that State Party on its way to a port in the territory of another State. Any such ship shall be permitted to take on, under the supervision of the competent authority, fuel, water, food and supplies;

(b) a ship which passes through waters within its jurisdiction without calling at a port or on the coast; and

(c) an aircraft in transit at an airport within its jurisdiction, except that the aircraft may be restricted to a particular area of the airport with no embarking and disembarking or loading and discharging. However, any such aircraft shall be permitted to take on, under the supervision of the competent authority, fuel, water, food and supplies.

Article 26 Civilian lorries, trains and coaches in transit

Subject to Articles 27 and 43 or unless authorized by applicable international agreements, no health measure shall be applied to a civilian lorry, train or coach not coming from an affected area which passes through a territory without embarking, disembarking, loading or discharging.

Article 27 Affected conveyances

1. If clinical signs or symptoms and information based on fact or evidence of a public health risk, including sources of infection and contamination, are found on board a conveyance, the competent authority shall consider the conveyance as affected and may:

(a) disinfect, decontaminate, disinsect or derat the conveyance, as appropriate, or cause these measures to be carried out under its supervision; and

(b) decide in each case the technique employed to secure an adequate level of control of the public health risk as provided in these Regulations. Where there are methods or materials advised by WHO for these procedures, these should be employed, unless the competent authority determines that other methods are as safe and reliable.

The competent authority may implement additional health measures, including isolation of the conveyances, as necessary, to prevent the spread of disease. Such additional measures should be reported to the National IHR Focal Point.

2. If the competent authority for the point of entry is not able to carry out the control measures required under this Article, the affected conveyance may nevertheless be allowed to depart, subject to the following conditions:

(a) the competent authority shall, at the time of departure, inform the competent authority for the next known point of entry of the type of information referred to under subparagraph (b); and

(b) in the case of a ship, the evidence found and the control measures required shall be noted in the Ship Sanitation Control Certificate.

Any such conveyance shall be permitted to take on, under the supervision of the competent authority, fuel, water, food and supplies.

3. A conveyance that has been considered as affected shall cease to be regarded as such when the competent authority is satisfied that:

(a) the measures provided in paragraph 1 of this Article have been effectively carried out; and

(b) there are no conditions on board that could constitute a public health risk.

Article 28 Ships and aircraft at points of entry

1. Subject to Article 43 or as provided in applicable international agreements, a ship or an aircraft shall not be prevented for public health reasons from calling at any point of entry. However, if the point of entry is not equipped for applying health measures under these Regulations, the ship or aircraft may be ordered to proceed at its own risk to the nearest suitable point of entry available to it, unless the ship or aircraft has an operational problem which would make this diversion unsafe.

2. Subject to Article 43 or as provided in applicable international agreements, ships or aircraft shall not be refused *free pratique* by States Parties for public health reasons; in particular they shall not be prevented from embarking or disembarking, discharging or loading cargo or stores, or taking on fuel, water, food and supplies. States Parties may subject the granting of *free pratique* to inspection and, if a source of infection or contamination is found on board, the carrying out of necessary disinfection, decontamination, disinsection or deratting, or other measures necessary to prevent the spread of the infection or contamination.

3. Whenever practicable and subject to the previous paragraph, a State Party shall authorize the granting of *free pratique* by radio or other communication means to a ship or an aircraft when, on the basis of information received from it prior to its arrival, the State Party is of the opinion that the arrival of the ship or aircraft will not result in the introduction or spread of disease.

4. Officers in command of ships or pilots in command of aircraft, or their agents, shall make known to the port or airport control as early as possible before arrival at the port or airport of destination any cases of illness indicative of a disease of an infectious nature or evidence of a public health risk on board as soon as such illnesses or public health risks are made known to the officer or pilot. This information must be immediately relayed to the competent authority for the port or airport. In urgent circumstances, such information should be communicated directly by the officers or pilots to the relevant port or airport authority.

5. The following shall apply if a suspect or affected aircraft or ship, for reasons beyond the control of the pilot in command of the aircraft or the officer in command of the ship, lands elsewhere than at the airport at which the aircraft was due to land or berths elsewhere than at the port at which the ship was due to berth:

(a) the pilot in command of the aircraft or the officer in command of the ship or other person in charge shall make every effort to communicate without delay with the nearest competent authority;

(b) as soon as the competent authority has been informed of the landing it may apply health measures recommended by WHO or other health measures provided in these Regulations;

(c) unless required for emergency purposes or for communication with the competent authority, no traveller on board the aircraft or ship shall leave its vicinity and no cargo shall be removed from that vicinity, unless authorized by the competent authority; and

(d) when all health measures required by the competent authority have been completed, the aircraft or ship may, so far as such health measures are concerned, proceed either to the airport or port at which it was due to land or berth, or, if for technical reasons it cannot do so, to a conveniently situated airport or port.

6. Notwithstanding the provisions contained in this Article, the officer in command of a ship or pilot in command of an aircraft may take such emergency measures as may be necessary for the health and safety of travellers on board. He or she shall inform the competent authority as early as possible concerning any measures taken pursuant to this paragraph.

Article 29 Civilian lorries, trains and coaches at points of entry

WHO, in consultation with States Parties, shall develop guiding principles for applying health measures to civilian lorries, trains and coaches at points of entry and passing through ground crossings.

Chapter III – Special provisions for travellers

Article 30 Travellers under public health observation

Subject to Article 43 or as authorized in applicable international agreements, a suspect traveller who on arrival is placed under public health observation may continue an international voyage, if the traveller does not pose an imminent public health risk and the State Party informs the competent authority of the point of entry at destination, if known, of the traveller's expected arrival. On arrival, the traveller shall report to that authority.

Article 31 Health measures relating to entry of travellers

1. Invasive medical examination, vaccination or other prophylaxis shall not be required as a condition of entry of any traveller to the territory of a State Party, except that, subject to Articles 32, 42 and 45, these Regulations do not preclude States Parties from requiring medical examination, vaccination or other prophylaxis or proof of vaccination or other prophylaxis:

(a) when necessary to determine whether a public health risk exists;

(b) as a condition of entry for any travellers seeking temporary or permanent residence;

(c) as a condition of entry for any travellers pursuant to Article 43 or Annexes 6 and 7; or

(d) which may be carried out pursuant to Article 23.

2. If a traveller for whom a State Party may require a medical examination, vaccination or other prophylaxis under paragraph 1 of this Article fails to consent to any such measure, or refuses to provide the information or the documents referred to in paragraph 1(a) of Article 23, the State Party concerned may, subject to Articles 32, 42 and 45, deny entry to that traveller. If there is evidence of an imminent public health risk, the State Party may, in accordance with its national law and to the extent necessary to control such a risk, compel the traveller to undergo or advise the traveller, pursuant to paragraph 3 of Article 23, to undergo:

(a) the least invasive and intrusive medical examination that would achieve the public health objective;

(b) vaccination or other prophylaxis; or

(c) additional established health measures that prevent or control the spread of disease, including isolation, quarantine or placing the traveller under public health observation.

Article 32 Treatment of travellers

In implementing health measures under these Regulations, States Parties shall treat travellers with respect for their dignity, human rights and fundamental freedoms and minimize any discomfort or distress associated with such measures, including by:

(a) treating all travellers with courtesy and respect;

(b) taking into consideration the gender, sociocultural, ethnic or religious concerns of travellers; and

(c) providing or arranging for adequate food and water, appropriate accommodation and clothing, protection for baggage and other possessions, appropriate medical treatment, means of necessary communication if possible in a language that they can understand and other appropriate assistance for travellers who are quarantined, isolated or subject to medical examinations or other procedures for public health purposes.

Chapter IV – Special provisions for goods, containers and container loading areas

Article 33 Goods in transit

Subject to Article 43 or unless authorized by applicable international agreements, goods, other than live animals, in transit without transhipment shall not be subject to health measures under these Regulations or detained for public health purposes.

Article 34 Container and container loading areas

1. States Parties shall ensure, as far as practicable, that container shippers use international traffic containers that are kept free from sources of infection or contamination, including vectors and reservoirs, particularly during the course of packing.

2. States Parties shall ensure, as far as practicable, that container loading areas are kept free from sources of infection or contamination, including vectors and reservoirs.

3. Whenever, in the opinion of a State Party, the volume of international container traffic is sufficiently large, the competent authorities shall take all practicable measures consistent with these Regulations, including carrying out inspections, to assess the sanitary condition of container loading areas and containers in order to ensure that the obligations contained in these Regulations are implemented.

4. Facilities for the inspection and isolation of containers shall, as far as practicable, be available at container loading areas.

5. Container consignees and consignors shall make every effort to avoid cross-contamination when multiple-use loading of containers is employed.

PART VI – HEALTH DOCUMENTS

Article 35 General rule

No health documents, other than those provided for under these Regulations or in recommendations issued by WHO, shall be required in international traffic, provided however that this Article shall not apply to travellers seeking temporary or permanent residence, nor shall it apply to document requirements concerning the public health status of goods or cargo in international trade pursuant to applicable international agreements. The competent authority may request travellers to complete contact information forms and questionnaires on the health of travellers, provided that they meet the requirements set out in Article 23.

Article 36 Certificates of vaccination or other prophylaxis

1. Vaccines and prophylaxis for travellers administered pursuant to these Regulations, or to recommendations and certificates relating thereto, shall conform to the provisions of Annex 6 and, when applicable, Annex 7 with regard to specific diseases.

2. A traveller in possession of a certificate of vaccination or other prophylaxis issued in conformity with Annex 6 and, when applicable, Annex 7, shall not be denied entry as a consequence of the disease to which the certificate refers, even if coming from an affected area, unless the competent authority has verifiable indications and/or evidence that the vaccination or other prophylaxis was not effective.

Article 37 Maritime Declaration of Health

1. The master of a ship, before arrival at its first port of call in the territory of a State Party, shall ascertain the state of health on board, and, except when that State Party does not require it, the master shall, on arrival, or in advance of the vessel's arrival if the vessel is so equipped and the State Party requires such advance delivery, complete and deliver to the competent authority for that port a Maritime Declaration of Health which shall be countersigned by the ship's surgeon, if one is carried.

2. The master of a ship, or the ship's surgeon if one is carried, shall supply any information required by the competent authority as to health conditions on board during an international voyage.

3. A Maritime Declaration of Health shall conform to the model provided in Annex 8.

4. A State Party may decide:

(a) to dispense with the submission of the Maritime Declaration of Health by all arriving ships; or

(b) to require the submission of the Maritime Declaration of Health under a recommendation concerning ships arriving from affected areas or to require it from ships which might otherwise carry infection or contamination.

The State Party shall inform shipping operators or their agents of these requirements.

Article 38 Health Part of the Aircraft General Declaration

1. The pilot in command of an aircraft or the pilot's agent, in flight or upon landing at the first airport in the territory of a State Party, shall, to the best of his or her ability, except when that State Party does not require it, complete and deliver to the competent authority for that airport the Health Part of the Aircraft General Declaration which shall conform to the model specified in Annex 9.

2. The pilot in command of an aircraft or the pilot's agent shall supply any information required by the State Party as to health conditions on board during an international voyage and any health measure applied to the aircraft.

3. A State Party may decide:

(a) to dispense with the submission of the Health Part of the Aircraft General Declaration by all arriving aircraft; or

(b) to require the submission of the Health Part of the Aircraft General Declaration under a recommendation concerning aircraft arriving from affected areas or to require it from aircraft which might otherwise carry infection or contamination.

The State Party shall inform aircraft operators or their agents of these requirements.

Article 39 Ship sanitation certificates

1. Ship Sanitation Control Exemption Certificates and Ship Sanitation Control Certificates shall be valid for a maximum period of six months. This period may be extended by one month if the inspection or control measures required cannot be accomplished at the port.

2. If a valid Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate is not produced or evidence of a public health risk is found on board a ship, the State Party may proceed as provided in paragraph 1 of Article 27.

3. The certificates referred to in this Article shall conform to the model in Annex 3.

4. Whenever possible, control measures shall be carried out when the ship and holds are empty. In the case of a ship in ballast, they shall be carried out before loading.

5. When control measures are required and have been satisfactorily completed, the competent authority shall issue a Ship Sanitation Control Certificate, noting the evidence found and the control measures taken.

6. The competent authority may issue a Ship Sanitation Control Exemption Certificate at any port specified under Article 20 if it is satisfied that the ship is free of infection and contamination, including vectors and reservoirs. Such a certificate shall normally be issued only if the inspection of the ship has been carried out when the ship and holds are empty or when they contain only ballast or other material, of such a nature or so disposed as to make a thorough inspection of the holds possible.

7. If the conditions under which control measures are carried out are such that, in the opinion of the competent authority for the port where the operation was performed, a satisfactory result cannot be obtained, the competent authority shall make a note to that effect on the Ship Sanitation Control Certificate.

PART VII – CHARGES

Article 40 Charges for health measures regarding travellers

1. Except for travellers seeking temporary or permanent residence, and subject to paragraph 2 of this Article, no charge shall be made by a State Party pursuant to these Regulations for the following measures for the protection of public health:

(a) any medical examination provided for in these Regulations, or any supplementary examination which may be required by that State Party to ascertain the health status of the traveller examined;

(b) any vaccination or other prophylaxis provided to a traveller on arrival that is not a published requirement or is a requirement published less than 10 days prior to provision of the vaccination or other prophylaxis;

(c) appropriate isolation or quarantine requirements of travellers;

(d) any certificate issued to the traveller specifying the measures applied and the date of application; or

(e) any health measures applied to baggage accompanying the traveller.

2. State Parties may charge for health measures other than those referred to in paragraph 1 of this Article, including those primarily for the benefit of the traveller.

3. Where charges are made for applying such health measures to travellers under these Regulations, there shall be in each State Party only one tariff for such charges and every charge shall:

(a) conform to this tariff;

(b) not exceed the actual cost of the service rendered; and

(c) be levied without distinction as to the nationality, domicile or residence of the traveller concerned.

4. The tariff, and any amendment thereto, shall be published at least 10 days in advance of any levy thereunder.

5. Nothing in these Regulations shall preclude States Parties from seeking reimbursement for expenses incurred in providing the health measures in paragraph 1 of this Article:

(a) from conveyance operators or owners with regard to their employees; or

(b) from applicable insurance sources.

6. Under no circumstances shall travellers or conveyance operators be denied the ability to depart from the territory of a State Party pending payment of the charges referred to in paragraphs 1 or 2 of this Article.

Article 41 Charges for baggage, cargo, containers, conveyances, goods or postal parcels

1. Where charges are made for applying health measures to baggage, cargo, containers, conveyances, goods or postal parcels under these Regulations, there shall be in each State Party only one tariff for such charges and every charge shall:

(a) conform to this tariff;

(b) not exceed the actual cost of the service rendered; and

(c) be levied without distinction as to the nationality, flag, registry or ownership of the baggage, cargo, containers, conveyances, goods or postal parcels concerned. In particular, there shall be no distinction made between national and foreign baggage, cargo, containers, conveyances, goods or postal parcels.

2. The tariff, and any amendment thereto, shall be published at least 10 days in advance of any levy thereunder.

PART VIII – GENERAL PROVISIONS

Article 42 Implementation of health measures

Health measures taken pursuant to these Regulations shall be initiated and completed without delay, and applied in a transparent and non-discriminatory manner.

Article 43 Additional health measures

1. These Regulations shall not preclude States Parties from implementing health measures, in accordance with their relevant national law and obligations under international law, in response to specific public health risks or public health emergencies of international concern, which:

(a) achieve the same or greater level of health protection than WHO recommendations; or

(b) are otherwise prohibited under Article 25, Article 26, paragraphs 1 and 2 of Article 28, Article 30, paragraph 1(c) of Article 31 and Article 33,

provided such measures are otherwise consistent with these Regulations.

Such measures shall not be more restrictive of international traffic and not more invasive or intrusive to persons than reasonably available alternatives that would achieve the appropriate level of health protection.

2. In determining whether to implement the health measures referred to in paragraph 1 of this Article or additional health measures under paragraph 2 of Article 23, paragraph 1 of Article 27, paragraph 2 of Article 28 and paragraph 2(c) of Article 31, States Parties shall base their determinations upon:

(a) scientific principles;

(b) available scientific evidence of a risk to human health, or where such evidence is insufficient, the available information including from WHO and other relevant intergovernmental organizations and international bodies; and

(c) any available specific guidance or advice from WHO.

3. A State Party implementing additional health measures referred to in paragraph 1 of this Article which significantly interfere with international traffic shall provide to WHO the public health rationale and relevant scientific information for it. WHO shall share this information with other States Parties and shall share information regarding the health measures implemented. For the purpose of this Article, significant interference generally means refusal of entry or departure of international travellers, baggage, cargo, containers, conveyances, goods, and the like, or their delay, for more than 24 hours.

4. After assessing information provided pursuant to paragraph 3 and 5 of this Article and other relevant information, WHO may request that the State Party concerned reconsider the application of the measures.

5. A State Party implementing additional health measures referred to in paragraphs 1 and 2 of this Article that significantly interfere with international traffic shall inform WHO, within 48 hours of implementation, of such measures and their health rationale unless these are covered by a temporary or standing recommendation.

6. A State Party implementing a health measure pursuant to paragraph 1 or 2 of this Article shall within three months review such a measure taking into account the advice of WHO and the criteria in paragraph 2 of this Article**.**

7. Without prejudice to its rights under Article 56, any State Party impacted by a measure taken pursuant to paragraph 1 or 2 of this Article may request the State Party implementing such a measure to consult with it. The purpose of such consultations is to clarify the scientific information and public health rationale underlying the measure and to find a mutually acceptable solution.

8. The provisions of this Article may apply to implementation of measures concerning travellers taking part in mass congregations.

Article 44 Collaboration and assistance

1. States Parties shall undertake to collaborate with each other, to the extent possible, in:

(a) the detection and assessment of, and response to, events as provided under these Regulations;

(b) the provision or facilitation of technical cooperation and logistical support, particularly in the development, strengthening and maintenance of the public health capacities required under these Regulations;

(c) the mobilization of financial resources to facilitate implementation of their obligations under these Regulations; and

(d) the formulation of proposed laws and other legal and administrative provisions for the implementation of these Regulations.

2. WHO shall collaborate with States Parties, upon request, to the extent possible, in:

(a) the evaluation and assessment of their public health capacities in order to facilitate the effective implementation of these Regulations;

(b) the provision or facilitation of technical cooperation and logistical support to States Parties; and

(c) the mobilization of financial resources to support developing countries in building, strengthening and maintaining the capacities provided for in Annex 1.

3. Collaboration under this Article may be implemented through multiple channels, including bilaterally, through regional networks and the WHO regional offices, and through intergovernmental organizations and international bodies.

Article 45 Treatment of personal data

1. Health information collected or received by a State Party pursuant to these Regulations from another State Party or from WHO which refers to an identified or identifiable person shall be kept confidential and processed anonymously as required by national law.

2. Notwithstanding paragraph 1, States Parties may disclose and process personal data where essential for the purposes of assessing and managing a public health risk, but State Parties, in accordance with national law, and WHO must ensure that the personal data are:

(a) processed fairly and lawfully, and not further processed in a way incompatible with that purpose;

(b) adequate, relevant and not excessive in relation to that purpose;

(c) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that data which are inaccurate or incomplete are erased or rectified; and

(d) not kept longer than necessary.

3. Upon request, WHO shall as far as practicable provide an individual with his or her personal data referred to in this Article in an intelligible form, without undue delay or expense and, when necessary, allow for correction.

Article 46 Transport and handling of biological substances, reagents and materials for diagnostic purposes

States Parties shall, subject to national law and taking into account relevant international guidelines, facilitate the transport, entry, exit, processing and disposal of biological substances and diagnostic specimens, reagents and other diagnostic materials for verification and public health response purposes under these Regulations.

PART IX – THE IHR ROSTER OF EXPERTS, THE EMERGENCY COMMITTEE AND THE REVIEW COMMITTEE

Chapter I – The IHR Roster of Experts

Article 47 Composition

The Director-General shall establish a roster composed of experts in all relevant fields of expertise (hereinafter the "IHR Expert Roster"). The Director-General shall appoint the members of the IHR Expert Roster in accordance with the WHO Regulations for Expert Advisory Panels and Committees (hereinafter the "WHO Advisory Panel Regulations"), unless otherwise provided in these Regulations. In addition, the Director-General shall appoint one member at the request of each State Party and, where appropriate, experts proposed by relevant intergovernmental and regional economic integration organizations. Interested States Parties shall notify the Director-General of the qualifications and fields of expertise of each of the experts they propose for membership. The Director-General shall periodically inform the States Parties, and relevant intergovernmental and regional economic integration organizations, of the composition of the IHR Expert Roster.

Chapter II - The Emergency Committee

Article 48 Terms of reference and composition

1. The Director-General shall establish an Emergency Committee that at the request of the Director-General shall provide its views on:

(a) whether an event constitutes a public health emergency of international concern;

(b) the termination of a public health emergency of international concern; and

(c) the proposed issuance, modification, extension or termination of temporary recommendations.

2. The Emergency Committee shall be composed of experts selected by the Director-General from the IHR Expert Roster and, when appropriate, other expert advisory panels of the Organization. The Director-General shall determine the duration of membership with a view to ensuring its continuity in the consideration of a specific event and its consequences. The Director-General shall select the members of the Emergency Committee on the basis of the expertise and experience required for any particular session and with due regard to the principles of equitable geographical representation. At

least one member of the Emergency Committee should be an expert nominated by a State Party within whose territory the event arises.

3. The Director-General may, on his or her own initiative or at the request of the Emergency Committee, appoint one or more technical experts to advise the Committee.

Article 49 Procedure

1. The Director-General shall convene meetings of the Emergency Committee by selecting a number of experts from among those referred to in paragraph 2 of Article 48, according to the fields of expertise and experience most relevant to the specific event that is occurring. For the purpose of this Article, "meetings" of the Emergency Committee may include teleconferences, videoconferences or electronic communications.

2. The Director-General shall provide the Emergency Committee with the agenda and any relevant information concerning the event, including information provided by the States Parties, as well as any temporary recommendation that the Director-General proposes for issuance.

3. The Emergency Committee shall elect its Chairperson and prepare following each meeting a brief summary report of its proceedings and deliberations, including any advice on recommendations.

4. The Director-General shall invite the State Party in whose territory the event arises to present its views to the Emergency Committee. To that effect, the Director-General shall notify to it the dates and the agenda of the meeting of the Emergency Committee with as much advance notice as necessary. The State Party concerned, however, may not seek a postponement of the meeting of the Emergency Committee for the purpose of presenting its views thereto.

5. The views of the Emergency Committee shall be forwarded to the Director-General for consideration. The Director-General shall make the final determination on these matters.

6. The Director-General shall communicate to States Parties the determination and the termination of a public health emergency of international concern, any health measure taken by the State Party concerned, any temporary recommendation, and the modification, extension and termination of such recommendations, together with the views of the Emergency Committee. The Director-General shall inform conveyance operators through States Parties and the relevant international agencies of such temporary recommendations, including their modification, extension or termination. The Director-General shall subsequently make such information and recommendations available to the general public.

7. States Parties in whose territories the event has occurred may propose to the Director-General the termination of a public health emergency of international concern and/or the temporary recommendations, and may make a presentation to that effect to the Emergency Committee.

Chapter III – The Review Committee

Article 50 Terms of reference and composition

1. The Director-General shall establish a Review Committee, which shall carry out the following functions:

(a) make technical recommendations to the Director-General regarding amendments to these Regulations;

(b) provide technical advice to the Director-General with respect to standing recommendations, and any modifications or termination thereof;

(c) provide technical advice to the Director-General on any matter referred to it by the Director-General regarding the functioning of these Regulations.

2. The Review Committee shall be considered an expert committee and shall be subject to the WHO Advisory Panel Regulations, unless otherwise provided in this Article.

3. The Members of the Review Committee shall be selected and appointed by the Director-General from among the persons serving on the IHR Expert Roster and, when appropriate, other expert advisory panels of the Organization.

4. The Director-General shall establish the number of members to be invited to a meeting of the Review Committee, determine its date and duration, and convene the Committee.

5. The Director-General shall appoint members to the Review Committee for the duration of the work of a session only.

6. The Director-General shall select the members of the Review Committee on the basis of the principles of equitable geographical representation, gender balance, a balance of experts from developed and developing countries, representation of a diversity of scientific opinion, approaches and practical experience in various parts of the world, and an appropriate interdisciplinary balance.

Article 51 Conduct of business

1. Decisions of the Review Committee shall be taken by a majority of the members present and voting.

2. The Director-General shall invite Member States, the United Nations and its specialized agencies and other relevant intergovernmental organizations or nongovernmental organizations in official relations with WHO to designate representatives to attend the Committee sessions. Such representatives may submit memoranda and, with the consent of the Chairperson, make statements on the subjects under discussion. They shall not have the right to vote.

Article 52 Reports

1. For each session, the Review Committee shall draw up a report setting forth the Committee's views and advice. This report shall be approved by the Review Committee before the end of the

session. Its views and advice shall not commit the Organization and shall be formulated as advice to the Director-General. The text of the report may not be modified without the Committee's consent.

2. If the Review Committee is not unanimous in its findings, any member shall be entitled to express his or her dissenting professional views in an individual or group report, which shall state the reasons why a divergent opinion is held and shall form part of the Committee's report.

3. The Review Committee's report shall be submitted to the Director-General, who shall communicate its views and advice to the Health Assembly or the Executive Board for their consideration and action.

Article 53 Procedures for standing recommendations

When the Director-General considers that a standing recommendation is necessary and appropriate for a specific public health risk, the Director-General shall seek the views of the Review Committee. In addition to the relevant paragraphs of Articles 50 to 52, the following provisions shall apply:

(a) proposals for standing recommendations, their modification or termination may be submitted to the Review Committee by the Director-General or by States Parties through the Director-General;

(b) any State Party may submit relevant information for consideration by the Review Committee;

(c) the Director-General may request any State Party, intergovernmental organization or nongovernmental organization in official relations with WHO to place at the disposal of the Review Committee information in its possession concerning the subject of the proposed standing recommendation as specified by the Review Committee;

(d) the Director-General may, at the request of the Review Committee or on the Director-General's own initiative, appoint one or more technical experts to advise the Review Committee. They shall not have the right to vote;

(e) any report containing the views and advice of the Review Committee regarding standing recommendations shall be forwarded to the Director-General for consideration and decision. The Director-General shall communicate the Review Committee's views and advice to the Health Assembly;

(f) the Director-General shall communicate to States Parties any standing recommendation, as well as the modifications or termination of such recommendations, together with the views of the Review Committee;

(g) standing recommendations shall be submitted by the Director-General to the subsequent Health Assembly for its consideration.

PART X – FINAL PROVISIONS

Article 54 Reporting and review

1. States Parties and the Director-General shall report to the Health Assembly on the implementation of these Regulations as decided by the Health Assembly.

2. The Health Assembly shall periodically review the functioning of these Regulations. To that end it may request the advice of the Review Committee**,** through the Director-General. The first such review shall take place no later than five years after the entry into force of these Regulations.

3. WHO shall periodically conduct studies to review and evaluate the functioning of Annex 2. The first such review shall commence no later than one year after the entry into force of these Regulations. The results of such reviews shall be submitted to the Health Assembly for its consideration, as appropriate.

Article 55 Amendments

1. Amendments to these Regulations may be proposed by any State Party or by the Director-General. Such proposals for amendments shall be submitted to the Health Assembly for its consideration.

2. The text of any proposed amendment shall be communicated to all States Parties by the Director-General at least four months before the Health Assembly at which it is proposed for consideration.

3. Amendments to these Regulations adopted by the Health Assembly pursuant to this Article shall come into force for all States Parties on the same terms, and subject to the same rights and obligations, as provided for in Article 22 of the Constitution of WHO and Articles 59 to 64 of these Regulations.

Article 56 Settlement of disputes

1. In the event of a dispute between two or more States Parties concerning the interpretation or application of these Regulations, the States Parties concerned shall seek in the first instance to settle the dispute through negotiation or any other peaceful means of their own choice, including good offices, mediation or conciliation. Failure to reach agreement shall not absolve the parties to the dispute from the responsibility of continuing to seek to resolve it.

2. In the event that the dispute is not settled by the means described under paragraph 1 of this Article, the States Parties concerned may agree to refer the dispute to the Director-General, who shall make every effort to settle it.

3. A State Party may at any time declare in writing to the Director-General that it accepts arbitration as compulsory with regard to all disputes concerning the interpretation or application of these Regulations to which it is a party or with regard to a specific dispute in relation to any other State Party accepting the same obligation. The arbitration shall be conducted in accordance with the Permanent Court of Arbitration Optional Rules for Arbitrating Disputes between Two States applicable at the time a request for arbitration is made. The States Parties that have agreed to accept arbitration as compulsory shall accept the arbitral award as binding and final. The Director-General shall inform the Health Assembly regarding such action as appropriate.

4. Nothing in these Regulations shall impair the rights of States Parties under any international agreement to which they may be parties to resort to the dispute settlement mechanisms of other intergovernmental organizations or established under any international agreement.

5. In the event of a dispute between WHO and one or more States Parties concerning the interpretation or application of these Regulations, the matter shall be submitted to the Health Assembly.

Article 57 Relationship with other international agreements

1. States Parties recognize that the IHR and other relevant international agreements should be interpreted so as to be compatible. The provisions of the IHR shall not affect the rights and obligations of any State Party deriving from other international agreements.

2. Subject to paragraph 1 of this Article, nothing in these Regulations shall prevent States Parties having certain interests in common owing to their health, geographical, social or economic conditions, from concluding special treaties or arrangements in order to facilitate the application of these Regulations, and in particular with regard to:

(a) the direct and rapid exchange of public health information between neighbouring territories of different States;

(b) the health measures to be applied to international coastal traffic and to international traffic in waters within their jurisdiction;

(c) the health measures to be applied in contiguous territories of different States at their common frontier;

(d) arrangements for carrying affected persons or affected human remains by means of transport specially adapted for the purpose; and

(e) deratting, disinsection, disinfection, decontamination or other treatment designed to render goods free of disease-causing agents.

3. Without prejudice to their obligations under these Regulations, States Parties that are members of a regional economic integration organization shall apply in their mutual relations the common rules in force in that regional economic integration organization.

Article 58 International sanitary agreements and regulations

1. These Regulations, subject to the provisions of Article 62 and the exceptions hereinafter provided, shall replace as between the States bound by these Regulations and as between these States and WHO, the provisions of the following international sanitary agreements and regulations:

(a) International Sanitary Convention, signed in Paris, 21 June 1926;

(b) International Sanitary Convention for Aerial Navigation, signed at The Hague, 12 April 1933;

(c) International Agreement for dispensing with Bills of Health, signed in Paris, 22 December 1934;

(d) International Agreement for dispensing with Consular Visas on Bills of Health, signed in Paris, 22 December 1934;

(e) Convention modifying the International Sanitary Convention of 21 June 1926, signed in Paris, 31 October 1938;

(f) International Sanitary Convention, 1944, modifying the International Sanitary Convention of 21 June 1926, opened for signature in Washington, 15 December 1944;

(g) International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention of 12 April 1933, opened for signature in Washington, 15 December 1944;

(h) Protocol of 23 April 1946 to prolong the International Sanitary Convention, 1944, signed in Washington;

(i) Protocol of 23 April 1946 to prolong the International Sanitary Convention for Aerial Navigation, 1944, signed in Washington;

(j) International Sanitary Regulations, 1951, and the Additional Regulations of 1955, 1956, 1960, 1963 and 1965; and

(k) the International Health Regulations of 1969 and the amendments of 1973 and 1981.

2. The Pan American Sanitary Code, signed at Havana, 14 November 1924, shall remain in force with the exception of Articles 2, 9, 10, 11, 16 to 53 inclusive, 61 and 62, to which the relevant part of paragraph 1 of this Article shall apply.

Article 59 Entry into force; period for rejection or reservations

1. The period provided in execution of Article 22 of the Constitution of WHO for rejection of, or reservation to, these Regulations or an amendment thereto, shall be 18 months from the date of the notification by the Director-General of the adoption of these Regulations or of an amendment to these Regulations by the Health Assembly. Any rejection or reservation received by the Director-General after the expiry of that period shall have no effect.

2. These Regulations shall enter into force 24 months after the date of notification referred to in paragraph 1 of this Article, except for:

(a) a State that has rejected these Regulations or an amendment thereto in accordance with Article 61;

(b) a State that has made a reservation, for which these Regulations shall enter into force as provided in Article 62;

(c) a State that becomes a Member of WHO after the date of the notification by the Director-General referred to in paragraph 1 of this Article, and which is not already a party to these Regulations, for which these Regulations shall enter into force as provided in Article 60; and

(d) a State not a Member of WHO that accepts these Regulations, for which they shall enter into force in accordance with paragraph 1 of Article 64.

3. If a State is not able to adjust its domestic legislative and administrative arrangements fully with these Regulations within the period set out in paragraph 2 of this Article, that State shall submit within the period specified in paragraph 1 of this Article a declaration to the Director-General regarding the outstanding adjustments and achieve them no later than 12 months after the entry into force of these Regulations for that State Party.

Article 60 New Member States of WHO

Any State which becomes a Member of WHO after the date of the notification by the Director-General referred to in paragraph 1 of Article 59, and which is not already a party to these Regulations, may communicate its rejection of, or any reservation to, these Regulations within a period of twelve months from the date of the notification to it by the Director-General after becoming a Member of WHO. Unless rejected, these Regulations shall enter into force with respect to that State, subject to the provisions of Articles 62 and 63, upon expiry of that period. In no case shall these Regulations enter into force in respect to that State earlier than 24 months after the date of notification referred to in paragraph 1 of Article 59.

Article 61 Rejection

If a State notifies the Director-General of its rejection of these Regulations or of an amendment thereto within the period provided in paragraph 1 of Article 59, these Regulations or the amendment concerned shall not enter into force with respect to that State. Any international sanitary agreement or regulations listed in Article 58 to which such State is already a party shall remain in force as far as such State is concerned.

Article 62 Reservations

1. States may make reservations to these Regulations in accordance with this Article. Such reservations shall not be incompatible with the object and purpose of these Regulations.

2. Reservations to these Regulations shall be notified to the Director-General in accordance with paragraph 1 of Article 59 and Article 60, paragraph 1 of Article 63 or paragraph 1 of Article 64, as the case may be. A State not a Member of WHO shall notify the Director-General of any reservation with its notification of acceptance of these Regulations. States formulating reservations should provide the Director-General with reasons for the reservations.

3. A rejection in part of these Regulations shall be considered as a reservation.

4. The Director-General shall, in accordance with paragraph 2 of Article 65, issue notification of each reservation received pursuant to paragraph 2 of this Article. The Director-General shall:

(a) if the reservation was made before the entry into force of these Regulations, request those Member States that have not rejected these Regulations to notify him or her within six months of any objection to the reservation, or

(b) if the reservation was made after the entry into force of these Regulations, request States Parties to notify him or her within six months of any objection to the reservation.

States objecting to a reservation should provide the Director-General with reasons for the objection.

5. After this period, the Director-General shall notify all States Parties of the objections he or she has received with regard to reservations. Unless by the end of six months from the date of the notification referred to in paragraph 4 of this Article a reservation has been objected to by one-third of the States referred to in paragraph 4 of this Article, it shall be deemed to be accepted and these Regulations shall enter into force for the reserving State, subject to the reservation.

6. If at least one-third of the States referred to in paragraph 4 of this Article object to the reservation by the end of six months from the date of the notification referred to in paragraph 4 of this Article, the Director-General shall notify the reserving State with a view to its considering withdrawing the reservation within three months from the date of the notification by the Director-General.

7. The reserving State shall continue to fulfil any obligations corresponding to the subject matter of the reservation, which the State has accepted under any of the international sanitary agreements or regulations listed in Article 58.

8. If the reserving State does not withdraw the reservation within three months from the date of the notification by the Director-General referred to in paragraph 6 of this Article, the Director-General shall seek the view of the Review Committee if the reserving State so requests. The Review Committee shall advise the Director-General as soon as possible and in accordance with Article 50 on the practical impact of the reservation on the operation of these Regulations.

9. The Director-General shall submit the reservation, and the views of the Review Committee if applicable, to the Health Assembly for its consideration. If the Health Assembly, by a majority vote, objects to the reservation on the ground that it is incompatible with the object and purpose of these Regulations, the reservation shall not be accepted and these Regulations shall enter into force for the reserving State only after it withdraws its reservation pursuant to Article 63. If the Health Assembly accepts the reservation, these Regulations shall enter into force for the reserving State, subject to its reservation.

Article 63 Withdrawal of rejection and reservation

1. A rejection made under Article 61 may at any time be withdrawn by a State by notifying the Director-General. In such cases, these Regulations shall enter into force with regard to that State upon receipt by the Director-General of the notification, except where the State makes a reservation when withdrawing its rejection, in which case these Regulations shall enter into force as provided in Article 62. In no case shall these Regulations enter into force in respect to that State earlier than 24 months after the date of notification referred to in paragraph 1 of Article 59.

2. The whole or part of any reservation may at any time be withdrawn by the State Party concerned by notifying the Director-General. In such cases, the withdrawal will be effective from the date of receipt by the Director-General of the notification.

Article 64 States not Members of WHO

1. Any State not a Member of WHO, which is a party to any international sanitary agreement or regulations listed in Article 58 or to which the Director-General has notified the adoption of these Regulations by the World Health Assembly, may become a party hereto by notifying its acceptance to the Director-General and, subject to the provisions of Article 62, such acceptance shall become effective upon the date of entry into force of these Regulations, or, if such acceptance is notified after that date, three months after the date of receipt by the Director-General of the notification of acceptance.

2. Any State not a Member of WHO which has become a party to these Regulations may at any time withdraw from participation in these Regulations, by means of a notification addressed to the Director-General which shall take effect six months after the Director-General has received it. The State which has withdrawn shall, as from that date, resume application of the provisions of any international sanitary agreement or regulations listed in Article 58 to which it was previously a party.

Article 65 Notifications by the Director-General

1. The Director-General shall notify all States Members and Associate Members of WHO, and also other parties to any international sanitary agreement or regulations listed in Article 58, of the adoption by the Health Assembly of these Regulations.

2. The Director-General shall also notify these States, as well as any other State which has become a party to these Regulations or to any amendment to these Regulations, of any notification received by WHO under Articles 60 to 64 respectively, as well as of any decision taken by the Health Assembly under Article 62.

Article 66 Authentic texts

1. The Arabic, Chinese, English, French, Russian and Spanish texts of these Regulations shall be equally authentic. The original texts of these Regulations shall be deposited with WHO.

2. The Director-General shall send, with the notification provided in paragraph 1 of Article 59, certified copies of these Regulations to all Members and Associate Members, and also to other parties to any of the international sanitary agreements or regulations listed in Article 58.

3. Upon the entry into force of these Regulations, the Director-General shall deliver certified copies thereof to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

5. Regional Documents

5. Documents from Regions, Regional Organizations and Other Organizations

At a most basic level, regional organizations play an important role in providing states with a forum for consultation on political and security issues in a regional context. These consultations have led, for example, to specific agreements that proclaim the region free of a particular category of weapon or a WMD-free zone, or that implement regional strategies to prevent the proliferation of WMD in general, and BW issues specifically.

Association of Southeast Asian Nations

As part of its commitment to promote regional peace and stability the Association of Southeast Asian Nations (ASEAN) established the ASEAN Regional Forum (ARF) in 1994. The 26 current participants in the ARF are: Australia, Bangladesh, Brunei Darussalam, Cambodia, Canada, China, European Union, India, Indonesia, Japan, Laos, Malaysia, Myanmar, Mongolia, New Zealand, North Korea, Pakistan, Papua New Guinea, Philippines, Russia, Singapore, South Korea, Thailand, Timor Leste, USA and Vietnam. The ARF agenda consists of two broad objectives: first, to foster constructive dialogue and consultation on political and security issues of common interest and concern and, second, to contribute to efforts towards confidence building and preventive diplomacy in the Asia-Pacific region. This agenda aims to evolve in three broad stages, namely the promotion of confidence building, development of preventive diplomacy and elaboration of approaches to conflicts and as part of that the ARF countries agreed a non-proliferation statement in 2004, a copy of which is included in this section of the Briefing Book.

European Union

Established in 1957 by the Treaty of Rome, the European Union (EU) currently has 25 Member States. A further two States are due to be admitted in January 2007. While the EU has always had an interest in arms control, disarmament and non-proliferation, especially since the adoption of its Common Foreign and Security Policy in the early 1990s, its involvement has recently become much more intensive and pro-active. During 2003, both the European Council and the Council of the European Union adopted general strategy documents outlining the broad approach of the EU towards preventing WMD proliferation. The European Council adopted an *EU Strategy Against Proliferation of Weapons of Mass Destruction* and the Council of the European Union adopted basic principles and an action plan for the implementation of the strategy. Also in 2003, the EU appointed its first Personal Representative of the High Representative on Non-Proliferation of WMD, Annalisa Giannella of Italy, who is responsible for overseeing the implementation of the strategy and for preparing six-monthly progress reports. More EU documents related to CBW are available at www.sussex.ac.uk/Units/spru/hsp/Harvard-Sussex-Program-The-EU-and-WMD.htm

Since the setting of strategic priorities in 2003, the EU has focused on more practical activities. In November 2003, the Council of the European Union adopted Common Position 2003/805/CFSP on the universalisation and reinforcement of multilateral WMD agreements which called for all states to join the BWC and committed EU Member States to strengthened national implementation measures. In February 2006, the Council adopted Joint Action 2006/184/CFSP in support of the BWC. Under this Joint Action, the EU has committed €867,000 over 18 months for activities to promote the universality of the BWC and to support

the national implementation of the treaty. At the same time, the Council adopted a complementary action plan committing all EU Member States to submit CBMs every year starting in 2006 and to volunteer expertise to the UN Secretary-General by the end of 2006 for the investigation of BW allegations. The Council adopted Common Position 2006/242/CFSP in March 2006 setting out the EU's objectives for the Sixth BWC Review Conference; committing all EU Member States to supporting a full review of the BWC at the Review Conference and the convening of a further intersessional work programme between the Sixth and Seventh Review Conferences, as well as a range of other measures designed to contribute to a successful outcome to the Conference. This section of the Briefing Book includes a copy of the 2003 Common Position, the 2006 Joint Action and Action Plan and the 2006 Common Position.

Latin America

In September 1991 in Mendoza, Argentina, the governments of Argentina, Brazil and Chile jointly signed the Declaration of Mendoza which committed the three countries not to "develop, produce or acquire in any way, stockpile or retain, transfer directly or indirectly, and not to use chemical or biological arms." The Declaration was agreed in the context of the negotiation of the Chemical Weapons Convention and is primarily concerned with supporting the negotiation but, in its preambular determination to "consolidate the region as an area of peace and cooperation, free from the scourge of these weapons of mass destruction", it can be seen as a precursor of later declarations by the Organization of American States. The Declaration was subsequently also signed by Bolivia, Ecuador, Paraguay and Uruguay. A copy of the declaration is included in this section of the Briefing Book.

In December 1991, the leaders of the Andean Group countries (Bolivia, Colombia, Ecuador, Peru and Venezuela) signed a Declaration on Renunciation of Weapons of Mass Destruction in Cartagena des Indias. The declaration obliged its signatories not to produce, develop, use, test and transfer weapons of mass destruction, whether nuclear, biological, toxin or chemical weapons, and to refrain from storing, acquiring or holding such weapons. Regarding the BWC specifically, the Declaration states: "They express support for the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, as well as the negotiations aimed at strengthening its verification machinery." Like the slightly earlier Mendoza Declaration, the Cartagena Declaration states the goal of "the transformation of Latin America and the Caribbean into the first inhabited area of the planet which is free of weapons of mass destruction". A copy of the declaration is included in this section of the Briefing Book.

Non-Aligned Movement

The first conference of non-aligned heads of state was held in Belgrade in September 1961. The Non-Aligned Movement (NAM) currently has over 110 Member States. Summit meetings of NAM heads of state are held approximately every three years and there have been fourteen to date with the most recent being held in Cuba in September 2006. After each summit, the host country becomes chair of the NAM until the next summit meeting, so Cuba is the current chair of the NAM. This section of the Briefing Book contains an extract from the 2006 NAM summit declaration relating to the BWC.

Organization of American States

The Organization of American States (OAS) brings together 35 independent countries (however, while Cuba remains a member of the OAS, its government has been excluded from participation since 1962) to strengthen cooperation and advance common interests in the Western Hemisphere. At the Second Summit of the Americas, held in Santiago, Chile, in 1998 the Heads of State and Government decided to promote regional dialogue taking into account the new post Cold War political, economic, social, and strategic-military factors with a view to revitalizing and strengthening the institutions of the Inter-American system.

One result of this regional dialogue was momentum to make the region a chemical and biological weapons-free zone, building on earlier commitments in the Mendoza and Cartagena Declarations of 1991. In October 2003, a Special Conference in Mexico City adopted the "Declaration on Security in the Americas" which represented a new approach to hemispheric security taking into account the impact of globalization and other changes in the region. The Declaration emphasized the commitment of all states in the region to the BWC and to its full implementation. It additionally declared as an objective of the OAS making the Americas a region free of chemical and biological weapons. This latter objective was put into effect by a resolution of the 34th OAS General Assembly in Quito in 2004 in which OAS Member States resolved to "concretely fulfill the shared commitment of member states to make the Americas a region free of biological and chemical weapons." A copy of the resolution is included in this section of the Briefing Book.

Southeast Asia

In February 2005, Australia and Indonesia jointly organized a BWC Regional Workshop in Melbourne to provide a forum for BWC States Parties in the Asia-Pacific region to discuss effective national implementation of the BWC. The intention of the workshop was to "bring Geneva to Melbourne for a week" to enable further exploration and sharing of experiences of BWC implementation from a regional perspective, based on the 3-year intersessional work programme adopted by the Fifth BWC Review Conference in 2002. Officials from the following States participated in the workshop: Australia, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, New Zealand, Papua New Guinea, Philippines, Singapore, Thailand and Viet Nam. A follow-up BWC Regional Workshop was held in Bali in March 2006 attended by the same countries as the first workshop, with the exception of Brunei Darussalam and Singapore. The summaries from the proceedings of each workshop are provided in this section of the Briefing Book.

ASEAN Regional Forum Statement on Non-Proliferation
Jakarta, 2 July 2004

1. The Chairman of the ASEAN Regional Forum, on behalf of the ARF participants, issues the following statement:

2. Recognizing that:

   A. The proliferation of weapons of mass destruction (WMD) in all its aspects and their means of delivery constitute a threat to international peace and security and a growing danger to all states;

   B. The proliferation of WMD and the spread of terrorist groups increase the risk that terrorists may gain access to WMD and their means of delivery;

   C. A multilateral approach to security, including disarmament and nonproliferation, contributes to maintaining international order, therefore every effort should be undertaken to uphold, implement and strengthen the multilateral disarmament and nonproliferation treaties and agreements to which ARF participants are States Parties.

   D. The support of international institutions charged respectively with verification and upholding of compliance with these treaties is of key importance.

   E. It is vital to prevent terrorists or those who harbor them from acquiring or developing WMD, their means of delivery, and related materials, and continued efforts to reduce this threat should be greatly encouraged.

   F. In the interest of international peace and security, ARF participants agree that it is vital that we prevent, with utmost vigilance and urgency, the proliferation of WMD, their means of delivery, and related materials.

   G. The effort to prevent the proliferation of WMD and their means of delivery requires a comprehensive approach in accordance with international law.

   H. Critical to such an approach is to encourage all ARF participants to comply with their respective nonproliferation commitments and disarmament obligations under the international treaties to which they are parties. They are also encouraged to adopt new measures as appropriate on effective export controls and on establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

   I. The ARF has long recognized the threat posed by the proliferation of WMD and their means of delivery to the Asia-Pacific region and the need to uphold, implement and strengthen the multilateral disarmament and nonproliferation treaties and agreements to which ARF participants are states parties. These principles were reflected in the 1996 ARF Chairman's Statement, which referred to the ARF Seminar on Nonproliferation in Jakarta on December 6-7, 1996, and in subsequent ARF statements. The ARF commends Canada's proposal to conduct a seminar on export licensing in the next ARF cycle.

   J. The prevention of proliferation should not hamper international cooperation in materials, equipment and technology for peaceful purposes.

3. The ARF supports, in line with Article 25 of the UN Charter, the adoption of UN Security Council Resolution 1540 on nonproliferation of weapons of mass destruction (2004) and presumes that all its provisions, having unequivocal supremacy over this Statement, should be effectively implemented. To this end, ARF participants will closely collaborate with each other and duly cooperate with the Committee of the Security Council established under Resolution1540. This Statement is a contribution at the regional level to achieving the goals of the aforesaid Resolution

4. The ARF notes the progress that has been made by ARF participants in addressing proliferation concerns. The ARF encourages ARF participants to further enhance their efforts and commitments to prevent the proliferation of WMD and their means of delivery in a more comprehensive manner that takes into account ARF participants' resources and capacities. The ARF encourages ARF participants to make best efforts:

A. To redouble their efforts to maintain and strengthen the disarmament and nonproliferation treaties, and for all States parties to these treaties to fully implement them in accordance with their obligations under these treaties.

B. To enact or improve national legislation, regulations and procedures to exercise effective control over the transfer of WMD and related materials, while ensuring that such legislation, regulations and procedures are consistent with the obligations of States Parties under international treaties;

C. To strengthen cooperation in sharing of information among ARF participants and with relevant multilateral and international organizations in order to deal effectively with proliferation of WMD and their means of delivery and related transfers.

D. To take cooperative measures to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials in accordance with national legal authorities and legislation and consistent with international law; and

E. To strengthen national legal measure, as appropriate, for criminalizing the illicit exports of equipment and technology that contributes to the proliferation of WMD, their delivery systems, and related materials.

5. To accomplish these goals, ARF participants have decided to carry out the following cooperative actions, as appropriate and in accordance with international law, for strengthening measures against proliferation of WMD and their means of delivery:

A. ARF participants will implement effective export controls and enforcement measures to control the transfer of materials, technology and expertise that can contribute to the design, development, production or use of WMD and their means of delivery, where necessary reinforcing their national authorities and capabilities toward this end, while ensuring that such policies and practices are consistent with obligations of States Parties to the international treaties. However, efforts to prevent the proliferation of WMD should not hamper international cooperation in material, equipment and technology for peaceful purposes.

B. To this end, ARF participants recognize the utility of effective national export control lists as well as the need, where necessary to rigorously enforce and further develop them, without affecting the rights to develop research, production and use of (nuclear, chemical and biological) materials for peaceful purposes.

C. Given that safe and secure management of radioactive sources is very important in the current security climate, ARF participants will review their abilities to control radioactive sources and will make a political commitment to work toward following guidance contained in the International Atomic Energy Agency's (IAEA) Code of Conduct on the Safety and Security of Radioactive Sources, or "Code."

D. Agreeing that the denuclearization of the Korean Peninsula would contribute to the peace and stability of the Asia-Pacific region, ARF participants will continue to support the Six Party Talks to resolve the nuclear issue peacefully through dialogue.

E. ARF participants will continue to enhance cooperation with the IAEA and the OPCW in order to strengthen international nuclear and chemical safeguards respectively, and to uncover networks that provide WMD-related equipment, materials and technologies illegally.

F. All participants will foster regional dialogue and cooperation in order to strengthen a global response to this serious challenge and threat to international security.

6. In addition, ARF participants decided that they will:

A. Work actively with international cooperative mechanisms to provide, when and where possible, technical assistance to strengthen mechanisms against proliferation of WMD, their delivery systems and related materials and technologies, to ARF participants that request such assistance; and

B. Encourage the ARF Chair to explore with the ASEAN Secretariat, or, if established, and ARF Unit, whether it would be willing to record requests from ARF participants for assistance in implementing measures to strengthen their respective WMD national authorities and other mechanisms against proliferation of WMD, their delivery systems and related materials and technologies.

7. ARF participants will review the progress of these and other efforts to strengthen nonproliferation of WMD in all its aspects and their delivery means at the 12th ARF Ministerial Meeting in 2005

(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2003/805/CFSP

of 17 November 2003

on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union, and in particular Article 15 thereof,

Whereas:

(1) At Thessaloniki, the European Council stated that the proliferation of weapons of mass destruction and means of delivery is a growing threat to international peace and security; the risk that terrorists will acquire chemical, biological, radiological or nuclear materials adds a new dimension to this threat. Therefore, the European Council decided that the EU collective effort would focus, *inter alia*, on working towards the universal ratification of, and adherence to, the key disarmament and non-proliferation treaties and agreements and, when necessary, towards the strengthening thereof.

(2) In its Action Plan for the implementation of the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction, the EU and its Member States undertook to promote at political level universal adherence to instruments relating to weapons of mass destruction and their means of delivery.

(3) The restatement of this policy would serve as a yardstick in the negotiations of EU positions in international forums, and it is therefore appropriate to formulate it in a Council Common Position,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objectives of this Common Position are:

(a) to promote the universal ratification of, and adherence to, the following multilateral agreements and, where necessary, to reinforce their provisions, including by ensuring compliance:

(i) Nuclear Non-Proliferation Treaty and Safeguards Agreements (NPT);

(ii) Additional Protocols with the International Atomic Energy Agency (IAEA Additional Protocols);

(iii) Chemical Weapons Convention;

(iv) Biological and Toxin Weapons Convention;

(v) The Hague Code of Conduct against Ballistic Missile Proliferation;

(b) to promote the early entry into force of the Comprehensive Nuclear Test-Ban Treaty.

These key instruments provide a basis for the international community's disarmament and non-proliferation efforts, which contribute to international confidence, stability and peace, including the fight against terrorism.

Article 2

In pursuit of the objectives set up in Article 1, the EU and its Member States will pay particular attention to the need to reinforce compliance with the multilateral treaty regime by:

— enhancing the detectability of violations, and

— strengthening the enforcement of obligations established by this treaty regime.

To this end, particular emphasis will be placed on making best use of existing verification mechanisms and, where necessary, establishing additional verification instruments as well as strengthening the role of the UN Security Council which has the primary responsibility for the maintenance of international peace and security.

Article 3

The EU and its Member States will focus their diplomatic action on the pursuance of the objectives referred to in Articles 1 and 2, in accordance with the modalities set out below.

Article 4

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, under Article VI thereof. Achieving universal adherence to the NPT is of crucial importance. To that end, the EU will:

— call on all those States not yet parties to the NPT to accede unconditionally to the NPT as non-nuclear-weapon States and to place all their nuclear facilities and activities under the provisions of the IAEA Comprehensive Safeguards System,

— urge those States not yet having entered into Safeguards Agreements with the IAEA to fulfil their obligations in accordance with Article III of the NPT and to conclude such agreements as a matter of urgency,

— promote all the objectives laid down in the NPT,

— support the Final Document of the 2000 NPT Review Conference and the Decisions and Resolution adopted at the 1995 NPT Review and Extension Conference,

— promote further consideration of security assurances,

— promote measures to ensure that any possible misuse of civilian nuclear programmes for military purposes will be effectively excluded.

Article 5

The EU considers the IAEA Additional Protocols to be an integral part of the IAEA Safeguards System. By raising the standard for compliance and by making it easier to detect violations, the Additional Protocols strengthen the NPT. In order to promote the universal adoption and implementation of the Additional Protocols, the EU will:

— urge the early ratification of the Additional Protocols by the EU Member States and Acceding Countries by the end of 2003,

— urge other regional organisations to do likewise,

— work towards making the Additional Protocols and Safeguards Agreements the standard for the IAEA verification system and work towards universal adherence to the Additional Protocols,

— encourage strong political and financial support for the work of the IAEA.

Article 6

The Chemical Weapons Convention is a unique disarmament and non-proliferation instrument the integrity and strict application of which must be fully guaranteed. Effective national implementation is essential for the effective operation of the Convention. In order to strengthen the Convention, the EU will:

— encourage those countries that have not yet adhered to or ratified the Convention to do so without delay,

— encourage all countries which are parties to the Convention to enact without delay necessary national implementation measures, including penal legislation. Such measures must reflect the comprehensive nature of the Convention's provisions,

— urge those States concerned to ensure compliance with their obligation to destroy chemical weapons and to destroy or convert chemical weapons production facilities within the time limits provided for by the Convention,

— work towards the bans on chemical weapons being declared universally binding rules of international law.

Article 7

The Biological and Toxin Weapons Convention (BTWC) is a cornerstone in the effort to prevent biological agents or toxins from being used as weapons. The EU continues to support the principle of verification of the BTWC.

In order to strengthen the Convention, the EU will:

— make specific efforts to convince States which have not yet adhered to or ratified the Convention to do so without delay,

— work towards identifying effective mechanisms to strengthen and verify compliance within the BTWC,

— work to ensure concrete outcomes from the annual meetings to be held between 2003 and 2005, in preparation for the Sixth Review Conference in 2006,

— put emphasis on, where necessary, strengthening national implementation measures, including penal legislation, and control over pathogenic microorganisms and toxins in the framework of the BTWC,

— work towards the bans on biological and toxin weapons being declared universally binding rules of international law.

Article 8

The Hague Code of Conduct against Ballistic Missile Proliferation is an important tool against the growing proliferation of ballistic missiles capable of carrying weapons of mass destruction. The Code establishes fundamental principles where previously there were none and represents a crucial step towards a possible multilateral arrangement to prevent ballistic missiles proliferation. The EU will:

— convince as many countries as possible to subscribe to it, especially those with ballistic missile capabilities,

— work together with other subscribing States to develop further and implement the Code, in particular the confidence building measures provided for in the Code,

— promote, where possible and appropriate, a closer relationship between the Code and the UN system.

Article 9

The EU will promote the early entry into force of the Comprehensive Nuclear Test-Ban Treaty in accordance with the terms set out in Council Decision 2003/567/CFSP of 21 July 2003 implementing Common Position 1999/533/CFSP relating to the European Union's contribution to the promotion of the early entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT) ([1]).

Article 10

This Common Position shall take effect on the date of its adoption.

Article 11

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 17 November 2003.

For the Council

The President

F. FRATTINI

([1]) OJ L 192, 31.7.2003, p. 53.

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL JOINT ACTION 2006/184/CFSP

of 27 February 2006

in support of the Biological and Toxin Weapons Convention, in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

(1) On 12 December 2003, the European Council adopted the EU Strategy against the Proliferation of Weapons of Mass Destruction, Chapter III of which contains a list of measures to combat such proliferation.

(2) The European Union is actively implementing the EU Strategy and is giving effect to the measures listed in Chapter III thereof, in particular those related to reinforcing the Biological and Toxin Weapons Convention (BTWC), including supporting national implementation of the BTWC, and continuing the reflection on the verification mechanism.

(3) The submission of Confidence Building Measures (CBMs) constitutes an important element to increase transparency in the implementation of the BTWC and an EU Action Plan has been agreed upon to improve the number of CBMs submitted by Member States and to encourage all Member States to submit lists of appropriate experts and laboratories to the United Nations Secretary-General (UNSG), the results of which could serve to define the contents of further Joint Actions in this field.

(4) The Review Conference of the BTWC in 2006 will be a good opportunity to agree on specific, practical and realistic measures to strengthen both the BTWC and compliance with it. In this regard, the European Union remains committed to developing measures to verify compliance with the BTWC. In the absence of negotiations on such a verification mechanism however, much useful work remains to be done within the perimeters of the intersessional BTWC work programme.

(5) The Commission is entrusted with the supervision of the proper implementation of the EU financial contribution,

HAS ADOPTED THIS JOINT ACTION:

Article 1

1. For the purpose of giving immediate and practical application to some elements of the EU Strategy against the Proliferation of Weapons of Mass Destruction, the European Union shall support the BTWC, with the following objectives:

— promotion of the universality of the BTWC,

— support for implementation of the BTWC by the States Parties.

2. The projects corresponding to measures of the EU Strategy are those that aim at:

— promotion of the universality of the BTWC by carrying out activities, including regional and sub-regional workshops and seminars, aimed at increasing the membership of the BTWC,

— assistance to States Parties for the national implementation of the BTWC, in order to ensure that States Parties transpose the international obligations of the BTWC into their national legislation and administrative measures.

A detailed description of the abovementioned projects is set out in the Annex.

Article 2

1. The Presidency shall be responsible for the implementation of the Joint Action in full association with the Commission. The Commission shall supervise the proper implementation of the financial contribution referred to in Article 3.

2. In order to carry out the objectives specified in Article 1(1), the Presidency shall be assisted by the Secretary-General/High Representative for CFSP (SG/HR), who will be responsible for the political coordination of the implementation of the projects referred to in Article 1(2).

3. The technical implementation of the projects referred to in Article 1(2) shall be entrusted to the Graduate Institute of International Studies, Geneva, which shall perform its tasks under the responsibility of the Presidency and under the control of the SG/HR.

Article 3

1. The financial reference amount for the two projects listed in Article 1(2) shall be EUR 867 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the Community procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community.

3. For the purpose of implementing the projects referred to in Article 1(2), the Commission shall conclude a financing arrangement with the Graduate Institute of International Studies, Geneva, referred to in Article 2(3).

Article 4

The Presidency, assisted by the SG/HR, shall report to Council on the implementation of this Joint Action on the basis of regular reports prepared by the Graduate Institute of International Studies, Geneva. The Commission shall be fully associated and shall provide information on the financial implementation of the projects referred to in Article 1(2).

Article 5

This Joint Action shall enter into force on the day of its adoption.

It shall expire 18 months after its adoption.

Article 6

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 27 February 2006.

For the Council
The President
U. PLASSNIK

ANNEX

1. **Objective**

Overall objective: to support the universalisation of the BTWC and, in particular, to promote the accession to the BTWC by States not Party (signatory States as well as non-signatory States) and to support the implementation of the BTWC by the States Parties.

Description: EU assistance to the BTWC will be focused on the following areas identified by the European BTWC States Parties as requiring urgent action:

(i) Promotion of the universality of the BTWC;

(ii) Support for implementation of the BTWC by the States Parties.

The projects described below will benefit exclusively from EU support.

2. **Project description**

2.1. *Project 1: Promotion of the universality of the BTWC*

Project purpose:

Enhanced membership of the BTWC through regional and sub-regional workshops. The aim of the workshops will be to encourage greater membership and thereby enhanced implementation of the BTWC in these regions and to explain the benefits and consequences of acceding to the BTWC and to understand the needs of the States not Party to the BTWC in order to assist their accession and offer EU technical and drafting assistance to States in need.

Project results:

(i) Enhanced membership of the BTWC in various geographical regions (in West and Central Africa, Eastern and Southern Africa, the Middle East, Central Asia and the Caucasus, Asia and the Pacific Islands, Latin America and the Caribbean);

(ii) Strengthened regional networking, involving sub-regional organisations and networks in various areas relevant to the BTWC.

Project description:

The project provides for the organisation of five regional workshops in 2006 - 2007 in three consecutive stages. The first preparatory stage consists in establishing the contacts with relevant actors (diplomatic and expert community), holding preparatory meetings and drafting information packages, carrying forward research and implementation status review in targeted countries and creating an internet-based Information and Collaboration Management System of the project. The aim of the second stage is to raise awareness of the relevance of the BTWC among the diplomatic community and more widely among national administrations of selected countries and found the grounds for effective participation of the countries concerned in the third stage of the project. To this end, the series of meetings with diplomats of selected countries will be organised in Brussels, Geneva, The Hague and New York, where the BTWC-related diplomatic activities usually take place. Five regional workshops are foreseen in the third stage of the project:

(a) Workshop on the BTWC for Signatory States and States not Party in West and Central Africa to bring about participation by decision-makers and regional organisations, e.g. African Union. Representatives, including from Cameroon, Central African Republic, Republic of Chad, Côte d'Ivoire, Gabon, Guinea, Liberia and Mauritania, will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in this region would also be invited to participate in the workshop.

(b) Workshop on the BTWC for Signatory States and States not Party in Eastern and Southern Africa to bring about participation by decision-makers and regional organisations, e.g. African Union. Representatives, including from Angola, Burundi, Comoros, Djibouti, Eritrea, Madagascar, Malawi, Mozambique, Namibia, Somalia, United Republic of Tanzania and Zambia, will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in this region would also be invited to participate in the workshop.

(c) Workshop on the BTWC for Signatory States and States not Party in the Middle East. Representatives, including from Egypt, Israel, Syrian Arab Republic and United Arab Emirates will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in this region would also be invited to participate in the workshop.

(d) Workshop on the BTWC for Signatory States and States not Party in Asia and the Pacific Islands. Representatives, including from the Cook Islands, Kiribati, Marshall Islands, Micronesia, Myanmar, Nauru, Nepal, Niue, Samoa and Tuvalu, will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in this region would also be invited to participate in the workshop.

(e) Workshop on the BTWC for Signatory States and States not Party in Latin America and the Caribbean. Representatives, including from Haiti, Guyana and Trinidad and Tobago, will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in the region would also be invited to participate in the workshop.

Estimated Cost: EUR 509 661

2.2. *Project 2: Assistance to States Parties for the national implementation of the BTWC*

Project purpose:

To ensure that States Parties transpose the international obligations of the BTWC into their national legislation and administrative measures.

Project results:

In accordance with what was identified by the States Parties within the 'BTWC intersessional Process', three common elements in their national implementing approaches must be achieved:

(i) adoption of national legislation, including penal legislation, which encompasses the full scope of the prohibitions of the Convention;

(ii) effective regulations or legislation to control and monitor transfers of relevant dual-use technologies;

(iii) effective implementation and enforcement to prevent violations and to sanction breaches.

Project description:

The project is aimed at filling a gap which exists in the BTWC implementation, such as the absence of legal advisory network or implementation Action Plan, non-existence of national focal points for the BTWC implementation, insecurity as regards the minimal national implementation standards of the BTWC. In order to cope with these shortcomings, the project foresees the preparatory phase which includes the establishment of the pool of EU legal experts and research and consultation activities. Following implementation, assistance actions will be taken as a next step:

(a) A conference will be organised in the context of the preparation for the 2006 BTWC Review conference in order to receive specific needs of requesting States Parties who are yet to fulfil their BTWC obligations.

(b) Assistance visits on legal and technical aspects in order to respond to specific needs of requesting States Parties will be organised. The visits will address the drafting of national legislation to ensure that the obligations of the BTWC are effectively transformed into a range of national laws and measures, including appropriate criminal provisions. The EU will also assist States to adopt measures in order to ensure the appropriate physical protection of biological agents and toxins, as well as related material and equipment. The duration of each visit will be about five days. These visits will comprise no more than three experts for each visit. Experts from EU Member States will be invited to join.

(c) Furthermore, the projects will provide translations of the BTWC, as appropriate, that will subsequently be made available on the internet.

Estimated Cost: EUR 277 431

3. **Duration**

The total estimated duration for the implementation of this Joint Action is 18 months.

4. **Beneficiaries**

The beneficiaries of universality-related activity are States not Party to the BTWC (both signatory States and non-signatory States). The beneficiaries of implementation-related activities are States Parties to the BTWC.

5. **Implementing entity**

The Graduate Institute of International Studies, Geneva (through its Bioweapons Prevention Project, BWPP, Director, Dr Zanders) is entrusted with the technical implementation of the two projects, in the framework of the political coordination by the Secretary-General/High Representative through his Personal Representative on non-proliferation of Weapons of Mass Destruction. The regional workshops and consultations foreseen will be organised with the support of the EU Institute for Security Studies. In carrying out its activities, the BWPP shall cooperate, as appropriate, with local missions of Member States and the Commission.

6. **Estimated required means**

The EU contribution will cover 100 % of the implementation of the projects as described in this Annex. The estimated costs are as follows:

Project 1	EUR 509 661
Project 2	EUR 277 431
Administrative costs (7 % of the direct cost)	EUR 55 096
TOTAL COST (excluding contingencies):	EUR 842 188

In addition, a contingency reserve of about 3 % of eligible costs (EUR 24 812) is included.

TOTAL COST (including contingencies):	EUR 867 000

7. **Financial reference amount to cover the cost of the projects**

The total cost of the projects is EUR 867 000.

I

(Information)

COUNCIL

EU Action Plan on biological and toxin weapons, complementary to the EU Joint Action in support of the BTWC

(2006/C 57/01)

Introduction

The Council adopted on 27 February 2006 an EU Joint Action in support of the BTWC, including EU financial assistance. In addition, and complementary to the measures contained in that Joint Action, the EU hereby adopts an Action Plan on biological and toxin weapons. This Action Plan contains two measures to be implemented by EU Member States which do not require EU funding.

I. **Efficient use of CBM**

Purpose

The EU wishes to revitalise interest in and use of CBMs. Increased use of CBMs would increase transparency in implementation of the BTWC.

Description

To this end, all EU Member States will ensure the fulfilment of their obligation under the BTWC to file a CBM return each year, beginning with 2006 as a first step. Notably, the EU will ensure that the current nine topics, each of which has its own reporting form, are reported each year by every BTWC State Party of the EU. Submission of CBM's by all EU Member States on a yearly basis would allow the EU to take diplomatic action towards other States Parties to the BTWC to fulfil their obligations under the Convention. EU Member States will furthermore develop thoughts on how best to improve the effectiveness of CBM's in the context of the BTWC and discuss these with other BTWC States Parties.

II. **Investigations of alleged use of BW**

Purpose

The EU wishes to increase the effectiveness of the current UN Secretary General's mechanism for investigating cases of alleged use of (chemical) biological and toxin weapons. This mechanism is well established in legal terms, having received the endorsement of both the General Assembly and the Security Council. Separately the EU believes that the mechanism, which is now 15 years old, should be reviewed and updated as necessary.

Description

EU Member States will consider and volunteer expertise to the Secretary General in helping him update the lists of experts and laboratories that he may call on for an investigation. EU Member States will aim to submit information to the UN Secretary-General by the end of December 2006 and review and update this information every two years. EU Member States will keep partners informed of the steps they have taken to implement this action and will work with like-minded UN members to achieve this.

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2006/242/CFSP

of 20 March 2006

relating to the 2006 Review Conference of the Biological and Toxin Weapons Convention (BTWC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

(1) The European Union considers the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC) as a key component of the international non-proliferation and disarmament framework and the cornerstone of efforts to prevent biological agents and toxins from ever being developed and used as weapons. Furthermore, the European Union remains committed to the development of measures to verify compliance with the BTWC in the longer term.

(2) On 17 May 1999, the Council adopted Common Position 1999/346/CFSP [1] relating to progress towards a legally binding Protocol to strengthen compliance with the BTWC and on 25 June 1996, Common Position 96/408/CFSP [2] relating to preparation for the Fourth Review Conference of the BTWC.

(3) On 17 November 2003 the Council adopted Common Position 2003/805/CFSP on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery [3]. Under that Common Position, the BTWC is included as one of these multilateral agreements.

(4) On 12 December 2003, the European Council adopted a Strategy against the Proliferation of Weapons of Mass Destruction which aims, *inter alia*, at reinforcing the BTWC, continuing reflection on verification of the BTWC, supporting national implementation of the BTWC, including through penal legislation, and strengthening compliance with it.

(5) On 28 April 2004, the United Nations Security Council unanimously adopted Resolution 1540 (2004) describing the proliferation of weapons of mass destruction and their means of delivery as a threat to international peace and security. Implementation of the provisions of this Resolution contributes to implementation of the BTWC.

(6) On 1 June 2004, the Council adopted a statement of support for the Proliferation Security Initiative on Weapons of Mass Destruction.

(7) On 14 November 2002, the States Parties to the BTWC decided, by consensus, to hold three annual meetings of States Parties of one week duration commencing in 2003 until the Sixth Review Conference, to be held not later than the end of 2006. Each meeting of the States Parties would be prepared by a two-week meeting of experts, and the Sixth Review Conference would consider the work of these meetings and decide on any further action. The States Parties decided that the Sixth Review Conference would be held in Geneva in 2006, and would be preceded by a Preparatory Committee.

(8) On 13 December 1982, the United Nations General Assembly adopted a Resolution (A/RES/37/98) on Chemical and Bacteriological (Biological) Weapons requesting the United Nations Secretary-General to investigate information that may be brought to his attention concerning activities that may constitute a violation of the 1925 Geneva Protocol. On 26 August 1988 the United Nations Security Council adopted Resolution 620 which, *inter alia*, encourages the Secretary-General to carry out promptly investigations in response to allegations concerning the possible use of chemical and bacteriological (biological) or toxin weapons that may constitute a violation of the 1925 Geneva Protocol.

(9) On 27 February 2006, the European Union agreed on a Joint Action in respect of the BTWC with the objectives of promoting universality of the BTWC and supporting its implementation by States Parties in order to ensure that States Parties transpose the international obligations of the BTWC into their national legislation and administrative measures.

[1] OJ L 133, 28.5.1999, p. 3.
[2] OJ L 168, 6.7.1996, p. 3.
[3] OJ L 302, 20.11.2003, p. 34.

(10) In parallel with the Joint Action, the European Union agreed on an Action Plan in respect of the BTWC in which Member States undertook to submit Confidence Building Measures returns to the United Nations in April 2006 and lists of relevant experts and laboratories to the United Nations Secretary-General to facilitate any investigation of alleged chemical and biological weapons use.

(11) In the light of the forthcoming BTWC Review Conference during the period 20 November to 8 December 2006 and its Preparatory Committee 26 to 28 April 2006, it is appropriate to update the European Union position,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objective of the European Union shall be to strengthen further the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons Convention and on Their Destruction (BTWC). The European Union continues to work towards identifying effective mechanisms to strengthen and verify compliance with the BTWC. The European Union shall therefore promote a successful outcome of the Sixth Review Conference in 2006.

Article 2

For the purposes of the objective laid down in Article 1, the European Union shall:

(a) contribute to a full review of the operation of the BTWC at the Sixth Review Conference, including the implementation of undertakings of the States Parties under the BTWC;

(b) support a further intersessional work programme during the period between the Sixth and Seventh Review Conferences and identify specific areas and procedures for further progress under this work programme;

(c) support a Seventh Review Conference of the BTWC, to be held no later than 2011;

(d) help build a consensus for a successful outcome of the Sixth Review Conference, on the basis of the framework established by previous such Conferences, and shall promote, *inter alia*, the following essential issues:

(i) universal accession of all States to the BTWC, including calling on all States not party thereto to accede to the BTWC without further delay and to commit legally to the disarmament and non-proliferation of biological and toxin weapons; and, pending the accession of such States to the BTWC, encouraging such States to participate as observers in the meetings of the States Parties to the BTWC and to implement its provisions on a voluntary basis. Working towards the ban on biological and toxin weapons being declared universally binding rules of international law, including through universalisation of the BTWC;

(ii) full compliance with the obligations under the BTWC and effective implementation by all States Parties;

(iii) in relation to full compliance with all the provisions of the BTWC by all States Parties, strengthening, where necessary, national implementation measures, including penal legislation, and control over pathogenic micro-organisms and toxins in the framework of the BTWC. Working towards identifying effective mechanisms to strengthen and verify compliance within the BTWC;

(iv) efforts to enhance transparency through the increased exchange of information among States Parties, including through the annual information exchange among the States Parties to the Convention (Confidence Building Measures (CBM)), identifying measures to assess and enhance the country coverage and the usefulness of the CBM mechanism, and exploring the relevance of any possible enhancement of its scope;

(v) compliance with obligations under United Nations Security Council Resolution 1540 (2004), in particular to eliminate the risk of biological or toxin weapons being acquired or used for terrorist purposes, including possible terrorist access to materials, equipment, and knowledge that could be used in the development and production of biological and toxin weapons;

(vi) the G8 Global Partnership programmes targeted at support for disarmament, control and security of sensitive materials, facilities, and expertise;

(vii) consideration of, and decisions on further action on, the work undertaken to date under the intersessional programme during the period 2003 to 2005 and the efforts to discuss, and promote common understanding and effective action on: the adoption of necessary national measures to implement the prohibitions set forth in the BTWC, including the enactment of penal legislation; national mechanisms to establish and maintain the security and overseeing of pathogenic micro-organisms and toxins; enhancing international capabilities for responding to, investigating, and mitigating the effects of, cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease; strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants; the content, promulgation, and adoption of codes of conduct for scientists; noting that continued efforts on the abovementioned subjects will be required by all States Parties to enhance implementation of the BTWC.

Article 3

Action taken by the European Union for the purposes of Article 2 shall comprise:

(a) agreement by Member States on specific, practical and feasible proposals for the effective enhancement of the implementation of the BTWC for submission on behalf of the European Union for consideration by States Parties to the Convention at the Sixth Review Conference;

(b) where appropriate, approaches by the Presidency, pursuant to Article 18 of the Treaty on European Union

(i) with a view to promoting universal accession to the BTWC;

(ii) to promote national implementation of the BTWC by States Parties;

(iii) to urge States Parties to support and participate in an effective and complete review of the BTWC and thereby reiterate their commitment to this fundamental international norm against biological weapons;

(iv) to promote the abovementioned proposals submitted by the European Union for States Parties' consideration which are aimed at further strengthening the BTWC;

(c) statements by the European Union delivered by the Presidency in the run up to, and during, the Review Conference.

Article 4

This Common Position shall take effect on the day of its adoption.

Article 5

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 20 March 2006.

For the Council
The President
U. PLASSNIK

The Declaration of Mendoza

September 5, 1991

Mendoza, Argentina
September 5, 1991

The Government of the Federative Republic of Brazil, the Government of the Republic of Argentina, the Government of the Republic of Chile,

Convinced that total proscription of chemical and biological weapons will contribute to the strengthening of the security of all countries;

Determined to consolidate the region as an area of peace and cooperation, free from the scourge of these weapons of mass destruction;

Ratifying the respective unilateral declarations on non-possession of chemical weapons formulated by the three countries;

Agreeing with the need to prevent the dissemination of such weapons by means of a multilateral convention, being currently negotiated at the Conference on Disarmament, prohibiting completely chemical arms and their production facilities, uging all countries tthat manufacture and possess such weapons to be parties to the Convention;

Contributing to the confidence building measures agreed upon by the Party States of the 1972 Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) Weapons, and Toxin Weapons and on Their Destruction, which will hold its third Review Conference in Geneva from September 9 to 27;

Declare:

1. Their total commitment not to develop, produce or acquire in any way, stockpile or retain, transfer directly or indirectly, and not to use chemical or biological arms;

2. Until the future Convention on chemical arms enters into force, their commitment to study and analyze jointly all the necessary mechanisms for assuring the fulfillment of the agreement;

3. Until the Convention enters into force in accordance with international law, their intention of establishing in their respective countries appropriate inspection mechanisms for the substances defined as precursors of chemical warfare agents;

4. Their desire to cooperate closely to facilitate conclusion of a multilateral convention on the prohibition of chemical weapons and of subscribing simultaneously as original parties;

5. Their right to use all peaceful applications of chemistry and biology for economic and technological development and for the well being of their people;

6. Their conviction that the application of the Convention will create between the States Parties a sign of mutual trust that will allow substantial improvement of international cooperation in the exchange, among others, of chemical substances, related equipment and technology;

7. Their purpose of contributing decidedly to the success of the Third Review Conference of the Convention on the Prohibition of Biological Weapons and their readiness to examine ways of strengthening their verification mechanisms;

8. Their hope that other countries in the region will join this agreement.

Signed in the City of Mendoza, on 5 September 1991, in two originals, in Portuguese and Spanish, both texts being equally authentic.

Francisco Rezek for the Government of the Federative Republic of Brazil	Guido de Tella for the Government of the Republic of Argentina	Enrique Silva Cimma for the Government of the Republic of Chile

Cartagena Declaration On Renunciation Of Weapons Of Mass Destruction
4 December 1991

The Presidents of the member countries of the Andean Group, meeting in the city of Cartagena de Indias,

Considering that the fundamental changes in international relations resulting from East-West détente and the end of the cold war are of major historical significance and offer new possibilities for strengthening international peace and security,

Aware that in the current global process of détente, international security and coopera-tion, particularly in Latin America and the Caribbean, must be approached in an all-round manner and linked to the strengthening of democracy, the fostering of a climate of peace between neighbours, the full realization of human rights and the promotion of the economic and social welfare of our peoples,

Determined to contribute to the global process of international détente that is currently under way,

Resolved to prevent the introduction of weapons of mass destruction in Latin American and the Caribbean, which would lead to a ruinous arms race and thereby limit the allocation and transfer of greater financial resources for the socio-economic development of the region,

Standing ready to strengthen the role of the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and its protocols, and to extend that ban to all categories of weapons of mass destruction, in order to transform this region into a zone free of such weapons,

Reaffirming their support for the Acapulco Commitment to Peace, Development and Democracy adopted at the first summit meeting of heads of State of the Mechanism for Consultation and Concerted Political Action, in which it is stated that the approach to security in our region must cover both the aspects of peace and stability and those relating to political, economic and financial vulnerability,

Endorsing the Guadalajara Declaration, which calls for the promotion of conventional disarmament and the banning of weapons of mass destruction and seeks to ensure that measures to control and reduce such weapons do not hinder legitimate access to advanced technologies for peaceful purposes that are essential for the socio-economic development of the peoples of the region,

Expressing their support for the subregional and multilateral undertakings in favour of disarmament, including the Treaty on the Non-Proliferation of Nuclear Weapons, the 1974 Declaration of Ayacucho, the Andean Agreement on Peace, Security and Coop-eration and the Foz do Iguaœ declaration on Argentine-Brazilian common nuclear policy, as well as the resolutions approved by the twenty-first General Assembly of OAS on cooperation for the security of the western hemisphere and limitation of the proliferation of instruments of war and weapons of mass destruction, the declaration on the exclusively peaceful uses of nuclear energy signed by the Presidents of Argentina and Brazil, and the Mendoza Accord,

Have agreed on the following Declaration:

1. They welcome the initiative of the Government of Peru concerning the prohibition of weapons of mass destruction in Latin America and the Caribbean as the beginning of a gradual process to strengthen security and mutual trust in the region:

2. They proclaim the commitment of their Governments to renounce the possession,

production, development, use, testing and transfer of all weapons of mass destruction, whether nuclear, bacteriological (biological), toxin or chemical weapons, and to refrain from storing, acquiring or holding such categories of weapons, in any circumstances;

3. They reaffirm the inalienable right of their peoples to benefit, through international cooperation, from scientific and technological developments for exclusively peaceful uses in the field of nuclear energy, biology and chemical industry, and also to have access to space technologies;

4. They call on the countries that possess technology for the production of weapons of mass destruction to strengthen in an effective manner systems to monitor the transfer of such technologies;

5. They request the countries possessing weapons of mass destruction to undertake not to use such weapons and not to threaten their use against the parties to the present Declaration;

6. They announce their intention to become original signatories of the convention on the complete and effective prohibition of the development, production, use and stockpiling of chemical weapons and on their destruction, and to that end express their support for the negotiations being conducted in the Conference on Disarmament for the adoption of a chemical weapons convention in 1992;

7. They express support for the 1972 Convention on the Prohibition of the Develop-ment, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, as well as the negotiations aimed at strengthening its verification machinery;

8. They declare their determination to promote the transformation of Latin America and the Caribbean into the first inhabited area of the planet which is free of weapons of mass destruction;

9. They declare that responsibility for proscribing the proliferation of weapons of mass destruction and halting the arms race falls on the entire international community, but particularly on the militarily important States and especially those which possess nuclear weapons;

10. They consider that it is urgently necessary to halt nuclear tests, in all environ-ments, as the best means of putting an end to the qualitative improvement of nuclear weapons and the development of new types of such weapons;

11. They appeal to the other Governments of the region to become parties to the present declaration, and appeal to the entire international community, in general, to support the objectives and purposes set out in it and refrain from any action which may undermine the spirit of the present Declaration.

Cartagena de Indias, 4 December 1991

(Signed) Jaime Paz Zamora
President of Bolivia

(Signed) Cesar Gaviria Trujillo
President of Colombia

(Signed) Rodrigo Borja
President of Ecuador

(Signed) Alberto Fujimori
President of Peru

(Signed) Carlos Andrés Pérez
President of Venezuela

[Source: Conference on Disarmament Document CD/1114, 9 January 1992]

NAM 2006/Doc.1/Rev.3
Original: English

14th SUMMIT CONFERENCE OF HEADS OF STATE OR GOVERNMENT OF THE NON-ALIGNED MOVEMENT
Havana, Cuba
11th to 16th of September, 2006

FINAL DOCUMENT

Havana, Cuba
16 September 2006

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INTRODUCTION

1. The Heads of State or Government of the Movement of Non-Aligned Countries, met under the Chairmanship of H.E. Dr. Fidel Castro Ruz, President of the Council of State and the Council of Ministers of the Republic of Cuba, in Havana, Cuba on 15 and 16 September 2006 to address the existing, new and emerging global issues of collective concern and interest to the Movement, with a view to generating the necessary responses and initiatives thereof. In this regard, they reaffirmed and underscored the Movement's abiding faith in and strong commitment to its Founding Principles, ideals and purposes, particularly in establishing a peaceful and prosperous world as well as a just and equitable world order.

2. The Heads of State or Government affirmed the continued relevance and validity of all principled positions and decisions of the Movement as contained in the substantive outcome documents of the XIII Conference of Heads of State or Government of the NAM held in Kuala Lumpur on 24 and 25 February 2003 and the preceding twelve Summit Conferences of the Movement, as well as all preceding Ministerial Conferences or Meetings of the Movement.

101. The Heads of State or Government stressed that the issue of proliferation should be resolved through political and diplomatic means, and that measures and initiatives taken in this regard should be within the framework of international law; relevant conventions; the UN Charter, and should contribute to the promotion of international peace, security and stability.
102. The Heads of State or Government of the States Parties to the Biological and Toxin Weapons Convention (BWC) reaffirmed that the possibility of any use of bacteriological (biological) agents and toxins as weapons should be completely excluded, and the conviction that such use would be repugnant to the conscience of humankind. They recognised the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention. They reiterated their call to promote international cooperation for peaceful purposes, including scientific-technical exchange. They underlined the need to coordinate among the NAM States Parties to the Convention and expressed their commitment to work towards a successful outcome of the forthcoming Sixth Review Conference, to be held in Geneva, from 20 November to 8 December 2006.

103. The Heads of State or Government of the States Parties to the Chemical Weapons Convention (CWC) invited all States that have not yet signed or ratified the Convention to do so as soon as possible with a view to its universality. They reiterated their call on the developed countries to promote international cooperation through the transfer of technology, material and equipment for peaceful purposes in the chemical field and the removal of all and any discriminatory restrictions that are contrary to the letter and spirit of the Convention. They recalled that the full, effective and non-discriminatory implementation of the provisions of international cooperation contribute to the universality of the Convention. They also called upon States having declared possession of chemical weapons to bring about the destruction of their chemical weapons at the earliest possible date. While recognizing the financial and technical challenges for some possessors, they called upon those States Parties in a position to do so, and where requested, to assist such possessor States in the achievement of the total elimination of chemical weapons.

104. The Heads of State or Government regretted unsubstantiated allegations of non-compliance with relevant instruments on weapons of mass destruction and called on States Parties to such instruments that make such allegations to follow procedures set out in those instruments and to provide necessary substantiation for their allegations. They called upon all States parties to the respective international instruments to implement fully and in a transparent manner all their obligations under these instruments.

105. The Heads of State or Government expressed their satisfaction with the consensus among States on measures to prevent terrorists from acquiring weapons of mass destruction. They welcomed the adoption by consensus of the General Assembly Resolution 60/78 entitled “Measures to prevent terrorists from acquiring weapons of mass destruction” and underlined the need for this threat to humanity to be addressed within the UN framework and through international co-operation. While stressing that the most effective way of preventing terrorists from acquiring weapons of mass destruction is through the total elimination of such weapons, they emphasized that progress was urgently needed in the area of disarmament and non-proliferation in order to help maintain international peace and security and to contribute to global efforts against terrorism. They called upon all Member States to support international efforts to prevent terrorists from acquiring weapons of mass destruction and their means of delivery. They also urged all Member States to take and strengthen national measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture.
106. While noting the adoption of resolution 1540 (2004) and

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resolution 1673 (2006) by the Security Council, the Heads of State or Government underlined the need to ensure that any action by the Security Council does not undermine the UN Charter and existing multilateral treaties on weapons of mass destruction and of international Organisations established in this regard, as well as the role of the General Assembly. They further cautioned against the continuing practice of the Security Council to utilize its authority to define the legislative requirements for Member States in implementing Security Council decisions. In this regard, the Heads of State or Government stressed the importance of the issue of non-state actors acquiring weapons of mass destruction to be addressed in an inclusive manner by the General Assembly, taking into account the views of all Member States.

AG/RES. 2000 (XXXIV-O/04): The Americas As A Biological- And Chemical-Weapons-Free Region

June 8, 2004

(Adopted at the fourth plenary session held on June 8, 2004)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Permanent Council, in particular the section related to hemispheric security issues (AG/doc.4265/04 add.5 corr. 1);

AWARE of the determination of the international community to eradicate the development, production, use, stockpiling, and transfer of biological and chemical weapons;

BEARING IN MIND the Declaration on Security in the Americas, adopted at the Special Conference on Security, held in Mexico City, Mexico, in October 2003, in which the States of the Hemisphere declare their objective "to make the Americas a region free of biological and chemical weapons", and in particular the paragraphs 4.m, 4.y, 12, 13, and 14;

RECALLING its resolution "Cooperation for Security and Development in the Hemisphere: Regional Contributions to Global Security" [AG/RES. 1236 (XXIII-O/93)] which recognized the efforts of the member states to contribute to regional and global security and which commended them for their accession to the principles of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

RECALLING ALSO its resolutions "Inter-American Support for the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction" [AG/RES. 1624 (XXIX-O/99)] and "The Americas a Biological- and Chemical-Weapons-Free Region" [AG/RES. 1966 (XXXIII-O/03)];

NOTING that twenty-six member states are States Parties to the Chemical Weapons Convention and thirty-one member states are States Parties to the Biological Weapons Convention;

UNDERSCORING the importance of universal participation by all member states in the Biological and Chemical Weapons Conventions and their full implementation, in accordance with the domestic legal framework of each member state;

MINDFUL of the fundamental importance of full implementation and strict observance by member states of arms limitation, disarmament and non-proliferation obligations and commitments; and

WELCOMING the activities of the Organization for the Prohibition of Chemical Weapons (OPCW), among them the establishment of a working group, that encourage universal adherence to and foster full implementation of the CWC and of the practical program of work undertaken by BWC States Parties aimed at strengthening the Convention and stemming the biological weapons threat,

RESOLVES:

1. To concretely fulfill the shared commitment of member states to make the Americas a region free of biological and chemical weapons.

2. To reaffirm member states' commitment to arms control, disarmament, and the non-proliferation of all weapons of mass destruction, and to the principles and norms of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention); the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention); and the 1925 Geneva Protocol.

3. To urge those member states which have not yet done so to consider adhering as soon as possible to the Chemical Weapons Convention and the Biological Weapons Convention, to consider subscribing to the International Code of Conduct against Ballistic Missile Proliferation (ICOC), and to promote the universalization of these Conventions and Arrangements.

4. To urge member states to adopt, at the national level, legal and administrative measures for the implementation of the Chemical Weapons Convention and the Biological Weapons Convention.

5. To welcome the specific steps taken by a number of member states to adhere to and implement said Conventions.

6. To urge member states' participation in upcoming regional meetings of the Organization for the Prohibition of Chemical Weapons (OPCW) which encourage the universalization of the Chemical Weapons Convention, legislative measures to implement it, and the establishment of National Authorities to the OPCW.

7. To urge member states which have not yet done so, to establish National Authorities responsible for liaising with the OPCW, in accordance with the Chemical Weapons Convention.

8. To welcome efforts of the States Parties to the Biological Weapons Convention to promote measures for national implementation and strengthen the Convention in order to stem the threat of biological weapons threat.

9. To carry the message of the importance of the implementation of, and compliance with, relevant international obligations outside the region.

10. To request that the Permanent Council discuss and review, in the framework of the Committee on Hemispheric Security, the efforts of member states to fulfill their commitment to a region free of biological and chemical weapons, in accordance with paragraph 13 of the Declaration on Security in the Americas.

11. To urge member states to implement the recommendations contained within the Declaration on Security in the Americas to prevent and eliminate the proliferation of weapons of mass destruction.

12. To request that the Secretary General transmit this resolution to the Secretary-General of the United Nations and to the Director General of the OPCW.

13. To request the Permanent Council to report to the General Assembly at its thirty-fifth regular session on the implementation of this resolution, which will be carried out with the resources allocated in the program-budget of the Organization and other resources.

CONCLUDING SESSION*

As was outlined during the overview of the Biological Weapons Convention Regional Workshop on Monday,[1] the objective of this Workshop has been for us to become engaged, as a group of regional countries which are States Parties to the Biological Weapons Convention (BWC), to 'discuss, and promote common understanding and effective action' on the five topics included in the Geneva-based three-year BWC program of work, as well as other BWC-related issues. Our aim in this concluding session has been to consider the extent to which we, as a group of participants from a number of regional countries, have developed common understandings on the various issues discussed during the Workshop, and to explore how we might undertake effective action to achieve the objectives of the BWC three-year program of work.

Initially Dr Bob Mathews briefly reviewed the outcomes of the various discussions that had taken place in the first four days, highlighting what he thought had been the 'common understandings' reached on the five specific topics in the BWC three-year program of work. Participants were also encouraged to provide their views on these issues. Bob also highlighted a number of other BWC-related issues which were discussed during the Workshop, including issues such as Confidence Building Measures (CBMs) and the range of views expressed by participants as to their value as a means of raising confidence in the compliance of States Parties with their obligations under the BWC.

Then, under the leadership of Hasan Kleib, Workshop participants developed and drafted a Summary of Deliberations, which contains factual aspects of the Workshop, and agreed common understandings reached in the course of the Workshop on the various issues including national legislation, enhanced security of pathogens and toxins, bio-defence and disease surveillance, and codes of conduct. Again, under Hasan's leadership, participants developed a text associated with five agreed follow-up activities. The BWC Regional Workshop Summary of Deliberations, as agreed in the Concluding Session, is reproduced on the following pages.

* This session was co-chaired by Dr Bob Mathews and Hasan Kleib. Dr Mathews is Head of NBC Arms Control, Defence Science and Technology Organisation, in the Australian Department of Defence, Melbourne; Hasan Kleib is Director for International Security and Disarmament, Indonesian Department of Foreign Affairs.

[1] See Dr Bob Mathews, 'Workshop Convenor's Address at the Opening Ceremony: Overview of the Biological Weapons Convention Regional Workshop' in Chapter I of this volume.

BIOLOGICAL WEAPONS CONVENTION REGIONAL WORKSHOP SUMMARY OF DELIBERATIONS

The Biological Weapons Convention (BWC)[2] Regional Workshop, co-hosted by the Governments of Australia and Indonesia, was held at the Asia Pacific Centre for Military Law (APCML) at the University of Melbourne Law School in Australia, from 21–25 February 2005. The Workshop objectives were to promote regional engagement in the Geneva-based three-year program of work and to provide a forum for the exchange of views on regional efforts to reduce the risk of inadvertent support for the hostile use of biological agents or bio-terrorism.

The Workshop was officially opened by Senator the Hon Robert Hill, Australian Minister for Defence, and Mr M Wahid Supriyadi, Indonesian Consul General to Melbourne. Regional participants attended from New Zealand, Papua New Guinea, and all Member States of the Association of Southeast Asian Nations (ASEAN) (Burma excepted as a non-State Party to the BWC). Expert keynote addresses were given by representatives from World Health Organization (WHO), the International Committee of the Red Cross (ICRC), the Commonwealth Scientific and Industrial Research Organisation (CSIRO), and by Ambassador Les Luck, Australian Ambassador for Counter-Terrorism. Site visits were made to the Defence Science and Technology Organisation (DSTO) bio-defence facility at Fishermans Bend and to the CSIRO's Australian Animal Health Laboratory near Geelong.

The participants expressed their gratitude to the Governments of Australia and Indonesia for co-hosting the Workshop and noted the contribution of the University of Melbourne — particularly the APCML and its staff.

General Overview of BWC

Participants noted with regret the failure to conclude negotiations on a legally binding instrument (the Protocol) to strengthen the BWC in 2001, but recognised that the Geneva-based three-year program of work constitutes a basis for collaboration as we work together as a region to strengthen the BWC in the absence of the Protocol.

Workshop participants recognised the ongoing importance of regional groups and bilateral efforts to support continuing efforts to conclude the Protocol negotiations as expeditiously as possible.

Discussions were held on the main articles of the BWC — particularly Articles I, II, III, IV and X — identifying and agreeing upon the obligations States Parties have under these provisions.

The benefits of having enhanced security of pathogens nationally and within the region to reduce the likelihood of bio-terrorism were also highlighted. Participants were in agreement on the desirability of further discussions on capacity building measures in the region to further this end.

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[2] *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, opened for signature 10 April 1972, 1015 UNTS 163 (entered into force 26 March 1975).

On the issue of Confidence Building Measures (CBMs), some participants consider them useful — an encouragement to the full implementation of the BWC as well as enhancing transparency among States Parties. In this regard, participants welcomed Australia's commitment to distribute copies of its 2004 CBM Declaration to participants once the Declaration has been finalised in April 2005.[3] Participants also expressed views on the need to explore further ways and means of enhancing the effectiveness of CBMs.

National Legislation

Participants agreed that both the development and the enactment of domestic legislation to translate international obligations and prohibitions under the BWC into domestic law are imperative. They affirmed efforts to ensure that such national laws are effective.

Participants expressed support for the proposed APCML model legislation which will be finalised and distributed as expeditiously as possible.[4]

A number of participants presented national reports on existing legal, scientific and technical implementation measures for the BWC. Participants recognised the efforts which have already been undertaken at the national level and acknowledged the value of sharing experiences. Participants expressed the desire for further information-sharing to facilitate effective reviews of existing national implementation measures to enable States Parties to identify and remedy any legislative or other gaps.

Bio-Defence and Disease Surveillance

In discussing the provisions of Article VII to the BWC, participants stressed the value of regional cooperation for managing a biological event, including a bio-terrorist incident. Such cooperation should be further explored.

Participants also acknowledged the valuable role of disease surveillance and other activities undertaken by the WHO in support of the BWC. In this context, participants encouraged countries in the region to take a greater role in WHO meetings and activities with support from the WHO to enhance regional bio-safety and bio-security.

Codes of Conduct

Participants recognised the importance of engaging the scientific and technical community, both academic and industrial, in strengthening the BWC. The work of the ICRC's Biotechnology, Weapons and Humanity project was particularly appreciated and the ICRC was encouraged to continue to promote this initiative.[5]

There was general agreement on the value of codes of conduct in strengthening the implementation of the BWC and the 'web of prevention' against the hostile use of biological agents. Both legal responsibilities as well as ethical guidelines need to be

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[3] See Annex 9 to this volume.

[4] See Treasa Dunworth, Dr Bob Mathews and Professor Tim McCormack, 'National Implementation of the Biological Weapons Convention' in Chapter III to this volume.

[5] See Annex 11 to this volume.

explicitly recognised. Professional societies should be encouraged to contribute to the development of codes. The value of using local languages to express these codes was acknowledged.

FOLLOW-UP ACTIVITIES

In the final session, the participants expressed the desirability for follow-up activities including:

- the need to strengthen national coordination with all relevant agencies involved, assisted through regional information sharing on best practice models;
- encouraging bilateral sharing of information on national implementation measures and the provision of assistance with capacity building through government, academic and institutional links;
- the establishment of an Internet network of Workshop participants to facilitate the sharing of information and document distribution;
- further discussion of regional possibilities to revive discussions on the Protocol at the next BWC Review Conference;
- conducting further workshops, with the host and venue to be decided.

It was recognised that now that the foundations have been laid, further workshops should be more specific, focussing on issues such as: national implementation measures; and national capacity building to enhance bio-security, bio-safety and bio-defence, with implementing agencies and the biotechnology industry represented.

SUMMARY OF DELIBERATIONS

INTRODUCTION

Distinguished participants; in the last two days we have been discussing various aspects of the implementation of the Biological Weapons Convention (BWC).[1] As we all agreed, pending the establishment of a verification regime, we as States Parties need to work together to ensure that the Convention will remain as a vital and effective regime for the international community to respond to the threat of biological weapons. The lack of multilateral measures for monitoring compliance does not hamper States Parties from closely monitoring current developments in biotechnology.

It is the responsibility of individual States Parties to take appropriate measures to prevent the misuse of dual-use biological agents. For that purpose, on the very first day we discussed legislative requirements necessary for BWC implementation. The objective was to review the national implementation obligations of States Parties to the BWC, and to share information on the individual respective countries of the participants.

The participants have also discussed matters relating to national implementation, particularly national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins, including the means to identify which facilities should be subjected to enhanced security measures. We have learnt that there are several lists of pathogenic micro-organisms and toxins published by different parties; in this regard, the sharing of national experience during the Workshop is highly beneficial for others.

Various domestic agencies play an important role in supporting the implementation of the Convention and supporting measures relating to bio-security. We have learnt that having one governmental agency in each State Party in charge of coordinating other relevant agencies is needed to ensure effective implementation of the Convention. Similarly important is the role of scientific communities. In this regard, promoting outreach activities is deemed necessary to be conducted in States Parties. Other efforts that may help promote awareness include the development of codes of conduct for scientists.

It is the general view that each State Party needs to have national implementation mechanisms in place. Participants are also of the view that it is important to establish and maintain the security and oversight of pathogenic micro-organisms and toxins. During the discussions, it is clearly reflected that regulation on bio-safety so far has been enacted, for more effective implementation however, regulations on bio-security need to be part of States Parties' efforts in implementation of the Convention. In this regard, considering the current security situation, I believe specific measures would particularly enhance the security and oversight of the relevant facilities. We should

[1] *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, opened for signature 10 April 1972, 1015 UNTS 163 (entered into force 26 March 1975).

consider a type of comprehensive legislation that includes penal sanctions as well as codes of conduct for the scientists and regulate synergy among governmental agencies related to the implementation of the Convention.

That was actually the essence of what the co-chairs concluded during these two Workshops. On that basis, the two co-chairs have drafted the summary of deliberations of our Workshop. The summary also includes the follow-up activities of our Regional Workshop, in our effort to strengthen collectively the implementation of the BWC. Endorsed by all, this is the outcome of this Workshop.

SUMMARY OF DELIBERATIONS

The Second BWC Regional Workshop, co-hosted by the Governments of Indonesia and Australia, was held at the Intercontinental Hotel in Bali, Indonesia on 6–7 March 2006. As a follow-up to the First Workshop held in Melbourne on 21–25 February 2005, the objectives of the Workshop were to promote regional awareness of and engagement in the BWC; to discuss the importance of bio-security; to examine national mechanism on maintenance of the security and oversight of pathogenic micro-organisms and toxins; to facilitate the establishment of a forum for networking with a view to developing partnership in enhancing bio-security and bio-safety; and to provide a forum for sharing of information, based on the BWC three-year program of work.

The Workshop was officially opened by His Excellency Mr M Slamet Hidayat, Director-General for Multilateral Affairs of the Department of Foreign Affairs of the Republic of Indonesia, and Dr Bob Mathews, Head of NBC Arms Control, Defence Science and Technology Organisation (DSTO), Australia. Ambassador Hidayat hoped that the Workshop would enable the officials and scientists from various countries in the region to acquire a better understanding of the importance of implementation of the Convention. Similarly, Dr Bob Mathews stressed that the Workshop is a very important step in sharing experience among the participants with regard to the implementation of the BWC, with the objective of developing a range of implementation tools.

The Regional Workshop was attended by participants from Australia, Cambodia, Indonesia, Lao, Malaysia, New Zealand, Papua New Guinea, the Philippines, Thailand, and Vietnam.

The participants expressed their appreciation to the Governments of the Republic of Indonesia and Australia for their initiative and major efforts to co-host the Workshop. Special appreciation and gratitude were also addressed to the Government of the Republic of Indonesia for their hospitality.

LEGISLATIVE REQUIREMENTS NECESSARY FOR BWC IMPLEMENTATION

Participants discussed the need to encourage more effective and comprehensive national implementation of the BWC. Participants also highlighted legal obligations under the BWC to undertake national implementation measures. Against this backdrop, participants shared the view that national legislation requirements should include elements, such as the basic prohibition, jurisdiction, control mechanisms for peaceful uses of microbiological or other agents or toxins, bio-security and bio-safety, penal provisions, and international cooperation particularly in the field of legal enforcement. Participants discussed the benefits of national legislation to assist States

Parties with Confidence Building Measures and responding to any request under Article V and VI of the BWC.

Participants underscored the importance of fostering further the cooperation between States Parties to the BWC with differing legal and constitutional arrangements. In this connection, participants called upon States Parties in a position to do so, to positively respond to any request from other States Parties in the region for technical assistance which may include the area of framing and/or expanding their own legislation and controls in the areas of national implementation and bio-security.

NATIONAL MEASURES TO ENHANCE BIO-SECURITY

Participants exchanged views on national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins, including the means to identify facilities that are subject to enhanced security measures. Participants acknowledged that development of comprehensive and concrete measures to ensure bio-security require a complex integration of regulatory and policy considerations.

Participants recognised the need for centralised action at the national level to promote bio-security. In this regard, participants underscored the role of various domestic agencies and international organisations in supporting measures related to enhanced bio-security. Participants also underlined the necessity of establishing a national authority as a coordinator among various domestic agencies, a focal point for effective implementation of the BWC at the national level and a liaison with other States Parties.

Participants also noted the importance of strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants.

ESTABLISHMENT OF A FORUM FOR NETWORKING IN SEEKING POSSIBILITIES FOR DEVELOPING PARTNERSHIPS IN ENHANCING BIO-SECURITY & BIO-SAFETY

Participants stressed the importance of establishing a forum which could facilitate the promotion of contact among national agencies, officials and scientists involved in the national efforts related to the implementation of the BWC. Participants also welcomed the idea of establishing a partnership on enhancement of bio-security and bio-safety among related agencies based on mutual agreement.

Participants stressed the need to revitalise the internet network of Workshop participants to facilitate the sharing of information and document distribution.

MEASURES FOR PROMOTING AWARENESS AMONG THE SCIENTIFIC COMMUNITY

Participants considered further practical aspects to promote awareness among scientific community. Participants stressed that engaging the biological sciences community is a crucial component of minimising the inadvertent proliferation of pathogenic micro-organisms and toxins. Participants shared the view that there should

be a standard mechanism for promoting the awareness of the potential for misuse. Participants also emphasised that awareness should be guided by practical and ethical guidelines. In this respect, participants were of the view that codes of conduct could serve as a reference for such guidelines.

CODES OF CONDUCT FOR THE SCIENTIFIC COMMUNITY

Participants discussed the development of comprehensive codes of conduct for scientists as a means to enhance cooperation among scientific communities in supporting effective national implementation of the BWC.

Participants recognised that it is useful to think of codes as occurring in a number of layers, including:

- Guiding Principles
- Scientific Society Codes
- Institutional or Workplace Codes

Participants are of the view that codes may include some of the following elements:

- that biological scientists should be aware of the potential misuse of materials, equipment and know-how for biological weapons and/or bio-terrorism purposes;
- that biological scientists should be aware of, respect and fully comply with all national laws and international obligations related to avoiding the hostile use of the biological sciences and biotechnology;
- that biological scientists should recognise that penalties will be applied to individuals.

Participants also noted that codes of conduct should lead to a responsible and ethical culture developing in the workplace within the scientific community.

FOLLOW-UP ACTIVITIES

In the final session, the participants expressed the value of some activities that may promote common understanding and effective actions of states in the region in further developing and sharing a range of implementation tools to cover: legislative requirements; enhanced security of pathogens; outreach; awareness-raising; codes of conduct for scientist; and related activities.

Those activities include:

- encouraging bilateral and regional sharing information on national implementation measures and the provision of technical assistance focusing on the capacity building of States Parties in framing or expanding national legislation and control.
- establishing regional partnership on enhancement of bio-security among related agencies based on mutual agreement.
- strengthening national and international efforts and broadening existing mechanism for surveillance, detection, diagnosis, and combating infectious diseases affecting human, animals, and plants.
- exploring the possibilities of adopting regional code of conduct for scientists.
- exploring the possibilities of taking regional concerted action to promote awareness among scientists.

- revitalising internet network of Workshop participants to facilitate the sharing of information and document distribution.
- submitting the outcome of the First and Second Workshop to the Sixth Review Conference of the BWC at the end of 2006.
- holding further Workshop.

Participants referred to the various implementation tools which were discussed during the Workshop, and considered how the actual development and sharing of these tools might occur.

Four particular tools were highlighted. The first was the checklist of legislation and drafting elements to cover the legislative requirements. With the cooperation and assistance of all participants, it is intended that this work-in-progress will be further developed into a comprehensive checklist. The drafting elements are at this stage incomplete because insufficient detail. What is required is that our neighbours participating in the Workshop provide additional information on their existing legislation, and perhaps on their current drafting. It is intended that a revised set of drafting elements and the checklist will be available by the end of June.

The second and third implementation tools agreed upon were the development of guidelines, taking into account the various presentations from this Workshop. The aim is to have a revised draft of guidelines relating to the identification of facilities and types of measures for those facilities by the end of June, to be shared among the participants. It is intended that such sharing will occur through the internet process.

The fourth implementation tool is guidelines on outreach to relevant scientific communities (including drafting various codes of conduct). Dr Bob Mathews requested feedback from participants on the universal code or the guiding principles, the codes for societies, and workplace codes. It was also intended that a revised draft of elements for the various types of codes would be And then I would again intend to have a revised draft setting elements out for the various types of codes by the end of June.

Finally, it was hoped that more information might be made available on Australia's process of awareness-raising and developing education modules for various institutions — academic and workplaces. It was emphasised that these follow-up activities rely on the input of participants in order to further enhance the current works-in-progress on improved implementation tools. It was hoped that the tools could be shared in Geneva at the November Review Conference with other States Parties.

6. Other Arrangements

6. Documents from Other Arrangements

Although the BWC lies at the heart of the international regime governing the prohibition of biological weapons, other arrangements complement and strengthen the norm against the hostile use of disease. These arrangements, which range from informal groupings to more formally-constituted groups of States, tend to entail collective agreement to take or renounce certain actions to prevent BW proliferation. These arrangements are initiated by groups of like-minded States, rather than by widespread international consensus among States, as multilateral treaties are.

Australia Group

The Australia Group, which began work in 1984/85, seeks to harmonize supply-side controls on dual-use technology, including equipment, chemical agents and biological pathogens, applicable to chemical and biological warfare, by promoting common standards for the formation and implementation of national export-control policies.

The Australia Group is one of the earliest plurilateral initiatives on non-proliferation, arising as a direct result of the discovery, confirmed by UN investigators, that the chemical weapons that Iraq used in its war with Iran were not supplied by the Soviet Union, but had been manufactured using 'dual use' commodities and know-how imported from the global marketplace. During the 1980s, a number of countries implemented national export controls on certain chemical precursors, but these suffered from a lack of uniformity. Australia therefore proposed a meeting of countries with relevant export controls and the first meeting of what became the Australia Group took place in Brussels in June 1985. All subsequent plenary meetings until 2003 took place in the Australian Embassy in Paris, but from 2004 onwards meetings have taken place in the Kleber Centre in Paris (except the 20th anniversary meeting in 2005 which took place in Sydney).

Its membership and range of activities have expanded over the years, most notably in the early 1990s, when it expanded its scope to include biological export controls. Regarding BW proliferation, the Group now maintains lists of biological agents, plant pathogens and animal pathogens, in addition to a list of dual-use biological equipment. All four lists are included in this section of the Briefing Book. The Australia Group lists form the basis of the CBW-related sections of the European Union's dual-use goods regime, and they have been adopted as the basis for national export controls by many non-participating countries. The Australia Group now has 39 participating countries, plus the European Commission. All Australia Group participants are States Parties to both the BWC and CWC.

Group of Eight Nations

The Group of Eight Nations (G8) comprises eight major industrialised nations (Canada, France, Germany, Italy, Japan, Russia, the UK and the US) whose leaders meet annual to discuss issues of mutual concern. At their 2003 summit meeting in Evian, France, the G8 leaders adopted a declaration on non-proliferation of weapons of mass destruction, in which they described the threat posed by the proliferation of WMD and their means of delivery, together with the spread of international terrorism, as "the pre-eminent threat to international security." At each summit meeting since Evian, the G8 leaders have included reference to the BWC in their summit communiqué:

Summit	Year	BWC reference
Sea Island (USA)	2004	"… we seek concrete realization of our commitments at the fifth Review Conference of the BWC. The BWC is a critical foundation against biological weapons' proliferation, including to terrorists. Its prohibitions should be fully implemented, including enactment of penal legislation. We strongly urge all non-parties to join the BWC promptly."
Gleneagles (UK)	2005	"This year marks the 30th anniversary of the entry into force of the Biological and Toxin Weapons Convention. New biological threats mean that full compliance with the Convention remains as relevant today as it was at its inception. We encourage States Party to take a full part in the ongoing programme of work which this year will discuss the content, promulgation and adoption of codes of conduct for scientists. Further, we look forward to a substantive and forward-looking Review Conference in 2006."
St Petersburg (Russia)	2006	"We look forward to a successful 6th BTWC Review Conference dedicated to the effective review of the operation of the Convention. We will facilitate adoption by the Review Conference of decisions aimed at strengthening and enhancing the implementation of the BTWC. We call upon all States Parties to take necessary measures, including as appropriate the adoption of and implementation of national legislation, including penal legislation, in the framework of the BTWC, in order to prohibit and prevent the proliferation of biological and toxin weapons and to ensure control over pathogenic micro organisms and toxins. We invite the States Parties that have not yet done so to take such measures at the earliest opportunity and stand ready to consider appropriate assistance. In this regard, we welcome initiatives such as the 2006 EU Joint Action in support of the BTWC."

Previously, at its summit meeting in Kananaskis, Canada, in 2002, the G8 launched the Global Partnership against the Spread of Weapons and Materials of Mass Destruction. The Global Partnership served to attract and provide a framework for international financing of the destruction of chemical weapons, the dismantlement of decommissioned nuclear submarines, the disposition of fissile materials and the employment of former weapons scientists, initially in Russia (Ukraine has now also been accepted as a recipient country).

The Global Partnership has since broadened its objectives to include the development of measures for "international non-proliferation, disarmament, counter-terrorism and nuclear safety issues", including biosecurity projects and supportive activities in states beyond Russia that have renounced WMD. At Kananaskis, the G8 leaders committed to raising US$20 billion to support such activities over the following ten years. By the 2006 summit, held in St Petersburg, Russia, 13 non-G8 countries had joined the Global Partnership as donors (in 2003: Finland, the Netherlands, Norway, Poland, Sweden, and Switzerland; and in 2004: Australia, Belgium, the Czech Republic, Denmark, Ireland, New Zealand, and South Korea).

Proliferation Security Initiative

The Proliferation Security Initiative (PSI) was launched by US President George Bush during a speech in Krakow, Poland in 2003. Like the Australia Group, the PSI is not a formal organization constituted by Member States. Rather, it is a coalition of states that adhere to a statement of principles and that undertake, on the basis of a web of supporting agreements, to cooperate with each other in the interdiction, by armed force if necessary, of international shipments of goods thought destined for WMD programmes considered illegal by PSI participants. According to its website: "The PSI is not a formal institution, nor is it a treaty body. It is a statement of purpose: an activity, not an organisation." The initiative originated in part following an incident in December 2002, when Spain, alerted by a US tip-off, seized a shipment of 15 Scud missiles headed from North Korea to Yemen. The US allowed the ship to continue after determining that it lacked the authority under international law to detain the vessel and after assurances had been given that the missiles would be used for defensive purposes only.

The "Statement of Interdiction Principles" that is included in this section of the Briefing Book sets out the scope and aims of the PSI. The statement was adopted by PSI participants at its third plenary meeting in Paris in September 2003. The "Statement of Interdiction Principles" commits participating states to: "Undertake effective measures, either alone or in concert with other states, for interdicting the transfer or transport of WMD, their delivery systems, and related materials to and from states and non-state actors of proliferation concern. " It defines "States or non-state actors of proliferation concern" as "those countries or entities that the PSI participants involved establish should be subject to interdiction activities because they are engaged in proliferation through: (1) efforts to develop or acquire chemical, biological, or nuclear weapons and associated delivery systems; or (2) transfers (either selling, receiving, or facilitating) of WMD, their delivery systems, or related materials."

To date, PSI participants have convened seven plenary meetings since the first in Madrid, Spain, in June 2003. In addition, there have been over 13 operational experts' meetings in many PSI participant countries. Most significantly, PSI participants have conducted over 20 air, ground and maritime interdiction exercises. Little details have emerged of interdictions conducted under the PSI. However, in May 2005, US Secretary of State Condoleezza Rice said: "In the last nine months alone, the United States and ten of our PSI partners have quietly cooperated on 11 successful efforts."

According to a list maintained by the US Department of State and dated 6 September 2006, 77 countries have expressed support for the PSI. The USA has signed ship-boarding agreements with six countries (Belize, Croatia, Cyprus, Liberia, Marshall Islands and Panama).

CONTROL LIST OF DUAL-USE BIOLOGICAL EQUIPMENT AND RELATED TECHNOLOGY

April 2005

I. Equipment

1. Complete containment facilities at P3 or P4 containment level

Complete containment facilities that meet the criteria for P3 or P4 (BL3, BL4, L3, L4) containment as specified in the WHO Laboratory Biosafety manual (2 nd edition, Geneva, 1993) should be subject to export control.

2. Fermenters

Fermenters capable of cultivation of pathogenic micro-organisms, viruses or for toxin production, without the propagation of aerosols, having a capacity of 20 litres or greater. Fermenters include bioreactors, chemostats and continuous-flow systems.

3. Centrifugal Separators

Centrifugal separators capable of the continuous separation of pathogenic micro-organisms, without the propagation of aerosols, and having all the following characteristics:

a. one or more sealing joints within the steam containment area;
b. a flow rate greater than 100 litres per hour;
c. components of polished stainless steel or titanium;
d. capable of in-situ steam sterilisation in a closed state.

Technical note: Centrifugal separators include decanters.

4.Cross (tangential) Flow Filtration Equipment

Cross (tangential) flow filtration equipment capable of separation of pathogenic micro-organisms, viruses, toxins or cell cultures, without the propagation of aerosols, having all the following characteristics:

- a total filtration area equal to or greater than 1 square metre;
- capable of being sterilized or disinfected in-situ.

(N.B. This control excludes reverse osmosis equipment, as specified by the manufacturer.)

Cross (tangential) flow filtration components (eg modules, elements, cassettes, cartridges, units or plates) with filtration area equal to or greater than 0.2 square metres for each component and designed for use in cross (tangential) flow filtration equipment as specified above.

Technical note: In this control, 'sterilized' denotes the elimination of all viable microbes from the equipment through the use of either physical (eg steam) or chemical agents. 'Disinfected' denotes the destruction of potential microbial infectivity in the equipment through the use of chemical agents with a germicidal effect. 'Disinfection' and 'sterilization' are distinct from 'sanitization', the latter referring to cleaning procedures designed to lower the microbial content of equipment without necessarily achieving elimination of all microbial infectivity or viability.

5. Freeze-drying Equipment

Steam sterilisable freeze-drying equipment with a condenser capacity of 10 kgs of ice or greater in 24 hours and less than 1000 kgs of ice in 24 hours.

6. Protective and containment equipment as follows:

a. protective full or half suits, or hoods dependent upon a tethered external air supply and operating under positive pressure;

Technical note: This does not control suits designed to be worn with self-contained breathing apparatus.

b. class III biological safety cabinets or isolators with similar performance standards (e.g. flexible isolators, dry boxes, anaerobic chambers, glove boxes, or laminar flow hoods (closed with vertical flow)).

7. Aerosol inhalation chambers

Chambers designed for aerosol challenge testing with micro-organisms, viruses or toxins and having a capacity of 1 cubic metre or greater.

8. Spraying or fogging systems and components therefore, as follows:

a. Complete spraying or fogging systems, specially designed or modified for

fitting to aircraft, lighter than air vehicles or UAVs, capable of delivering, from a liquid suspension, an initial droplet “VMD” of less than 50 microns at a flow rate of greater than two litres per minute.

b. Spray booms or arrays of aerosol generating units, specially designed or modified for fitting to aircraft, lighter than air vehicles or UAVs, capable of delivering, from a liquid suspension, an initial droplet “VMD” of less than 50 microns at a flow rate of greater than two litres per minute.
c. Aerosol generating units specially designed for fitting to systems that fulfil all the criteria specified in paragraphs 8.a and 8.b.

Technical Notes

Aerosol generating units are devices specially designed or modified for fitting to aircraft such as nozzles, rotary drum atomisers and similar devices.

This entry does not control spraying or fogging systems and components as specified in paragraph 8 above that are demonstrated not to be capable of delivering biological agents in the form of infectious aerosols.

Pending definition of international standards, the following guidelines should be followed:

Droplet size for spray equipment or nozzles specially designed for use on aircraft or UAVs should be measured using either of the following methods:

a. *Doppler laser method*
b. *Forward laser diffraction method*

Items for inclusion in Awareness Raising Guidelines

Experts propose that the following items be included in awareness raising guidelines to industry:

1. Equipment for the micro-encapsulation of live micro-organisms and toxins in the range of 1-10 um particle size, specifically:
   a) interfacial polycondensors;
   b) phase separators.
2. Fermenters of less than 20 litre capacity with special emphasis on aggregate orders or designs for use in combined systems.
3. Conventional or turbulent air-flow clean-air rooms and self-contained fan-HEPA filter units that may be used for P3 or P4 (BL3, BL4, L3, L4)containment facilities.

II. Related Technology

The transfer of ‘technology’ for ‘development’ or ‘production’ of:

AG-controlled biological agents; or

AG-controlled dual-use biological equipment items.

Controls on ‘technology’ transfer do not apply to information ‘in the public domain’ or to ‘basic scientific research’ or the minimum necessary information for patent application.

The approval for export of any AG-controlled item of dual-use equipment also authorises the export to the same end-user of the minimum ‘technology’ required for the installation, operation, maintenance, or repair of that item.

Definition of Terms

‘Basic scientific research’

Experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts, not primarily directed towards a specific practical aim or objective.

‘Development’

‘Development’ is related to all stages before production such as:

design,

design research,

design analysis,

design concepts,

assembly of prototypes,

pilot production schemes,

design data,

process or transforming design data into a product,

configuration design,

integration design, and

layouts.

'In the public domain'

'In the public domain', as it applies herein, means technology that has been made available without restrictions upon its further dissemination. (Copyright restrictions do not remove technology from being in the public domain.)

'Lighter than air vehicles'

Balloons and airships that rely on hot air or on lighter-than-air gases such as helium or hydrogen for their lift.

'Production'

Production means all production phases such as:

construction,

production engineering,

manufacture,

integration,

assembly (mounting),

inspection,

testing, and

quality assurance.

'Technical assistance'

May take forms, such as: instruction, skills, training, working knowledge, consulting services. 'Technical assistance' may involve transfer of 'technical data'.

'Technical data'

May take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.

'Technology'

Specific information necessary for the 'development', 'production', or 'use' of a product. The information takes the form of 'technical data' or 'technical assistance'.

'UAVs'

Unmanned Aerial Vehicles.

'Use'

Operation, installation, (including on-site installation), maintenance, (checking), repair, overhaul or refurbishing.

'VMD'

Volume Median Diameter *(note: for water-based systems, VMD equates to MMD – the Mass Median Diameter).*

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LIST OF BIOLOGICAL AGENTS FOR EXPORT CONTROL

CORE LIST [1]

July 2006

**** New additions to the list are included in italics***

Viruses

V1. Chikungunya virus
V2. Congo-Crimean haemorrhagic fever virus
V3. Dengue fever virus
V4. Eastern equine encephalitis virus
V5. Ebola virus
V6. Hantaan virus
V7. Junin virus
V8. Lassa fever virus
V9. Lymphocytic choriomeningitis virus
V10. Machupo virus
V11. Marburg virus
V12. Monkey pox virus
V13. Rift Valley fever virus
V14. Tick-borne encephalitis virus (Russian Spring-Summer encephalitis virus)
V15. Variola virus
V16. Venezuelan equine encephalitis virus
V17. Western equine encephalitis virus
V18. White pox
V19. Yellow fever virus
V20. Japanese encephalitis virus
V21. Kyasanur Forest virus
V22. Louping ill virus
V23. Murray Valley encephalitis virus
V24. Omsk haemorrhagic fever virus
V25. Oropouche virus
V26. Powassan virus
V27. Rocio virus
V28. St Louis encephalitis virus
V29. Hendra virus (Equine morbillivirus)
V30. South American haemorrhagic fever (Sabia, Flexal, Guanarito)
V31. Pulmonary & renal syndrome-haemorrhagic fever viruses (Seoul, Dobrava, Puumala, Sin Nombre)
V32. Nipah virus

Rickettsiae

R1. Coxiella burnetii
R2. Bartonella quintana (Rochalimea quintana, Rickettsia quintana)
R3. Rickettsia prowazeki
R4. Rickettsia rickettsii

Bacteria

B1. Bacillus anthracis
B2. Brucella abortus
B3. Brucella melitensis
B4. Brucella suis
B5. Chlamydia psittaci
B6. Clostridium botulinum
B7. Francisella tularensis
B8. Burkholderia mallei (Pseudomonas mallei)
B9. Burkholderia pseudomallei (Pseudomonas pseudomallei)
B10. Salmonella typhi
B11. Shigella dysenteriae
B12. Vibrio cholerae
B13. Yersinia pestis
B14. Clostridium perfringens, epsilon toxin producing types2
B15. Enterohaemorrhagic Escherichia coli, serotype O157 and other verotoxin producing serotypes

Toxins as follow and subunits thereof:3

T1. Botulinum toxins4
T2. Clostridium perfringens toxins
T3. Conotoxin
T4. Ricin
T5. Saxitoxin
T6. Shiga toxin
T7. Staphylococcus aureus toxins

T8. Tetrodotoxin
T9. Verotoxin and shiga-like ribosome inactivating proteins
T10. Microcystin (Cyanginosin)
T11. Aflatoxins
T12. Abrin
T13. Cholera toxin
T14. Diacetoxyscirpenol toxin
T15. T-2 toxin
T16. HT-2 toxin
T17. Modeccin toxin
T18. Volkensin toxin
T19. Viscum Album Lectin 1 (Viscumin)

Fungi

F1. Coccidioides immitis
F2. Coccidioides posadasii

1. Biological agents are controlled when they are an isolated live culture of a pathogen agent, or a preparation of a toxin agent which has been isolated or extracted from any source, or material including living material which has been deliberately inoculated or contaminated with the agent. Isolated live cultures of a pathogen agent include live cultures in dormant form or in dried preparations, whether the agent is natural, enhanced or modified.

An agent is covered by this list except when it is in the form of a vaccine. A vaccine is a medicinal product in a pharmaceutical formulation licensed by, or having marketing or clinical trial authorisation from, the regulatory authorities of either the country of manufacture or of use, which is intended to stimulate a protective immunological response in humans or animals in order to prevent disease in those to whom or to which it is administered.

2. It is understood that limiting this control to epsilon toxin-producing strains of Clostridium perfringens therefore exempts from control the transfer of other Clostridium perfringens strains to be used as positive control cultures for food testing and quality control.

3. Excluding immunotoxins.

4. Excluding botulinum toxins and conotoxins in product form meeting all of the following criteria:

- are pharmaceutical formulations designed for testing and human dministration in the treatment of medical conditions;
- are pre-packaged for distribution as clinical or medical products; and
- are authorised by a state authority to be marketed as clinical or medical products.

Genetic Elements and Genetically-modified Organisms:

G1 Genetic elements that contain nucleic acid sequences associated with the pathogenicity of any of the microorganisms in the list.

G2 Genetic elements that contain nucleic acid sequences coding for any of the toxins in the list, or for their sub-units.

G3 Genetically-modified organisms that contain nucleic acid sequences associated with the pathogenicity of any of the microorganisms in the list.

G4 Genetically-modified organisms that contain nucleic acid sequences coding for any of the toxins in the list or for their sub-units.

***Technical note**:*

Genetic elements include inter alia chromosomes, genomes, plasmids, transposons, and vectors whether genetically modified or unmodified.

Nucleic acid sequences associated with the pathogenicity of any of the micro-organisms in the list means any sequence specific to the relevant listed micro-organism:

- that in itself or through its transcribed or translated products represents a significant hazard to human, animal or plant health; or
- that is known to enhance the ability of a listed micro-organism, or any other organism into which it may be inserted or otherwise integrated, to cause serious harm to human, animal or plant health.

These controls do not apply to nucleic acid sequences associated with the pathogenicity of enterohaemorrhagic Escherichia coli, serotype O157 and other verotoxin producing strains, other than those coding for the verotoxin, or for its sub-units.

WARNING LIST1

Bacteria

WB1. Clostridium tetani*
WB2. Legionella pneumophila
WB3. Yersinia pseudotuberculosis

* Australia Group recognises that this organism is ubiquitous, but, as it

hasbeen acquired in the past as part of biological warfare programs, it isworthy of special caution.

1. Biological agents are controlled when they are an isolated live culture of a pathogen agent, or a preparation of a toxin agent which has been isolated or extracted from any source, or material including living material which has been deliberately inoculated or contaminated with the agent. Isolated live cultures of a pathogen agent include live cultures in dormant form or in dried preparations, whether the agent is natural, enhanced or modified.

An agent is covered by this list except when it is in the form of a vaccine. A vaccine is a medicinal product in a pharmaceutical formulation licensed by, or having marketing or clinical trial authorisation from, the regulatory authorities of either the country of manufacture or of use, which is intended to stimulate a protective immunological response in humans or animals in order to prevent disease in those to whom or to which it is administered.

Genetic Elements and Genetically-modified Organisms:

WG1 Genetic elements that contain nucleic acid sequences associated with the pathogenicity of any of the microorganisms in the list.

WG2 Genetic elements that contain nucleic acid sequences coding for any of the toxins in the list, or for their sub-units.

WG3 Genetically-modified organisms that contain nucleic acid sequences associated with the pathogenicity of any of the microorganisms in the list.

WG4 Genetically-modified organisms that contain nucleic acid sequences coding for any of the toxins in the list or for their sub-units.

***Technical note**:*

Genetic elements include inter alia chromosomes, genomes, plasmids, transposons, and vectors whether genetically modified or unmodified.

Nucleic acid sequences associated with the pathogenicity of any of the micro-organisms in the list means any sequence specific to the relevant listed micro-organism:

- that in itself or through its transcribed or translated products represents a significant hazard to human, animal or plant health; or
- that is known to enhance the ability of a listed micro-organism, or any other organism into which it may be inserted or otherwise integrated, to cause serious harm to human, animal or plant health.

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April 2005

List of Animal Pathogens for Export Control [1]

Viruses

AV1. African swine fever virus

AV2. Avian influenza virus [2]

AV3. Bluetongue virus

AV4. Foot and mouth disease virus
AV5. Goat pox virus
AV6. Herpes virus (Aujeszky's disease)
AV7. Hog cholera virus (synonym: swine fever virus)
AV8. Lyssa virus
AV9. Newcastle disease virus
AV10. Peste des petits ruminants virus
AV11. Porcine enterovirus type 9 (synonym: swine vesicular disease virus)
AV12. Rinderpest virus
AV13. Sheep pox virus
AV14. Teschen disease virus
AV15. Vesicular stomatitis virus
AV16. Lumpy skin disease virus
AV17. African horse sickness virus

1. Except where the agent is in the form of a vaccine.
2. This includes only those Avian influenza viruses of high pathogenicity as defined in EC Directive 92/40/EC:

   "Type A viruses with an IVPI (intravenous pathogenicity index) in 6 week old chickens of greater than 1.2: or

   Type A viruses H5 or H7 subtype for which nucleotide sequencing has demonstrated multiple basic amino acids at the cleavage site of haemagglutinin"

Bacteria

AB3. Mycoplasma mycoides

Genetic Elements and Genetically-modified Organisms

AG1 Genetic elements that contain nucleic acid sequences associated with the pathogenicity of any of the microorganisms in the list.

AG2 Genetically-modified organisms that contain nucleic acid sequences associated with the pathogenicity of any of the microorganisms in the list.

Technical note : Genetic elements include inter alia chromosomes, genomes, plasmids, transposons, and vectors whether genetically modified or unmodified.

Nucleic acid sequences associated with the pathogenicity of any of the micro-organisms in the list means any sequence specific to the relevant listed micro-organism:

- that in itself or through its transcribed or translated products represents a significant hazard to human, animal or plant health; or

- that is known to enhance the ability of a listed micro-organism, or any other organism into which it may be inserted or otherwise integrated, to cause serious harm to human, animal or plant health.

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LIST OF PLANT PATHOGENS FOR EXPORT CONTROL

April 2005

CORE LIST

Bacteria

PB1. Xanthomonas albilineans

PB2. Xanthomonas campestris pv. citri

PB3. Xanthomonas oryzae pv. oryzae (Pseudomonas campestris pv. oryzae)

PB4. Clavibacter michiganensis subsp. sepedonicus (Corynebacterium michiganensis subsp. sepedonicum or Corynebacterium sepedonicum)

PB5. Ralstonia solanacearum races 2 and 3 (Pseudomonas solanacearum races 2 and 3 or Burkholderia solanacearum races 2 and 3)

Fungi

PF1. Colletotrichum coffeanum var. virulans (Colletotrichum kahawae)

PF2. Cochliobolus miyabeanus (Helminthosporium oryzae)

PF3. Microcyclus ulei (syn. Dothidella ulei)

PF4. Puccinia graminis (syn. Puccinia graminis f. sp. tritici)

PF5. Puccinia striiformis (syn. Puccinia glumarum)

PF6. Pyricularia grisea / Pyricularia oryzae

Viruses

PV1. Potato Andean latent tymovirus

PV2. Potato spindle tuber viroid

Genetic Elements and Genetically-modified Organisms:

PG1 Genetic elements that contain nucleic acid sequences associated with the pathogenicity of any of the microorganisms in the Core List.

PG2 Genetically-modified organisms that contain nucleic acid sequences associated with the pathogenicity of any of the microorganisms in the Core List.

Technical note : Genetic elements include inter alia chromosomes, genomes, plasmids, transposons, and vectors whether genetically modified or unmodified.

Nucleic acid sequences associated with the pathogenicity of any of the micro-organisms in the list means any sequence specific to the relevant listed micro-organism:

- that in itself or through its transcribed or translated products represents a significant hazard to human, animal or plant health; or

- that is known to enhance the ability of a listed micro-organism, or any other organism into which it may be inserted or otherwise integrated, to cause serious harm to human, animal or plant health.

Items for Inclusion in Awareness-raising Guidelines

Bacteria

PWB1. Xylella fastidiosa

Fungi

PWF1. Deuterophoma tracheiphila (syn. Phoma tracheiphila)

PWF2. Monilia rorei (syn. Moniliophthora rorei)

Viruses

PWV1. Banana bunchy top virus

Genetic Elements and Genetically-modified Organisms:

PWG1 Genetic elements that contain nucleic acid sequences associated with the

pathogenicity of any of the microorganisms in the Awareness-raising Guidelines.

PWG2 Genetically-modified organisms that contain nucleic acid sequences associated with the pathogenicity of any of the microorganisms in the Awareness-raising Guidelines.

Technical note : Genetic elements include inter alia chromosomes, genomes, plasmids, transposons, and vectors whether genetically modified or unmodified.

Nucleic acid sequences associated with the pathogenicity of any of the micro-organisms in the list means any sequence specific to the relevant listed micro-organism:

- that in itself or through its transcribed or translated products represents a significant hazard to human, animal or plant health; or

- that is known to enhance the ability of a listed micro-organism, or any other organism into which it may be inserted or otherwise integrated, to cause serious harm to human, animal or plant health.

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Statement by G8 Leaders

The G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction

The attacks of September 11 demonstrated that terrorists are prepared to use any means to cause terror and inflict appalling casualties on innocent people. We commit ourselves to prevent terrorists, or those that harbour them, from acquiring or developing nuclear, chemical, radiological and biological weapons; missiles; and related materials, equipment and technology. We call on all countries to join us in adopting the set of non-proliferation principles we have announced today.

In a major initiative to implement those principles, we have also decided today to launch a new G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction. Under this initiative, we will support specific cooperation projects, initially in Russia, to address non-proliferation, disarmament, counter-terrorism and nuclear safety issues. Among our priority concerns are the destruction of chemical weapons, the dismantlement of decommissioned nuclear submarines, the disposition of fissile materials and the employment of former weapons scientists. We will commit to raise up to $20 billion to support such projects over the next ten years. A range of financing options, including the option of bilateral debt for program exchanges, will be available to countries that contribute to this Global Partnership. We have adopted a set of guidelines that will form the basis for the negotiation of specific agreements for new projects, that will apply with immediate effect, to ensure effective and efficient project development, coordination and implementation. We will review over the next year the applicability of the guidelines to existing projects.

Recognizing that this Global Partnership will enhance international security and safety, we invite other countries that are prepared to adopt its common principles and guidelines to enter into discussions with us on participating in and contributing to this initiative. We will review progress on this Global Partnership at our next Summit in 2003.

The G8 Global Partnership:
Principles to prevent terrorists, or those that harbour them, from gaining access to weapons or materials of mass destruction

The G8 calls on all countries to join them in commitment to the following six principles to prevent terrorists or those that harbour them from acquiring or developing nuclear, chemical, radiological and biological weapons; missiles; and related materials, equipment and technology.

1. Promote the adoption, universalization, full implementation and, where necessary, strengthening of multilateral treaties and other international instruments whose aim is to prevent the proliferation or illicit acquisition of such items; strengthen the institutions designed to implement these instruments.

2. Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage and domestic and international transport; provide assistance to states lacking sufficient resources to account for and secure these items.

3. Develop and maintain appropriate effective physical protection measures applied to facilities which house such items, including defence in depth; provide assistance to states lacking sufficient resources to protect their facilities.

4. Develop and maintain effective border controls, law enforcement efforts and international cooperation to detect, deter and interdict in cases of illicit trafficking in such items, for example through installation of detection systems, training of customs and law enforcement personnel and cooperation in tracking these items; provide assistance to states lacking sufficient expertise or resources to strengthen their capacity to detect, deter and interdict in cases of illicit trafficking in these items.

5. Develop, review and maintain effective national export and transshipment controls over items on multilateral export control lists, as well as items that are not identified on such lists but which may nevertheless contribute to the development, production or use of nuclear, chemical and biological weapons and missiles, with particular consideration of end-user, catch-all and brokering aspects; provide assistance to states lacking the legal and regulatory infrastructure, implementation experience and/or resources to develop their export and transshipment control systems in this regard.

6. Adopt and strengthen efforts to manage and dispose of stocks of fissile materials designated as no longer required for defence purposes, eliminate all chemical weapons, and minimize holdings of dangerous biological pathogens and toxins, based on the recognition that the threat of terrorist acquisition is reduced as the overall quantity of such items is reduced.

The G8 Global Partnership:
Guidelines for New or Expanded Cooperation Projects

The G8 will work in partnership, bilaterally and multilaterally, to develop, coordinate, implement and finance, according to their respective means, new or expanded cooperation projects to address (i) non-proliferation, (ii) disarmament, (iii) counter-terrorism and (iv) nuclear safety (including environmental) issues, with a view to enhancing strategic stability, consonant with our international security objectives and in support of the multilateral non-proliferation regimes. Each country has primary responsibility for implementing its non-proliferation, disarmament, counter-terrorism and nuclear safety obligations and requirements and commits its full cooperation within the Partnership.

Cooperation projects under this initiative will be decided and implemented, taking into account international obligations and domestic laws of participating partners, within appropriate bilateral and multilateral legal frameworks that should, as necessary, include the following elements:

(i) Mutually agreed effective monitoring, auditing and transparency measures and procedures will be required in order to ensure that cooperative activities meet agreed objectives (including irreversibility as necessary), to confirm work performance, to account for the funds expended and to provide for adequate access for donor representatives to work sites;

(ii) The projects will be implemented in an environmentally sound manner and will maintain the highest appropriate level of safety;

(iii) Clearly defined milestones will be developed for each project, including the option of suspending or terminating a project if the milestones are not met;

(iv) The material, equipment, technology, services and expertise provided will be solely for peaceful purposes and, unless otherwise agreed, will be used only for the purposes of implementing the projects and will not be transferred. Adequate measures of physical protection will also be applied to prevent theft or sabotage;

(v) All governments will take necessary steps to ensure that the support provided will be considered free technical assistance and will be exempt from taxes, duties, levies and other charges;

(vi) Procurement of goods and services will be conducted in accordance with open international practices to the extent possible, consistent with national security requirements;

(vii) All governments will take necessary steps to ensure that adequate liability protections from claims related to the cooperation will be provided for donor countries and their personnel and contractors;

(viii) Appropriate privileges and immunities will be provided for government donor representatives working on cooperation projects; and

(ix) Measures will be put in place to ensure effective protection of sensitive information and intellectual property.

Given the breadth and scope of the activities to be undertaken, the G8 will establish an appropriate mechanism for the annual review of progress under this initiative which may include consultations regarding priorities, identification of project gaps and potential overlap, and assessment of consistency of the cooperation projects with international security obligations and objectives. Specific bilateral and multilateral project implementation will be coordinated subject to arrangements appropriate to that project, including existing mechanisms.

For the purposes of these guidelines, the phrase "new or expanded cooperation projects" is defined as cooperation projects that will be initiated or enhanced on the basis of this Global Partnership. All funds disbursed or released after its announcement would be included in the total of committed resources. A range of financing options, including the option of bilateral debt for program exchanges, will be available to countries that contribute to this Global Partnership.

The Global Partnership's initial geographic focus will be on projects in Russia, which maintains primary responsibility for implementing its obligations and requirements within the Partnership.

In addition, the G8 would be willing to enter into negotiations with any other recipient countries, including those of the Former Soviet Union, prepared to adopt the guidelines, for inclusion in the Partnership.

Recognizing that the Global Partnership is designed to enhance international security and safety, the G8 invites others to contribute to and join in this initiative.

With respect to nuclear safety and security, the partners agreed to establish a new G8 Nuclear Safety and Security Group by the time of our next Summit.

Non Proliferation of Weapons of Mass Destruction − A G8 Declaration

NON PROLIFERATION OF WEAPONS OF MASS DESTRUCTION
A G8 DECLARATION

1. We recognise that the proliferation of weapons of mass destruction (WMD) and their means of delivery poses a growing danger to us all. Together with the spread of international terrorism, it is the pre−eminent threat to international security.

2. This global challenge requires a multifaceted solution. We need to tackle it individually and collectively − working together and with other partners, including through relevant international institutions, in particular those of the United Nations system.

3. We have a range of tools available to tackle this threat : international treaty regimes; inspection mechanisms such as those of the International Atomic Energy Agency (IAEA) and Organization for the Prohibition of Chemical Weapons; initiatives to eliminate WMD stocks such as the G8 Global Partnership ; national and internationally−co−ordinated export controls; international co−operation and diplomatic efforts; and if necessary other measures in accordance with international law.

4. While all of these instruments are necessary, none is sufficient by itself. Not all proliferation challenges require the same remedies. We need to deploy the tools which are most effective in each case. We remain committed to work with and strengthen all these instruments and, where appropriate, to pursue the universalisation of relevant treaties and instruments.

5. Last year, at Kananaskis, we endorsed a set of Principles to prevent the spread of WMD and materials of mass destruction to terrorists and those that harbour them. Since then, events in the world have underscored the relevance of those Principles and the urgency of implementing them.

6. We reaffirm our commitment to the Non Proliferation Treaty (NPT), the Chemical Weapons Convention, and the Biological and Toxin Weapons Convention, and we urge all states which have not yet joined them to do so. We consider these three treaties to be essential

instruments to maintain international peace and security and cornerstones of non−proliferation and disarmament.
We reaffirm our support for the IAEA, which should be granted the necessary means to implement its monitoring tasks.

7. North Korea's uranium enrichment and plutonium production programs and its failure to comply with its IAEA safeguards agreement undermine the non−proliferation regime and are a clear breach of North Korea's international obligations. We strongly urge North Korea to visibly, verifiably and irreversibly dismantle any nuclear weapons programs, a fundamental step to facilitate a comprehensive and peaceful solution.

8. We will not ignore the proliferation implications of Iran's advanced nuclear program. We stress the importance of Iran's full compliance with its obligation under the NPT. We urge Iran to sign and implement an IAEA Additional Protocol without delay or conditions. We offer our strongest support to comprehensive IAEA examination of this country's nuclear program.

9.We call on all States to establish effective procedures and machinery to control the transfer of materials, technology and expertise which may contribute to the development, production or use of WMD and their means of delivery. We likewise call on all States to establish and implement effective national standards for secure storage and handling of such materials with a view to effectively prevent proliferation and eliminate the risk that terrorists gain access to them. We agree, individually and collectively, to give support to this end where it is most needed.

Global Partnership Against the Spread of Weapons and Materials of Mass Destruction − A G8 Action Plan

GLOBAL PARTNERSHIP AGAINST THE SPREAD OF WEAPONS AND MATERIALS OF MASS DESTRUCTION A G8 ACTION PLAN

The Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, which we launched last year at the Kananaskis Summit, has made significant progress over the past year toward realising the objective of preventing terrorists, or those who harbour them, from acquiring or developing nuclear, chemical, radiological, and biological weapons; missiles; and related materials, equipment, and technology.

With our determined commitment, significant progress has been made :

" Substantial sums have already been pledged by Partners towards their Kananaskis commitment to raise up to $20 billion over ten years ;

" The Russian government has made welcomed decisions to ensure implementation of guidelines, in particular full exemption of assistance from taxation, duties and other charges. Other guidelines have also been intensively addressed ;

" The recent conclusion of the Multilateral Nuclear Environment Programme for the Russian Federation has demonstrated substantial progress in translating the Global Partnership initiative into concrete actions ;

" All Partners have actively engaged in determining co−operation projects to be undertaken, and some significant projects have already been launched or expanded, in accordance with our priorities identified in Kananaskis ;

" Outreach activities have been undertaken to invite and facilitate non−G8 countries to participate and contribute, as a result of which Finland, Norway, Poland, Sweden and Switzerland have indicated their interest in joining the Global Partnership as donors.

We commit ourselves to an active programme to continue the implementation of the initiative and to achieve substantial progress by the next Summit. Our goals are :

" To pursue the universal adoption of the non−proliferation principles ;

" To reach our Kananaskis commitment of raising up to $20 billion

over ten years through contributions from new donors or additional pledges from Partners ;
" To significantly expand project activities, building upon preparatory work to establish implementing frameworks and to develop plans for project activities, as well as to sustain steady progress in projects already underway. We will continue to review progress in initiation and implementation of projects over the coming year, and to oversee co−ordination of projects, in order to review priorities, avoid gaps and overlaps, and assess consistency of projects with international security objectives, in accordance with our priorities ;
" To resolve all outstanding implementation challenges and to review the implementation of all guidelines in practice, keeping in mind the need for uniform treatment of Partners, reflecting our co−operative approach ;

" To expand participation in the Global Partnership to interested non−G8 donor countries that are willing to adopt the Kananaskis documents. While still focusing on projects in Russia, we mandate the Chair to enter into preliminary discussions with new or current recipient countries including those of the former Soviet Union that are prepared to adopt the Kananaskis documents, as the Ukraine has already done ;
" To inform other organisations, parliamentary representatives, and publics of the importance of the Global Partnership.

THE WHITE HOUSE
PRESIDENT
GEORGE W. BUSH

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For Immediate Release
Office of the Press Secretary
June 9, 2004

G-8 Action Plan on Nonproliferation

At Evian, we recognized the proliferation of weapons of mass destruction and their delivery systems, together with international terrorism, as the pre-eminent threat to international peace and security. This challenge requires a long-term strategy and multi-faceted approaches.

Determined to prevent, contain, and roll back proliferation, today, at Sea Island, we announce an action plan to reinforce the global nonproliferation regime. We will work together with other concerned states to realize this plan.

All states must fulfill their arms control, disarmament, and nonproliferation commitments, which we reaffirm, and we strongly support universal adherence to and compliance with these commitments under the relevant multilateral treaties. We will help and encourage states in effectively implementing their obligations under the multilateral treaty regimes, in particular implementing domestically their obligations under such treaties, building law enforcement capacity, and establishing effective export controls. We call on all states that have not already done so to subscribe to the Hague Code of Conduct against Ballistic Missile Proliferation.

We strongly support UN Security Council Resolution 1540, calling on all states to establish effective national export controls, to adopt and enforce effective laws to criminalize proliferation, to take cooperative action to prevent non-state actors from acquiring weapons of mass destruction, and to end illicit trafficking in such weapons, their means of delivery, and related materials. We call on all states to implement this resolution promptly and fully, and we are prepared to assist them in so doing, thereby helping to fight the nexus between terrorism and proliferation, and black markets in these weapons and related materials.

1. Nuclear Nonproliferation

The trafficking and indiscriminate spread of sensitive nuclear materials, equipment, and technology that may be used for weapons purposes are a threat to us all. Some states seek uranium enrichment and plutonium reprocessing capabilities for weapons programs contrary to their commitments under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). We reaffirm our commitment to the NPT and to the declarations made at Kananaskis and Evian, and we will work to prevent the illicit diversion of nuclear materials and technology. We announce the following new actions to reduce the risk of nuclear weapons proliferation and the acquisition of nuclear materials and technology by terrorists, while allowing the world to enjoy safely the benefits of peaceful nuclear technology.

- To allow the world to safely enjoy the benefits of peaceful nuclear energy without adding to the danger of weapons proliferation, we have agreed to work to establish new measures so that sensitive nuclear items with proliferation potential will not be exported to states that may seek to use them for weapons purposes, or allow them to fall into terrorist hands. The export of such items should only occur pursuant to criteria consistent with global nonproliferation norms and to states rigorously committed to those norms. We shall work to amend appropriately the Nuclear Suppliers Group (NSG) guidelines, and to gain the widest possible support for such measures in the future. We aim to have appropriate measures in place by the next G-8 Summit. In aid of this process, for the intervening year, we agree that it would be prudent not to inaugurate new initiatives involving transfer of enrichment and reprocessing equipment and technologies to additional states. We call on all states to adopt this strategy of prudence. We will also develop new measures to ensure reliable access to nuclear materials, equipment, and technology, including nuclear fuel and related services, at market conditions, for all states, consistent with maintaining nonproliferation commitments and standards.
- We seek universal adherence to IAEA comprehensive safeguards and the Additional Protocol and urge all states to ratify and implement these agreements promptly. We are actively engaged in outreach efforts toward this goal, and ready to offer necessary support.
- The Additional Protocol must become an essential new standard in the field of nuclear supply arrangements. We will work to strengthen NSG guidelines accordingly. We aim to achieve this by the end of 2005.
- We support the suspension of nuclear fuel cycle cooperation with states that violate their nuclear

nonproliferation and safeguards obligations, recognizing that the responsibility and authority for such decisions rests with national governments or the Security Council.

- To enhance the IAEA's integrity and effectiveness, and strengthen its ability to ensure that nations comply with their NPT obligations and safeguards agreements, we will work together to establish a new Special Committee of the IAEA Board of Governors. This committee would be responsible for preparing a comprehensive plan for strengthened safeguards and verification. We believe this committee should be made up of member states in compliance with their NPT and IAEA commitments.
- Likewise, we believe that countries under investigation for non-technical violations of their nuclear nonproliferation and safeguards obligations should elect not to participate in decisions by the IAEA Board of Governors or the Special Committee regarding their own cases.

2. Proliferation Security Initiative

We reiterate our strong commitment to and support for the Proliferation Security Initiative (PSI) and the Statement of Interdiction Principles, which is a global response to a global problem. We will continue our efforts to build effective PSI partnerships to interdict trafficking in weapons of mass destruction, their delivery systems, and related materials. We also will prevent those that facilitate proliferation from engaging in such trafficking and work to broaden and strengthen domestic and international laws supporting PSI. We welcome the increasing level of support worldwide for PSI, which now includes all G-8 members. The Krakow meeting commemorating PSI's first anniversary, attended by 62 countries, evidences growing global support.

We will further cooperate to defeat proliferation networks and coordinate, where appropriate, enforcement efforts, including by stopping illicit financial flows and shutting down illicit plants, laboratories, and brokers, in accordance with national legal authorities and legislation and consistent with international law. Several of us are already developing mechanisms to deny access to our ports and airports for companies and impose visa bans on individuals involved in illicit trade.

We encourage all states to strengthen and expand national and international measures to respond to clandestine procurement activities. Directly, and through the relevant international mechanisms, we will work actively with states requiring assistance in improving their national capabilities to meet international norms.

3. The Global Partnership Against Weapons and Materials of Mass Destruction

Since its launch by G-8 Leaders two years ago at Kananaskis, the Global Partnership has become a significant force worldwide to enhance international safety and security. Global Partnership member states, including the six new donors that joined at Evian, have in the past year launched new cooperative projects in Russia and accelerated progress on those already underway. While much has been accomplished, significant challenges remain. We recommit ourselves to our Kananaskis Statement, Principles, and Guidelines as the basis for Global Partnership cooperation.

- We recommit ourselves to raising up to $20 billion for the Global Partnership through 2012.
- Expanding the Partnership to include additional donor countries is essential to raise the necessary resources and to ensure the effort is truly global. Today we welcome the decisions of Australia, Belgium, the Czech Republic, Denmark, Ireland, the Republic of Korea, and New Zealand to join.
- We will continue to work with other former Soviet states to discuss their participation in the Partnership. We reaffirm that Partnership states will participate in projects according to their national interests and resources.
- We reaffirm that we will address proliferation challenges worldwide. We will, for example, pursue the retraining of Iraqi and Libyan scientists involved in past WMD programs. We also support projects to eliminate over time the use of highly-enriched uranium fuel in research reactors worldwide, secure and remove fresh and spent HEU fuel, control and secure radiation sources, strengthen export control and border security, and reinforce biosecurity. We will use the Global Partnership to coordinate our efforts in these areas.

4. Nonproliferation Challenges

- The DPRK's announced withdrawal from the NPT, which is unprecedented; its continued pursuit of nuclear weapons, including through both its plutonium reprocessing and its uranium enrichment programs, in violation of its international obligations; and its established history of missile proliferation are serious concerns to us all. We strongly support the Six-Party Process, and strongly urge the DPRK to dismantle all of its nuclear weapons-related programs in a complete, verifiable, and irreversible manner, a fundamental step to facilitate a comprehensive and peaceful solution.
- We remain united in our determination to see the proliferation implications of Iran's advanced nuclear

program resolved. Iran must be in full compliance with its NPT obligations and safeguards agreement. To this end, we reaffirm our support for the IAEA Board of Governors' three Iran resolutions. We note that since Evian, Iran has signed the Additional Protocol and has committed itself to cooperate with the Agency, and to suspend its enrichment and reprocessing related activities. While we acknowledge the areas of progress reported by the Director General, we are, however, deeply concerned that Iran's suspension of enrichment-related activity is not yet comprehensive. We deplore Iran's delays, deficiencies in cooperation, and inadequate disclosures, as detailed in IAEA Director General reports. We therefore urge Iran promptly and fully to comply with its commitments and all IAEA Board requirements, including ratification and full implementation of the Additional Protocol, leading to resolution of all outstanding issues related to its nuclear program.

- We welcome Libya's strategic decision to rid itself of its weapons of mass destruction and longer-range missiles, to fully comply with the NPT, the Additional Protocol, the Biological and Toxin Weapons Convention (BWC), and the Chemical Weapons Convention (CWC), and to commit not to possess missiles subject to the Missile Technology Control Regime. We note Libya has cooperated in the removal of nuclear equipment and materials and taken steps to eliminate chemical weapons. We call on Libya to continue to cooperate fully with the IAEA and the Organization for the Prohibition of Chemical Weapons.

5. Defending Against Bioterrorism

Bioterrorism poses unique, grave threats to the security of all nations, and could endanger public health and disrupt economies. We commit to concrete national and international steps to: expand or, where necessary, initiate new biosurveillance capabilities to detect bioterror attacks against humans, animals, and crops; improve our prevention and response capabilities; increase protection of the global food supply; and respond to, investigate, and mitigate the effects of alleged uses of biological weapons or suspicious outbreaks of disease. In this context, we seek concrete realization of our commitments at the fifth Review Conference of the BWC. The BWC is a critical foundation against biological weapons' proliferation, including to terrorists. Its prohibitions should be fully implemented, including enactment of penal legislation. We strongly urge all non-parties to join the BWC promptly.

6. Chemical Weapons Proliferation

We support full implementation of the CWC, including its nonproliferation aspects. We strongly urge all non-parties to join the CWC promptly, and will work with them to this end. We also urge CWC States Parties to undertake national legislative and administrative measures for its full implementation. We support the use of all fact-finding, verification, and compliance measures, including, if necessary, challenge inspections, as provided in the CWC.

7. Implementation of the Evian Initiative on Radioactive Source Security

At Evian we agreed to improve controls on radioactive sources to prevent their use by terrorists, and we have made substantial progress toward that goal. We are pleased that the IAEA approved a revised Code of Conduct on the Safety and Security of Radioactive Sources in September 2003. We urge all states to implement the Code and recognize it as a global standard.

We have agreed to export and import control guidance for high-risk radioactive sources, which should only be supplied to authorized end-users in states that can control them. States should ensure that no sources are diverted for illicit use. We seek prompt IAEA approval of this guidance to ensure that effective controls are operational by the end of 2005 and applied in a harmonized and consistent manner. We support the IAEA's program for assistance to ensure that all countries can meet the new standards.

8. Nuclear Safety and Security

Since the horrific 1986 accident at Chornobyl, we have worked with Ukraine to improve the safety and security of the site. We have already made a large financial contribution to build a safe confinement over the remnants of the Chornobyl reactor. We are grateful for the participation and contributions made by 21 other states in this effort. Today, we endorse international efforts to raise the remaining funds necessary to complete the project. We urge Ukraine to support and work closely with us to complete the confinement's construction by 2008 in a way that contributes to radiological safety, in particular in Ukraine and neighboring regions.

An effective, efficient nuclear regulatory system is essential for our safety and security. We affirm the importance for national regulators to have sufficient authority, independence, and competence.

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GLENEAGLES STATEMENT ON NON-PROLIFERATION

1. We acknowledge, as we did at Evian and Sea Island, that the proliferation of weapons of mass destruction (WMD) and their delivery means, together with international terrorism, remain the pre-eminent threats to international peace and security. The threat of the use of WMD by terrorists calls for redoubled efforts.

2. All States have a role to play in meeting the challenge of WMD proliferation by upholding international arms control, disarmament and non-proliferation norms. All must meet their obligations in full, and ensure effective implementation. We reaffirm our commitments in this regard. And we emphasise our determination to meet proliferation challenges decisively, through both national efforts and effective multilateralism.

3. At Sea Island, we agreed an Action Plan on Non-Proliferation. During the past year, we have worked intensively with our international partners on all its aspects.

Universalising and reinforcing the non-proliferation regime

4. Multilaterally agreed norms provide an essential basis for our non-proliferation efforts. We strongly support universal adherence to and compliance with these norms. We will work to strengthen them, including through improved verification and enforcement. We call on all States not party to the Nuclear Non-Proliferation Treaty, an IAEA Comprehensive Safeguards Agreement and Additional Protocol, the Chemical Weapons Convention, the Biological and Toxin Weapons Convention, the 1925 Geneva Protocol and the Hague Code of Conduct Against the Proliferation of Ballistic Missiles, to accede without delay. We remain ready to assist States to this end.

5. We welcome the agreement by the international community of the International Convention on the Suppression of Acts of Nuclear Terrorism, initiated by the Russian Federation. We look forward to its early entry into force.

United Nations

6. We acknowledge the role of the UN Security Council in addressing the challenges of proliferation. We welcome the fact that the majority of UN members have responded to UNSCR 1540 by submitting reports on their domestic non-proliferation provisions including export controls, and their contribution to international co-operation. We urge those who have not yet done so to submit reports without delay. It is essential that all states meet their obligations in full, by enacting and enforcing national legal and regulatory measures including appropriate criminal and civil penalties for violations, and by committing to international co-

operation on non-proliferation. We stand ready to consider all requests from states seeking to develop their national procedures. We urge the 1540 Committee to work quickly and effectively, drawing on the support of relevant international organisations. We also urge the Security Council to consider how best to ensure that the work of the committee makes an enduring contribution to non-proliferation.

7. We welcome the attention given to non-proliferation by the UN Secretary General in his report "In Larger Freedom". We stand ready to engage actively at the meeting of Heads of State and Government for the High Level Plenary Event of the General Assembly in September. We acknowledge the role of the Conference on Disarmament in advancing our non-proliferation and disarmament objectives and call on it to resume substantive work.

8. We look forward to strengthening the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) by State Parties at the Diplomatic Conference in October.

Proliferation Security Initiative

9. We reaffirm our commitment to the Proliferation Security Initiative (PSI) and its Statement of Interdiction Principles, which is a global response to a global problem. We welcome the increasing international endorsement for the Initiative. We call on all States to commit themselves to deepen co-operation in order to counter trafficking in WMD, delivery means and related materials.

10. We also call for enhanced efforts to combat proliferation networks and illicit financial flows by developing, on an appropriate legal basis, co-operative procedures to identify, track and freeze relevant financial transactions and assets.

Nuclear Non-Proliferation

Nuclear Non-Proliferation Treaty (NPT)

11. We emphasise that the NPT remains the cornerstone of nuclear non-proliferation. We reaffirm our full commitment to all three pillars of the Treaty. While we note with regret that it was not possible to achieve consensus at the 2005 Review Conference, we welcome the fact that all States Parties reaffirmed the validity of the Treaty. We remain determined that threats and challenges to the nuclear non-proliferation regime be addressed on the basis of the NPT. For our part, we pledge ourselves to redouble our efforts to uphold and strengthen the Treaty.

International Atomic Energy Agency (IAEA)

12. Safeguards are an essential tool for the effective implementation of the NPT. We reaffirm our full support for the IAEA. We are working for the implementation of a Comprehensive Safeguards Agreement and the Additional Protocol to become the

universally accepted norm for verifying compliance with NPT safeguards obligations. The Additional Protocol must become an essential new standard in the field of nuclear supply arrangements. We will continue to work together to strengthen NSG guidelines accordingly. We welcome the establishment of the Committee on Safeguards and Verification, which will review the IAEA's ability to ensure compliance with NPT obligations and safeguards Agreements in the light of recent non-proliferation challenges.

Enrichment and Reprocessing Technology

13. Since Sea Island, we have worked to develop further measures to prevent the export of sensitive nuclear items with proliferation potential to states that may seek to use them for weapons purposes or allow them to fall into terrorist hands, while allowing the world to enjoy safely the benefits of peaceful nuclear technology. We agreed at Sea Island that the export of such items should occur only pursuant to criteria consistent with global non-proliferation norms and to states rigorously committed to these norms. Over the past year, we have made progress in the development of such criteria. We welcome the decision at the recent Plenary Session of the Nuclear Suppliers Group (NSG) to work actively with a view to reaching consensus on this issue. In aid of this process, we continue to agree, as we did at Sea Island, that it would be prudent in the next year not to inaugurate new initiatives involving transfer of enrichment and reprocessing technologies to additional states. We continue to call on all states to adopt this strategy of prudence. We also welcome the adoption by the NSG of important measures which restrict nuclear transfers to States which have violated their non-proliferation and safeguards obligations.

14. We believe that strengthened conditions on the supply of sensitive technology should be accompanied by new measures to ensure that those states which forgo the nuclear fuel cycle and meet all nuclear non-proliferation obligations enjoy assured access to the market for nuclear fuel and related services. We welcome the efforts of the Expert Group, established by the Director-General of the IAEA, which has recently reported on possible Multinational Approaches to the Fuel Cycle. We will work together with all interested partners for a way forward which provides genuine access while minimising the risks of proliferation.

Proliferation Challenges

15. The example of Libya's important renunciation of weapons of mass destruction demonstrates that the international community responds positively to States which desire to be a part of the global non-proliferation mainstream. In this spirit, we are working with determination to address current proliferation challenges.

16. We express profound concern over the threat posed by DPRK's nuclear weapons programme, particularly following its recent statements that it has manufactured nuclear weapons and in the light of its missile programmes and history of missile proliferation. The DPRK has violated its commitments under the NPT and its

IAEA safeguards agreement. We reiterate the necessity for the DPRK promptly to return to full compliance with the NPT, and dismantle all its nuclear weapons-related programmes in a complete, verifiable and irreversible manner. It is also essential that the DPRK not contribute to missile proliferation elsewhere, and maintain indefinitely its moratorium on the launching of missiles. We reaffirm our full support for the Six-Party talks, which represent an important opportunity to achieve a comprehensive solution. It is essential that the DPRK return to the Six Party Talks immediately without preconditions, and participate constructively to this end.

17. We remain united in our determination to see the proliferation implications of Iran's advanced nuclear programme resolved. It is essential that Iran provide the international community with objective guarantees that its nuclear programme is exclusively for peaceful purposes in order to build international confidence. We welcome the initiative of France, Germany and the United Kingdom, and the High Representative of the European Union to reach agreement with Iran on long-term arrangements which would provide such objective guarantees as well as political and economic co-operation. We call upon Iran to maintain the suspension of all enrichment- related and reprocessing activities while negotiations on the long term arrangements proceed. We reiterate the need for Iran to co-operate fully with IAEA requests for information and access, to comply fully with all IAEA Board requirements, and to resolve all outstanding issues related to its nuclear programme. We also urge Iran to ratify the Additional Protocol without delay and, pending its ratification, to act fully in accordance with its provisions.

Defending against biological threats

18. We reaffirm our strong commitment to strengthening our defences against biological threats. Over the last year, our efforts have focussed on enhancing protection of the food supply. We will continue efforts to address biological threats and support work in other relevant international groups.

19. This year marks the 30th anniversary of the entry into force of the Biological and Toxin Weapons Convention. New biological threats mean that full compliance with the Convention remains as relevant today as it was at its inception. We encourage States Party to take a full part in the ongoing programme of work which this year will discuss the content, promulgation and adoption of codes of conduct for scientists. Further, we look forward to a substantive and forward-looking Review Conference in 2006.

20. 2005 also marks the 80th anniversary of the opening for signature of the 1925 Geneva Protocol prohibiting the use in war of asphyxiating, poisonous or other gases and bacteriological methods of warfare. We emphasise the continuing vital relevance of this multilateral rejection of the use in war of chemical and biological weapons.

Chemical Weapons Convention

21. We continue to support full implementation of the Chemical Weapons Convention, including its non-proliferation aspects. While acknowledging the obligation to destroy chemical weapons within the time limits provided for by the chemical weapons convention and to destroy or convert chemical weapons production facilities, we recall that States Party agreed in 2003 to an Action Plan which requires all to have national implementing measures in place by the time of the Conference of States Party scheduled for this November. We urge those States Party who have not yet done so to take all necessary steps to ensure the deadline is met. We stand ready to provide appropriate assistance. We support the use of consultations and co-operation, as well as fact-finding, verification, and compliance measures, including, if necessary, challenge inspections, as provided in the CWC.

Global Partnership against Proliferation of Weapons and Materials of Mass Destruction

22. We reaffirm our commitment to the Global Partnership against the Proliferation of Weapons and materials of Mass Destruction, and to the Kananaskis Statement, Principles, and Guidelines. We will work to build on the considerable progress we have made to implement co-operative projects to which the G8 and thirteen other countries now contribute. We renew our pledge to raise up to $20 billion over ten years to 2012 for Global Partnership priorities, initially in Russia. In this context, we will embark on new projects according to these priorities. We welcome Ukraine's participation, and continue to discuss with a number of countries of the Former Soviet Union their interest in joining the Partnership. We reaffirm our openness in principle to a further expansion of the Partnership to donor and recipient partners which support the Kananaskis documents.

Nuclear Safety and Security

23. We welcome continued co-operation with the IAEA in the area of nuclear and radiological safety and security, including on strengthening regulatory infrastructures and the interface between safety and security. We support the establishment of the Global Threat Reduction Initiative and welcome the progress which has been made so far. We welcome the results of the IAEA's International Conference on Nuclear Security which was held in London in March. We have all signed the Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management and urge others to join us.

24. Since the horrific accident in 1986, we have worked with Ukraine to improve the safety and security of the Chernobyl site. This year, together with the EU and 16 other countries, we have increased pledged funding for the construction of a new safe confinement over the remnants of the reactor to approximately $1 billion. We welcome Ukraine's political and financial commitment to this project, and urge Ukraine to ensure that the project can be completed safely by 2009.

Radioactive Source Safety and Security

25. At Evian we resolved to improve controls on radioactive sources to prevent their use by terrorists. We welcome the fact that more than 70 countries have committed to implement the IAEA Code of Conduct on the Safety and Security of Radioactive Sources and urge all other states to adopt the Code. We welcome the IAEA endorsement of the international import and export framework for the control of radioactive sources. We will work towards having effective controls applied by the end of 2005, in a harmonised and consistent manner. We commend the results of the IAEA's International Conference on the Safety and Security of Radioactive Sources which was held in Bordeaux, France in June. We will strengthen our co-operation to improve the security of radioactive sources world wide.

Wednesday, 13 September, 2006
16:09 GMT 20:09 Moscow
Local Time: 20:09

G8/2006 RUSSIA

Statement on Non-Proliferation

St.Petersburg, July 16, 2006

The proliferation of weapons of mass destruction (WMD) and their means of delivery, together with international terrorism remain the pre-eminent threat to international peace and security. The international community must therefore boldly confront this challenge, and act decisively to tackle this threat. We reaffirm our determination and commitment to work together and with other states and institutions in the fight against the proliferation of WMD, including by preventing them from falling into hands of terrorists.

As an essential element of our efforts to confront proliferation, we are determined to fulfil arms control, disarmament and non-proliferation obligations and commitments under relevant international treaties, conventions and multilaterally agreed arrangements to which we are parties or in which we participate. We call on all other states to meet their obligations and commitments in full in this regard. We rededicate ourselves to the re-invigoration of relevant multilateral fora, beginning with the Conference on Disarmament. These efforts will contribute to the further reinforcement of the global non-proliferation regime.

We call on all states not Party to the Treaty on the Non-proliferation of Nuclear Weapons (NPT), the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BTWC) and the 1925 Geneva Protocol to accede to them without delay and those states that have not yet done so to subscribe to the Hague Code of Conduct Against Ballistic Missile Proliferation. We urge all states concerned to strictly observe a moratorium on nuclear weapon test explosions or any other nuclear explosions.

Nuclear Non-Proliferation

NPT

We reaffirm our full commitment to all three pillars of the NPT. We call on all states to comply with their NPT obligations, including IAEA safeguards as well as developing effective measures aimed at preventing trafficking in nuclear equipment, technology and materials.

IAEA Safeguards

We stress the importance of the IAEA safeguards system. We are seeking universal adherence to IAEA comprehensive safeguards agreements for the effective implementation of Article III of the NPT and to the Additional Protocol. In this context we urge all states that have not yet done so, to sign, ratify and implement these instruments promptly. We are actively engaged in efforts toward this goal, with a view to make comprehensive safeguards agreements together with an Additional Protocol the universally accepted verification standard. We will also work together vigorously to establish the Additional Protocol as an essential new standard in the field of nuclear supply arrangements.

Peaceful use of nuclear energy

We recall that Article IV of the NPT stipulates that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of the Treaty. We are committed to facilitate the exchange of equipment, materials and information for the peaceful use of nuclear energy. Full compliance with NPT non-proliferation obligations, including safeguards agreements, is an essential condition for such exchange.

An expansion of the peaceful use of nuclear energy must be carried forward in a manner consistent with nuclear non-proliferation commitments and standards. In this regard, it is important to develop and implement mechanisms assuring access to nuclear fuel related services to states as an alternative to pursuing enrichment and reprocessing activities. In this respect we appreciate the recent potentially complementary Initiative of the President of the Russian Federation on multinational centres to provide nuclear fuel cycle services and the Initiative of the President of the United States on the Global Nuclear Energy Partnership as well as the recent initiative tabled at the IAEA by France, Germany, the Netherlands, the Russian Federation, the United Kingdom and the United States regarding a concept for a multilateral mechanism for reliable access to enrichment services for nuclear fuel. We will work to elaborate further these initiatives. To further strengthen this common approach we will:

- continue reviewing multinational approaches to the fuel cycle, including international centres to provide nuclear fuel cycle services, with the IAEA, as well as relevant practical, legal and organizational solutions;

- facilitate developing credible international assurances of access to nuclear fuel related services; while

- those of us who have or are considering plans relating to use and/or development of safe and secure nuclear energy will promote research and development for safer, more efficient, more environmentally friendly and more proliferation resistant nuclear energy systems, including relevant technologies of the nuclear fuel cycle. Until advanced systems are in place, appropriate interim solutions could be pursued to address back-end fuel cycle issues in accordance with national choices and non-proliferation objectives.

FMCT

We support the early commencement of negotiations on the Fissile Material Cut-Off Treaty in the Conference on Disarmament.

Enrichment and Reprocessing

In accordance with approaches agreed upon at the G8 summits at Sea Island and in Gleneagles, we support the development of measures to prevent transfers of sensitive nuclear equipment, materials and technologies to states that may seek to use them for weapons purposes, or allow them to fall into terrorists' hands.

We will exercise enhanced vigilance with respect to the transfers of nuclear technology, equipment and material, whether in the trigger list, in the dual-use list, or unlisted, which could contribute to enrichment-related and reprocessing activities, and will be particularly vigilant with respect to attempts to acquire such technology, equipment and material by covert and illicit means.

We agreed at Sea Island that the export of such items should occur only pursuant to criteria consistent with global non-proliferation norms and to those states rigorously committed to these norms. Over the last two years we have made significant progress in the development of such criteria. We welcome the progress noted by the Nuclear Suppliers Group and its commitment to work actively with a view to reaching consensus on this issue by 2007.

In aid of this process we continue to agree, as we did at Sea Island and Gleneagles, that it would be prudent in the next year not to inaugurate new initiatives involving transfer of enrichment and reprocessing technologies to additional states. We call upon all other states to adopt this strategy of prudence.

India

We look forward to reinforcing our partnership with India. We note the commitments India has made, and encourage India to take further steps towards integration into the mainstream of strengthening the non-proliferation regime, so as to facilitate a more forthcoming approach towards nuclear cooperation to address its energy requirements, in a manner that enhances and reinforces the global non-proliferation regime.

BTWC

We look forward to a successful 6th BTWC Review Conference dedicated to the effective review of the operation of the Convention. We will facilitate adoption by the Review Conference of decisions aimed at strengthening and enhancing the implementation of the BTWC.

We call upon all States Parties to take necessary measures, including as appropriate the adoption of and implementation of national legislation, including penal legislation, in the framework of the BTWC, in order to prohibit and prevent the proliferation of biological and toxin weapons and to ensure control over pathogenic micro organisms and toxins. We invite the States Parties that have not yet done so to take such measures at the earliest opportunity and stand ready to consider appropriate assistance. In this regard, we welcome initiatives such as the 2006 EU Joint Action in support of the BTWC.

CWC

We continue to support full implementation of the CWC. We note the ongoing destruction of chemical weapons by the possessor states and are encouraged by the fact that the stockpiles of these deadly weapons are gradually decreasing. We acknowledge their obligations to destroy chemical weapons and to destroy or convert chemical weapons production facilities within the time limits provided for by the Chemical Weapons Convention.

We welcome the increasing number of States Parties to the Convention. We acknowledge the value of the Organization for the Prohibition of Chemical Weapons' Action Plan on national implementation measures and improvement of the situation with adoption of such measures. We urge States Parties to continue and intensify efforts in this direction. We stand ready to provide appropriate assistance.

United Nations Security Council Resolution 1540

We reaffirm the key role of the UN Security Council in addressing the challenges of proliferation. We urge all states to implement fully UNSC Resolution 1540, including reporting on their implementation of the Resolution.

We welcome the decision of UN Security Council Resolution 1673 to extend the mandate of the 1540 Committee in promoting the full implementation of the resolution. We intend to continue working actively at national and international levels to achieve this important aim, and stand ready to consider all requests for assistance in this regard.

HCOC

We reaffirm our commitment to work toward the, universalisation of the Hague Code of Conduct Against Ballistic Missile Proliferation, and the full implementation of its confidence-building measures.

PSI

We reaffirm our commitment to the Proliferation Security Initiative, which constitutes an important means to counter trafficking in WMD, their delivery means and related materials. We welcome the increasing international endorsement for the Initiative as it was demonstrated at the High Level Political Meeting in Warsaw. We take note of the discussion at that meeting on how PSI states can work cooperatively to prevent and disrupt proliferation finance, in furtherance of the objectives of UNSCR 1540.

Libya

The international community's positive response to Libya's renunciation of weapons of mass destruction demonstrates the benefits that follow a strategic decision to cooperate with the international community and be a part of the global nonproliferation mainstream.

Iran

We remain seriously concerned over the proliferation implications of Iran's advanced nuclear programme and we remain united in our commitment to see those implications resolved.

We stand fully behind the far reaching proposals presented to Iran on June 6, 2006 on behalf of China, France, Germany, Russia, the United Kingdom, the United States of America with the support of the High Representative of the European Union for a long-term comprehensive agreement with Iran based on cooperation and mutual respect.

We fully support the Statement of the Foreign Ministers of China, France, Germany, Russia, the United Kingdom, the United States of America issued on July 12, Paris, in which the Ministers and the High Representative of the European Union expressed their profound disappointment over the absence of any indication at all from the Iranians that Iran is ready to engage seriously on the substance of the above-mentioned proposals. Iran has failed to take the steps needed to allow negotiations to begin, specifically the suspension of all enrichment related and reprocessing activities, as required by the IAEA and supported in the United Nations Security Council Presidential Statement. The Ministers therefore decided to return the issue to the United Nations Security Council. We, the Leaders of the G-8, fully support this decision and the clear messages it sends to Iran about the choice it must make. We support the Paris appeal to Iran to respond positively to the substantive proposals made on June 6, 2006.

DPRK

We welcome the unanimously adopted UN Security Council Resolution 1695 which represents the clear and strong will of the international community.

We condemn the launching by the Democratic People's Republic of Korea (DPRK) of multiple ballistic missiles on July 5 local time and express serious concerns as this jeopardizes peace, stability and security in the region and beyond. This action violated the DPRK's pledge to maintain a moratorium on missile launches and is inconsistent with the purposes of the Six-Party Talks Joint Statement of September 19, 2005, in which all parties - including the DPRK - committed to joint efforts to lasting peace and stability in Northeast Asia. We also express our grave concern about the DPRK's indication of possible additional launches. We call on the DPRK to reestablish its preexisting commitments to a moratorium on missile launches and to refrain from contributing to missile proliferation. In accordance with the UN Security Council Resolution 1695 we will exercise vigilance in preventing any external cooperation with the DPRK' s missile and WMD programmes.

These missile launches intensify our deep concern over the DPRK's nuclear weapons programmes. We reiterate the necessity for the DPRK promptly to return to full compliance with the NPT. We strongly urge the DPRK to abandon all nuclear weapons and existing nuclear programmes. We reaffirm our full support for the September 19, 2005 Joint Statement and the Six-Party talks. We urge the DPRK to expeditiously return to these talks without precondition and to cooperate to settle the outstanding issues of concern on the basis of this Statement, which reaffirms the common objective of Six Parties; all participants should intensify their efforts to achieve the verifiable denuclearization of the Korean Peninsula in a peaceful manner and to maintain peace and stability on the Korean Peninsula and in Northeast Asia.

Global Partnership

The Global Partnership against the Spread of Weapons and Materials of Mass Destruction has continued its progress in the past year towards achieving the goals set out at Kananaskis. It has become a significant force to enhance international security and safety. Much has been accomplished in all areas but more has to be done to increase the efficiency of our cooperation.

We reaffirm our commitment to the full implementation of all G8 Global Partnership objectives. We also reaffirm our openness to examine the expansion of the Partnership to other recipient countries and donor states which support the Kananaskis documents and to embrace the goals and priorities of all Partnership members. We welcome the progress GP members have made working with Ukraine.

We appreciate the contribution of 13 non-G8 states who joined the Global Partnership.

We remain committed to our pledges in Kananaskis to raise up to $20 billion through 2012 for the Global Partnership, initially in Russia, to support projects to address priority areas identified in Kananaskis and to continue to turn these pledges into concrete actions.

Fact Sheet
The White House, Office of the Press Secretary
Washington, DC
September 4, 2003

Proliferation Security Initiative: Statement of Interdiction Principles

The Proliferation Security Initiative (PSI) is a response to the growing challenge posed by the proliferation of weapons of mass destruction (WMD), their delivery systems, and related materials worldwide. The PSI builds on efforts by the international community to prevent proliferation of such items, including existing treaties and regimes. It is consistent with and a step in the implementation of the UN Security Council Presidential Statement of January 1992, which states that the proliferation of all WMD constitutes a threat to international peace and security, and underlines the need for member states of the UN to prevent proliferation. The PSI is also consistent with recent statements of the G8 and the European Union, establishing that more coherent and concerted efforts are needed to prevent the proliferation of WMD, their delivery systems, and related materials. PSI participants are deeply concerned about this threat and of the danger that these items could fall into the hands of terrorists, and are committed to working together to stop the flow of these items to and from states and non-state actors of proliferation concern.

The PSI seeks to involve in some capacity all states that have a stake in nonproliferation and the ability and willingness to take steps to stop the flow of such items at sea, in the air, or on land. The PSI also seeks cooperation from any state whose vessels, flags, ports, territorial waters, airspace, or land might be used for proliferation purposes by states and non-state actors of proliferation concern. The increasingly aggressive efforts by proliferators to stand outside or to circumvent existing nonproliferation norms, and to profit from such trade, requires new and stronger actions by the international community. We look forward to working with all concerned states on measures they are able and willing to take in support of the PSI, as outlined in the following set of "Interdiction Principles."

Interdiction Principles for the Proliferation Security Initiative

PSI participants are committed to the following interdiction principles to establish a more coordinated and effective basis through which to impede and stop shipments of WMD, delivery systems, and related materials flowing to and from states and non-state actors of proliferation concern, consistent with national legal authorities and relevant international law and frameworks, including the UN Security Council. They call on all states concerned with this threat to international peace and security to join in similarly committing to:

1. Undertake effective measures, either alone or in concert with other states, for interdicting the transfer or transport of WMD, their delivery systems, and related materials to and from states and non-state actors of proliferation concern. "States or non-state actors of proliferation concern" generally refers to those countries or entities that the PSI participants involved establish should be subject to interdiction activities because they are engaged in proliferation through: (1) efforts to develop or acquire chemical, biological, or nuclear weapons and associated delivery systems; or (2) transfers (either selling, receiving, or facilitating) of WMD, their delivery systems, or related materials.

2. Adopt streamlined procedures for rapid exchange of relevant information concerning suspected proliferation activity, protecting the confidential character of classified information provided by other states as part of this initiative, dedicate appropriate resources and efforts to interdiction operations and capabilities, and maximize coordination among participants in interdiction efforts.

3. Review and work to strengthen their relevant national legal authorities where necessary to accomplish these objectives, and work to strengthen when necessary relevant international law and frameworks in appropriate ways to support these commitments.

4. Take specific actions in support of interdiction efforts regarding cargoes of WMD, their delivery systems, or related materials, to the extent their national legal authorities permit and consistent with their obligations under international law and frameworks, to include:

    a. Not to transport or assist in the transport of any such cargoes to or from states or non-state actors of proliferation concern, and not to allow any persons subject to their jurisdiction to do so.

    b. At their own initiative, or at the request and good cause shown by another state, to take action to board and search any vessel flying their flag in their internal waters or territorial seas, or areas beyond the territorial seas of any other state, that is reasonably suspected of transporting such cargoes to or from states or non-state actors of proliferation concern, and to seize such cargoes that are identified.

    c. To seriously consider providing consent under the appropriate circumstances to the boarding and searching of its own flag vessels by other states, and to the seizure of such WMD-related cargoes in such vessels that may be identified by such states.

    d. To take appropriate actions to (1) stop and/or search in their internal waters, territorial seas, or contiguous zones (when declared) vessels that are reasonably suspected of carrying such cargoes to or from states or non-state actors of proliferation concern and to seize such cargoes that are identified; and (2) to enforce conditions on vessels entering or leaving their ports, internal waters or territorial seas that are reasonably suspected of carrying such cargoes, such as requiring that such vessels be subject to boarding, search, and seizure of such cargoes prior to entry.

    e. At their own initiative or upon the request and good cause shown by another state, to (a) require aircraft that are reasonably suspected of carrying such cargoes to or from states or non-state actors of proliferation concern and that are transiting their airspace to land for inspection and seize any such cargoes that are identified; and/or (b) deny aircraft reasonably suspected of carrying such cargoes transit rights through their airspace in advance of such flights.

    f. If their ports, airfields, or other facilities are used as transshipment points for shipment of such cargoes to or from states or non-state actors of proliferation concern, to inspect vessels, aircraft, or other modes of transport reasonably suspected of carrying such cargoes, and to seize such cargoes that are identified.

[Also: Principles for the Proliferation Security Initiative and Proliferation Security Initiative – Paris Meeting of Core Participants, September 3-4, 2003]

[End]

7. Other Documents

7. Other Documents

This section provides an overview of some of the contributions that have been made by members of civil society, such as learned scientific bodies, think-tanks, academics and other researchers, to strengthen the regime against biological weapons, and the norm embodied within the BWC. Historically, BW issues have not attracted civil society involvement on a scale comparable to their involvement in nuclear disarmament but those that are active form a highly specialised, albeit small, part of global civil society. Provided in this section of the Briefing Book are a number of documents produced by non-governmental actors, among them some by the authors of this Briefing Book. This is by no means intended as a comprehensive list but rather as an illustration of the contribution that civil society can make to strengthen the norm against the deliberate use of disease to attack humans, animals or plants. Other organizations that are particularly active in this field include the BioWeapons Prevention Project (BWPP – www.bwpp.org), the Department of Peace Studies at the University of Bradford (www.brad.ac.uk/acad/sbtwc/) and the Stockholm International Peace Research Institute (SIPRI – www.sipri.org).

Harvard Sussex Program

The Harvard Sussex Program on Chemical and Biological Weapons (HSP) is an inter-university collaboration seeking to instil the traditions, practices and benefits of scholarship into the formation of public policy on issues involving biological weapons, and has contributed for over thirty years to debates regarding maintaining and enhancing the moral, political and legal constraints and prohibitions against the use of disease.

Recognising that the international conventions which prohibit biological weapons – the BWC and the CWC – are directed primarily to actions of states, and address the matter of individual responsibility to only a limited degree, and that the Convention for the Suppression of Terrorist Bombings or the Rome Statute of the International Criminal Court do not adequately remedy these deficiencies, HSP has been considering how international legal methods might be applied to the governance of dual use bio-technologies. Starting in 1996 and at workshops in 1997 and 1998, with advice from an international group of legal authorities, HSP has developed a draft convention that would make it a crime under international aw for any person knowingly to develop, produce, acquire, retain, transfer or use biological weapons or to order, direct or knowingly render substantial assistance to those activities or to threaten use of biological weapons. Under such a convention any person who commits any of the prohibited acts would face the risk of apprehension, prosecution and punishment or of extradition should that person be found in the territory of a state that supports the convention.

The proposed convention would oblige each state party to: i. establish jurisdiction with respect to the specified crimes extending to all persons in its territory, regardless of the place where the offence is committed or the nationality of the alleged offender; ii. investigate, upon receiving information that a person alleged to have committed an offence is present in its territory, and iii. prosecute or extradite any such alleged offender if satisfied that the facts so warrant. The basic legal obligations to establish jurisdiction and to extradite or adjudicate are already included in international conventions now in force for the suppression and punishment of international crimes including aircraft hijacking and sabotage (1970 and 1971), crimes against internally protected persons (1973), hostage taking (1979), theft of

nuclear materials (1980), torture (1984), crimes against maritime navigation (1988), and terrorist bombings (1998).

The Harvard Sussex Draft Convention was presented by the Netherlands to the Public International Law Working Group (COJUR) of the Council of the European Union at its meeting of 31 January 2002 where it was agreed that delegations would submit the proposal to their governments for consideration. Shortly thereafter international criminalization was included as one of eleven measures proposed for consideration in the UK government's consultation paper on biological weapons issued on 29 April 2002 by the Secretary of State for Foreign and Commonwealth Affairs. A further statement from the UK government, indicating its support for the measure, is contained in a memorandum of 18 November 2002 for the Foreign and Commonwealth Office to the Foreign Affairs Committee of the House of Commons.

The text of the Harvard-Sussex Draft Convention is included in this section of the Briefing Book and more information is available at www.sussex.ac.uk/Units/spru/hsp/Harvard-Sussex-Program-draft-convention.htm

InterAcademy Panel

The InterAcademy Panel on International Issues (IAP) is a global network of 92 national science academies launched in 1993 and based in Trieste, Italy. Stimulated particularly by the BWC's intersessional process agenda item on codes of conduct, the IAP's Executive Committee appointed a working group on biosecurity in 2004 to develop a statement of principles that could guide IAP member academies and other scientific bodies in developing codes of conduct. The working group, chaired first by the Accademia Nazionale dei Lincei of Italy and then by the Royal Netherlands Academy of Arts and Sciences, also included members from the national academies of China, Cuba, Nigeria, the UK, and the USA. In its statement on biosecurity released in December 2005, the IAP presented principles to guide individual scientists and local scientific communities that may wish to define a code of conduct to reduce the risks that biosciences research could be misused for biological weapons or bioterrorism. The IAP statement on biosecurity is included in this section of the Briefing Book. These principles have been endorsed by more than 65 national science academies, including those representing Australia, Canada, China, Cuba, France, Germany, India, Japan, Pakistan, Switzerland, the UK and the USA.

In September 2006, the IAP, the International Council for Science and the Royal Society held a workshop in London on new scientific and technological developments relevant to the operation of the BWC. The workshop was attended by 84 experts from 23 countries. A statement from the workshop is available at www.interacademies.net/?id=6403 and a full report will be presented to States Parties during the Sixth BWC Review Conference.

The National Academies

The US National Academies (which consists of four organizations, the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine and the National Research Council), brings together committees of experts in all areas of scientific and technological endeavour to address critical national issues and give advice to the US Government and the public.

In 2002 the National Research Council convened the Committee on Research Standards and Practices to Prevent the Destructive Application of Biotechnology, to consider ways by which an appropriate balance between scientific openness and the restriction on public information needed to safeguard security could be achieved. Under the chairmanship of Professor Gerald Fink of the Whitehead Institute for Biomedical Research at the Massachusetts Institute of technology (MIT), the committee held six meetings between April 2002 and January 2003. As well as reviewing information available from public literature, there were opportunities for representatives from the National Institutes of Health, the Executive Office of the President, governmental and non-governmental technical and policy experts, educators and private consultants to brief the Committee about their views on the topic. The Committee published its final report, *Biotechnology Research in an Age of Terrorism: Confronting the Dual Use Dilemma*, in October 2003. The report contains seven key recommendations under the following headings: 1. Educating the scientific community; 2. Review of plans for experiments; 3. Review at the publication stage; 4. Creation of a National Science Advisory Board for Biodefense within the US Department of Health and Human Services; 5. Additional elements for protection against misuse; 6. A role for the life sciences in efforts to prevent bioterrorism and biowarfare; and 7. Harmonized international oversight. These recommendations are summarized in the report's executive summary which is included in this section of the Briefing Book. The full text of the report is available at www.nap.edu/catalog/10827.html

Under the co-chairmanship of Stanley Lemon of University of Texas Medical Branch at Galveston and David Relman of Stanford University, the Committee on Advances in Technology and the Prevention of their Application to Next General Biowarfare Threats, an ad hoc committee of the National Research Council and the Institute of Medicine, was convened in February 2004 to examine current trends and future objectives of research in the life sciences as well as technologies convergent with the life sciences enterprise from other disciplines (e.g. nanotechnology), that may enable the development of a new generation of biological threats over the next five to ten years, with the aim of identifying ways to anticipate, identify, and mitigate these dangers. The committee released its final report, *Globalization, Biosecurity and the Future of the Life Sciences* in January 2006. The report contains five main recommendations which are summarized in its executive summary included in this section of the Briefing Book. The full text of the report is available at http://newton.nap.edu/books/0309100321/html/

The principal difference between the Fink Committee report and what became known as the Lemon-Relman report is that the former concentrated on issues pertaining to the regulatory oversight of research employing biotechnology and the flow of scientific knowledge derived from the use of biotechnology, with a focus on the USA. In contrast, the Lemon-Relman report adopted a more global perspective, addressing the increasing pace of advances in the life sciences and related and convergent technologies which are likely to alter the biological threat spectrum over the next five to ten years and broadly consider ways to prevent or mitigate the consequences of malevolent exploitation or naïve misapplication of these technologies.

Verification Research, Training and Information Centre

The Verification Research, Training and Information Centre (VERTIC) is a London-based NGO founded in 1986 that promotes effective and efficient verification as a means of ensuring confidence in the implementation of international agreements and intra-national agreements with international involvement. VERTIC aims to achieve its mission through

research, training, dissemination of information, and interaction with the relevant political, diplomatic, technical, scientific, academic and non-governmental communities.

In October 2004, VERTIC wrote a report for the WMD Commission which identified a range of mechanisms that could improve the implementation of the BWC (*Enhancing BWC Implementation: A Modular Approach*). In 2006, VERTIC produced a new report which updates the 2004 study and assesses the possible mandates for, and the responsibilities and requirements of, the modular mechanisms that have been identified to strengthen the biological weapons regime (*Verification Matters no. 6*, *A New Strategy: Strengthening the Biological Weapons Regime Through Modular Mechanisms*).

This report proposes that States Parties adopt a modular approach to strengthening the BWC. Each of these mechanisms can stand alone and make an effective contribution to the efforts of States Parties to achieve biological disarmament. VERTIC proposes that, together, they offer synergistic benefits and interconnections that would be of even greater benefit and encourages States Parties to examine each modular mechanism on its own, but also to look for connections between the proposals. Seven modular mechanisms are proposed:

1. The establishment of a national authority and contact points in each State Party for implementation of the BWC;
2. The continuation of the BWC staff arrangement under the United Nations Department for Disarmament Affairs and a modest expansion in its functions and responsibilities;
3. The establishment of convention implementation advisers to coordinate advice and assistance to States Parties across all articles of the BWC;
4. The creation of a scientific and technical advisers' network (STAN) to consider, review and communicate to States Parties practical ways of addressing any issues arising from scientific and technological developments that effect the Convention and its implementation;
5. The creation of a legal advisers' network (LAN) to help all States Parties to improve their national laws to implement the BWC;
6. The creation of a CBM unit to increase the number of returns from States Parties and to improve the quality of the information in the CBMs; and
7. The establishment of a group of experts to consider the issues related to investigations and inspections under the BWC.

The executive summary of the report is included in this section of the Briefing Book, and the full text of the report is available at www.vertic.org/publications/VM6.pdf

WMD Commission

In 2003, the WMD Commission, an independent international commission, was charged by the Swedish Government to examine how the world could tackle the problem of weapons of mass destruction. Chaired by Dr Hans Blix of Sweden, the WMD Commission comprised fourteen commissioners. The Commission held ten formal meetings around the world between January 2004 and March 2006. As part of its outreach efforts, the Commission also organized eight seminars and panels. To support its work, the group commissioned 41 working papers from experts on nuclear, biological and chemical weapons and their delivery systems. More information on the WMD Commission, including details of the Commissioners and the working papers provided to the Commission, are available on its website at www.wmdcommission.org The Commission was tasked with identifying

desirable and achievable directions for international cooperation and presenting realistic proposals aimed at the greatest possible reduction of the dangers of weapons of mass destruction. In the case of the latter, the scope of the investigation was comprehensive and included nuclear, biological, chemical and radiological weapons and the means of delivering them, as well as possible links between these issues and terrorism.

After two years of deliberations, the WMD Commission completed its final report, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, which Hans Blix launched by presenting it to the UN Secretary-General on 1 June 2006. A copy of the full report is available on the internet at www.wmdcommission.org/files/Weapons_of_Terror.pdf In the chapter on biological weapons in *Weapons of Terror*, the Commission offered thoughts and recommendations on the prohibition of biological weapons, and prospects for the future, which included topics such as strengthening the role of the BWC, national implementation issues and the role of life sciences and life scientists. This section of the Briefing Book includes the BW chapter of the Commission's final report.

DRAFT CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF DEVELOPING, PRODUCING, ACQUIRING, STOCKPILING, RETAINING, TRANSFERRING ORUSING BIOLOGICAL OR CHEMICAL WEAPONS

PREAMBLE

The States Parties to this Convention,

Recalling that States are prohibited by the Geneva Protocol of 1925, the Biological Weapons Convention of 1972 and the Chemical Weapons Convention of 1993, and other international agreements, from developing, producing, stockpiling, acquiring, retaining, transferring or using biological and chemical weapons, and that these prohibitions reflect a worldwide norm against these weapons;

Recognizing that any development, production, acquisition or use of biological or chemical weapons is the result of the decisions and actions of individual persons, including government officials, and that these activities are within the capability not only of States but also of other entities and of individuals;

Affirming that all persons and entities should be prohibited from engaging in these activities, and should be subject to effective penal sanctions, thereby enhancing the effectiveness of the Geneva Protocol, the Biological Weapons Convention and the Chemical Weapons Convention;

Reaffirming that any use of disease or poison for hostile purposes is repugnant to the conscience of humankind;

Considering that biological and chemical weapons pose a threat to the well-being of all humanity and to future generations;

Resolving that knowledge and achievements in biology, chemistry and medicine should be used exclusively for the health and well-being of humanity;

Desiring to encourage the peaceful and beneficial advance and application of these sciences by protecting them from adverse consequences that would result from their hostile exploitation;

Determined, for the sake of human beings everywhere and of future generations, to eliminate the threat of biological and chemical weapons;

Have agreed as follows:

ARTICLE I

1. Any person commits an offence who knowingly:

(a) develops, produces, otherwise acquires, stockpiles or retains any biological or chemical weapon, or transfers, directly or indirectly, to anyone, any biological or chemical weapon;

(b) uses any biological or chemical weapon;

(c) engages in preparations to use any biological or chemical weapon;

(d) constructs, acquires or retains any facility intended for the production of biological or chemical weapons;

(e) assists, encourages or induces, in any way, anyone to engage in any of the above activities;

(f) orders or directs anyone to engage in any of the above activities;

(g) attempts to commit any of the above offences;

(h) threatens to use biological or chemical weapons.

ARTICLE II

1. Nothing in this Convention shall be construed as prohibiting activities that are permitted under:

(a) the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, of 10 April 1972, or

(b) the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris on 13 January 1993, or that are directed toward the fulfillment of a State's obligations under either Convention and are conducted in accordance with its provisions.

2. In a prosecution for an offence set forth in Article I, it shall be a defense that the accused person reasonably believed that the conduct in question was not prohibited under this Convention.

3. It is not a defense that a person charged with an offence set forth in Article I acted in an official capacity, under the orders or instructions of a superior, or otherwise in accordance with internal law.

ARTICLE III

For the purposes of the present Convention:

1. **Biological weapons** means:
(a) 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;

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

2. **Chemical weapons** means the following, together or separately:

(a) toxic chemicals and their precursors, except where intended for:

(i) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;

(iv) law enforcement including domestic riot control purposes,

as long as the types and quantities are consistent with such purposes.

(b) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices;

(c) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).

3. **Toxic chemical** means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

4. **Precursor** means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multi component chemical system, that is to say, the precursor which plays the most important role on determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multi component system.

5. **Person** means any natural person or, to the extent consistent with internal law as to criminal responsibility, any legal entity.

ARTICLE IV

Each State Party shall adopt such measures as may be necessary:

(a) to establish as criminal offences under its internal law the offences set forth in Article I;

(b) to make those offences punishable by appropriate penalties which take into account their grave nature.

ARTICLE V

1. Each State Party to this Convention shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in Article I in the following cases:

(a) when the offence was committed in the territory of that State or in any other place under its jurisdiction as recognized by international law;

(b) when the alleged offender is a national of that State;

(c) when, if that State considers it appropriate, the alleged offender is a stateless person whose habitual residence is in its territory;

(d) when the offence was committed with intent to harm that State or its nationals or to compel that State to do or abstain from doing any act;

(e) when the offence involved the intentional use of biological or chemical weapons and a victim of the offence was a national of that State;

(f) when the offence involved the intentional use of biological or chemical weapons against any persons, irrespective of their nationality.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in Article I in cases where the alleged offender is present in its territory and it does not extradite such person pursuant to Articles VII and VIII.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law, including any internal law giving effect to Article I.

4. Jurisdiction with respect to the offences set forth in Article I may also be exercised by any international criminal court that may have jurisdiction in the matter in accordance with its Statute.

ARTICLE VI

1. Upon receiving information that a person who has committed or who is alleged to have committed an offence as set forth in Article I may be present in its territory, a State Party shall take such measures as may be necessary under its internal law to investigate the facts contained in the information.

2. If it is satisfied that the circumstances so warrant, a State Party in the territory of which an alleged offender is present shall take that person into custody or shall take such other measures as are necessary to ensure the presence of that person for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 are being taken shall be entitled to:

(a) communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or,

if that person is a stateless person, the State in the territory of which that person habitually resides;

(b) be visited by a representative of that State;

(c) be informed of that person's rights under subparagraphs (a) and (b).

4. The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, provided that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. When a State Party, pursuant to the present Article, has taken a person into custody, it shall promptly notify, directly or through the Secretary-General of the United Nations, the States Parties which have established jurisdiction in accordance with Article V, paragraph 1, subparagraphs (a) through (e), and, if it considers it advisable, any other interested States Parties, of the fact that such person is in custody and of the circumstances which warrant that person's detention. The State which makes the investigation contemplated in paragraph 1 of the present Article shall promptly inform those States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.

ARTICLE VII

1. The offences set forth in Article I shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include those offences as extraditable offences in every extradition treaty subsequently concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may, if it decides to extradite, consider this Convention as the legal basis for extradition in respect of the offences set forth in Article I. Extradition shall be subject to the other conditions provided by the law of the requested State.
3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in Article I as extraditable offences as between themselves subject to the conditions provided by the law of the requested State.

4. The offences set forth under Article I shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with paragraph 1, subparagraphs (a) through (e) of Article V.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in Article I shall be deemed to be modified as between State Parties to the extent that they are incompatible with this Convention.

ARTICLE VIII

The State Party in the territory of which the alleged offender is found shall, if it does not extradite such person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without delay to competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of

that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

ARTICLE IX

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in Article I, including assistance in obtaining evidence at their disposal which is necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their internal law.

3. States Parties may request technical assistance from competent international bodies in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in Article I.

ARTICLE X

None of the offences set forth in Article I shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

ARTICLE XI

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in Article I or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person=s race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

ARTICLE XII

States Parties shall cooperate in the prevention of the offences set forth in Article I, particularly by:

(a) taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories;

(b) exchanging information and coordinating the taking of administrative and other measures as appropriate to prevent commission of those offences.

ARTICLE XIII

1. Each State Party shall inform the Secretary-General of the United Nations of the legislative and administrative measures taken to implement this Convention. In particular, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established under its internal law in accordance with paragraph 3 of Article V. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

2. Each State Party shall, in accordance with its national law, promptly provide to the Secretary-General of the United Nations any relevant information in its possession concerning:

(a) the circumstances of any offence over which it has established its jurisdiction pursuant to paragraph 1 or paragraph 3 of Article V;

(b) the measures taken in relation to the alleged offender, and, in particular, the results of any extradition proceedings or other legal proceedings.

3. The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

4. Each State Party shall designate a contact point within its government to which other States Parties may communicate in matters relevant to this Convention. Each State Party shall make such designation known to the Secretary-General.

ARTICLE XIV

Any dispute between States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice.

ARTICLE XV

1. Ten years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Secretary-General of the United Nations, a Conference of States Parties shall be held at [Geneva, Switzerland], to review the operation of the Convention with a view to assuring that the purposes of the preamble and the provisions of the Convention are being realized.

2. At intervals of seven years thereafter, unless otherwise decided upon, further sessions of the Conference may be convened with the same objective.

ARTICLE XVI

1. This Convention shall be open for signature by all States from [DATE] until [DATE] at United Nations Headquarters in New York.

2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.
3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE XVII

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the [NUMBER] instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the [NUMBER] instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

ARTICLE XVIII

The Articles of this Convention shall not be subject to reservation.

ARTICLE XIX

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at United Nations Headquarters in New York on [DATE].

The above draft of the proposed convention was prepared during 8-9 August 1998 by a working group consisting of James Crawford (Cambridge University), John Dugard (Leiden University), Philip Heymann (Harvard University), Matthew Meselson (Harvard University) and Julian Robinson (University of Sussex). It was developed from earlier drafts discussed at Harvard Sussex workshops on criminalizing biological and chemical weapons held during 13-14 January 1996 at Harvard University and 1-2 May 1998 at the Lauterpacht Research Centre for International Law at Cambridge University. See The CBW Conventions Bulletin, issue number 42, December 1998.

the
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on international issues
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a global network of science academies

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IAP STATEMENT ON BIOSECURITY

Knowledge without conscience
is simply the ruin of the soul.
F. Rabelais, 1532[1]

In recent decades scientific research has created new and unexpected knowledge and technologies that offer unprecedented opportunities to improve human and animal health and environmental conditions. But some science and technology can be used for destructive purposes as well as for constructive purposes. Scientists have a special responsibility when it comes to problems of "dual use" and the misuse of science and technology.

The 1972 Biological and Toxin Weapons Convention reinforced the international norm prohibiting biological weapons, stating in its provisions that "*each state party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain: 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 or other peaceful purposes.*" Nevertheless, the threat from biological weapons is again a live issue. This statement presents principles to guide individual scientists and local scientific communities that may wish to define a code of conduct for their own use.

These principles represent fundamental issues that should be taken into account when formulating codes of conduct. They are not intended to be a comprehensive list of considerations.

1. **Awareness**. Scientists have an obligation to do no harm. They should always take into consideration the reasonably foreseeable consequences of their own activities. They should therefore:
   - always bear in mind the potential consequences – possibly harmful – of their research and recognize that individual good conscience does not justify ignoring the possible misuse of their scientific endeavour;
   - refuse to undertake research that has only harmful consequences for humankind.
2. **Safety and Security**. Scientists working with agents such as pathogenic organisms or dangerous toxins have a responsibility to use good, safe and secure laboratory procedures, whether codified by law or common practice.[2]

[1] "Science sans conscience n'est que ruine de l'âme."

[2] Such as the WHO Laboratory Biosafety Manual, Second Edition (Revised).

3. **Education and Information**. Scientists should be aware of, disseminate information about and teach national and international laws and regulations, as well as policies and principles aimed at preventing the misuse of biological research.
4. **Accountability**. Scientists who become aware of activities that violate the Biological and Toxin Weapons Convention or international customary law should raise their concerns with appropriate people, authorities and agencies.
5. **Oversight**. Scientists with responsibility for oversight of research or for evaluation of projects or publications should promote adherence to these principles by those under their control, supervision or evaluation and act as role models in this regard.

These principles have been endorsed by the following national academies of science, working through the InterAcademy Panel:

- Albanian Academy of Sciences
- National Academy of Exact, Physical and Natural Sciences, Argentina
- The National Academy of Sciences of Armenia
- Australian Academy of Science
- Austrian Academy of Sciences
- Bangladesh Academy of Sciences
- National Academy of Sciences of Belarus
- The Royal Academies for Science and the Arts of Belgium
- Academy of Sciences and Arts of Bosnia and Herzegovina
- Brazilian Academy of Sciences
- Bulgarian Academy of Sciences
- Cameroon Academy of Sciences
- The Royal Society of Canada
- Chinese Academy of Sciences
- Academia Sinica, China Taiwan
- Colombian Academy of Exact, Physical and Natural Sciences
- Croatian Academy of Arts and Sciences
- Cuban Academy of Sciences
- Academy of Sciences of the Czech Republic
- Royal Danish Academy of Sciences and Letters
- Academy of Scientific Research and Technology, Egypt
- Estonian Academy of Sciences
- The Delegation of the Finnish Academies of Science and Letters
- Académie des Sciences, France
- Union of German Academies of Sciences and Humanities
- Academy of Athens, Greece
- Hungarian Academy of Sciences
- Indian National Science Academy
- Indonesian Academy of Sciences
- Royal Irish Academy
- Israel Academy of Sciences and Humanities
- Accademia Nazionale dei Lincei, Italy
- Science Council of Japan
- African Academy of Sciences
- Kenya National Academy of Sciences
- The National Academy of Sciences, The Republic of Korea
- National Academy of Sciences of the Kyrgyz Republic
- Latvian Academy of Sciences
- Lithuanian Academy of Sciences
- Macedonian Academy of Sciences and Arts
- Akademi Sains Malaysia
- Academia Mexicana de Ciencias
- Academy of the Kingdom of Morocco
- The Royal Netherlands Academy of Arts and Sciences
- Academy Council of the Royal Society of New Zealand
- Nigerian Academy of Sciences
- Pakistan Academy of Sciences
- Palestine Academy for Science and Technology
- Academia Nacional de Ciencias del Peru
- National Academy of Science and Technology, Philippines
- Polska Akademia Nauk, Poland
- Russian Academy of Sciences
- Académie des Sciences et Techniques du Sénégal
- Serbian Academy of Sciences and Arts
- Singapore National Academy of Sciences
- Slovak Academy of Sciences
- Slovenian Academy of Sciences and Arts
- Academy of Science of South Africa
- Royal Academy of Exact, Physical and Natural Sciences of Spain
- Royal Swedish Academy of Sciences
- Council of the Swiss Scientific Academies
- Turkish Academy of Sciences
- The Uganda National Academy of Sciences
- The Royal Society, UK
- US National Academy of Sciences
- Academia de Ciencias Físicas, Matemáticas y Naturales de Venezuela
- Zimbabwe Academy of Sciences
- TWAS, the Academy of Sciences for the Developing World

Free Executive Summary

Biotechnology Research in an Age of Terrorism

Committee on Research Standards and Practices to Prevent the Destructive Application of Biotechnology, Development, Security, and Cooperation, National Research Council

ISBN: 0-309-08977-8, 164 pages, 6 x 9, paperback (2004)

In recent years much has happened to justify an examination of biological research in light of national security concerns. The destructive application of biotechnologyresearch includes activities such as spreading common pathogens or transformingthem into even more lethal forms. Policymakers and the scientific community atlarge must put forth a vigorous and immediate response to this challenge. This newbook by the National Research Council recommends that the government expandexisting regulations and rely on self-governance by scientists rather than adopt intrusivenew policies. One key recommendation of the report is that the governmentshould not attempt to regulate scientific publishing but should trust scientists andjournals to screen their papers for security risks, a task some journals have alreadytaken up. With biological information and tools widely distributed, regulating onlyU.S. researchers would have little effect. A new International Forum on Biosecurityshould encourage the adoption of similar measures around the world. Seven typesof risky studies would require approval by the Institutional Biosafety Committeesthat already oversee recombinant DNA research at some 400 U.S. institutions. These"experiments of concern" include making an infectious agent more lethal and renderingvaccines powerless.

Executive Summary

The great achievements of molecular biology and genetics over the last 50 years have produced advances in agriculture and industrial processes and have revolutionized the practice of medicine. The very technologies that fueled these benefits to society, however, pose a potential risk as well—the possibility that these technologies could also be used to create the next generation of biological weapons. Biotechnology represents a "dual use" dilemma in which the same technologies can be used legitimately for human betterment and misused for bioterrorism.

This report reflects the increasing attention being paid by scientists and policymakers to the potential for misuse of biotechnology by hostile individuals or nations and to the policy proposals that could be applied to minimize or mitigate those threats. The term "misuse of biotechnology" is a phrase that captures a wide spectrum of potentially dangerous activities from spreading common pathogens (e.g., spraying *Salmonella* on salad bars) to sci-fi plots of transforming pathogens into the next "Andromeda strain." Our Committee addressed one important part of this spectrum of risks of potential misuse: the capacity for advanced biological research activities to cause disruption or harm, potentially on a catastrophic scale. Broadly stated, that capacity consists of two elements: (1) the risk that dangerous agents that are the subject of research will be stolen or diverted for malevolent purposes; and (2) the risk that the research results, knowledge, or techniques could facilitate the creation of "novel" pathogens with unique properties or create entirely new classes of threat agents. The charge to the Committee was to:

- Review the current rules, regulations, and institutional arrangements and processes in the United States that provide oversight of research on pathogens and potentially dangerous biotechnology research, within government laboratories, universities and other research institutions, and industry.
- Assess the adequacy of current U.S. rules, regulations, and institutional arrangements and processes to prevent the destructive application of biotechnology research.
- Recommend changes in these practices that could improve U.S. capacity to prevent the destructive application of biotechnology research while still enabling legitimate research to be conducted.

Although the focus of the report is on the United States, this country is only one of many pursuing biotechnology research at the highest level. The techniques, reagents, and information that could be used for offensive purposes are readily available and accessible. Moreover, the expertise and know-how to use or misuse them is distributed across the globe. Without international consensus and consistent guidelines for overseeing research in advanced biotechnology, limitations on certain types of research in the United States would only impede the progress of biomedical research here and undermine our own national interests. It is entirely appropriate for the United States to develop a system to provide oversight of research activities domestically, but the effort will ultimately afford little protection if it is not adopted internationally. This is a challenge for governments, international organizations, and the entire international scientific community. Efforts to meet that challenge are under way, but they must be quickly expanded, strengthened, and harmonized.

THE CURRENT AND EVOLVING REGULATORY ENVIRONMENT

In the United States, the USA PATRIOT Act of 2001 and the Bioterrorism Preparedness and Response Act of 2002 already establish the statutory and regulatory basis for protecting biological materials from inadvertent misuse. Once fully implemented, the mandated registration for possession of certain pathogens (the "select agents"), designation of restricted individuals who may not possess select agents, and a regulatory system for the physical security of the most dangerous pathogens within the United States will provide a useful accounting of domestic laboratories engaged in legitimate research and some reduction in the risk of pathogens acquired from designated facilities falling into the hands of terrorists. The Committee stresses that implementation of current legislation must not be overly restrictive given the critical role that the develop-

ment of effective vaccines, diagnostics, therapeutics, and detection systems, along with a responsive public health system, will play in providing protection against bioterrorism—and other serious health threats. Otherwise these legislative solutions may unintentionally limit the research on dangerous pathogens by legitimate laboratories and investigators. To be effective, a harmonized international system for the regulatory oversight of the possession of dangerous pathogens and toxins, comparable to the one being put in place in the United States, is needed.

With regard to oversight of research, no country has developed guidelines and practices to address all aspects of biotechnology research. The Committee has concluded that existing domestic and international guidelines and regulations for the conduct of basic or applied genetic engineering research may ensure the physical safety of laboratory workers and the surrounding environment from contact with or exposure to pathogenic agents or "novel" organisms. However, they do not currently address the potential for misuse of the tools, technology, or knowledge base of this research enterprise for offensive military or terrorist purposes. In addition, no national or international review body currently has the legal authority or self-governance responsibility to evaluate a proposed research activity prior to its conduct to determine whether the risks associated with the proposed research, and its potential for misuse, outweigh its potential benefits. The Committee concluded that the existing fragmentary system must be adapted, enhanced, supplemented, and linked to provide a system of oversight that will give confidence that the potential risks of misuse of dual use research are being adequately addressed while enabling vital research to go forward. The significant increases in funding that will be going to research on biodefense —precisely the sort of research likely to pose the most severe dual use dilemmas—reinforce the argument for creating such a comprehensive system, both nationally and internationally.

A PROPOSED NEW SYSTEM

The system the Committee proposes would establish a number of stages at which experiments and eventually their results would be reviewed to provide reassurance that advances in biotechnology with potential applications for bioterrorism or biological weapons development receive responsible oversight. The system relies heavily on a mix of voluntary self-governance by the scientific community and expansion of an existing regulatory process that itself grew out of an earlier response by the scientific community to the perceived risks associated with gene-splicing research. This is the system created to implement the National Institutes of Health Guidelines for Research Involving rDNA Molecules ("the

Guidelines"). We recognize that successfully implementing the system we propose will require significant additional resources at each stage; we do not attempt to provide an estimate of these costs.

Recommendation 1: Educating the Scientific Community
We recommend that national and international professional societies and related organizations and institutions create programs to educate scientists about the nature of the dual use dilemma in biotechnology and their responsibilities to mitigate its risks.

Adequately addressing the potential risks that research in advanced biotechnology could be used by hostile parties will require educating the community of life scientists, both about the nature of these risks and about the responsibilities of scientists to address and to manage them. At present, awareness of the potential for misuse of biological knowledge varies widely in the research community. Researchers currently working with select agents are already taking steps to contain these agents physically and protect against planned or unplanned harm. But most life scientists have had little direct experience with the issues of biological weapons and bioterrorism since the advent of the Biological Weapons Convention in the early 1970s, so these researchers lack the experience and historical precedent of considering the potential for misuse of their discoveries.

We recommend that the professional societies in the life sciences undertake a regular series of meetings and symposia, in the United States and overseas, to provide both knowledge and opportunities for discussion. It could be useful for one of the major professional societies or science policy organizations to convene a meeting of all the major societies to discuss how best to implement such a program. Industry groups and associations of higher education and research could also usefully undertake the education of their members about the risks and their implications for research practices.

Substantive knowledge of the potential risks is not sufficient, however. The Committee believes that biological scientists have an affirmative moral duty to avoid contributing to the advancement of biowarfare or bioterrorism. Individuals are never morally obligated to do the impossible, and so scientists cannot be expected to *ensure* that the knowledge they generate will never assist in advancing biowarfare or bioterrorism. However, scientists can and should take reasonable steps to minimize this possibility. The Committee believes that it is the responsibility of the research community, including scientific societies and organizations, to define what these reasonable steps entail and to provide scientists with the education, skills, and support they need to honor these steps.

Recommendation 2: Review of Plans for Experiments
We recommend that the Department of Health and Human Services (DHHS) augment the already established system for review of experiments involving recombinant DNA conducted by the National Institutes of Health to create a review system for seven classes of experiments (the Experiments of Concern) involving microbial agents that raise concerns about their potential for misuse.

This part of the system includes both the criteria for deciding which experiments will be subject to review and the process by which the review will take place.

The Criteria for Review. The Committee identified seven classes of experiments that it believes illustrate the types of endeavors or discoveries that will require review and discussion by informed members of the scientific and medical community before they are undertaken or, if carried out, before they are published in full detail. They include experiments that:

1. Would demonstrate how to render a vaccine ineffective. This would apply to both human and animal vaccines. Creation of a vaccine-resistant smallpox virus would fall into this class of experiments.

2. Would confer resistance to therapeutically useful antibiotics or antiviral agents. This would apply to therapeutic agents that are used to control disease agents in humans, animals, or crops. Introduction of ciprofloxacin resistance in *Bacillus anthracis* would fall in this class.

3. Would enhance the virulence of a pathogen or render a nonpathogen virulent. This would apply to plant, animal, and human pathogens. Introduction of cereolysin toxin gene into *Bacillus anthracis* would fall into this class.

4. Would increase transmissibility of a pathogen. This would include enhancing transmission within or between species. Altering vector competence to enhance disease transmission would also fall into this class.

5. Would alter the host range of a pathogen. This would include making nonzoonotics into zoonotic agents. Altering the tropism of viruses would fit into this class.

6. Would enable the evasion of diagnostic/detection modalities. This could include microencapsulation to avoid antibody-based detection and/or the alteration of gene sequences to avoid detection by established molecular methods.

7. Would enable the weaponization of a biological agent or toxin.

This would include the environmental stabilization of pathogens. Synthesis of smallpox virus would fall into this class of experiments.

These categories represent experiments that are feasible with existing knowledge and technologies or with advances that the Committee could anticipate occurring in the near future. Some of them represent the types of naturally occurring genetic changes in pathogens that have led to disease pandemics such as the "Spanish Flu" in 1917-1918 or the recently recognized disease "severe acute respiratory syndrome" (SARS) but that could now be engineered in the laboratory. Others have been part of the history of biowarfare research and development. The concerns deal with infectious agents or their products because we believe that self-replicating agents or their products pose the most imminent biological threat.

The seven areas of concern address only potential microbial threats. Modern biological research is much broader, encompassing all of the health sciences, agriculture and veterinary science, and a variety of industrial applications. Moreover, all of these areas are changing rapidly. The great diversity as well as the pace of change make it imprudent to project the potential both for good and ill too broadly and too far into the future. Therefore, the Committee has initially limited its concerns to cover those possibilities that represent a plausible danger and has tried to avoid improbable scenarios. Over time, however, the Committee believes it will be necessary to expand the experiments of concern to cover a significantly wider range of potential threats.

The Review Process. The NIH Guidelines require creation of an Institutional Biosafety Committee (IBC) when research is conducted at or sponsored by an entity receiving any NIH support for recombinant DNA research. Most of the 400 or so IBCs registered with NIH are at institutions that are subject to the NIH Guidelines and for whom IBC registration is mandatory. While most of these institutions are academic, some industry-based IBCs are registered with NIH as a consequence of receiving NIH support. In other instances, companies voluntarily comply with the NIH Guidelines as a means of observing a "gold standard" for safety practices. Several federal agencies and laboratories have made compliance with the NIH Guidelines a condition of their support of intramural and extramural research projects. Furthermore, a number of federal IBCs are registered with NIH.

All of the experiments that fall within the seven areas of concern should currently require review by an IBC. The Committee thus recommends relying on the system of IBCs as the first review tier for experiments of concern.

The Committee recommends that the form researchers now use to submit their experimental designs to the IBC be amended to include another category where researchers would designate whether, in their judgment, their proposed projects fall under an area of concern. The IBC would then review that issue along with the other aspects of the project that it is evaluating, carefully weighing potential benefits versus potential danger. Occasionally, the IBC may discover that what is proposed is forbidden under current guidelines and would not approve the research. In most cases, however, it would designate the project either as acceptable to move forward or as raising concerns that need further consideration at a higher level.

The Committee recommends initial review by the IBC because this provides an assessment of research at its earliest stages. By the time the work is submitted for publication, substantial information about the research may have already been disseminated through informal professional contacts or presentations of preliminary results at scientific meetings. These aspects of the open culture in the life sciences emphasize how important it is to make scientists aware of their personal responsibilities to consider the balances of risks and benefits in their proposed research so they can responsibly inform the IBC.

Experiments that need further consideration would be referred to an expanded Recombinant DNA Advisory Committee (RAC) and possibly to the director of the NIH for approval or denial of permission to proceed with the proposed experiment. The Committee recommends this route because so many of the experiments in the areas of concern would fall under the purview of the RAC already and because it has an established track record of facilitating research while protecting public safety. Under our recommendation, the RAC would begin to review some projects in the areas of concern from all relevant research institutions. This would be a substantial expansion from its current jurisdiction over research funded by NIH and those institutions that comply voluntarily.

When the RAC takes up this new duty, the Committee proposes that it initially translate the categories of experiments of concern into a more detailed set of guidelines for IBCs to use. It should then improve and update these guidelines as needed as its experience with the process grows. The RAC will need substantial new resources to take on this additional task, and both it and the IBCs may need to incorporate new expertise to handle the task.

Recommendation 3: Review at the Publication Stage
We recommend relying on self-governance by scientists and scientific journals to review publications for their potential national security risks.

Publication of research results provides the vehicle for the widest dissemination, including to those who would misuse them. The Committee believes strongly that this part of the system should be based on the voluntary self-governance of the scientific community rather than formal regulation by government.

Proposals to limit publication have caused great concern and controversy among both scientists and publishers. The norm of open communication is one of the most powerful in science. To limit the information available in the methods section of journal articles would violate the norm that all experimental results should be open to challenge by others. But not to do so is potentially to provide important information to biowarfare programs in other countries or to terrorist groups.

Ultimately, any process to review publications for their potential national security risks would have to be acceptable to the wide variety of journals in the life sciences, both in the United States and internationally. The Committee believes that continued discussion among those involved in publishing journals—and between editors and the national security community—will be essential to creating a system that is considered responsive to the risks but also credible with the research community. The Committee believes that the statement produced by a group of editors from major life science journals in February 2003 is an important step in this process.

On the broader question of classification, the Committee believes that the principle set out by the Reagan Administration in 1985 in National Security Decision Directive 189—that the results of fundamental research should be unrestricted to the maximum extent possible and that classification should be the mechanism for what control might be required—remains valid and should continue to be the basis for U.S. policy. The Committee's support for self-governance by the scientific community through appropriate reviews by journals and other publication outlets should not be construed as endorsing the creation of "sensitive but unclassified" information in the life sciences. The Committee believes that the risks of a chilling effect on biodefense research vital to U.S. national security as the result of inevitably general and vague categories is at present significantly greater than the risks posed by inadvertent publication of potentially dangerous results. A system of review based in scientific self-governance can, we believe, effectively address the security risks without discouraging scientists from taking part in important biodefense research.

Recommendation 4: Creation of a National Science Advisory Board for Biodefense

We recommend that the Department of Health and Human Services create a National Science Advisory Board for Biodefense (NSABB) to provide advice, guidance, and leadership for the system of review and oversight we are proposing.

The NSABB would serve a number of important functions for both the scientific community and the government.

- At the most general (strategic) level, it would serve as a point of continuing dialogue between the scientific community and the national security community and as a forum for addressing issues of interest or concern. At the operational (tactical) level, it would provide case-specific advice on the oversight of research and the communication and dissemination of life sciences research information that is relevant for national security and biodefense purposes. Because of its important bridging functions, its members should include both leading scientists and national security experts, including those with experience in managing scientific research in federal agencies.
- In terms of the regulatory aspects of the operation of our proposed system, we recommend that the Board periodically review and suggest updates to the "Experiments of Concern." We also recommend that the Board review and suggest updates to the list of "select agents" and to policies regarding the international exchange of biological agents. A review of the select agents list by DHHS is already required every two years but the Board could serve a useful and important function by providing an independent assessment as an input to that process.
- For the system's self-governing phases, we recommend that the NSABB serve as a resource. This could include aiding the professional societies in developing education programs, as well as providing a convening mechanism. It could also include assisting those producing publications in the life sciences. The Board could provide a convening mechanism for journal editors, organizing periodic discussions among them as they develop and evaluate their review processes. The Board could review and comment on proposed procedures on request, and perhaps serve as a clearinghouse so that journals that have not already adopted review procedures could have ready access to examples of what others are doing. It would be very important for the Board to reach out beyond the United States to the many international publications in the life sciences and to find ways to include their leaders in discussions. The Board might also provide advice on request about particular manuscripts that raise concern, perhaps by organizing small groups of experts to assess the tradeoffs between the scientific merits of the research, especially that with the potential to advance knowledge relevant to biodefense, and the risks of publishing information that might assist terrorists or proliferant states.

• In addition to its functions related to the potential risks of research in advanced biotechnology, the Board should have the capacity to advise the government on how the life sciences can contribute to alleviating the risks of bioterrorism and biological weapons through new research in areas such as vaccine, antiviral, and antibiotic development, new detection devices and technologies, and preventive public health measures. This advisory function would serve as a continuous reminder that any system of review and oversight must operate in ways that do not put the United States—and the world—at risk of losing the great potential benefits of biotechnology. Having a Board that was informed and aware of the latest research developments, even including manuscripts not yet published, would provide the capacity for "early warning," alerting the government to the risks of new findings or techniques that should be met by focusing research resources on appropriate responses or countermeasures.

As for the organizational location for the NSABB, there are clear tradeoffs between an independent board that offers its advice to government and one that is a formal advisory body to one or more federal agencies. No solution meets all the criteria, but on balance we believe that the logical organizational location for the NSABB is within the Department of Health and Human Services providing advice to the secretary of that Department. DHHS already has a leading role in biotechnology research, particularly that related to the Experiments of Concern. Location within the DHHS would also connect the Board directly to the other parts of our proposed system, the RAC and the IBCs, while not limiting its capacity to work with other relevant agencies or private groups.

International coordination and cooperation will be necessary to make any effort to mitigate the risks of bioterrorism effective. Therefore, in the view of the Committee, the establishment of an NSABB within the United States can serve as the basis for international dialogue aimed at reducing the risks of subversion of legitimate life sciences research efforts. Review systems, comparable to the one proposed involving the IBC and RAC, already exist in many nations. These were established as an outgrowth of the Asilomar conference in 1975. In the same manner, other countries should be encouraged to establish counterparts to the NSABB so that the community of life scientists globally can work together to reduce the risks of offensive applications of life sciences research.

Recommendation 5: Additional Elements for Protection Against Misuse
We recommend that the federal government rely on the implementation of current legislation and regulation, with periodic review by the

NSABB, to provide protection of biological materials and supervision of personnel working with these materials.

There are other elements of the current regulatory system that the Committee believes should be reviewed and evaluated because of their important impact on the conduct of research.

Physical Containment. Safeguarding the collections of existing agents is an obvious priority that in large measure is being addressed through recently passed legislation and implementing regulations. The designation of certain pathogens as "select agents" is an appropriate starting point for identifying strains and isolates that need to be secured. It is crucial to avoid well-meaning but counterproductive regulations on pathogens. Rules for containment and registration of potentially dangerous materials must be based on scientific risk assessment and informed by a realistic appraisal of their scientific implications. Moreover, scientific input is essential to ensure that these rules are clear as well as responsive to periodic assessment of the current technologies and capacities. The NSABB could be available to provide advice on short notice about revising regulations in response to new developments. Rules governing transfer of materials between laboratories to prevent unauthorized distribution or diversion might also be regularly reviewed by the NSABB so that new threats could be recognized and responded to and unnecessary impediments identified for removal.

Trained Personnel. In some areas of technology, the limiting ingredient is the existence of trained personnel. General microbiological training sufficient for culturing and growing pathogenic microorganisms at levels of significant concern is available in high school and first-year college biology courses; majors in microbiology would be sophisticated enough to grow many select organisms. Moreover, training in basic microbiology is widely available outside the United States. The procedures for admitting foreign students and scientists to the United States for study and collaborative research must reflect the importance of keeping universities as open educational environments. Efforts to identify or control knowledgeable personnel within the United States are impractical, and surveillance of such personnel would not, in our opinion, offer much security.

Recommendation 6: A Role for the Life Sciences in Efforts to Prevent Bioterrorism and Biowarfare
We recommend that the national security and law enforcement communities develop new channels of sustained communication with the life sciences community about how to mitigate the risks of bioterrorism.

By signing and ratifying the Biological and Toxin Weapons Convention (BWC), the United States renounced the use and possession of such offensive weapons and methods to disseminate and deliver them. Given the increased investments in biodefense research in the United States, it is imperative that the United States conduct its legitimate defensive activities in an open and transparent manner. This should clear the way for all biomedical scientists to contribute to the development of defensive measures that would mitigate the impact of the use of such weapons against people, plants, and animals.

The intelligence and law enforcement agencies need the academic scientists both for the expertise they might provide about the nature of current agents and the potential for new ones and for the best advice on limiting the spread of new technologies that would make countermeasures more difficult. It might be desirable for components of the national security community to establish advisory boards of basic scientists and clinicians with expertise in areas such as viral disease, bacterial pathogens, biotechnology, immunology, toxins, and public health, as well as others in the area of basic molecular biology. These advisory boards could help members of the intelligence and law enforcement communities keep current in relevant areas of science and technology and provide a trusted set of advisors to answer technical questions.

Recommendation 7: Harmonized International Oversight
We recommend that the international policymaking and scientific communities create an International Forum on Biosecurity to develop and promote harmonized national, regional, and international measures that will provide a counterpart to the system we recommend for the United States.

Any serious attempt to reduce the risks associated with biotechnology must ultimately be international in scope, because the technologies that could be misused are available and being developed throughout the globe. A number of countries and regional and international organizations are already moving forward to develop programs and policies on aspects of the problem; the initiatives include consultations among the parties to the BWC on best practices for the security and oversight of pathogens and toxins. These approaches must be harmonized and widely adopted in order for them to be effective. Just as the scientific community in the United States must become deeply and directly engaged, the commitment of the international scientific community to these issues is needed to implement the recommendations contained in this report.

We do not expect our recommendations to provide a "road map" that could simply be adopted internationally without significant modifications or adaptations to local or regional conditions. But any effective system

should include all the issues addressed by our recommendations. The Committee therefore recommends, as a next step, convening an "International Forum on Biological Security" to begin a dialogue within and between the life sciences and the policymaking communities internationally. Among the topics for this international forum are:

- Education of the scientific community globally, including curricula, professional symposia, and training programs to raise awareness of potential threats and modalities for reducing risks as well as to highlight ethical issues associated with the conduct of biological science.
- Design of mechanisms for international jurisdiction that would foster cooperation in identifying and apprehending individuals who commit acts of bioterrorism.
- Development of an internationally harmonized regime for control of pathogens within and between laboratories and facilities.
- Development of systems of review to provide oversight of research, including defining an international norm for identifying and managing "experiments of concern."
- Development of an international norm for the dissemination of "sensitive" information in the life sciences.

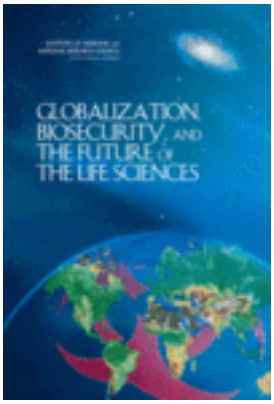
This and other forums should be sponsored by international organizations with standing and credibility within both the policymaking and scientific communities. Different topics within this broad agenda may be more appropriate for different organizations. Potential sponsors could include the World Health Organization and the United Nations Educational, Scientific and Cultural Organization (UNESCO) as formal international governmental organizations with direct links to government policymakers. Among nongovernmental scientific organizations are the International Council for Science and more recently created organizations of the world's academies of science such as the InterAcademy Panel on International Issues (IAP) and the InterAcademy Council (IAC) that seek to bring the prestige and convening capacity of these bodies to bear on crucial international problems.

CONCLUSION

Throughout the Committee's deliberations there was a concern that policies to counter biological threats should not be so broad as to impinge upon the ability of the life sciences community to continue its role of contributing to the betterment of life and improving defenses against biological threats. Caution must be exercised in adopting policy measures to respond to this threat so that the intended ends will be achieved without

creating "unintended consequences." On the other hand, the potential threat from the misuse of current and future biological research is a challenge to which policymakers and the scientific community must respond. The system proposed in this report is intended as a first step in what will be a long and continuously evolving process to maintain an optimal balance of risks and rewards. The Committee believes that building upon processes that are already known and trusted and relying on the capacity of life scientists to develop appropriate mechanisms for self-governance, offers the greatest potential to find the right balance. This system may provide a model for the development of policies in other countries. Only a system of international guidelines and review will ultimately minimize the potential for the misuse of biotechnology.

Free Executive Summary



Globalization, Biosecurity, and the Future of the Life Sciences

Committee on Advances in Technology and the Prevention of Their Application to Next Generation Biowarfare Threats, National Research Council

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The risks posed by bioterrorism and the proliferation of biological weapons capabilities have increased concern about how the rapid advances in genetic engineering and biotechnology could enable the production of biological weapons with unique and unpredictable characteristics. This report examines current trends and future objectives of research in public health, life sciences, and biomedical science that contain applications relevant to developments in biological weapons 5 to 10 years into the future and ways to anticipate, identify and mitigate these dangers.

Executive Summary

Knowledge, materials, and technologies with applications to the life sciences enterprise are advancing with tremendous speed, making it possible to identify and manipulate features of living systems in ways never before possible. On a daily basis and in laboratories around the world, biomedical researchers are using sophisticated technologies to manipulate microorganisms in an effort to understand how microbes cause disease and to develop better preventative and therapeutic measures against these diseases. Plant biologists are applying similar tools in their studies of crops and other plants in an effort to improve agricultural yield and explore the potential for the use of plants as inexpensive manufacturing platforms for vaccine, antibody, and other products. Similar efforts are underway with animal husbandry. Scientists and engineers in many fields are relying on continuing advances in the life sciences to identify pharmaceuticals for the treatment of cancer and other chronic diseases, develop environmental remediation technologies, improve biodefense capabilities, and create new materials and even energy sources.

Moreover, other fields not traditionally viewed as biotechnologies—such as materials science, information technology, and nanotechnology—are becoming integrated and synergistic with traditional biotechnologies in extraordinary ways enabling the development of previously unimaginable technological applications. It is undeniable that this new knowledge and these advancing technologies hold enormous potential to improve public health and agriculture, strengthen national economies, and close

the development gap between resource-rich and resource-poor countries. However, as with all scientific revolutions, there is a potential dark side to the advancing power and global spread of these and other technologies. For millennia, every major new technology has been used for hostile purposes, and most experts believe it naive to think that the extraordinary growth in the life sciences and its associated technologies might not similarly be exploited for destructive purposes.

This is true despite formal prohibitions against the use of biological weapons and even though, since antiquity, humans have reviled the use of disease-causing agents for hostile purposes. In its most recent unclassified report on the future global landscape, the National Intelligence Council predicted that a major terrorist attack employing biological agents will likely occur by 2020, although it suggested that most future (i.e., over the course of the next 15 years) terrorist attacks are expected to involve conventional weapons. Official U.S. statements continue to cite around a dozen countries that are believed to have or to be pursuing a biological weapons capability. In addition to the efforts by terrorists or states with malevolent intent, we must be concerned about the grave harm that may result from misuse of the life sciences and related technologies by individuals or groups that are simply careless or irresponsible.

The continuing threat of bioterrorism, coupled with the global spread of expertise and information in biotechnology and biological manufacturing processes, has raised concerns about how advancing technological prowess could enable the creation and production of new threats of biological origin possessing unique and dangerous but largely unpredictable characteristics. The Committee on Advances in Technology and the Prevention of Their Application to Next Generation Biowarfare Threats, an ad hoc committee of the National Research Council and the Institute of Medicine, was constituted to examine current trends and future objectives of research in the life sciences, as well as technologies convergent with the life sciences enterprise from other disciplines, such as materials science and nanotechnology, that may enable the development of a new generation of biological threats over the next five to ten years, with the aim of identifying ways to anticipate, identify, and mitigate these dangers.

Specifically, the charge to the committee was to:

1. Examine current scientific trends and the likely trajectory of future research activities in public health, life sciences, and biomedical and materials science that contain applications relevant to the development of "next generation" agents of biological origin five to ten years into the future.
2. Evaluate the potential for hostile uses of research advances in ge-

netic engineering and biotechnology that will make biological agents more potent or damaging. Included in this evaluation will be the degree to which the integration of multiple advancing technologies over the next five to ten years could result in a synergistic effect.

3. Identify the current and potential future capabilities that could enable the ability of individuals, organizations, or countries to identify, acquire, master, and independently advance these technologies for both beneficial and hostile purposes.

4. Identify and recommend the knowledge and tools that will be needed by the national security, biomedical science, and public health communities to anticipate, prevent, recognize, mitigate, and respond to the destructive potential associated with advancing technologies.

This report is part of a larger body of work that the National Academies has undertaken in recent years on science and security and the contributions that science and technology could make to countering terrorism, beginning with *Scientific Communication and National Security* in 1982 and continuing with *Chemical and Biological Terrorism: Research and Development to Improve Civilian Medical Responses* (1999), *Firepower in the Lab: Automation in the Fight Against Infectious Diseases and Bioterrorism* (2001), *Making the Nation Safer: The Role of Science and Technology in Countering Terrorism* (2002), *Biological Threats and Terrorism: Assessing the Science and Response Capabilities* (2002), and *Countering Agricultural Terrorism* (2002). Most recently and of particular relevance to this report is the National Research Council report *Biotechnology Research in an Age of Terrorism* (2004). The principal difference between that report and the present report is that the former revolves around issues pertaining to the regulatory oversight of research employing biotechnology and the flow of scientific knowledge derived from the use of biotechnology, with a focus on the United States. In contrast, this report adopts a more global perspective, addressing the increasing pace of advances in the life sciences and related convergent technologies likely to alter the biological threat spectrum over the next five to ten years and broadly considering ways to prevent or mitigate the consequences of malevolent exploitation or naïve misapplication of these technologies.

While many readers might hope to find a well-defined, prioritized list or set of lists of future threats, the pace of research discovery in the life sciences is such that the useful lifespan of any such list would likely be measured in months, not years. Instead, the committee sought to define more broadly how continuing advances in life sciences technologies could contribute to the development of novel biological weapons and to develop a logical framework for analysts to consider as they evaluate the evolving technology threat spectrum. The committee concluded that there

are classes or categories of advances that share important features relevant to their potential to contribute to the future development of new biological weapons. These shared characteristics are based on common purposes, common conceptual underpinnings, and common technical enabling platforms. Thinking of technologies within this framework should help in evaluating the potential they present for beneficial and destructive applications or technological surprise(s).

The committee classified new technologies according to a scheme organized around four groupings: (1) technologies that seek to acquire novel biological or molecular diversity; (2) technologies that seek to generate novel but pre-determined and specific biological or molecular entities through directed design; (3) technologies that seek to understand and manipulate biological systems in a more comprehensive and effective manner; and (4) technologies that seek to enhance production, delivery, and "packaging" of biologically active materials. This classification scheme highlights commonalities among technologies and, by so doing, draws attention to critical enabling features; provides insight into some of the drivers behind life sciences-related technologies; facilitates predictions about future emerging technologies; and lends insight into the basis for complementarities or synergies among technologies and, as such, facilitates the analysis of interactions that lead to either beneficial or potentially malevolent ends.

To a considerable extent, new advances in the life sciences and related technologies are being generated not just domestically but also internationally. The preeminent position that the United States has enjoyed in the life sciences has been dependent upon the flow of foreign scientific talent to its shores and is now threatened by the increasing globalization of science and the international dispersion of a wide variety of related technologies. The increasing pace of scientific discovery abroad and the fact that the United States may no longer hold a monopoly on these leading technologies means that this country is, as never before, dependent on international collaboration, a theme that is explored in depth in Chapter 2.

Foreign scientific exchange is an integral and essential component of the culture of science. The training of scientists from other countries in the United States has played an important role in fostering these interactions and has contributed substantially to the productivity of the American scientific enterprise. It has, however, been threatened recently by increased scrutiny of visa applications as well as the growing attractiveness of science and technology training opportunities outside of the United States. As technological growth becomes increasingly dependent on the global commons, international scientific exchanges and collaborations become an ever more vital component of U.S. technological capacity, including

biodefense technological capacity. Weakening this link by prohibiting or discouraging bi-directional foreign scientific exchange—including the engagement of foreign students and scientists in U.S. laboratories, meetings, and business enterprises—could impede scientific and technological growth and have counterproductive, unintended consequences for the biodefense research and development enterprise.

Although this Report is concerned with the evolution of scientific and technological capabilities over the next five to ten years with implications for next-generation threats, it is clear that today's capabilities in the life sciences and related technologies have already changed the nature of the biothreat "space." The accelerating pace of discovery in the life sciences has fundamentally altered the threat spectrum. The immune, neurological, and endocrine systems are particularly vulnerable to disruption by manipulation of bioregulators. Some experts contend that bioregulators, which are small, biologically active compounds, pose an increasingly apparent dual-use risk. This risk is magnified by improvements in targeted delivery technologies that have made the potential dissemination of these compounds much more feasible than in the past.

The viruses, microbes, and toxins listed as "select agents" or "category A/B/C agents" and on which U.S. biodefense research and development activities are so strongly focused today are just one aspect of the changing landscape of threats. Although some of them may be the most accessible or apparent threat agents to a potential attacker, particularly one lacking a high degree of technical expertise, this situation is likely to change as a result of the increasing globalization and international dispersion of the most cutting-edge aspects of life sciences research.

The committee concluded that a broad array of mutually reinforcing actions are required to successfully manage the threats that face society. These must be implemented in a manner that engages a wide variety of communities that share stakes in the outcome. As in fire prevention, where the best protection against the occurrence of and damage from catastrophic fires comprises a multitude of interacting preventive and mitigating actions (e.g., fire codes, smoke detectors, sprinkler systems, fire trucks, fire hydrants, and fire insurance) rather than any single "best" but impractical or improbable measure (e.g., stationing a fire truck on every block), the same is true here. The committee, therefore, envisions a broad-based, intertwined network of steps—a *web of protection*—for reducing the likelihood that the technologies discussed in this report will be used successfully for malevolent purposes. It believes that the actions suggested in its recommendations (Box ES-1), taken in aggregate, will likely decrease the risk of inappropriate application or unintended misuse of these increasingly widely available technologies.

BOX ES-1 Recommendations

1. The committee endorses and affirms policies and practices that, to the maximum extent possible, promote the free and open exchange of information in the life sciences.

1a. Ensure that, to the maximum extent possible, the results of fundamental research remain unrestricted except in cases where national security requires classification, as stated in National Security Decision Directive 189 (NSDD-189) and endorsed more recently by a number of groups and organizations.

1b. Ensure that any biosecurity policies or regulations implemented are scientifically sound and are likely to reduce risks without unduly hindering progress in the biological sciences and associated technologies.

1c. Promote international scientific exchange(s) and the training of foreign scientists in the United States.

2. The committee recommends adopting a broader perspective on the "threat spectrum."

2a. Recognize the limitations inherent in any agent-specific threat list and consider instead the intrinsic properties of pathogens and toxins that render them a threat and how such properties have been or could be manipulated by evolving technologies.

2b. Adopt a broadened awareness of threats beyond the classical "select agents" and other pathogenic organisms and toxins, so as to include, for example, approaches for disrupting host homeostatic and defense systems and for creating synthetic organisms.

3. The committee recommends strengthening and enhancing the scientific and technical expertise within and across the security communities.

3a. Create by statute an independent science and technology advisory group for the intelligence community.

3b. The best available scientific expertise and knowledge should inform the concepts, plans, activities, and decisions of the intelligence, law enforcement, homeland security, and public policy communities and the national political leadership about advancing technologies and their potential impact on the development and use of future biological weapons.

3c. Build and support a robust and sustained cutting-edge analytical capability for the life sciences and related technologies within the national security community.

3d. Encourage the sharing and coordination, to the maximum extent possible, of future biological threat analysis between the domestic national security community and its international counterparts.

4. The committee recommends the adoption and promotion of a common culture of awareness and a shared sense of responsibility within the global community of life scientists.

4a. Recognize the value of formal international treaties and conventions, including the 1972 Biological and Toxin Weapons Convention (BWC) and the 1993 Chemical Weapons Convention (CWC).

4b. Develop explicit national and international codes of ethics and conduct for life scientists.

4c. Support programs promoting beneficial uses of technology in developing countries.

4d. Establish globally distributed, decentralized, and adaptive mechanisms with the capacity for surveillance and intervention in the event of malevolent applications of tools and technologies derived from the life sciences.

5. The committee recommends strengthening the public health infrastructure and existing response and recovery capabilities.

5a. Strengthen response capabilities and achieve greater coordination of local, state, and federal public health agencies.

5b. Strengthen efforts related to the early detection of biological agents in the environment and early population-based recognition of disease outbreaks, but deploy sensors and other technologies for environmental detection only when solid scientific evidence suggests they are effective.

5c. Improve the capabilities for early detection of host exposure to biological agents, and early diagnosis of the diseases they cause.

5d. Provide suitable incentives for the development and production of novel classes of preventative and therapeutic agents with activity against a broad range of biological threats, as well as flexible, agile, and generic technology platforms for the rapid generation of vaccines and therapeutics against unanticipated threats.

Recommendation 1

The committee endorses and affirms policies and practices that, to the maximum extent possible, promote the free and open exchange of information in the life sciences.

Overall, society has gained from advances in the life sciences because of the open exchange of data and concepts. The many ways that biological knowledge and its associated technologies have improved and can continue to improve biosecurity, health, agriculture, and other life sciences industries are highlighted in Chapter 2. Conversely, restrictive regulations and the imposition of constraints on the flow of information are not likely to reduce the risks that advances in the life sciences will be utilized with malevolent intent in the future. In fact, they will make it more difficult for civil society to protect itself against such threats and ultimately are likely to weaken national *and* human security. Such regulations and constraints would also limit the tremendous potential for continuing advances in the life sciences and its related technologies to improve health, provide secure sources of food and energy, contribute to economic development in both resource-rich and resource-poor parts of the world, and enhance the overall quality of human life.

The potential to develop effective countermeasures against biological threats is strongly enhanced by the nation's leadership position in the life sciences. However, implementation of the regulatory regime imposed by the PATRIOT and Bioterrorism Response acts on the life sciences community has raised concerns that qualified individuals may be discouraged from conducting biomedical and agricultural research of value to the United States for a variety of reasons. Moreover, many features of these statutes are considered unlikely to be effective in accomplishing their desired effect—limiting access to select agents by would-be terrorists—and may, in fact, lead to unintended consequences.

Recommendation 2

The committee recommends adopting a broader perspective on the "threat spectrum."

U.S. national biodefense programs currently focus on a relatively small number of specific agents or toxins, chosen as priorities in part because of their history of development as candidate biological weapons agents by some countries during the 20th century. The committee believes that a much broader perspective on the "threat spectrum" is needed. Recent advances in understanding the mechanisms of action of bioregulatory compounds, signaling processes, and the regulation of human gene expression—combined with advances in chemistry, synthetic biology,

nanotechnology, and other technologies—have opened up new and exceedingly challenging frontiers of concern.

The limitations of the current select agent lists, and indeed any list, point to the need for a broadened awareness of the threat spectrum. Mechanisms must be put in place to ensure regular and deliberate reassessments of advances in science and technology and identification of those advances with the greatest potential for changing the nature of the threat spectrum. The process of identifying potential threats needs to be improved. This process needs to incorporate newer scientific methodologies that permit more rigorous assessment of net overall risks. Rather than adopting a static perspective, it will be important to identify and continually reassess the degree to which scientific advances or current or future biological "platforms" hold the potential for being put to use by potential adversaries. This will require the engagement of the scientific community in new ways and an expansion of the science and technology expertise available to the intelligence community.

Recommendation 3

The committee recommends strengthening and enhancing the scientific and technical expertise within and across the security communities.

A sound defense against misuse of the life sciences and related technologies is one that anticipates future threats that result from misuse, one that seeks to understand the origins of these threats, and one that strives to preempt the misuse of science and technology. It would be tragic if society failed to consider, on a continuing basis, the nature of future biological threats, using the best available scientific expertise, and did not make a serious effort to identify possible methods for averting such threats. Interdiction and prevention of malevolent acts are far more appealing than treatment and remediation. The committee, therefore, urges a proactive, anticipatory perspective and action plan for the national and international security communities.

There are several existing problems within the national security community and national political leadership related to the task of anticipating future biological threats. First, these groups have not developed the kinds of working relationships with the "outside" (non-governmental) science and technology communities that are needed (and are feasible). Second, "inside" groups (national security community and national political leadership) have been unable to establish and maintain the breadth, depth, and currency of knowledge and subject matter expertise in the life sciences and related technologies that are needed. The number of analysts in the national security community that have professional training in the life

sciences and related technologies is small and insufficient; these analysts lose touch with the cutting edge of science and technology over time and tend to be moved from position to position, preventing them from developing any particular depth of expertise and experience. To the degree that the right kinds of expertise do exist in the analysis sectors, they do not adequately penetrate the intelligence collection process, and the expertise is distributed unevenly across these inside communities without sufficient coordination and integration. Moreover, intelligence assessments are not always shared among the different member agencies of the national security community. Finally, historical, political, and cultural barriers have prevented the national security community from working closely with counterparts from other nations and regions of the world. Yet the life sciences and related technologies are globally distributed in a seamless fashion, and future threats that arise from this science and technology will be globally distributed as well.

The committee, therefore, recommends the creation of an independent advisory group that would work closely with the national security community for the purpose of anticipating future biological threats based on an analysis of the current and future science and technology landscape, and current intelligence. In proposing the creation of this group, the committee supports Recommendation 13.1 of The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (March 31, 2005) that suggests the creation of a similar group, which they named the Biological Sciences Advisory Group. While the committee is mindful of the recent creation of the National Science Advisory Board for Biosecurity (NSABB) by the secretary of the U.S. Department of Health and Human Services, the current charter of the NSABB does not provide for the critical anticipatory and analytical functions that the committee envisions this new advisory group should provide to the intelligence community.

While the exact structure and specific charge of the entity that might fill this role are beyond the purview of this committee, the committee believes that the features of the advisory group, described in more detail in Chapter 4, will address critical unmet needs.

Recommendation 4

The committee recommends the adoption and promotion of a common culture of awareness and a shared sense of responsibility within the global community of life scientists.

The 1972 Biological and Toxin Weapons Convention (BWC) and the 1993 Chemical Weapons Convention (CWC) serve as cornerstones of the global biological-chemical regime, which has expanded to include rules

and procedures rooted in measures ancillary to the two treaties. The biological-chemical regime as it currently exists—including the BWC, CWC, Australia Group, Security Council Resolution (SCR) 1540, and other measures—must be recognized for its positive contributions and placed within the overall array of measures taken to prevent biological warfare. Such international conventions should not be considered the solution to the issues society confronts today with respect to potential harmful use of advances in the life sciences, nor should they be cast aside and ignored. Despite their limitations, the committee appreciates their value in articulating international norms of behavior and conduct and suggests that these conventions serve as a basis for future international discussions and collaborative efforts to address and respond to the proliferation of biological threats.

The committee also appreciates the potential for codes of conduct or codes of ethics to mitigate the risk that advances in the life sciences might be applied to the development or dissemination of biological weapons. The committee concluded that the primary effect of such codes would be to create an enabling environment that would facilitate the recognition of potentially malevolent behavior (i.e., experiments aimed at purposefully developing potential weapons of biological origin) or potentially inappropriate experiments that might unwittingly promote the creation of a more dangerous infectious agent. The committee also recognized that such codes could generally be expected to achieve their desired effect only when reinforced by a substantial educational effort and appropriate role modeling on the part of scientific leaders. The "informal curriculum" probably drives what students learn and emulate more powerfully than the formal curriculum. Identifying, celebrating, and rewarding senior scientists who through word and deed serve as role models in preventing the malicious application of advances in biotechnology is perhaps the most important element in creating an environment that enables ethical and appropriate behavior.

The committee also envisions the establishment of a decentralized, globally distributed, network of informed and concerned scientists who have the capacity to recognize when knowledge or technology is being used inappropriately or with the intent to cause harm. This network of scientists and the tools they use would be adaptive in the sense that the capacity for surveillance and intervention would evolve along with advances in technology. Such intervention could take the form of informal counseling of an offending scientist when the use of these tools appears unwittingly inappropriate or reporting such activity to national authorities when it appears potentially malevolent in intent. While decentralized and adaptive solutions are potentially limited in effectiveness, they are nonetheless of substantial interest. Their usefulness may be limited to their

ability to engender public opprobrium, but active steps to promote the development of distributed, decentralized networks of scientists will at the least heighten awareness while potentially enhancing surveillance. A good example of such a network is the Program for Monitoring Emerging Diseases, which hosts the ProMED-mail Web site. A similar instrument could be useful in establishing a shared culture of awareness and responsibility among life scientists. Such a distributed reporting and response network would be directed primarily at the community of legitimate scientists, its aggregate aim being to stimulate both creativity in anticipating activity that could be malicious, and vigilance in detecting and reporting such activity.

Recommendation 5

The committee recommends strengthening the public health infrastructure and existing response and recovery capabilities.

The committee recognizes that all of its recommended measures, taken together, provide no guarantee that continuing advances in the life sciences—and the new technologies they spawn—will not be used with the intent to cause harm. No simple or fully effective solutions exist where there is malevolent intent, even in cases where only minimal resources are available to individuals, groups, or states. Thus, its recommendations recognize a critical need to strengthen the public health infrastructure and the nation's existing response and recovery capabilities. In keeping with the focus of this report, the committee urges that the insights and potential benefits gained through advances in the life sciences and related technologies be fully utilized in the development of new public health defenses. Although many of the concepts and suggestions embodied in these recommendations were articulated in the 2002 National Research Council report, *Making the Nation Safer: The Role of Science and Technology in Countering Terrorism* ("Intelligence, Detection, Surveillance, and Diagnosis," Chapter 3, pp. 69-79), they remain as relevant and needed today as they were then.

An effective civil defense program will require a well-coordinated public health response, and this can only occur if there is strong integration of well-funded, well-staffed, and well-educated local, state, and federal public health authorities. Despite substantial efforts since September 11, 2001, few if any experts believe that the United States has achieved even a minimal level of success in accomplishing this goal, which is as important for responses to naturally-emerging threats, such as pandemic influenza, as for a deliberate biological attack. Current efforts to accomplish these aims have been woefully ineffective and have not provided the nation with the infrastructure it needs to deal rapidly, effectively, and

in a clearly coordinated manner when faced with a catastrophic event such as an overwhelming tropical cyclone, a rapidly spreading pandemic, or a large-scale bioterrorism attack. These efforts need to be enhanced and expanded.

Early and specific diagnosis, even prior to the onset of typical signs and symptoms, should be the goal of research and development efforts. While it is reasonable to hope that improved diagnostic tests will be developed as a result of current federal biodefense research efforts, it is not clear that adequate attention, prioritization, or investment have been devoted to this important area or that all of the potentially useful approaches (e.g., comprehensive monitoring of host-associated molecular biological markers) have been adequately explored. There is a similar need for early recognition and diagnosis of animal and plant diseases. Equally important is the development of broadly active vaccines or biological response modifiers capable of providing protection against large classes of agents. To date, well-established companies in the pharmaceutical and vaccine industries have had little financial incentive to develop new vaccines or therapeutics for biological threat agents for which the market is extremely uncertain and dependent ultimately on government procurement decisions. Continued efforts must be taken to address this failure of the market to produce the countermeasures needed.

CONCLUSION

Because its members believe that continuing advances in the life sciences and related technologies are essential to countering the future threat of bioterrorism, the committee's recommendations affirm policies and practices that promote the free and open exchange of information in the life sciences. The committee also affirms the need to adopt a broader perspective on the nature of the threat spectrum and to strengthen the scientific and technical expertise available to the security communities so that they are better equipped to anticipate and manage a diverse array of novel threats. Given the global dispersion of life sciences knowledge and technological expertise, the committee recognizes the international dimensions of these issues and makes recommendations that call for the global community of life scientists to adopt a common culture of awareness and a shared sense of responsibility, including specific actions that would promote such a culture.

It remains unclear how the country's response to a future biological attack will be managed. How will the responses of many different federal departments (e.g., Departments of Homeland Security, Health and Human Services, Justice, and Defense and the myriad agencies within them)

be effectively integrated, and who will control operations and ensure they are adequately interfaced with local and state governments and public health agencies? Although well beyond the scope of the committee's charge, the development of an effective means of integrating the responses by multiple government agencies would provide the nation with perhaps the most necessary of "tools" with which to meet any future challenge.

VERTIC, ‘A new strategy: strengthening the biological weapons regime through modular mechanisms’

Verification Matters no. 6, VERTIC, London, October 2006

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Executive Summary

In December 2004 the Weapons of Mass Destruction Commission (WMDC) published the study, *Enhancing BWC Implementation: A Modular Approach,* which was prepared by the Verification Research, Training and Information Centre (VERTIC). In the study VERTIC identifies a range of mechanisms that could improve the implementation of the 1972 Biological Weapons Convention (BWC).

This new VERTIC study updates the 2004 WMDC study and assesses the possible mandates for, and the responsibilities and requirements of, the modular mechanisms that have been identified to strengthen the biological weapons regime.

VERTIC proposes states parties adopt a modular approach to strengthening the convention. Seven modular mechanisms are proposed:

1. The establishment of a national authority and contact points in each state party for implementation of the convention;
2. The continuation of the BWC staff arrangement under the United Nations Department for Disarmament Affairs (UNDDA) and a modest expansion in its functions and responsibilities;
3. The establishment of convention implementation advisers to co-ordinate advice and assistance to states parties across all articles of the BWC;

4. The creation of a scientific and technical advisers' network (STAN) to consider, review and communicate to states parties practical ways of addressing any issues arising from scientific and technological developments that effect the convention and its implementation;
5. The creation of a legal advisers' network (LAN) to help all states parties to improve their national laws to implement the convention;
6. The creation of a confidence-building measures (CBMs) unit to increase the number of returns from states parties and to improve the quality of the information in the CBMs; and
7. The establishment of a group of experts to consider the issues related to investigations and inspections under the BWC.

VERTIC believes the weaknesses in the implementation of the convention are well known to all states parties. Addressing those weakness, and strengthening implementation of the BWC, is now of critical importance not just to the states parties but to all humanity. States parties are agreed that the use of microbial or other biological agents or toxins in any way and under any circumstances that is not consistent with prophylactic, protective or other peaceful purposes is banned under Article I. Moreover, the treaty states that the use of biological or toxin weapons would be repugnant to the conscience of mankind and that no effort should be spared to minimize this risk (preamble).

As scientific and technological developments expand across a wide range of fields, there is ever greater potential for states, terrorist groups or individuals to abuse peaceful scientific advances for nefarious purposes. These capabilities are spreading globally and at an ever increasing pace. The scope of the convention under its General Purpose Criterion (GPC) in Article I is sufficient to cover all these developments. The convention is not, however, a living organism with its own immune system, able to adapt to new risks and threats. It is a living treaty that requires its states parties to act on its behalf to ensure that prohibitions are maintained and the obligations undertaken are implemented.

VERTIC maintains that a legally binding additional agreement to the BWC is necessary to provide a comprehensive verification, compliance and implementation framework for the convention in the twenty-first century. Reaching such an agreement is not, however, politically feasible at this time. It is now time for everyone to embrace a different course of action in order to strengthen the convention.

States parties cannot afford the luxury of believing they have a few more years to address the threats posed to the convention. Nor can they maintain the pretence of believing that their failure to reach agreement in 2001 on the verification protocol was the fault of a single state party, and can, or will, be rectified when political conditions change. All states parties had a hand in the failure of the verification protocol. Every state party must now commit itself to a new strategy to strengthen the convention and put previous disagreements behind them.

Effective implementation of the convention is required to prevent the use of biological weapons, to prevent any state party from developing, producing or stockpiling such weapons, and to prevent the proliferation of these

weapons to any actor. Implementation of the convention is a national responsibility and every state party should recommit itself to achieving effective implementation of all obligations under the convention in 2006.

The modular mechanisms designed by VERTIC are intended to assist implementation nationally, regionally and internationally. The approach suggested by VERTIC is pragmatic: the proposals in this report each stand alone on their own merits. Of the seven modular mechanisms proposed for adoption, any one of them would strengthen the convention. Each of them can stand alone and make an effective contribution to the efforts of states parties to achieve biological disarmament. Together, they offer synergistic benefits and interconnections that would be of even greater benefit. States parties are therefore encouraged to examine each modular mechanism on its own, but also to look for connections between the proposals. Small connections between them and the acceptance of synergies across the modular mechanisms will reap much larger rewards for implementation of the convention.

National authorities

The BWC is now almost alone in neither having recognized national entities or contact points in states parties, nor possessing any kind of agreed secretariat or implementation support to facilitate states parties in the implementation of the convention. The principal objective of any national authority would be to take responsibility for the implementation of the convention in the state party. Given the dual-use nature of the materials, equipment and technology required for the development of biological weapons, that would include liaison with industry and civil society, as much as with government departments and agencies. The suggested functions of a national authority include:

- promoting the activities required to ensure national compliance;
- ensuring transparency in national implementation;
- liaising with other national authorities and international organizations that work on BW-related issues;
- providing information to assist states parties to comply with all their BWC obligations; and
- providing contact details of individuals or ministries in states parties that can provide technical assistance or advice.

The rationale for a national authority is that it helps states parties to comply with their obligations under the BWC. That is why the 1993 Chemical Weapons Convention (CWC) requires the establishment of a national authority and why under the BWC protocol a similar requirement for a national authority was uncontroversial.

Establishing a network of national authorities would share the burden of any assistance programme and permit national authorities to refer to specific experts on particular subjects. A network of national contact points *de facto* already exists among certain states parties; whether it is through the European Union's BWC e-task force developing thinking among its 25 member states for the Sixth Review Conference, the contacts Australia and Indonesia have developed in the Asia-Pacific region in the course of their regional seminars in 2004 and 2005, or

the contacts between like-minded states, desk officers responsible for the BWC are well known to each other. Developing a central list of these contact points via the website created by BWC staff is simply an exercise in greater transparency.

The national authorities' network will be able to share information, develop and promote good practice, act as a low-key form of consultation and co-operation between states parties, and liaise with other international organizations and bodies. As envisaged in the 2004 report, in the absence of an international verification organization, a national authorities' network will provide much needed mutual support and assistance to states parties. It also requires minimal effort from states parties to develop in 2006 and could be established without taking on additional financial burdens.

BWC staff

The states parties to the BWC rely on the activities of the three Depositary governments—Russia, the UK and the US—and the continued willingness and ability of the United Nations Secretary-General to carry out important activities that support the operation of the convention on their behalf. *Recognizing that certain terms for describing treaty support mechanisms may be misconstrued or have political overtones for some states parties in the BWC context, this report uses the term BWC staff to refer to the current and future (proposed) arrangements to provide institutional support to the convention.* This term is used because it reflects current practice: the BWC staff employed under the rubric of the UNDDA have been in place for at least three years. This arrangement should be continued and expanded by states parties in 2006. Building on the recommendations made by VERTIC in the 2004 WMDC study, the functions of the BWC staff will be administrative and facilitative. Administering and facilitating the decisions of the states parties, however, is insufficient on its own. National *and* international contact points are the prerequisite for more effective implementation of the convention.

Under its administrative role the following functions can be envisaged:

- providing support for all meetings in the BWC framework;
- liaising with and facilitating the work of the Depositaries;
- handling the collection, collation and distribution of CBM declarations;
- following up decisions by states parties made at meetings of states parties;
- maintaining the UN BWC website; and
- implementing other tasks assigned by states parties.

Under its facilitation role the BWC staff might undertake the following functions:

- acting as a contact point for all states parties on BWC issues;
- acting as a contact point for signatory states and other states on BWC issues and, if requested, providing information on accession and ratification issues and liaising with the Depositaries;

- liaising with other intergovernmental organizations and bodies such as the Food and Agriculture Organization (FAO), Interpol, the Office of the UN Secretary-General, the Organisation for the Prohibition of Chemical Weapons (OPCW), the UN 1540 Committee, the UN Counter-Terrorism Committee (UNCTC), the World Health Organization (WHO), the World Organization for Animal Health (OIE), and other appropriate bodies;
- maintaining a website and links to states with useful information;
- facilitating a virtual convention implementation advisers' network to promote the convention and its implementation, including efforts to achieve universality;
- representing the interests of states parties collectively in day-to-day relations with the UN and other bodies; and
- facilitating the provision of simple technical assistance to states that are having difficulty implementing treaty provisions, such as the CBMs, or matching states parties willing to provide assistance with those that require it.

The current arrangement with regard to BWC staff has proved an asset to states parties. The financial cost of existing BWC staff is known and has not been a heavy burden on states parties. Any extra BWC staff established to support the work between the sixth and seventh review conferences could evolve from existing arrangements. This has the advantage of simplicity and, not unimportantly, familiarity for states parties.

Convention implementation advisers

There is a need for a body to co-ordinate the implementation advice and assistance provided to all states parties, to assist them to implement their various treaty obligations, by a range of actors including other states parties and international and regional organizations. Such assistance goes beyond legal assistance on national implementation to include such areas as customs and law enforcement, the safety and security of pathogens, some forms of biodefence (compatible with nonproliferation objectives) and consequence management advice and assistance in the case of a BW attack. There are existing models for discrete teams acting on specific topics in both the OPCW and the International Atomic Energy Agency (IAEA) that offer advice to states parties through various offices and bodies as well as in agreed action plans and through the transmission of information to all states parties. The convention implementation advisers would:

- Co-ordinate offers and requests for assistance across all sections of the BWC, including specific advice on legal, science and technology issues and confidence-building measures through the LAN, STAN and the CBM unit. Possible sub-teams on the destruction of agents and toxins (for acceding states parties), redirection assistance for former weapons scientists, biosecurity issues, preparation and training for consequence management in the event of biological weapons (BW) use, emergency assistance co-ordination, legal issues relating to investigation of biological and toxin weapons use, and peaceful co-operation issues such as bio-safety, Good Manufacturing Practice and Good Laboratory Practice could also be considered, as well as other areas states parties might identify;

- Link activities with other advisers in relevant organizations such as the 1992 Convention on Biological Diversity (CBD), the FAO, Interpol, the OIE, the OPCW, the UN 1540 Committee, the UNCTC, the WHO, and others;
- Address any concerns about terrorism and potential use of biological or toxin weapons by non-state actors through a specific advisory team on issues related to BW terrorism;
- Address all issues of relevance across the convention to promote compliance with all obligations at the operational level; and
- Use the existing BWC staff website to develop specific sections or pages on implementation advice on all aspects of the BWC.

A network of implementation advisers will take time to develop. The network will therefore have to start from small beginnings, develop based on actual requests for information or advice from states parties, and expand once it has proved its worth. The network would be based on advisers from states parties—or those that may be appointed by states parties for specific periods of time or tasks, thus it would be a small, non-permanent and 'virtual' body.

A scientific and technical advisers' network

The rapid developments in the life sciences are well documented. The need to ensure that the scope of the convention is sufficient to cover all scientific developments is also well known. It is one thing for states parties to determine once every five years that the convention is sufficiently comprehensive to cover all developments in the biological and other sciences, and quite another to communicate to states parties how various risks posed by peaceful scientific development should—and must—be addressed in national regulations, administrative undertakings, or new legislation as required.

The scope of the envisaged science and technology advisers' network would not be limited to Article I of the BWC. The STAN could play an important role in communicating scientific and technical issues across a range of articles, including Articles VI and VII with respect to detection technologies and the work of other organizations. It functions would include:

- Reviewing scientific and technical developments of relevance to the convention and all its articles;
- Acting as a forum to bring together scientific and technical advisers from states parties;
- Collating information of relevance to states parties on scientific and technical developments and making it available to all states parties through a science and technology database or other information clearing-house mechanism;
- Reviewing reports or agreements by other organizations on scientific and technological issues and bringing them to the attention of all states parties;
- Facilitating the delivery of advice, information and assistance on how to address scientific developments that may pose a risk to the convention; and

- Bringing together scientific and technical advisers from states parties at international, regional, or other levels to give their views on how scientific and technological developments may pose a risk to or benefit the convention and its states parties.

Membership of the STAN would not be fixed. Nor would the STAN exist solely as a tangible body that convenes a certain number of times between review conferences. As a network, rather than an organization or panel, the STAN offers much greater flexibility. States parties could nominate their scientific and technical advisers, or offer a contact point for such advisers, to the BWC staff in Geneva. Through the existing website of the BWC run from Geneva the STAN could act as a repository for information on scientific issues of relevance to the convention. If a member of the BWC staff was a scientist, that individual could facilitate the work of the STAN. Its members could convene separately on the margins of meetings of states parties or sub-sets of members might meet at the regional level as appropriate.

A legal advisers' network

The obligations under Article IV of the convention are clear: each state party must 'take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere'. In the 2004 WMDC study, VERTIC notes that its previous research on national implementation revealed that many states parties lacked knowledge of their Article IV obligations as well as the necessary resources and expertise to comply with the article.

Offers of assistance were made in 2003 and subsequent years to help achieve the objective that all states parties should have effective national implementation measures in place. States parties, however, will have collectively to move beyond exhortation and limited offers of assistance. This will require states parties to develop a comprehensive database of legislation, regulations, and other measures in each state party in order to identify the baseline of national implementation across the BWC. To achieve this basic element a decision will be required to mandate all states parties to lodge copies of all their relevant national implementation measures in a central repository. VERTIC recommends that states parties establish a legal advisers' network (LAN) to:

- Promote the obligation to adopt appropriate implementation measures for the convention;
- Establish a database of national implementation measures for the BWC among its states parties;
- Review all reported and submitted national implementation measures passed to the LAN and its central contact point;
- Liaise with legal officers in other international organizations working on issues related and relevant to the implementation of the BWC;
- Devise, based on experience of states parties and other available data such as the report to the UN 1540 Committee, minimum requirements for national implementation measures;

- Establish a database of legal advisers in states parties;
- Develop and agree a programme of work to provide assistance to any state party that so requests it, to be completed either bilaterally, regionally, through regional or other organizations, or through collective efforts by states parties;
- Organize meetings, workshops and training programmes to permit each state party to undertake as much of this work as possible at the national level, in accordance with their own constitutional processes; and
- Develop templates of national implementation for consideration by different types of states parties depending on their requirements.

The LAN would not be a panel or fixed organization. Its membership would be determined by states parties. Members of the LAN may organize on a regional basis, with tacit agreement to work with states parties in their own region as a priority. A website would act as a central information point for states parties. Members of the LAN could co-ordinate and discuss their activities at meetings of states parties or on the margins of other meetings of BWC states parties. A meeting of LAN members may be necessary, but the objective should not be to agree on a single model of implementation. Minimum criteria will have to be agreed but, in the light of the politico-legal issues, all states parties will have to do this either at the Review Conference or in a subsequent meeting.

A confidence-building measures unit

In an attempt to alleviate the lack of returns under the CBMs Canada prepared and circulated a guide to help states to complete the CBM forms. Thus far, there has been only a modest increase in the rate of returns. This national effort indicates that inertia in states parties may be a bigger problem than the administrative difficulties of completing the returns.

The functions of the CBM unit would vary in a number of categories: administrative, facilitative, review and assessment. The priority of the CBM unit would be to improve the administration of the existing system. The role of the CBM unit would encompass: ensuring each state party has the CBM forms; confirming receipt of the submitted information from each state party; issuing reminders to states parties that have not submitted a return by the due date; issuing reminders at agreed periods thereafter, for example, every month until December of the calendar year; collating the returns, and distributing them to states parties, including circulation electronically to returning states parties.

Its facilitating role might entail practical assistance with preparing the CBM before submission in order to ensure the correct information is collected for inclusion on the forms. This work would take the training contained in the Canadian guide one step further by facilitating assistance between states parties. To support this the experts in the CBM unit could maintain a website providing information on the CBMs as well as on the

assistance available to support submissions. A further facilitating role would be translation of the CBMs into the six languages of the UN, or at least into one common language for all, before distribution to states parties.

A periodic review function carried out by experts could apprise states parties at each review conference of whether further decisions are necessary. The experts would make recommendations to states parties for adoption. This approach follows past practice—an expert group devised the modalities of the information exchange in 1987 and a small group of experts worked at the Third Review Conference to bring back ideas to the president for consideration by the states parties during the review conference itself.

Achieving any agreement on analysis or assessment functions for the CBM unit will be difficult, but assessment could be developed in a number of ways. States parties could consider the following as part of an assessment process:

- States parties would agree to send their returns electronically or allow BWC staff to convert them into electronic documents, and for them to be entered into a database accessible to states parties. The database of information would only be available to those states parties that had returned a CBM for the previous calendar year;
- States parties would nominate experts to serve on the CBM unit for specified periods of time. All states parties would receive the existing compilation of CBMs in hard copy form. All submitting states parties would receive copies of the information in hard copy and electronic form;
- States parties that have submitted CBMs would be asked to provide a basic analysis of the CBMs, including identified basic and general information;
- The Depositaries, the UNDDA, or the states parties would be requested to contact non-returning states parties and request a return in accordance with their undertakings to the BWC.

A CBM unit established by states parties may also draw on other public sources of information. The principal aim should be to engage states parties in dialogue about discrepancies between previous submissions and current data, anomalies between other publicly available data and that reported under the CBM, or any lack of clarity in the submission. Taken together these measures would enhance the transparency of the CBM process.

A BW investigation and inspection mechanism

The article on investigations is widely viewed as the principal compliance mechanism in the BWC. At the Meeting of Experts in 2004 many states parties voiced their support for updating the United Nations Secretary-General's mechanism for investigating alleged use of biological or toxin weapons. More recently, the adoption of the United Nations Counter-Terrorism strategy noted that member states 'also encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use'. States parties to the BWC should strongly support the efforts of the Secretary-General in this task because they have no recourse to their own

mechanism and the Security Council has never developed usable procedures for action under Article VI of the convention. Updating and strengthening the Secretary-General's mechanism is one method of providing a more effective biological weapons-related investigation procedure in the future. While updating the Secretary-General's mechanism offers some relief to the lack of mechanisms under the BWC, the authority of the Secretary-General does not extend to issues related to producing, developing, or stockpiling biological or toxin weapons. It is in this area where states parties should consider acting and developing guidelines for inspections in the future.

The objective of states parties should be to reach agreement on a detailed, but flexible, consultation procedure for issues related to compliance with the obligations under Articles I and III of the convention. This could be done through the establishment of an expert group or as an identified topic of a future meeting of experts or meeting of states parties. Any meeting should consider:

- Expanding the agreements and additional understandings on the consultative meetings;
- Establishing guidelines for the initiation of consultation procedures;
- Identifying the type of information required to support any stated concern about activities relating to the convention;
- Outlining in greater detail the procedures for convening a Formal Consultative Meeting;
- Agreeing timelines for the conduct of consultations;
- Developing provision for the use of agreed experts and/or the good offices of international organizations to facilitate consultation procedures;
- Drafting the modalities for voluntary on-site assessments of facilities, sites, or laboratories;
- The modalities for making the information available to other states parties or the United Nations Security Council as appropriate;
- The lessons learned from the United Nations Special Commission (UNSCOM), the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), and other appropriate mechanisms; and
- Training and national capacity building for identified experts, including liaison with the FAO, Interpol, the OIE, the OPCW, the WHO and rostered experts under the Secretary-General's mechanism.

The Review Conference and beyond

States parties will need to continue meeting and working in a variety of forums between 2007 and 2011. The review conference in 2006 should be viewed as a 'pit stop' on the continued evolution of the convention. Where further work on effective implementation of the convention is required, states parties should not shy away from acknowledging that reality. Recognizing that work needs to be done is not a sign of the failure of the BWC: it is a recognition of the reality of treaty implementation. In 2006 states parties should:

- Agree to establish national authorities to work with the BWC staff and facilitate contact between states parties;

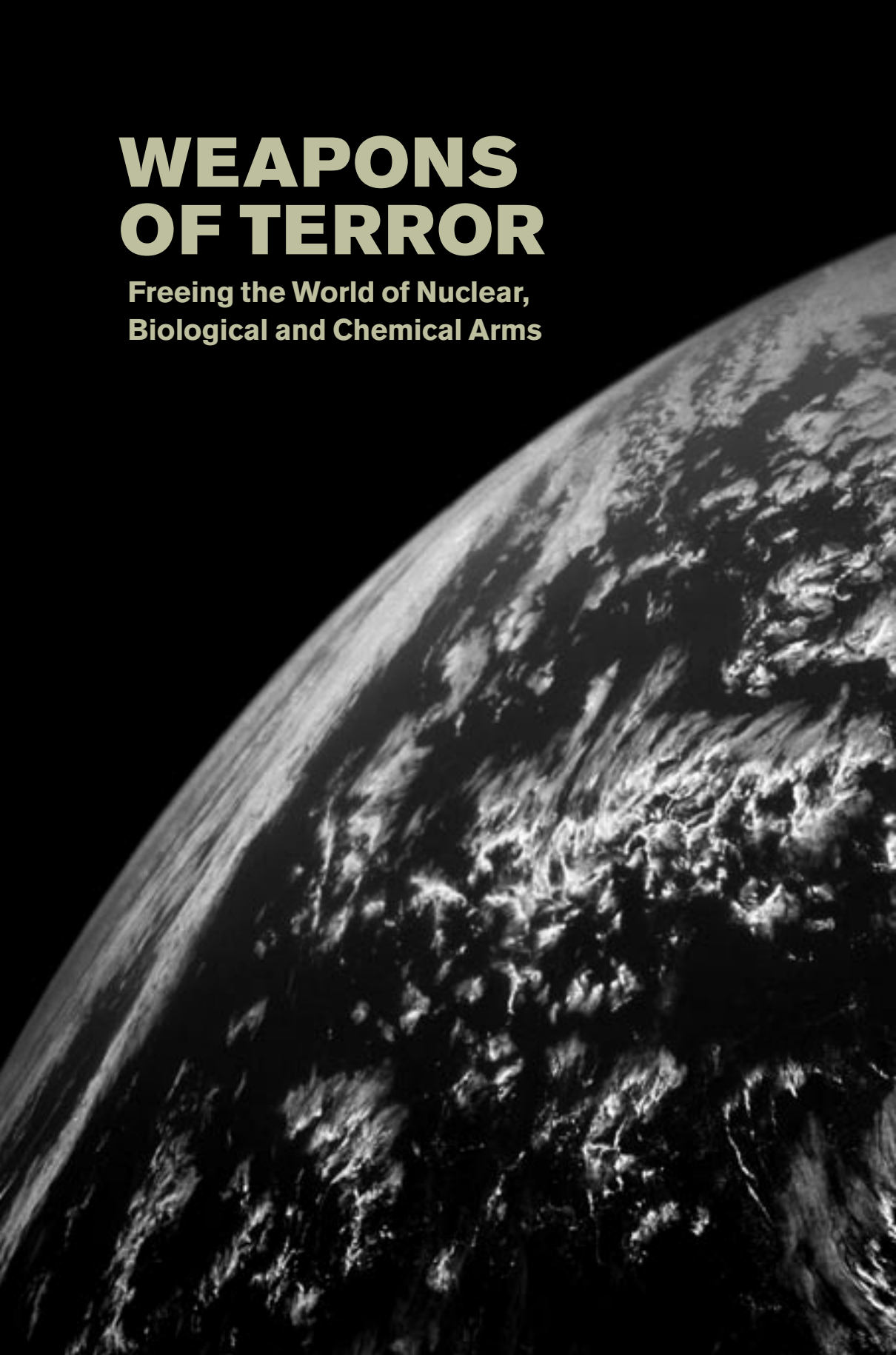
- Establish a budget for the employment of around four or five staff members under the existing BWC staff model;
- Allocate to the BWC staff additional responsibilities to improve the administration of the convention and its meetings, and to facilitate more effective implementation of the decisions of the states parties;
- Promote the existing BWC website with a view to developing the site as a portal for information related to all aspects of the BWC;
- Agree a mandate for the creation of a number of subsidiary networks made up of experts appointed by states parties—for convention implementation advisers, a scientific and technical advisers' network, a legal advisers' network, a CBM unit and an expert group to consider the consultation and co-operation mechanisms under Article V of the convention;
- Develop and agree a further programme of work to enhance implementation of the convention covering the following issues: scientific and technological developments; implementation measures and liaison with the UN 1540 Committee; national implementation measures, including the provision of assistance to states parties, and the development of agreed minimum criteria for national implementing measures; review the CBMs and the creation of the CBM unit; a commitment to support the investigation mechanism of the Secretary-General, and an express commitment to provide the Secretary-General with the contact details of experts required as soon as possible; detailed consideration of the support to be offered to any state party attacked with biological or toxin weapons, or threatened with an attack by such weapons; closer co-operation with the OPCW where appropriate to maximize the achievement of the objective of a total prohibition on the use, development, production and stockpiling of chemical and biological weapons; an express commitment for all states parties to the BWC to ratify or accede to the CWC no later than December 2007; a concerted effort for the withdrawal of all remaining reservations to the 1925 Geneva Protocol; consideration of the ways in which states parties can facilitate the work of the FAO, the OIE and the WHO, particularly in the establishment of an effective and complete global disease surveillance network; development of means to enhance states parties' abilities to meet the standards for laboratory safety and security established by the WHO as well as other relevant guidelines, Good Manufacturing Practice and Good Laboratory Practice; the establishment of an action plan on universality and its implementation between 2007 and 2011, with a view to having no less than 185 states parties to the BWC by 2010; and agree to hold a further review conference no later than 2011.

These proposals may appear ambitious, but they all have their origins either in existing proposals before states parties or similar mechanisms that have been agreed by states parties previously or in comparable agreements.

In 2006 states parties are in a position to put their differences behind them and develop a new strategy to enhance the implementation of the convention.

WEAPONS OF TERROR

Freeing the World of Nuclear, Biological and Chemical Arms



CHAPTER 4

Biological and toxin weapons

Biological warfare and bioterrorism involve the deliberate cause or spread of disease by biological agents, used as a weapon. Such weapons have the potential to cause immense human harm, panic and societal disruption. Although governments have long understood that eliminating the threats posed by these weapons will require extensive international cooperation, the need for such cooperation is more urgent today than ever.

This urgency arises from several converging developments. One concerns the rapid evolution in the life sciences, with possibly unforeseen, dangerous consequences. Another is that the 1972 Biological and Toxin Weapons Convention lacks a capacity for monitoring and verification, implementation and enforcement. An additional problem is that many governments have not adopted or fully implemented national legislation and other instruments to ensure fulfilment of their obligations. Yet another concern arises from the possible misuse or negative impact of biodefence programmes, such as their potential to provide cover for the illegal development or maintenance of biological weapons-related expertise. Furthermore, there is a heightened fear of the impact of terrorist actions, coupled with profound concern that modern economies may be particularly vulnerable to disruption from the deliberate spread of disease.

The Commission recognizes that strengthening the prohibition embodied in the BTWC is a necessary, but not sufficient, requirement for dealing with these intractable, interrelated problems.

In view also of the potentially rising threat posed by the acquisition and use by terrorists of these weapons, there is a growing need for the public to be better informed. People need to be aware not only of the risks, but also about what to do in an emergency. This will require striking a delicate balance between the public's legitimate right to know and the duty to minimize the risk of causing collective disruption or panic.

One problem is that most biological agents that have the potential to be used as weapons also exist in nature. Thus it may be difficult in the early stages

BOX 16

Biological weapons can be subdivided in several ways. One way is to consider the *type of agent* that causes disease, such as bacteria, viruses or toxins. Another is to look at the *types of effects*, such as a disease that can be transmitted between humans (contagious) or only affects those directly exposed to the biological agent. A third way is to look at *symptoms* – for example, some diseases might normally lead to death while others might incapacitate their victims or lead to changes in behaviour.

of an outbreak to determine whether a disease has been deliberately induced or has occurred naturally. While the immediate priority following the outbreak of disease will be to respond quickly to mitigate its effects, both governments and the public need to know whether this is a natural occurrence or a man-made one for which the perpetrators must be found.

In the 21st century, the ever-expanding global transport of goods and livestock, and the growth in international travel, mean that an outbreak of a highly contagious disease in one place could quickly spread around the world. Inevitably, scientific advancements in biotechnology and the wide spread of facilities capable of producing biological agents make it exceedingly difficult to pinpoint potential biological threats.

PROHIBITION OF BIOLOGICAL WEAPONS

The use of poisonous substances as weapons of war was prohibited before World War I. Nevertheless, poisonous gas was used extensively in that war. This caused such abhorrence that the international community decided to prohibit the use of both chemical and biological weapons in war. The Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare (the Geneva Protocol) was signed in 1925 and entered into force in 1928 (see Box 17). The Protocol bans the use – but not the production, stockpiling or deployment – of such weapons.

Many states reserved the right to retaliate in kind if attacked with the prohibited weapons. Although the norm held for most of World War II, biological weapons were used by the Japanese military in attacks and experiments conducted against wartime opponents. During the war, other states also conducted biological warfare research. After World War II, a number of biological warfare research programmes were undertaken, the largest of which

BOX 17

THE GENEVA PROTOCOL

Protocol for the Prohibition of the Use in War of Asphyxiating Gas, and of Bacteriological Methods of Warfare

Signed on 17 June 1925 and entered into force on 8 February 1928

- Prohibits the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices
- Prohibits the use of bacteriological methods of warfare
- Commits the parties to exert every effort to induce other States to accede

The prohibitions 'shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations'.

were conducted by the Soviet Union and the United States – the diseases that were made to be used as weapons included anthrax, smallpox, plague and tularaemia.

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC) was signed in 1972 and entered into force in 1975. The BTWC bans the development, production, stockpiling and acquisition of biological and toxin weapons and requires the destruction or conversion of such weapons or delivery means. The Convention embodies the principle known as the general purpose criterion under which all relevant activities are prohibited unless they can be justified for the peaceful purposes permitted under the Convention, including justifications relating to types and quantities of materials being used for prophylactic, protective or other peaceful purposes.

The BTWC (as of April 2006) has 155 parties – fewer than either the NPT or the CWC. A further 16 states have signed but not ratified the Convention, while more than 20 states have neither signed nor ratified it (see Box 18). In order for the overall regime to be strengthened the parties need to promote universal adherence to the Convention.

The BTWC has no provision for the formal monitoring or verification of compliance or implementation. Unlike the CWC, there is no central institution or verification regime for the BTWC.

Widespread concern about how confidence in compliance with the BTWC could be enhanced led the BTWC parties to convene in 1991 an Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint (VEREX). The final report of VEREX, with recommendations, was presented to a Special Conference of

BTWC states parties in 1994. This conference agreed to develop a legally binding instrument to strengthen the effectiveness and improve the implementation of the BTWC.

Negotiations on a verification protocol began in 1995 and continued through 2001, when they were brought to a sudden halt by the withdrawal of the support of the United States. The 2001 Review Conference had to be suspended. By the time it reconvened in 2002 it was clear that the draft verification protocol, at least as negotiated, would go no further without support from the US. The Review Conference was able only to adopt a decision to hold annual expert and political meetings of states parties until the end of 2006, when the Sixth Review Conference is to be held.

As mentioned above, a significant development was the adoption in 2004 by the UN Security Council of Resolution 1540, which is binding on all UN member states. It reaffirms the need for all states to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction. The resolution requires all states to 'adopt and enforce appropriate effective laws which prohibit any non-state actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons or their means of delivery' and to 'enforce effective measures to establish domestic controls' to prevent their proliferation. This in effect enhances Article IV of the BTWC, which calls on states parties to prohibit the acquisition of biological weapons by any person under their jurisdiction or control.

PROSPECTS FOR THE FUTURE

Strengthening the role of the Convention

The biological threat poses multifaceted challenges and requires multifaceted solutions. So far, however, there is scant agreement on how to move forward. Some states have abandoned any hope of strengthening international confidence in compliance. Some are still seeking to revive the idea of the verification protocol. Others now want to move on and build bridges between collective, treaty-based mechanisms and other approaches.

In the Commission's view, efforts to achieve some level of multilaterally agreed principles and powers should be pursued, although the complexities of the challenge make it necessary to counter biological-weapon threats from a variety of angles. The international community should focus simultaneously

on the following types of activity, all of which contribute to the overall regime for control of the hostile uses of the life sciences.

- strengthening and effective enforcement of international agreements, including monitoring and reporting
- increasing public health awareness combined with enhanced health and safety regulations, measures and resources
- controls on transfers of material and equipment
- norm building among all those engaged in the life sciences and in society as a whole
- public information
- counter-terrorism intelligence and tools.

Although a number of different solutions have been proposed, states have failed to address the complete range of possibilities in the context of the current series of annual meetings of the BTWC states parties. Some of the solutions that have been proposed are for strengthening the UN's verification capacities, either directly associated with the BTWC or as part of an effort to build on the lessons and institutional capabilities of UNMOVIC. Others focus on developing codes of conduct, ethics and accounting for scientific and medical activities, strengthening the capability of health systems to discover and treat the spread of disease, as well as increasing worldwide awareness of the dangers of biological attack by means of a public information campaign.

A multifaceted approach is required – one that strengthens the multilateral normative and legal prohibition regime, while linking it with other kinds of governmental and non-governmental, national and international measures. The nuclear and chemical industries cooperate actively with governments and have found this to be in their interest. Bioindustry can and should do likewise. It has much to gain in credibility and respectability by cooperating in preventing abuse of biotechnology, as the nuclear and chemical industries have in their respective fields. However, a key to progress worldwide would be for the US to commit itself actively to international approaches and instruments.

Despite its shortcomings – the lack of verification arrangements and permanent institutional support – the BTWC remains the only multilateral treaty with a broad consensus that provides an international standard by which biological activities can be judged.

The last full review of the operation of the BTWC was in 1991. In view of developments since then, the parties need to carry out a full review during the 2006 Review Conference. It is crucially important for the BTWC states par-

BOX 18

NON-PARTIES TO THE BTWC

States that have signed but not yet ratified:
Burundi, Central African Republic, Cote d'Ivoire, Egypt, Gabon, Guyana, Haiti, Liberia, Madagascar, Malawi, Myanmar, Nepal, Somalia, Syria, United Arab Emirates, Tanzania

Non-signatory states:
Andorra, Angola, Cameroon, Chad, Comoros, Cook Island, Djibouti, Eritrea, Guinea, Israel, Kazakhstan, Kiribati, Marshall Islands, Mauritius, Micronesia, Mozambique, Namibia, Nauru, Niue, Samoa, Trinidad and Tobago, Tuvalu, Zambia

ties to use the Sixth Review Conference, to be held in late 2006, to reassert the Convention's role as the central component of the overall regime and agree on concrete measures to implement it. The Commission's recommendations aim at making maximum use of this opportunity.

WMDC RECOMMENDATION

31 **All states not yet party to the Biological and Toxin Weapons Convention should adhere to the Convention. The states parties to the Convention should launch a campaign to achieve universal adherence by the time of the Seventh Review Conference, to be held in 2011.**

National implementation

There is a need to enhance national BTWC implementation, including the development of national legislation and enforcement procedures. Security Council Resolution 1540 requires that all states shall 'adopt and enforce appropriate effective laws which prohibit any non-state actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons or their means of delivery' and 'enforce effective measures to establish domestic controls' to prevent their proliferation.

The effectiveness of the prohibitions of the BTWC depends on the full national implementation of the Convention through national legislation and regulations. Given the uneven level of activity and expertise among the BTWC states parties, interested governments should promote a network of designated national authorities or functional focal points. Such a network

could coordinate implementation support and assistance. It could promote best-practice models for national legislation and training in the range of activities needed to ensure national compliance; it could share information to assist parties to comply with all their BTWC obligations; and it could serve as a clearing-house for technical assistance and advice.

Confidence-building measures (CBMs) can play an important role. The second BTWC Review Conference, held in 1986, agreed that parties should make annual declarations on various biological weapon-related matters in an effort to increase transparency and build confidence. These were revised and expanded in 1991, at the third Review Conference. However, participation in the CBMs has never been high and has been declining. The annual declarations are collated by the UN Department for Disarmament Affairs and distributed only to parties. (They can be made in national languages, and are not even translated.) So far, only three countries – Australia, the UK and the US – have made their declarations public. Given that the data are not publicly reviewed, little political attention is paid to them and states therefore have little incentive to report.

While CBMs increase transparency, they can in no sense be described as measures for monitoring or verification. However, they offer a way for states on their own initiative to promote and demonstrate effective implementation of the BTWC, thus adding to the impetus for multilateral verification. BTWC parties that wish to indicate their support for a multilateral verification system for the Convention could use the CBMs to demonstrate their commitment to reporting publicly the record of BTWC-relevant activities under their jurisdiction.

WMDC RECOMMENDATION

32 **To achieve universal adoption of national legislation and regulations to implement the Biological and Toxin Weapons Convention completely and effectively, the states parties should offer technical assistance and promote best-practice models of such legislation. As a part of the confidence-building process and to promote transparency and harmonization, all states parties should make annual biological-weapon-related national declarations and make them public.**

Institutional deficit

The BTWC has no standing institution to monitor and oversee compliance and implementation. Nor is any related monitoring institution able to perform the functions that the OPCW carries out for the CWC or that the IAEA performs for the NPT. Over the years there have been various attempts to address this institutional deficit. In addition to the formal negotiations in the 1990s for a BTWC protocol, these include: the use of the compliance consultation mechanism agreed by the 1996 Review Conference (and used to address a 1997 allegation by Cuba against the United States); the UN Secretary-General's mechanism to investigate allegations of breaches of the 1925 Geneva Protocol; confidence-building measures; and voluntary verification arrangements, most notably the short-lived US–UK–Russia trilateral initiative to investigate allegations about Soviet breaches of the BTWC.

WMDC RECOMMENDATION

33 **States parties to the Biological and Toxin Weapons Convention should enhance the investigatory powers of the UN Secretary-General, ensuring that the Secretary-General's office can rely upon a regularly up-dated roster of experts and advice from the World Health Organization and a specialist unit, modelled on the United Nations Monitoring, Verification and Inspection Commission, to assist in investigating unusual outbreaks of disease and allegations of the use of biological weapons.**

WMDC RECOMMENDATION

34 **States parties to the Biological and Toxin Weapons Convention should establish a standing secretariat to handle organizational and administrative matters related to the treaty, such as Review Conferences and expert meetings.**

Implementation of the Convention

States parties should also agree to consider ways and means to strengthen the effectiveness and improve the implementation of the BTWC by adopting a substantive programme of work for the five years following the 2006 Review Conference, starting with regular annual meetings from 2007. It is time for all states parties to make a fresh start and not be distracted by previous disagreements.

As noted above, nowadays the transport of goods and relative ease of international travel mean that an outbreak of a transmissible disease in one place could spread quickly throughout the world. Inevitably, scientific advancements in biotechnology and the widespread availability of facilities capable of producing biological agents make it more difficult to prevent the development of biological weapons and complicate efforts to ensure their non-production and the elimination of stocks.

The effects of biological weapons can be limited by putting in place measures for early discovery and for alerting the public quickly and effectively. In addition to the work of upgrading national and international public health systems, there needs to be a more effective system to enable containment or quarantine to be put into effect. Such practices made a difference in containing the SARS outbreak in 2003, but they need to be better coordinated internationally. More can also be done to exchange information and equip local health services with better training and resources, including vaccinations or other prophylactic measures.

At the same time, it must be recognized that, since biological weapons can be disseminated by means of air, food or water and it is not possible to predict where, when and with what a bioterrorist might strike, full protection is not possible to achieve. The point is to be as well prepared as possible. This calls for cooperation between civilian health and security-oriented authorities, nationally, regionally and worldwide. Such preparations will increase the chances of saving lives and limiting the effects of an attack, but enhanced education and health resources will be intrinsically valuable for individual countries and civil society. Raising public awareness will also help enhance the stigma attached to biological weapons, especially to their use by states.

Better preparedness may avert or reduce the effects of terrorist attacks. Therefore, there is a need to establish clear international standards for, and to jointly implement, the approaches that are particularly relevant for dealing with non-state (i.e. terrorist) menaces – better identification, consolidating and guarding of dangerous biomaterials, facilities and knowledge, plus urgent international cooperation to destroy left-over and unwanted stocks, coupled with better controls on the export and transit of related objects. (On these issues see also Chapter 7 of this report.)

In addition, all states should implement fully the new International Health Regulations that were adopted by the World Health Organization in May 2005; they comprise legally binding provisions for member states on sharing epidemiological information about health emergencies that could have international ramifications.

WMDC RECOMMENDATION

35 **Governments should pursue public health surveillance to ensure effective monitoring of unusual outbreaks of disease and develop practical methods of coordinating international responses to any major event that might involve bioweapons. They should strengthen cooperation between civilian health and security-oriented authorities, nationally, regionally and worldwide, including in the framework of the new International Health Regulations of the World Health Organization. Governments should also review their national biosafety and biosecurity measures to protect health and the environment from the release of biological and toxin materials. They should harmonize national biosecurity standards.**

Life sciences and the role of scientists

Devising measures to strengthen individual responsibility in scientific research involves a delicate balance between the legitimate quest for new knowledge, especially in fields where advances can greatly enhance medical and other kinds of peaceful developments, and the dangers to society inherent in certain kinds of work.

Some projects of the Cooperative Threat Reduction programme have been directed towards retraining weapon scientists and, where possible, finding ways for their skills to be used in the service of non-proliferation and security.

In addition to transfer or export controls and supply-side restrictions on some activities or materials, which may also be necessary, there is a need for all countries and competent institutions to provide bioweapon awareness training for biologists and biotechnologists working in the public and private sectors. Specifically, two kinds of normative approach should be actively considered, separately or combined – a code of ethics and a code of conduct (this matter is currently examined in separate processes in the United Nations Educational, Scientific and Cultural Organization, UNESCO, and the International Committee of the Red Cross, ICRC). A code of ethics may be thought of as a short, generic, scientific Hippocratic oath whereby those engaged in the life sciences (on entry to higher-education science courses or on graduating) pledge to use science only for the benefit of humanity. Codes of conduct or codes of practice, in contrast, are envisaged more as a professional guide to good practice that would be part of science education from secondary

school to university and professional training, to raise awareness of the moral issues as well as instilling good practices for maintaining the security of materials, facilities and sensitive technologies. (On these issues see also Chapter 7 of this report.)

In 2003, the focus of the inter-sessional BTWC meetings was on the adoption of national implementation measures, including the enactment of penal legislation, and on the establishment and effective implementation of national mechanisms to maintain the security and oversight of pathogenic organisms and toxins. The 2004 meetings focused on enhancing international capabilities for responding to, investigating and mitigating suspected or actual BTWC threats or attacks. They also emphasized the need to strengthen and broaden national and international institutional efforts and mechanisms for surveillance, detection, diagnosis and the combating of infectious diseases that affect humans, animals or plants. They emphasized the importance of early detection and immediate and effective response, and they encouraged further cooperation between national institutions and emergency services and international organizations, such as the World Health Organization (WHO), the World Organisation for Animal Health (OIE) and the UN Food and Agriculture Organization (FAO). The 2005 meetings discussed the content, promulgation and adoption of codes of conduct for scientists.

The Sixth Review Conference, to be held later this year, is to assess the result of this work programme and decide on further action.

Potential problems may emanate from rapid developments in the life sciences, including new understandings of genes and proteins that could eventually outpace national and international efforts to prevent, control or manage the hostile uses of biology. In recent years, materials and technologies have become accessible to many more researchers and technicians through the pharmaceutical and biotechnology industries. In addition, there is the possibility that terrorists could recruit highly skilled scientists. This assessment has to be qualified, however: while it could be within the reach of a group of skilled biologists to concoct a lethal biological agent, it requires a different set of skills, expertise and equipment to weaponize it and to target and deliver it over a large population. There is little evidence that terrorist groups presently are capable of doing this.

WMDC RECOMMENDATION

36 **At the Sixth Review Conference, in 2006, the states parties to the Biological and Toxin Weapons Convention should reaffirm common understandings reached at previous review conferences and take action on all subjects addressed at Convention meetings since 2003. They should also establish a work programme on additional topics for future meetings. States parties should ensure more frequent reassessment of the implications of scientific and technological developments and reaffirm that all undertakings under Article I of the Biological and Toxin Weapons Convention apply to such developments. This Review Conference should reaffirm that all developments in the life sciences fall within the scope of the Convention and that all developments in the life sciences for hostile purposes are prohibited by the Convention.**

8. Further Reading

8. Further Reading

Listed below are some selected books and articles that may be of interest to those seeking more detailed background and contextual information on the information and documents included in this Briefing Book. Also useful are the BWC website of the UN Department for Disarmament Affairs at www.unog.ch/bwc and the archive of BWC documents at www.opbw.org Alongside the individual titles noted below, readers can also refer to the periodic reports in the annual *SIPRI Yearbook* and *Verification Yearbook*. In addition, *The CBW Conventions Bulletin* publishes reports of BWC meetings in its quarterly issues. A valuable source of information and analysis is provided in the various papers published by the Department of Peace Studies at the University of Bradford. Likewise much useful information and analysis is published by the BioWeapons Prevention Project which is responsible for the *BioWeapons Report* and the *BioWeapons Monitor*. These sources can be found on the internet at the following addresses:

BioWeapons Prevention Project
www.bwpp.org

The CBW Conventions Bulletin
www.sussex.ac.uk/Units/spru/hsp/pdfbulletin.html

Department of Peace Studies
www.brad.ac.uk/acad/sbtwc/

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Briefing Book

This Briefing Book is intended to aid delegates to the Sixth Review Conference of the 1972 Biological Weapons Convention (BWC) and thus contribute to a constructive and successful outcome. The conference will be held 20 November–8 December 2006 in Geneva, Switzerland.

This book contains official documents and other texts relating to the biological weapons regime, including:

- official BWC documents (such as the Final Documents from the previous five Review Conferences);
- documents from the United Nations, other international organisations and regional organisations;
- documents from informal instruments and arrangements; and
- supporting material from various non-governmental organisations (NGOs).

It will also be a useful resource for researchers, non-governmental organisations, journalists and others in civil society with an interest in the biological weapons regime embodied in the BWC.

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