

2. Related CBW Treaties

The existing CBW governance regime is made up of many elements but three multilateral treaties – the 1925 Geneva Protocol, the 1972 Biological Weapons Convention and the 1993 Chemical Weapons Convention – act as the bedrock and the normative heart around which all other elements are built. One other multilateral treaty is important, the 1977 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (the ENMOD Convention), because of its particular provisions prohibiting warfare with herbicides.

This section includes the text of the Geneva Protocol, the BWC and the ENMOD Convention and lists the States Parties, the Signatory States that have not yet ratified and the non-Signatory States to each of these agreements. The CWC is too long to be included here in full, but it is available in hard copy from the OPCW Technical Secretariat or electronically at: http://www.opcw.org/html/db/cwc/eng/cwc_menu.html. Copies of the CWC text in all official languages will also be added as additional material in the electronic versions of the *Resource Guide*.

Readers interested in aspects of control of dual-use chemicals may also wish to examine the treaties relating to the misuse of drugs. There are parallels between the regime to control narcotics and those designed to control chemical weapons -- both are based on control of materials that can have legitimate purposes. Copies of relevant treaties can be found at <http://www.unodc.org/unodc/en/treaties/>.

2.1 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 opening for signature: 17 June 1925

Date of entry into force: 8 February 1928

Depositary: Government of France

States Parties: 138

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 into 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'. A list of High Contracting Parties to the Geneva Protocol and a list of those countries retaining reservations is provided in this section of the *Resource Guide*.

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, are provided in the UN Documents section of the *Resource Guide*.

The Geneva Protocol currently has 138 High Contracting Parties. 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:

M. Aurélien Lepine-Kouas
Ministère des Affaires Etrangères
Sous-Direction du Désarmement chimique, biologique et de la maîtrise des armements classiques
37 Quai d'Orsay
75700 Paris 07 SP
France

E-mail: Aurelien.LEPINE-KOUAS@diplomatie.gouv.fr
Phone: +33 1 43 17 43 09
Fax: +33 1 43 17 49 52

2.2. 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: 167

Signatory States: 12

The 1972 Biological and Toxin 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 (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 and an attempt was made during the 1990s to negotiate a protocol to strengthen the BWC, although this ultimately failed in 2001.

As of January 2013 the BWC has 167 States Parties and 12 signatories with 17 states which have neither signed nor ratified the Convention. 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.

Legal Department
Ministry of Foreign Affairs of Russia
32/34 Smolenskaya-Sennaya Square
Moscow 121 200
Russian Federation

Russia

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.

1 Treaty Section
(Legal Advisers)
Room G62
Old Admiralty Building
Foreign and Commonwealth Office
London SW1A 2PA
United Kingdom

**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 Depository”

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

**United
States**

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 Depository Officer at the Treaty Office on the phone number above to schedule an appointment for hand-delivery of the instrument.

2.3 1977 ENMOD Convention

Full name: Convention on the prohibition of military or any other hostile use of environmental modification techniques

Date of adoption: 10 December 1976

Date of opening for signature: 18 to 31 May 1977

Date of entry into force: 5 October 1978

Depository: Secretary General of the United Nations

States Parties: 76

Signatory States: 48

The 1977 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques prohibits using the environment as a weapon in conflicts. Under Article I, States Parties commit not to engage in military or any other hostile use of environmental modification techniques having ‘widespread, long-lasting or severe effects’ as the means of destruction, damage or injury to any other State Party. Also, States Parties undertake not to assist, encourage or induce any State, group of States or

international organization to engage in such activities. The terms ‘widespread’, ‘long-lasting’ and ‘severe’ were defined in an annex to the 1976 report of the Conference of the Committee on Disarmament (CCD) to the UN General Assembly, not as an integral part of the Convention, but as an interpretative text applicable to, for example, the use of chemical herbicides. This defined ‘widespread’ as encompassing an area of several hundred square kilometres; ‘long-lasting’ as a period of months or a season, and ‘severe’ as involving serious or significant disruption or harm to human life, natural and economic resources or other assets.

Prior to the negotiation of the ENMOD Convention, the massive US use of herbicides in Southeast Asia had become an issue of global controversy. This is partly why the prohibitions set forth in the BWC apply not only to anti-animal agents but also to anti-plant ones. US attempts at environmental modification prompted opposition from some members of the US Congress. After investigation confirmed the cloud seeding attempts of Operation Popeye in 1973, the US Senate passed a resolution urging President Nixon to initiate negotiations leading to a multilateral treaty. After a year of bilateral negotiations, in 1975 the Soviet Union and the United States submitted separate but identical texts of a draft convention to the UN. The draft was then finalized in the CCD and adopted by the UN General Assembly on 10 December 1976. Opened for signature on 18 May 1977, the ENMOD Convention entered into force when Laos, the twentieth State Party, deposited its instrument of ratification on 5 October 1978. States Parties to the Convention have met only twice to review its operation, in 1984 and 1992. The Second ENMOD Review Conference confirmed that the use of herbicides as an environmental modification technique is a violation of the Convention if such use upsets the ecological balance of a region. Similarly, the preamble to the CWC recognizes ‘the prohibition, embodied in the pertinent agreements and relevant principles of international law, of the use of herbicides as a method of warfare’.

The UN Secretary-General is depositary of the ENMOD Convention. States wishing to ratify or accede to the treaty should send their instrument of ratification/accession to:

Treaty Section
Office of Legal Affairs
United Nations
New York, NY 10017
USA

E-mail: treaty@un.org
Phone: ++ 1 212 963 5047
Fax: ++ 1 212 963 3693

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.

Protocole concernant la prohibition d'emploi à la guerre de gaz asphyxiants, toxiques ou similaires et de moyens bactériologiques, fait à Genève le 17 juin 1925

Date d'adoption : 17.06.1925

Conditions d'entrée en vigueur : Le jour du dépôt de chaque instrument de ratification.; Pour les adhésions, effet le jour de la notification par le gouvernement français.

Date d'entrée en vigueur générale : 08.02.1928

Pays	Date de signature	Instrument	Date Instrument	Date de dépôt
France	17.06.1925	RATIFICATION	09.05.1926	10.05.1926
Afghanistan	*****	ADHESION	25.03.1986	09.12.1986
Afrique du Sud	*****	ADHESION	24.05.1930	24.05.1930
Albanie	*****	ADHESION	20.07.1989	12.12.1989
Algérie	*****	ADHESION	08.01.1992	14.01.1992
Allemagne Fédérale	17.06.1925	RATIFICATION	13.04.1929	25.04.1929
Angola	*****	ADHESION	02.03.1990	30.10.1990
Antigua et Barbuda	*****	SUCCESSION	27.04.1988	01.02.1989
Arabie Saoudite	*****	ADHESION	10.01.1971	25.01.1971
Argentine	*****	ADHESION	16.04.1969	08.05.1969
Australie	*****	ADHESION	22.01.1930	24.05.1930
Autriche	17.06.1925	RATIFICATION	21.10.1927	09.05.1928
Bahreïn	*****	ADHESION	20.10.1988	09.12.1988
Bangladesh	*****	ADHESION	06.01.1989	09.01.1989
Barbade	*****	SUCCESSION	22.06.1976	16.07.1976
Belgique	17.06.1925	RATIFICATION	08.11.1928	04.12.1928
Bénin	*****	ADHESION	25.04.1986	09.12.1986
Bhoutan	*****	ADHESION	27.04.1978	12.06.1978
Bolivie	*****	ADHESION	08.11.1984	14.01.1985
Brésil	17.06.1925	RATIFICATION	28.07.1970	28.08.1970
Bulgarie	17.06.1925	RATIFICATION	12.02.1933	07.03.1934
Burkina Faso	*****	RATIFICATION	31.12.1970	03.03.1971
Cambodge	*****	ADHESION	28.01.1983	15.03.1983
Cameroun	*****	ADHESION	28.02.1989	20.07.1989
Canada	17.06.1925	RATIFICATION	03.07.1929	06.05.1930
Cap-Vert	*****	ADHESION	27.04.1991	20.05.1991
Centrafrique	*****	ADHESION	12.06.1970	30.07.1970
Chili	17.06.1925	RATIFICATION	02.02.1935	02.07.1935
Chine	*****	SUCCESSION	13.07.1952	13.07.1952
Chypre	*****	SUCCESSION	21.11.1966	12.12.1966
Corée du Nord	*****	ADHESION	08.12.1988	22.12.1988
Corée du Sud	*****	ADHESION	26.12.1988	29.12.1988
Costa-Rica	*****	ADHESION	17.03.2009	13.02.2009
Côte d'Ivoire	*****	ADHESION	01.06.1970	21.07.1970
Croatie	*****	ACCEPTATION	16.08.2006	18.12.2006
Cuba	*****	ADHESION	11.08.1965	24.05.1966
Danemark	17.06.1925	RATIFICATION	21.02.1930	05.05.1930
Egypte	17.06.1925	RATIFICATION	24.10.1928	06.12.1928
Equateur	*****	ADHESION	05.08.1970	10.09.1970
Espagne	17.06.1925	RATIFICATION	15.07.1929	22.08.1929
Estonie	17.06.1925	RATIFICATION	17.07.1931	28.08.1931
Etats-Unis	17.06.1925	RATIFICATION	22.01.1975	10.04.1975
Ethiopie	17.06.1925	RATIFICATION	07.10.1935	07.10.1935
Fidji	*****	SUCCESSION	26.01.1973	21.03.1973
Finlande	17.06.1925	RATIFICATION	31.05.1929	26.06.1929
Gambie	*****	SUCCESSION	11.10.1966	05.11.1966
Ghana	*****	ADHESION	12.04.1967	02.05.1967
Grèce	17.06.1925	RATIFICATION	07.05.1931	30.05.1931
Ile de la Grenade	*****	SUCCESSION	03.01.1989	03.01.1989

Guatemala	*****	ADHESION	02.05.1983	03.05.1983
Guinée Equatoriale	*****	ADHESION	19.07.1988	16.05.1989
Guinée-Bissao	*****	ADHESION	04.01.1989	20.05.1989
Hongrie	*****	ADHESION	27.08.1952	11.10.1952
Inde	17.06.1925	RATIFICATION	13.06.1929	09.04.1930
Indonésie	*****	SUCCESSION	13.01.1971	21.01.1971
Irak	*****	ADHESION	07.04.1931	08.09.1931
Iran	*****	ADHESION	04.07.1929	15.08.1929
Irlande	*****	ADHESION	18.08.1930	19.08.1930
Islande	*****	ADHESION	16.10.1966	19.12.1966
Israël	*****	ADHESION	22.01.1969	10.02.1969
Italie	17.06.1925	RATIFICATION	01.03.1928	03.04.1928
Jamaïque	*****	SUCCESSION	25.06.1970	28.07.1970
Japon	17.06.1925	RATIFICATION	19.05.1970	21.05.1970
Jordanie	*****	ADHESION	10.10.1976	20.01.1977
Kenya	*****	ADHESION	04.06.1970	17.06.1970
Koweït	*****	ADHESION	03.01.1971	02.12.1971
Laos	*****	ADHESION	22.12.1988	16.01.1989
Lesotho	*****	SUCCESSION	10.02.1972	10.03.1972
Lettonie	17.06.1925	RATIFICATION	11.02.1931	03.06.1931
Liban	*****	ADHESION	03.03.1969	15.04.1969
Libéria	*****	ADHESION	02.04.1927	17.06.1927
Libye	*****	ADHESION	17.10.1971	21.12.1971
Liechtenstein	*****	ADHESION	22.04.1991	16.05.1991
Lituanie	17.06.1925	RATIFICATION	22.12.1932	15.06.1933
Luxembourg	17.06.1925	RATIFICATION	15.07.1936	01.09.1936
Madagascar	*****	ADHESION	01.06.1967	21.06.1967
Malaisie	*****	ADHESION	16.11.1970	07.12.1970
Malawi	*****	ADHESION	14.08.1970	04.09.1970
Iles Maldives	*****	SUCCESSION	19.12.1966	27.12.1966
Malte	*****	SUCCESSION	25.09.1970	09.10.1970
Maroc	*****	ADHESION	27.07.1970	07.10.1970
Ile Maurice	*****	SUCCESSION	27.11.1970	23.12.1970
Mexique	*****	ADHESION	15.03.1932	16.03.1932
Monaco	*****	ADHESION	25.10.1966	15.12.1966
Mongolie	*****	ADHESION	18.11.1968	*****
Népal	*****	ADHESION	12.03.1969	07.05.1969
Nicaragua	17.06.1925	RATIFICATION	07.09.1990	05.10.1990
Niger	*****	SUCCESSION	18.03.1967	05.04.1967
Nigéria	*****	ADHESION	23.09.1968	09.10.1968
Norvège	17.06.1925	RATIFICATION	27.05.1932	27.07.1932
Nouvelle Zélande	*****	ADHESION	22.01.1930	24.05.1930
Ouganda	*****	ADHESION	02.04.1965	14.04.1965
Pakistan	*****	SUCCESSION	13.04.1960	15.04.1960
Panama	*****	ADHESION	30.10.1970	26.11.1970
Papouasie-Nouvelle Guinée	*****	SUCCESSION	02.09.1980	02.09.1980
Paraguay	*****	ADHESION	22.09.1933	22.10.1933
Pays-Bas	17.06.1925	RATIFICATION	17.10.1930	31.10.1930
Pérou	*****	ADHESION	03.05.1985	05.06.1985
Philippines	*****	ADHESION	10.03.1973	29.05.1973
Pologne	17.06.1925	RATIFICATION	18.10.1928	04.02.1929
Portugal	17.06.1925	RATIFICATION	30.05.1930	01.07.1930
Qatar	*****	ADHESION	18.04.1976	16.09.1976
République Dominicaine	*****	ADHESION	06.11.1970	04.12.1970
République Tchèque	*****	SUCCESSION	17.09.1993	*****
Roumanie	17.06.1925	RATIFICATION	02.08.1929	23.08.1929
Royaume-Uni	17.06.1925	RATIFICATION	13.06.1929	09.04.1930
Russie	*****	SUCCESSION	*****	27.01.1992
Rwanda	*****	SUCCESSION	21.03.1964	11.05.1964
Saint-Christophe et Nieves	*****	SUCCESSION	27.04.1989	26.10.1989
Ile Sainte-Lucie	*****	SUCCESSION	08.11.1988	05.12.1988
Saint-Siège	*****	ADHESION	01.09.1966	12.10.1966
Saint-Vincent et Grenadines	*****	SUCCESSION	24.03.1999	23.04.1999
Iles Salomon	*****	SUCCESSION	01.06.1981	11.06.1981

El Salvador	17.06.1925	ADHESION	26.02.2008	*****
Sénégal	*****	ADHESION	23.05.1977	15.06.1977
Serbie	*****	SUCCESSION	03.06.2006	*****
Sierra Leone	*****	ADHESION	09.02.1967	20.02.1967
Slovaquie	*****	SUCCESSION	30.06.1997	01.07.1997
Slovénie	*****	RATIFICATION	10.03.2008	08.04.2008
Soudan	*****	ADHESION	22.04.1976	*****
Sri Lanka	*****	ADHESION	18.12.1953	20.01.1954
Suède	17.06.1925	RATIFICATION	21.02.1930	25.04.1930
Suisse	17.06.1925	RATIFICATION	28.06.1932	12.07.1932
Swaziland	*****	ADHESION	31.05.1991	10.07.1991
Syrie	*****	ADHESION	11.09.1968	22.11.1968
Taiwan	*****	ADHESION	07.08.1929	24.08.1929
Tanzanie	*****	ADHESION	28.02.1963	22.04.1963
Thaïlande	17.06.1925	RATIFICATION	02.03.1931	06.06.1931
Togo	*****	ADHESION	02.11.1970	18.11.1970
Tonga	*****	SUCCESSION	22.06.1971	19.07.1971
Trinité et Tobago	*****	SUCCESSION	09.10.1970	24.11.1970
Tunisie	*****	ADHESION	15.05.1967	12.07.1967
Turquie	17.06.1925	RATIFICATION	25.05.1929	05.10.1929
Ukraine	*****	SUCCESSION	15.07.2003	07.08.2003
Uruguay	17.06.1925	RATIFICATION	01.03.1977	12.04.1977
Vénézuéla	17.06.1925	RATIFICATION	*****	08.02.1928
Vietnam	*****	ADHESION	23.09.1980	*****
Yémen	*****	ADHESION	26.01.1970	11.03.1971

Ce tableau a été réalisé à partir des instruments déposés dans les Archives du Gouvernement de la République Française.

Date décret : 22.08.1928

Date décret JO : 29.08.1928

Page décret JO : 9807

Modifié par : Confirmé par l'acte du 11.01.1989 depuis le 11.01.1989

Effet sur : Liaison avec la convention du 17.06.1925 sur le commerce des armes depuis le 17.06.1925

Autres publications : S.D.N., vol. 94, p. 66

Geneva Protocol reservations

[List compiled by Richard Guthrie, October 2011]

Reservations mostly 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.

[Note: A number of Arab states included reservations that, in summary, stated that becoming a party to the Protocol did not constitute recognition of Israel. For space reasons, these reservations, or elements of reservations, have not been included within this list.]

The following states explicitly retain reservations to the Geneva Protocol.

Algeria

“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

“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”.

Bahrain

“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; ...”

Bangladesh

“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.”

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”.

China

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”.

Fiji

In a declaration of succession of 26 January 1973 addressed to the depositary government, the government of Fiji confirmed that the provisions of the Protocol were applicable to it by virtue of the ratification by the United Kingdom. “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”.

India

“(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”.

Iraq

“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”.

Israel

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.

Jordan

“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”.

Korea, Democratic People's Republic of

“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

“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”.

Libya

“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”.

Nigeria

“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”.

Papua New Guinea

“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”.

Republic of Korea

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.

Reservation withdrawn for biological methods of warfare in 2002.

Solomon Islands

“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”.

Thailand

"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]".

United States of America

"The protocol shall cease to be 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".

Viet Nam

"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".

Yugoslavia

"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 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), but then deposited an instrument of succession with the Government of France on 3 June 2006.]

Withdrawn reservations

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.

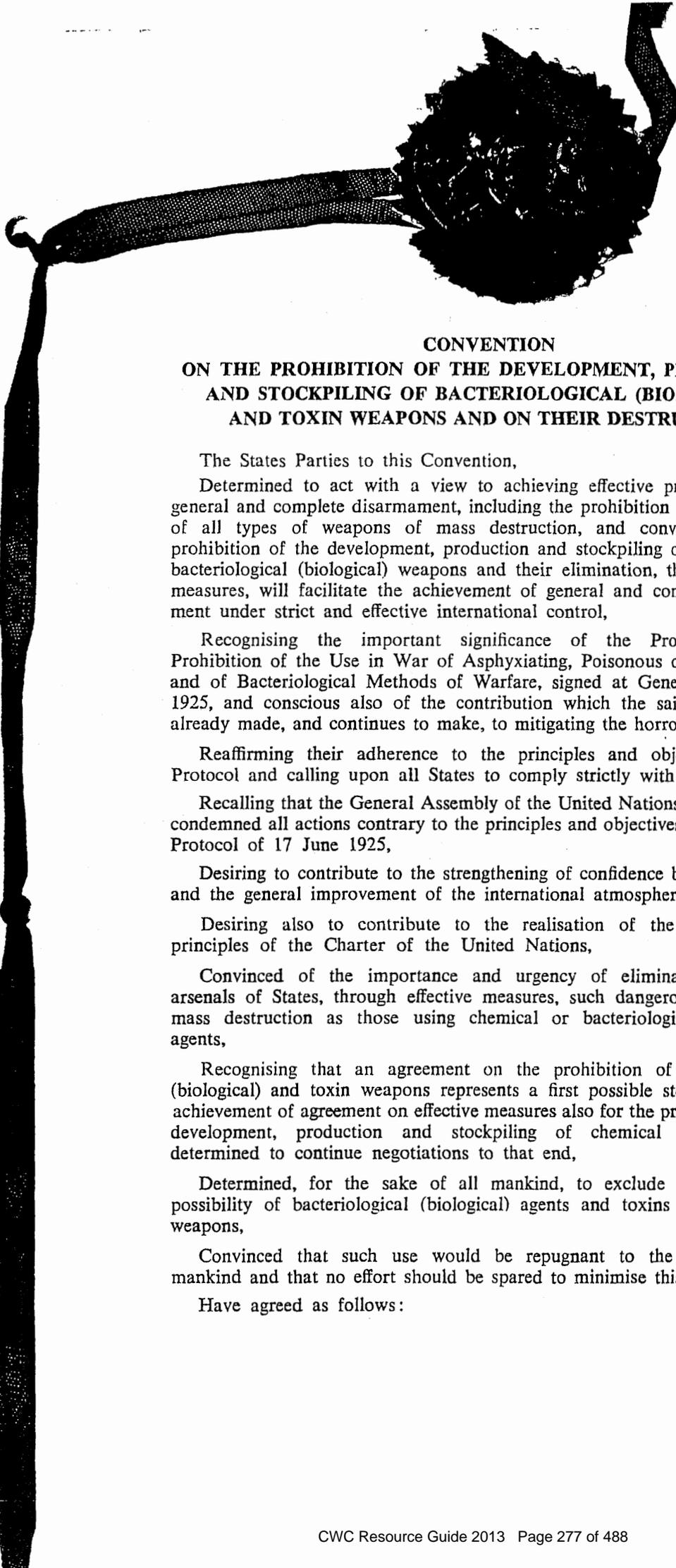
Implicit reservations

Implicit reservations are those that derive from succession of states in circumstances where the predecessor state had a reservation at the time of independence. 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.

For example, Fiji and the Solomon Islands explicitly maintained the reservation derived from their succession from the United Kingdom, but Barbados, on succession, specifically notified the depositary that it would not be continuing with the UK-derived 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.

Under the terms of the 1978 Vienna Convention on the Succession of States in Respect of Treaties, states that may be regarded as having remaining reservations include: Croatia, Cyprus, Gambia, Grenada, Indonesia, Jamaica, Lesotho, the Maldives, Malta, Mauritius, Niger, Pakistan, Rwanda, St Kitts & Nevis, St Lucia, St Vincent & the Grenadines, Serbia, Slovenia, Tonga and Trinidad and Tobago.



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

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,

Recognising 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 17 June 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 17 June 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 realisation of the purposes and principles of the Charter 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,

Recognising 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 minimise 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 the 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 organisations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of the 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 co-operate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and co-operation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

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 co-operate 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 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.

ARTICLE IX

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

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 co-operate in contributing individually or together with other States or international organisations to the further development and application of scientific discoveries in the field of bacteriology (biology) for the 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 co-operation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents 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 realised. 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 jeopardised 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 jeopardised 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 Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, 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 of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices.

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

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.

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 22 January 2013

[Derived from document BWC/MSP/MX/2009/INF.6, 27 August 2009, with the addition of Mozambique (acceded 2011), Burundi (2011), the Marshall Islands (2012) and Cameroon (2013), bringing the total number of States Parties to 167.]

Afghanistan	Denmark
Albania	Dominica
Algeria	Dominican Republic
Antigua and Barbuda	Ecuador
Argentina	El Salvador
Armenia	Equatorial Guinea
Australia	Estonia
Austria	Ethiopia
Azerbaijan	Fiji
Bahamas	Finland
Bahrain	France
Bangladesh	Gabon
Barbados	Gambia
Belarus	Georgia
Belgium	Germany
Belize	Ghana
Benin	Greece
Bhutan	Grenada
Bolivia	Guatemala
Bosnia-Herzegovina	Guinea-Bissau
Botswana	Holy See
Brazil	Honduras
Brunei Darussalam	Hungary
Bulgaria	Iceland
Burkina Faso	India
Burundi	Indonesia
Cambodia	Iran (Islamic Republic of)
Cameroon	Iraq
Canada	Ireland
Cape Verde	Italy
Chile	Jamaica
China	Japan
Colombia	Jordan
Congo	Kazakhstan
Cook Islands	Kenya
Costa Rica	Kuwait
Croatia	Kyrgyzstan
Cuba	Lao People's Democratic Republic
Cyprus	Latvia
Czech Republic	Lebanon
Democratic People's Republic of Korea	Lesotho
Democratic Republic of the Congo	

Libya	Solomon Islands
Liechtenstein	South Africa
Lithuania	Spain
Luxembourg	Sri Lanka
Madagascar	Sudan
Malaysia	Suriname
Maldives	Swaziland
Mali	Sweden
Malta	Switzerland
Marshall Islands	Tajikistan
Mauritius	Thailand
Mexico	The former Yugoslav Republic of Macedonia
Moldova	Timor Leste
Monaco	Togo
Mongolia	Tonga
Montenegro	Trinidad and Tobago
Morocco	Tunisia
Mozambique	Turkey
Netherlands	Turkmenistan
New Zealand	Uganda
Nicaragua	Ukraine
Niger	United Arab Emirates
Nigeria	United Kingdom of Great Britain and Northern Ireland
Norway	United States of America
Oman	Uruguay
Pakistan	Uzbekistan
Palau	Vanuatu
Panama	Venezuela (Bolivarian Republic of)
Papua New Guinea	Viet Nam
Paraguay	Yemen
Peru	Zambia
Philippines	Zimbabwe
Poland	
Portugal	
Qatar	
Republic of Korea	
Romania	States that have signed but not ratified the Convention
Russian Federation	
Rwanda	
Saint Kitts and Nevis	Central African Republic
Saint Lucia	Côte d'Ivoire
Saint Vincent and the Grenadines	Egypt
San Marino	Guyana
Sao Tome and Principe	Haiti
Saudi Arabia	Liberia
Senegal	Malawi
Serbia	Myanmar
Seychelles	Nepal
Sierra Leone	Somalia
Singapore	Syrian Arab Republic
Slovakia	United Republic of Tanzania
Slovenia	

**Seventh 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**

13 January 2012

Original: English

Geneva, 5–22 December 2011

Final Document of the Seventh Review Conference

GE.12-60060



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I. Organization and work of the Conference

A. Introduction

1. The Final Document of the 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 (BWC/CONF.VI/6), in paragraph 61 of the Final Declaration, contained the following decision:

“The Conference decides that the Seventh Review Conference shall be held in Geneva not later than 2011 and should review the operation of the Convention, taking into account, *inter alia*:

- (i) new scientific and technological developments relevant to the Convention;
- (ii) the progress made by States Parties on the implementation of the obligations under the Convention;
- (iii) progress of the implementation of the decisions and recommendations agreed upon at the Sixth Review Conference”.

2. By resolution 65/92, adopted without a vote on 8 December 2010, the General Assembly, *inter alia*, noted the proposal to hold the meeting of the Preparatory Committee for the Seventh Review Conference in April 2011 and to hold the Seventh Review Conference in Geneva in December 2011 and requested the Secretary-General to render the necessary assistance and to provide such services as may be required for the Seventh Review Conference and the preparations for it.

3. The Preparatory Committee was held at Geneva from 13 to 14 April 2011. The following 93 States Parties to the Convention participated in the Preparatory Committee: Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People’s Democratic Republic, Lebanon, Liechtenstein, Lithuania, Madagascar, Malaysia, Mali, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.

4. At its first meeting, on 13 April 2011, the Preparatory Committee elected by acclamation Ambassador Paul van den IJssel (Netherlands) as Chairman of the Preparatory Committee. At the same meeting, it also unanimously elected Ambassador Desra Percaya (Indonesia) and Ms. Judit Körömi (Hungary) 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. Jarmo Sareva, Director of the Geneva Branch, Office for Disarmament Affairs, opened the Preparatory Committee. Mr. Richard Lennane, Head of the Implementation Support Unit, served as

Secretary of the Preparatory Committee. Mr. Piers Millett, Political Affairs Officer, Implementation Support Unit, Ms. Ngoc Phuong Huynh, Associate Political Affairs Officer, Implementation Support Unit, and Mr. Joshua Childress served in the Secretariat.

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 three signatories to the Convention, Egypt, Haiti and Myanmar, 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 one state neither party nor signatory to the Convention, Israel, 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);
 - (g) Appointment of a provisional Secretary-General;
 - (h) Financial arrangements for the Preparatory Committee and the Review Conference.
11. At its last meeting, on 14 April 2011, the Preparatory Committee adopted its report, which was issued as a pre-session document of the Conference (BWC/CONF.VII/PC/2). The report contained, *inter alia*, the provisional agenda and the draft rules of procedure for the Conference (BWC/CONF.VII/PC/2, Annexes I and II, respectively).
12. Pursuant to the request of the Preparatory Committee, the following background documents were prepared by the Implementation Support Unit and issued as pre-session documents for the Conference:
 - (a) A background information document on the history and operation of the confidence-building measures agreed at the Second Review Conference and revised at the Third Review Conference. The document included data in summary tabular form on the participation of States Parties in the measures since the last Review Conference;
 - (b) A background information document on compliance by States Parties with all their obligations under the Convention, compiled from information submitted by States Parties;
 - (c) A background information document on new scientific and technological developments relevant to the Convention, compiled from information submitted by States Parties as well as from information provided by relevant international organisations;
 - (d) A background information document on developments since the last Review Conference in other international organizations which may be relevant to the Convention;

(e) A background information document showing the additional understandings and agreements reached by previous Review Conferences relating to each article of the Convention, extracted from the respective Final Declarations of these conferences;

(f) A background information document showing the common understandings reached by the Meetings of States Parties during the intersessional programme held from 2007 to 2010;

(g) A background information document on the status of universalization of the Convention;

(h) A background information document on the implementation of Article X, compiled from information submitted by States Parties, including information submitted pursuant to paragraph 54 of the Final Declaration of the Sixth Review Conference.

B. Organization of the Conference

13. In accordance with the decision of the Preparatory Committee, the Conference was convened at the Palais des Nations in Geneva from 5 to 22 December 2011.

14. On behalf of the Secretary-General of the United Nations, Mr. Jarmo Sareva, Director of the Geneva Branch, Office for Disarmament Affairs, opened the Conference.

15. At its first meeting, on 5 December, the Conference elected by acclamation Ambassador Paul van den IJssel (Netherlands) as President.

16. At the same meeting, the Secretary-General of the United Nations, Mr. Ban Ki-moon, addressed the Conference via a video message.

17. The Conference adopted its agenda as recommended by the Preparatory Committee (BWC/CONF.VII/1). The agenda as adopted is attached as Annex I to this Final Document.

18. The Conference took note with appreciation of the report of the Preparatory Committee (BWC/CONF.VII/PC/2).

19. The Conference adopted its Rules of Procedure as recommended by the Preparatory Committee (BWC/CONF.VII/PC/2, Annex II). The Rules as adopted are attached as Annex II of this Final Document. The Rules of Procedure provided, *inter alia*, for:

(a) a General Committee, chaired by the President of the Conference, and composed of the President, 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 22 of the report of the Preparatory Committee);

(b) a Committee of the Whole;

(c) a Drafting 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.

20. The Conference elected by acclamation 20 Vice-Presidents from the following States Parties: Algeria, Argentina, Belgium, Brazil, Canada, China, Cuba, Czech Republic, Germany, Iran (Islamic Republic of), Iraq, Italy, Japan, Morocco, Nigeria, Philippines, Romania, Poland, Slovakia, South Africa. 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 Desra Percaya (Indonesia)

Vice-Chairman: Ambassador Gancho Ganev (Bulgaria)

Vice-Chairman: Ambassador Eric Danon (France)

Drafting Committee

Chairman: Ms. Judit Körömi (Hungary)

Vice-Chairman: Mr. John Walker (United Kingdom)

Vice-Chairman: Mr. U. L. M. Jauhar (Sri Lanka)

Credentials Committee

Chairman: Mr. Mário Duarte (Portugal)

Vice-Chairman: Mr. Vipul (India)

The Conference also appointed the following five States Parties as members of the Credentials Committee: Colombia, Ireland, Italy, Malaysia and Serbia.

21. The Conference confirmed the nomination of Mr. Richard Lennane, Head of the Implementation Support Unit, 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. Mr. Piers Millett, Political Affairs Officer, Implementation Support Unit, served as Secretary of the Conference. Ms. Ngoc Phuong Huynh, Associate Political Affairs Officer, Implementation Support Unit, Mr. Kevin Ching and Ms. Monica Loveley served in the Secretariat.

C. Participation at the Conference

22. One hundred and three States Parties to the Convention participated in the Conference as follows: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of Congo, Denmark, Dominican Republic, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Madagascar, Malaysia, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Yemen.

23. 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: Côte d'Ivoire, Egypt, Haiti, Myanmar and the United Republic of Tanzania.

24. Two states, Cameroon and Israel, neither parties nor signatories to the Convention, were granted Observer status in accordance with rule 44, paragraph 2 (a).
25. The United Nations, including the Office for Disarmament Affairs (UNODA), the United Nations Institute for Disarmament Research (UNIDIR), and the United Nations Interregional Crime and Justice Research Institute (UNICRI), attended the Conference in accordance with rule 44, paragraph 3.
26. The African Union, the European Union, the International Committee of the Red Cross (ICRC), the International Criminal Police Organization (INTERPOL), the North Atlantic Treaty Organization (NATO), the Organization for the Prohibition of Chemical Weapons (OPCW), the World Health Organization (WHO), and the World Organisation for Animal Health (OIE) were granted Observer Agency status in accordance with rule 44, paragraph 4.
27. Forty-seven non-governmental organizations and research institutes attended the Conference under rule 44, paragraph 5.

D. Work of the Conference

28. The Conference held nine plenary meetings between 5 and 22 December 2011.
29. At its first plenary meeting, on 5 December, the Conference adopted its indicative programme of work, as set out in BWC/CONF.VII/2.
30. The Conference held a general debate, in which 54 States Parties, one signatory, the European Union, the ICRC, INTERPOL, NATO, OIE, OPCW, UNICRI and WHO made statements.
31. The Committee of the Whole held 10 meetings between 7 and 16 December, during which it reviewed the provisions of the Convention, article by article. The Committee also examined agenda items 11 and 12. The Committee submitted its report (BWC/CONF.VII/5) to the Conference at the eighth plenary meeting, on 16 December. The Conference took note of the report.
32. Following the conclusion of the Committee of the Whole, the President conducted a series of informal consultations, and was assisted in his work by Facilitators in the following areas:
- Solemn Declaration: Ambassador Alexandre Fasel (Switzerland)
 - Articles I-XV: Ms. Judit Körömi (Hungary) and Mr. Daniel Simanjuntak (Indonesia)
 - Science and technology: Mr. Zahid Rastam (Malaysia)
 - Assistance and cooperation: Mr. Jesus Domingo (Philippines)
 - Confidence-building measures (CBMs): Mr. Paul Wilson (Australia)
 - Intersessional programme: Ambassador Jo Adamson (United Kingdom) and Mr. Ben Steyn (South Africa)
33. The Drafting Committee held no formal meetings. The Chairman and Vice-Chairmen of the Committee met, and decided to assist the President with his informal consultations.
34. The Credentials Committee held three meetings. At its third and final meeting on 21 December, the Credentials Committee adopted its report (BWC/CONF.VII/6). The Conference took note of the report.

E. Documentation

35. A list of documents of the Conference is contained in Annex IV of this Final Document. All documents on this list are available on the Implementation Support Unit website at <http://www.unog.ch/bwc> and through the United Nations Official Document System (ODS), at <http://documents.un.org>.

F. Conclusion of the Conference

36. At its ninth and final plenary meeting, on 22 December, the Conference decided that the 2012 Meeting of Experts would be held in Geneva from 16 to 20 July 2012 and that the 2012 Meeting of States Parties would be held in Geneva from 10 to 14 December 2012. The Conference approved the nomination by the Group of the Non-aligned Movement and Other States of Ambassador Idriss Jazairi (Algeria) as Chairman of the 2012 meetings.

37. At the same meeting the Conference adopted by consensus its Final Document, as contained in document BWC/CONF.VII/CRP.2, as orally amended, comprising three parts and four annexes, as follows:

- Part I: Organization and work of the Conference
- Part II: Final Declaration
- Part III: Decisions and recommendations
- Annex I: Revised forms for the submission of the Confidence-Building Measures
- Annex II: Agenda of the Conference
- Annex III: Rules of Procedure of the Conference
- Annex IV: List of documents of the Conference

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 5 December to 22 December 2011 to review the operation of the Convention, solemnly declare:

(i) Their conviction that the Convention is essential for international peace and security;

(ii) Their determination also to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control including the prohibition and elimination of all weapons of mass destruction and their conviction that the prohibitions of the Convention will facilitate the achievement of this goal;

(iii) Their reaffirmation of their understanding that the Convention forms a composite whole, as well as of their firm commitment to the purposes of the Preamble and all the provisions of the Convention;

(iv) Their determination to comply with all their obligations undertaken pursuant to the Convention and their recognition that States Parties not in compliance with their Convention obligations pose fundamental challenges to the Convention's viability, as would the use of bacteriological (biological) and toxin weapons by anyone at any time;

(v) Their continued determination, for the sake of humankind, to exclude completely the possibility of the use of bacteriological (biological) and toxin weapons, and their conviction that such use would be repugnant to the conscience of humankind;

(vi) 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;

(vii) Their conviction that terrorism in all its forms and manifestations and whatever its motivation, is abhorrent and unacceptable to the international community, and that terrorists must be prevented from developing, producing, stockpiling, or otherwise acquiring or retaining, and using under any circumstances, biological agents and toxins, equipment, or means of delivery of agents or toxins, for non-peaceful purposes, and their recognition of the contribution of the full and effective implementation of United Nations Security Council Resolution 1540, United Nations General Assembly Resolution 60/288, and other relevant United Nations resolutions;

(viii) Their reiteration that the effective contribution of the Convention to international peace and security will be enhanced through universal adherence to the Convention, and their call on signatories to ratify and other States, not party, to accede to the Convention without further delay;

(ix) Their recognition that achieving the objectives of the Convention will be more effectively realized through greater public awareness of its contribution, and through collaboration with relevant regional and international organizations, in keeping within their respective mandates, and their commitment to promote this;

(x) Their recognition of their consideration of the issues identified in reviewing the operation of the Convention as provided for in Article XII, as well as their consensus on the follow-up actions contained herein.

Article I

1. The Conference reaffirms the importance of Article I, as it defines the scope of the Convention. The Conference declares that the Convention is comprehensive in its scope and that all naturally or artificially created or altered microbial and other biological agents and toxins, as well as their components, regardless of their origin and method of production and whether they affect humans, animals or plants, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes, are unequivocally covered by Article I.
2. The Conference reaffirms that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention and notes that the Conference has decided to include in the 2012-2015 intersessional programme a standing agenda item on review of developments in the field of science and technology related to the Convention.
3. The Conference reaffirms that the use by the States Parties, in any way and under any circumstances of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict in order to exclude completely and forever the possibility of their use. The Conference affirms the determination of States Parties to condemn any use of biological agents or toxins other than for peaceful purposes, by anyone at any time.
4. The Conference notes that experimentation involving open air release of pathogens or toxins harmful to humans, animals and plants that have no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I.

Article II

5. The Conference reaffirms for any state ratifying or acceding to the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to, or upon ratification of, the Convention.
6. The Conference emphasises that states must take all necessary safety and security measures to protect human populations and the environment, including animals and plants, when carrying out such destruction and/or diversion. The Conference also stresses that these States Parties should provide appropriate information to all States Parties via the exchange of information (confidence-building measures form F).
7. The Conference welcomes statements made by States Parties, and newly acceding and ratifying States Parties, that they do not possess agents, toxins, weapons, equipment or means of delivery as prohibited by Article I of the Convention.

Article III

8. The Conference reaffirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at the international, national or sub-national levels.
9. The Conference calls for appropriate measures, including effective national export controls, by all States Parties to implement this Article, in order to ensure that direct and

indirect transfers relevant to the Convention, to any recipient whatsoever, are authorized only when the intended use is for purposes not prohibited under the Convention.

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

Article IV

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

(a) enhance domestic implementation of the Convention and ensure the prohibition and prevention of the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery as specified in Article I of the Convention;

(b) apply within their territory, under their jurisdiction or under their control anywhere and apply, if constitutionally possible and in conformity with international law, to actions taken anywhere by natural or legal persons possessing their nationality;

(c) ensure the safety and security of microbial or other biological agents or toxins in laboratories, facilities, and during transportation, to prevent unauthorized access to and removal of such agents or toxins.

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

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

(a) implement voluntary management standards on biosafety and biosecurity;

(b) encourage the consideration of development of appropriate arrangements to promote awareness among relevant professionals in the private and public sectors and throughout relevant scientific and administrative activities and;

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

(d) promote the development of training and education programmes for those granted access to biological agents and toxins relevant to the Convention and for those with the knowledge or capacity to modify such agents and toxins;

(e) encourage the promotion of a culture of responsibility amongst relevant national professionals and the voluntary development, adoption and promulgation of codes of conduct;

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

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

14. In this regard, the Conference welcomes assistance related to Article IV already provided and encourages those States Parties, in a position to do so, to provide assistance, upon request, to other States Parties.

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

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

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

Article V

18. The Conference reaffirms that:

(a) this article provides an appropriate framework for States Parties to consult and cooperate with one another to resolve any problem and to make any request for clarification, which may have arisen in relation to the objective of, or in the application of, the provisions of the Convention;

(b) any State Party which identifies such a problem should, as a rule, use this framework to address and resolve it;

(c) States Parties should provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention.

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

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

21. The Conference stresses the need for all States Parties to deal effectively with compliance issues. In this connection, the States Parties agreed to provide a specific, timely

response to any compliance concern alleging a breach of their obligations under the Convention. Such responses should be submitted in accordance with the procedures agreed upon by the Second Review Conference and further developed by the Third Review Conference. The Conference reiterates its request that information on such efforts be provided to the Review Conferences.

22. The Conference emphasises the importance of the exchange of information among States Parties through the confidence-building measures (CBMs) agreed at the Second and Third Review Conferences. The Conference welcomes the exchange of information carried out under these measures and notes that this has contributed to enhancing transparency and building confidence.

23. The Conference recognises the urgent need to increase the number of States Parties participating in CBMs and calls upon all States Parties to participate annually. The Conference notes that since the Sixth Review Conference, there has only been a slight increase in the percentage of State Parties submitting their CBMs. The Conference emphasises the importance of increasing and continuing participation in the CBMs.

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

25. The Conference notes the desirability of making the CBMs more user-friendly and stresses the need to ensure that they provide relevant and appropriate information to States Parties.

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

Article VI

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

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

29. The Conference invites the Security Council:

(a) to consider immediately any complaint lodged under this Article and to initiate any measures it considers necessary for the investigation of the complaint in accordance with the Charter;

(b) to request, if it deems necessary and in accordance with its Resolution 620 of 1988, the United Nations Secretary-General to investigate the allegation of use, using the

technical guidelines and procedures contained in Annex I of United Nations Document A/44/561;

(c) to inform each State Party of the results of any investigation initiated under this Article and to consider promptly any appropriate further action which may be necessary.

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

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

Article VII

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

33. 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, in view of the humanitarian imperative, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties, if requested.

34. The Conference recognises that States Parties bear the responsibility for providing assistance and coordinating with relevant organizations in the case of alleged use of biological or toxin weapons. The Conference reaffirms the undertaking made by each State Party to provide or support assistance in accordance with the Charter of the United Nations to any State Party which so requests, if the Security Council decides that such State Party has been exposed to danger as a result of a violation of the Convention.

35. The Conference takes note of the willingness of States Parties, where appropriate, to provide or support assistance to any State Party, which so requests, when that State Party has been exposed to danger or damage as a result of the use of bacteriological (biological) agents and toxins as weapons by anyone.

36. The Conference considers that in the event that this Article might be invoked, the United Nations could play a coordinating role in providing assistance, with the help of States Parties, as well as the appropriate intergovernmental organizations, in accordance with their respective mandates, such as the World Health Organization (WHO), the World Organisation for Animal Health (OIE), the Food and Agriculture Organization of the United Nations (FAO), and the International Plant Protection Convention (IPPC). The Conference recognises the value of further dialogue regarding appropriate means of coordination between States Parties and relevant international organizations.

37. The Conference recognizes that there are challenges to developing effective measures for the provision of assistance and coordination with relevant international organizations to respond to the use of a biological or toxin weapon. The Conference underlines the importance of the coordination of the provision of appropriate assistance, including expertise, information, protection, detection, decontamination, prophylactic and medical and other equipment that could be required to assist the States Parties in the event that a State Party is exposed to danger as a result of a violation of the Convention. The Conference also takes note of the proposal that States Parties may need to discuss the detailed procedure for assistance in order to ensure that timely emergency assistance would

be provided by States Parties, if requested, in the event of use of biological or toxin weapons.

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

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

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

Article VIII

41. The Conference appeals to all States Parties to the 1925 Geneva Protocol to fulfil their obligations assumed under that Protocol and urges all states not yet party to the Protocol to ratify or accede to it without further delay.

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

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

44. The Conference recalls the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Convention, and calls upon those States Parties that continue to maintain pertinent reservations to the 1925 Geneva Protocol to withdraw those reservations, and to notify the Depositary of the 1925 Geneva Protocol accordingly, without delay.

45. The Conference notes that reservations concerning retaliation, through the use of any of the objects prohibited by the Convention, even conditional, are totally incompatible

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

46. The Conference notes that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons. The Conference notes national initiatives to provide relevant training to experts that could support the Secretary-General's investigative mechanism.

Article IX

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

48. The Conference welcomes the fact that the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction entered into force on 29 April 1997 and that 188 instruments of ratification or accession have now been deposited with the United Nations. The Conference calls upon all states that have not yet done so to ratify or accede to that Convention without delay.

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

Article X

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

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

52. The Conference recognises the important role of the private sector in the transfer of technology and information and the wide range of organizations within the United Nations system that are already engaged in international cooperation relevant to this Convention.

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

54. The Conference:

(a) encourages the States Parties to continue strengthening existing international organizations and networks working on infectious diseases, in particular those of the WHO, FAO, OIE and IPPC, within their respective mandates;

(b) notes that the role of these organizations is limited to the epidemiological and public/animal/plant health aspects of any disease outbreak, but recognises the added value of information exchange with them;

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

(d) calls upon States Parties to continue establishing and/or improving national and regional capabilities to survey, detect, diagnose and combat infectious diseases as well as other possible biological threats and integrate these efforts into national and/or regional emergency and disaster management plans;

(e) urges States Parties in a position to do so to continue supporting, directly as well as through international organizations, capacity-building in States Parties in need of assistance in the fields of disease surveillance, detection, diagnosis and combating of infectious diseases and related research;

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

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

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

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

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

bacteriological (biological) agents and toxins for peaceful purposes and of international cooperation in this field.

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

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

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

Article XI

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

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

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

Article XII

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

66. The Conference decides that the Eighth Review Conference shall be held in Geneva not later than 2016 and should review the operation of the Convention, taking into account, *inter alia*:

(a) new scientific and technological developments relevant to the Convention, taking into account the relevant decision of this Conference regarding the review of developments in the field of science and technology related to the Convention;

(b) the progress made by States Parties on the implementation of the Convention;

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

Article XIII

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

Article XIV

68. The Conference notes with satisfaction that ten states have acceded to or ratified the Convention since the Sixth Review Conference.

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

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

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

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

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

Article XV

74. The Conference welcomes the decision of the Sixth Review Conference that as well as the five languages listed in this Article, Arabic shall be considered an official language for the purposes of any meetings of the States Parties and other formal communications concerning the operation of the Convention.

III. Decisions and recommendations

A. Outcome of the 2007–2010 intersessional programme

1. In accordance with the decision taken by the Sixth Review Conference, Meetings of States Parties of one week duration were held each year, commencing in 2007, to discuss, and promote common understanding and effective action on six specified topics. Each meeting of States Parties was prepared by a one-week meeting of experts. The six topics were:

(a) Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions.

(b) Regional and sub-regional cooperation on implementation of the Convention.

(c) National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.

(d) Oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim of preventing misuse in the context of advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention.

(e) With a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: (1) for States Parties in need of assistance, identifying requirements and requests for capacity enhancement; and (2) from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields.

(f) Provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems.

2. The Conference notes that the meetings of States Parties and meetings of experts functioned as an important forum for exchange of national experiences and in-depth deliberations among States Parties. The meetings of States Parties engendered greater common understanding on steps to be taken to further strengthen the implementation of the Convention.

3. The Conference notes the contribution by the WHO, FAO, OIE and other relevant international organizations, as well as scientific and academic institutions and non-governmental organizations, to the meetings of States Parties and meetings of experts.

4. The Conference reiterates that common understandings were identified in the consensus outcome documents of the meetings of States Parties (BWC/MSP/2007/5, BWC/MSP/2008/5, BWC/MSP/2009/5 and BWC/MSP/2010/6), within their mandates.

B. Intersessional programme 2012–2015

5. Reaffirming the utility of the previous intersessional programmes from 2003–2010, the Conference decides to retain previous structures: annual Meetings of States Parties preceded by annual Meetings of Experts.

6. The purpose of the intersessional programme is to discuss, and promote common understanding and effective action on those issues identified for inclusion in the intersessional programme by this Seventh Review Conference.
7. Recognizing the need to balance an ambition to improve the intersessional programme within the constraints — both financial and human resources — facing States Parties, the Conference decides to continue to allocate ten days each year to the intersessional programme.
8. The Conference decides that the following topics shall be Standing Agenda Items, which will be addressed at meetings of both the Meeting of Experts and Meeting of States Parties in every year from 2012–2015:
 - (a) Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X;
 - (b) Review of developments in the field of science and technology related to the Convention;
 - (c) Strengthening national implementation.
9. The Conference decides that the following other items will be discussed during the intersessional programme in the years indicated:
 - (a) How to enable fuller participation in the CBMs (2012 and 2013);
 - (b) How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties (2014 and 2015).
10. The restructured Meetings of Experts will last five days, and Meetings of States Parties five days.
11. The first year's meetings will be chaired by a representative of the Group of the Non-Aligned Movement and Other States, the second by a representative of the Eastern European Group, the third by a representative of the Western Group, and the fourth by a representative of the Group of the Non-Aligned Movement and Other States. The annual Chair will be supported by two annual vice-chairs, one from each of the other two regional groups.
12. Each Meeting of Experts will prepare for the consideration of the Meeting of States Parties a factual report reflecting its deliberations. This report will reflect work on the three Standing Agenda Items, as well as a report on the other item scheduled for discussion during that year.
13. In addition to the report of the Meeting of Experts, the Meetings of States Parties will also consider — on an annual basis — progress with universalization of the Convention and the annual reports of the Implementation Support Unit. In 2012 and 2013, the Meeting of States Parties will also consider the Meeting of Experts report on CBMs, and in 2014 and 2015, the Meeting of States Parties will consider the Meeting of Experts report on Article VII.
14. All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.
15. The Eighth Review Conference will consider the work and outcome of these meetings and decide on any further action.

C. Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X

1. Standing Agenda Item

16. The Conference decides that the following topics will be addressed under the Standing Agenda Item on cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X:

(a) reports by States Parties on their implementation of Article X, and reports by the ISU on the operation of the database system to facilitate assistance requests and offers;

(b) challenges and obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology, including equipment and material, for peaceful purposes to their full potential, and possible means of overcoming these;

(c) a range of specific measures for the full and comprehensive implementation of Article X taking into account all of its provisions, including facilitation of cooperation and assistance, including in terms of equipment, materials and scientific and technological information for peaceful purposes, and identification of critical gaps and needs in these areas;

(d) ways and means to target and mobilize resources, including financial resources, to address gaps and needs for assistance and cooperation, in particular from developed to developing States Parties, and from international and regional organizations and other relevant stakeholders;

(e) education, training, exchange and twinning programmes and other means of developing human resources in the biological sciences and technology relevant to the implementation of the Convention, particularly in developing countries;

(f) capacity-building, through international cooperation, in biosafety and biosecurity, and for detecting, reporting, and responding to outbreaks of infectious disease or biological weapons attacks, including in the areas of preparedness, response, and crisis management and mitigation;

(g) coordination of cooperation with other relevant international and regional organizations, and other relevant stakeholders.

2. Database system to facilitate assistance requests and offers

17. The Conference decides to establish a database system to facilitate requests for and offers of exchange of assistance and cooperation among States Parties.

18. States Parties are invited, individually or together with other states or international organizations, to submit on a voluntary basis to the Implementation Support Unit any requirements, needs or offers for assistance, including in terms of equipment, materials and scientific and technological information regarding the use of biological and toxin agents for peaceful purposes. The ISU will establish and administer a database, open to all States Parties, where these requests and offers will be stored.

19. States Parties may use the database to match offers with requests for assistance and then make their own further arrangements. Once a match is made, the States Parties concerned will inform the ISU which will update the database accordingly. The ISU may also, on request, facilitate the exchange of information among States Parties relating to the database and any resulting cooperation and assistance activities.

20. The ISU will submit an annual report on the operation of the database detailing the offers made, requests sought and matches made during a calendar year. The operation of

the database will be reviewed at the Eighth Review Conference based on the reports and/or any recommendations by the meetings of States Parties.

3. Sponsorship programme

21. In order to support and increase the participation of developing States Parties in the meetings of the intersessional programme, the Conference decides to establish a sponsorship programme, funded by voluntary contributions from States Parties in a position to provide them. The sponsorship programme will be administered by the Implementation Support Unit in consultation with the Chair and Vice-chairs of the Meeting of States Parties. Priority for sponsorship will be given to those States Parties which have previously not participated in the meetings, or have been unable to regularly send experts from capital. Sponsorship may also be provided, depending upon the availability of resources, to enhance participation of states not party in order to promote universalization of the Convention.

D. Review of developments in the field of science and technology related to the Convention

22. The Conference decides that the following topics will be addressed under the Standing Agenda Item on review of developments in the field of science and technology related to the Convention:

(a) new science and technology developments that have potential for uses contrary to the provisions of the Convention;

(b) new science and technology developments that have potential benefits for the Convention, including those of special relevance to disease surveillance, diagnosis and mitigation;

(c) possible measures for strengthening national biological risk management, as appropriate, in research and development involving new science and technology developments of relevance to the Convention;

(d) voluntary codes of conduct and other measures to encourage responsible conduct by scientists, academia and industry;

(e) education and awareness-raising about risks and benefits of life sciences and biotechnology.

(f) science- and technology-related developments relevant to the activities of multilateral organizations such as the WHO, OIE, FAO, IPPC and OPCW;

(g) any other science and technology developments of relevance to the Convention.

23. The following topical scientific subjects will be considered in the years indicated:

(a) advances in enabling technologies, including high-throughput systems for sequencing, synthesizing and analyzing DNA; bioinformatics and computational tools; and systems biology (to be considered in 2012);

(b) advances in technologies for surveillance, detection, diagnosis and mitigation of infectious diseases, and similar occurrences caused by toxins in humans, animals and plants (to be considered in 2013).

(c) advances in the understanding of pathogenicity, virulence, toxicology, immunology and related issues (to be considered in 2014);

(d) advances in production, dispersal and delivery technologies of biological agents and toxins (to be considered in 2015);

E. Strengthening national implementation

24. The Conference decides that the following topics will be addressed under the Standing Agenda Item on strengthening national implementation:

(a) a range of specific measures for the full and comprehensive implementation of the Convention, especially Articles III and IV;

(b) ways and means to enhance national implementation, sharing best practices and experiences, including the voluntary exchange of information among States Parties on their national implementation, enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions;

(c) regional and sub-regional cooperation that can assist national implementation of the Convention;

(d) national, regional and international measures to improve laboratory biosafety and security of pathogens and toxins;

(e) any potential further measures, as appropriate, relevant for implementation of the Convention.

F. Confidence-building measures

25. The Conference notes that the review of Article V of the Convention has shown the need for further enhancing participation of States Parties in the confidence-building measures (CBMs). The Conference therefore decides:

(a) to adopt the revised reporting forms in Annex I as the basis for all CBM submissions from States Parties;

(b) to consider during the 2012–2015 intersessional programme how to enable fuller participation in the CBMs (see section B above);

(c) that the Implementation Support Unit shall, in cooperation with States Parties, continue to examine and develop options for electronic means of submission of CBMs.

26. The Conference calls upon States Parties that have not yet done so to designate a national point of contact responsible preparing the submission of CBMs, in accordance with the decision of the Sixth Review Conference.

G. Promotion of universalization

27. The Conference notes that although the Convention is a cornerstone of international security, and despite the efforts of the States Parties and the Chairs of the meetings of States Parties with the administrative support of the ISU since the Sixth Review Conference, with only 165 States Parties, membership of the Convention still falls behind other major multilateral arms control, disarmament and non-proliferation treaties. The Conference agrees that a further concerted effort by States Parties is needed to persuade states not party to join the Convention.

28. The Conference therefore requests States Parties to:

- (a) promote universalization of the Convention through bilateral contacts with states not party;
- (b) promote universalization of the Convention through regional and multilateral fora and activities;
- (c) report, as appropriate, on their activities at annual meetings of States Parties;
- (d) provide, as appropriate, the ISU with relevant information on activities related to the promotion of universalization of the Convention.

29. The Conference decides that the Chairs of meetings of States Parties shall coordinate universalization activities, address states not party to the Convention, provide an annual report on universalization activities at meetings of States Parties, and provide a progress report to the Eighth Review Conference. Bearing in mind the primary responsibility of the States Parties on the implementation of this decision, the Conference tasks the Implementation Support Unit to:

- (a) provide administrative support to the Chairs of meetings of States Parties in the implementation of this decision;
- (b) consolidate and make available information on progress made by states not party towards ratification or accession.

30. The Conference encourages States Parties to give more attention to states in which the ratification or accession process have started or are well advanced, and to those states waiting for further information or assistance or that have other priorities, as described in the annual reports on universalization.

H. Implementation Support Unit

31. The Conference notes that the Implementation Support Unit, which was established by the Sixth Review Conference in order to provide administrative support to meetings agreed by the Review Conference as well as support for the comprehensive implementation and universalization of the Convention and the exchange of confidence-building measures, has successfully discharged its mandate. The Conference therefore decides to renew the mandate of the Unit, *mutatis mutandis*, for the period from 2012 to 2016.

32. The Conference decides that, in addition to the tasks mandated by the Sixth Review Conference, the ISU will perform the following tasks:

- (a) implement the decision to establish and administer the database for assistance requests and offers, and facilitating the associated exchange of information among States Parties;
- (b) support, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference.

33. The Conference notes that States Parties in a position to do so may consider making voluntary contributions to the Unit to enhance its ability to carry out its mandated tasks. Any such contributions will be made in full transparency, will be detailed in the annual report of the ISU, and will be used exclusively for the mandated tasks of the Unit.

34. The Conference notes that all staff of the ISU will be engaged through the relevant recruitment procedures of the United Nations, considering the necessity of securing the highest standards of efficiency, competence and integrity, and paying due regard to the importance of recruiting the staff on as wide a geographical basis as possible.

35. The Conference further notes the need to seek to ensure the widest geographic balance possible in staffing the ISU in accordance with the Charter of the United Nations.

36. The ISU will submit a concise annual written report to all States Parties on its activities to implement its mandate. The Unit's performance will be evaluated and its mandate will be reviewed by States Parties at the Eighth Review Conference.

I. Finances

37. The Conference decides that the costs of the intersessional programme will be shared by all States Parties to the Convention, based on the United Nations scale of assessment pro-rated to take into account differences in membership between the Convention and the United Nations.

38. The Conference approves the estimated costs for the intersessional programme for the period 2012 to 2015, as contained in BWC/CONF.VII/4/Rev.1, noting that these estimated costs were prepared on exactly the same basis as the estimated costs for the 2007–2010 intersessional programme, and therefore represent zero real growth, with any nominal increase due solely to currency and inflation factors. The Conference requests States Parties to proceed with the payment of their share of the estimated costs as soon as the assessment notices have been received from the United Nations.

Adopted by *Resolution 31/72* of the United Nations General Assembly on 10 December 1976.

The Convention was opened for signature at Geneva on 18 May 1977.

Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques

The States Parties to this Convention,

Guided by the interest of consolidating peace, and wishing to contribute to the cause of halting the arms race, and of bringing about general and complete disarmament under strict and effective international control, and of saving mankind from the danger of using new means of warfare,

Determined to continue negotiations with a view to achieving effective progress towards further measures in the field of disarmament,

Recognizing that scientific and technical advances may open new possibilities with respect to modification of the environment,

Recalling the *Declaration of the United Nations Conference on the Human Environment*, adopted at Stockholm on 16 June 1972,

Realizing that the use of environmental modification techniques for peaceful purposes could improve the interrelationship of man and nature and contribute to the preservation and improvement of the environment for the benefit of present and future generations,

Recognizing, however, that military or any other hostile use of such techniques could have effects extremely harmful to human welfare,

Desiring to prohibit effectively military or any other hostile use of environmental modification techniques in order to eliminate the dangers to mankind from such use, and affirming their willingness to work towards the achievement of this objective,

Desiring also to contribute to the strengthening of trust among nations and to the further improvement of the international situation in accordance with the purposes and principles of the *Charter of the United Nations*,

Have agreed as follows:

Article I

1. Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party.
2. Each State Party to this Convention undertakes not to assist, encourage or induce any State, group of States or international organization to engage in activities contrary to the provisions of paragraph 1 of this article.

Article II

As used in article 1, the term "environmental modification techniques" refers to any technique for changing - through the deliberate manipulation of natural processes - the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space.

Article III

1. The provisions of this Convention shall not hinder the use of environmental modification techniques for peaceful purposes and shall be without prejudice to the generally recognized principles and applicable rules of international law concerning such use.

2. The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of scientific and technological information on the use of environmental modification techniques for peaceful purposes. States Parties in a position to do so shall contribute, alone or together with other States or international organizations, to international economic and scientific co-operation in the preservation, improvement and peaceful utilization of the environment, with due consideration for the needs of the developing areas of the world.

Article IV

Each State Party to this Convention undertakes to take any measures it considers necessary in accordance with its constitutional processes to prohibit and prevent any activity in violation of the provisions of the Convention anywhere under its jurisdiction or control.

Article V

1. The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, the Convention. Consultation and co-operation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its *Charter*. These international procedures may include the services of appropriate international organizations, as well as of a Consultative Committee of Experts as provided for in paragraph 2 of this article.

2. For the purposes set forth in paragraph 1 of this article, the Depositary shall within one month of the receipt of a request from any State Party to this Convention, convene a Consultative Committee of Experts. Any State Party may appoint an expert to the Committee whose functions and rules of procedure are set out in the annex which constitutes an integral part of this Convention. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.

3. Any State Party to this Convention which has reason to believe 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 relevant information as well as all possible evidence supporting its validity.

4. 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 of the results of the investigation.

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

Article VI

1. Any State Party to this Convention may propose amendments to the Convention. The text of any proposed amendment shall be submitted to the Depositary, who shall promptly

circulate it to all States Parties.

2. An amendment shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article VII

This Convention shall be of unlimited duration.

Article VIII

1. Five years after the entry into force of this Convention, a conference of the States Parties to the Convention shall be convened by the Depositary at Geneva, Switzerland. The conference shall review the operation of the Convention with a view to ensuring that its purposes and provisions are being realized, and shall in particular examine the effectiveness of the provisions of paragraph 1 of article I in eliminating the dangers of military or any other hostile use of environmental modification techniques.

2. At intervals of not less than five years thereafter, a majority of the States Parties to this Convention may obtain, by submitting a proposal to this effect to the Depositary, the convening of a conference with the same objectives.

3. If no conference has been convened pursuant to paragraph 2 of this article within ten years following the conclusion of a previous conference, the Depositary shall solicit the views of all States Parties to this Convention concerning the convening of such a conference. If one third or ten of the States Parties, whichever number is less, respond affirmatively, the Depositary shall take immediate steps to convene the conference.

Article IX

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 or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification by twenty Governments in accordance with paragraph 2 of this article.

4. For those States whose instruments of ratification or accession are deposited after 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 shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention and of any amendments thereto, as well as of the receipt of other notices.

6. This Convention shall be registered by the Depositary in accordance with *Article 102 of the Charter of the United Nations*.

Article X

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 duly certified copies thereof to the Governments of the signatory and acceding States.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Convention

Done at Geneva, on the 18 day of May 1977.

Annex to the Convention

Consultative Committee of Experts

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to paragraph 1 of article V of this Convention by the State Party requesting the convening of the Committee.
2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.
3. The Depositary or his representative shall serve as the Chairman of the Committee.
4. Each expert may be assisted at meetings by one or more advisers.
5. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

CHAPTER XXVI

DISARMAMENT

1. CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES

New York, 10 December 1976

ENTRY INTO FORCE:
REGISTRATION:
STATUS:
TEXT:

5 October 1978, in accordance with article IX(3).

5 October 1978, No. 17119.

Signatories: 48. Parties: 76.

United Nations, *Treaty Series*, vol. 1108, p. 151 and depositary notification C.N.263.1978.TREATIES-12 of 27 October 1978 (rectification of the English text).

Note: The Convention was approved by the General Assembly of the United Nations in its resolution 31/72¹ of 10 December 1976. In application of paragraph 2 of the said resolution, the Secretary-General decided to open the Convention for signature and ratification by States from 18 to 31 May 1977 at Geneva, Switzerland. Subsequently, the Convention was transmitted to the Headquarters of the Organization of the United Nations at New York, where it was open for signature by States until 4 October 1978.

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Afghanistan.....		22 Oct 1985 a	the Congo.....		
Algeria.....		19 Dec 1991 a	Denmark.....	18 May 1977	19 Apr 1978
Antigua and Barbuda		25 Oct 1988 d	Dominica.....		9 Nov 1992 d
Argentina.....		20 Mar 1987 a	Egypt.....		1 Apr 1982 a
Armenia.....		15 May 2002 a	Estonia.....		14 Apr 2011 a
Australia.....	31 May 1978	7 Sep 1984	Ethiopia.....	18 May 1977	
Austria.....		17 Jan 1990 a	Finland.....	18 May 1977	12 May 1978
Bangladesh.....		3 Oct 1979 a	Germany ^{4,5}	18 May 1977	24 May 1983
Belarus.....	18 May 1977	7 Jun 1978	Ghana.....	21 Mar 1978	22 Jun 1978
Belgium.....	18 May 1977	12 Jul 1982	Greece.....		23 Aug 1983 a
Benin.....	10 Jun 1977	30 Jun 1986	Guatemala.....		21 Mar 1988 a
Bolivia (Plurinational State of).....	18 May 1977		Holy See.....	27 May 1977	
Brazil.....	9 Nov 1977	12 Oct 1984	Honduras.....		16 Aug 2010 a
Bulgaria.....	18 May 1977	31 May 1978	Hungary.....	18 May 1977	19 Apr 1978
Cameroon.....		18 Apr 2011 a	Iceland.....	18 May 1977	
Canada.....	18 May 1977	11 Jun 1981	India.....	15 Dec 1977	15 Dec 1978
Cape Verde.....		3 Oct 1979 a	Iran (Islamic Republic of).....	18 May 1977	
Chile.....		26 Apr 1994 a	Iraq.....	15 Aug 1977	
China ²		8 Jun 2005 a	Ireland.....	18 May 1977	16 Dec 1982
Costa Rica.....		7 Feb 1996 a	Italy.....	18 May 1977	27 Nov 1981
Cuba.....	23 Sep 1977	10 Apr 1978	Japan.....		9 Jun 1982 a
Cyprus.....	7 Oct 1977	12 Apr 1978	Kazakhstan.....		25 Apr 2005 a
Czech Republic ³		22 Feb 1993 d	Kuwait.....		2 Jan 1980 a
Democratic People's Republic of Korea ...		8 Nov 1984 a	Lao People's Democratic Republic.....	13 Apr 1978	5 Oct 1978
Democratic Republic of	28 Feb 1978				

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Lebanon.....	18 May 1977		Slovenia		20 Apr 2005 a
Liberia.....	18 May 1977		Solomon Islands.....		19 Jun 1981 d
Lithuania		16 Apr 2002 a	Spain	18 May 1977	19 Jul 1978
Luxembourg.....	18 May 1977		Sri Lanka.....	8 Jun 1977	25 Apr 1978
Malawi		5 Oct 1978 a	St. Lucia.....		27 May 1993 d
Mauritius		9 Dec 1992 a	St. Vincent and the Grenadines		27 Apr 1999 d
Mongolia.....	18 May 1977	19 May 1978	Sweden.....		27 Apr 1984 a
Morocco.....	18 May 1977		Switzerland		5 Aug 1988 a
Netherlands ⁶	18 May 1977	15 Apr 1983	Syrian Arab Republic....	4 Aug 1977	
New Zealand ⁷		7 Sep 1984 a	Tajikistan		12 Oct 1999 a
Nicaragua	11 Aug 1977	6 Sep 2007	Tunisia	11 May 1978	11 May 1978
Niger		17 Feb 1993 a	Turkey.....	18 May 1977	
Norway.....	18 May 1977	15 Feb 1979	Uganda.....	18 May 1977	
Pakistan.....		27 Feb 1986 a	Ukraine	18 May 1977	13 Jun 1978
Panama.....		13 May 2003 a	United Kingdom of Great Britain and Northern Ireland.....	18 May 1977	16 May 1978
Papua New Guinea.....		28 Oct 1980 a	United States of America.....	18 May 1977	17 Jan 1980
Poland	18 May 1977	8 Jun 1978	Uruguay		16 Sep 1993 a
Portugal.....	18 May 1977		Uzbekistan		26 May 1993 a
Republic of Korea		2 Dec 1986 a	Viet Nam.....		26 Aug 1980 a
Romania.....	18 May 1977	6 May 1983	Yemen ⁸	18 May 1977	20 Jul 1977
Russian Federation.....	18 May 1977	30 May 1978			
Sao Tome and Principe .		5 Oct 1979 a			
Sierra Leone.....	12 Apr 1978				
Slovakia ³		28 May 1993 d			

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.)

ARGENTINA⁹

The Argentine Republic interprets the terms "widespread, long-lasting or severe effects" in article I, paragraph 1, of the Convention in accordance with the definitions agreed upon in the understanding on that article. It likewise interprets articles II, III and VIII in accordance with the relevant understandings.

AUSTRIA

Reservation:

"Considering the obligations resulting from its status as a permanently neutral state, the Republic of Austria declares a reservation to the effect that its co-operation within the frame work of this Convention cannot exceed the limits determined by the Status of permanent neutrality and membership with the United Nations."

GERMANY⁵

Upon signature:

"With the proviso that the correct designation of the Federal Republic of Germany in the Russian language is 'Federativnuju Respubliku Germaniju'."

16 June 1977

"The correct designation of the Federal Republic of Germany in the Russian language following the preposition 'sa' in the Russian text was spelled out in the afore-mentioned proviso as 'Federativnuju Respubliku Germaniju'."

GUATEMALA

Reservation:

Guatemala accepts the text of article III, on condition that the use of environmental modification techniques for peaceful purposes does not adversely affect its territory or the use of its natural resources.

KUWAIT¹⁰

Reservation:

This Convention binds the State of Kuwait only towards States Parties thereto. Its obligatory character shall *ipso facto* terminate with respect to any hostile

state which does not abide by the prohibition contained therein.

Understanding:

"It is understood that accession to the Convention on the Prohibition of Military or any other hostile use of Environmental Modification Techniques, done in Geneva, 1977, does not mean in any way recognition of Israel by the State of Kuwait. Furthermore, no treaty relation will arise between the State of Kuwait and Israel."

NETHERLANDS

Declaration:

"The Kingdom of the Netherlands accepts the obligations laid down in article I of the said Convention as extending to states which are not a party to the Convention and which act in conformity with article I of the Convention."

NEW ZEALAND

"The Government of New Zealand hereby declares its interpretation that nothing in the Convention detracts from or limits the obligations of States to refrain from military or any other hostile use of environmental modification techniques which are contrary to international law".

REPUBLIC OF KOREA

"It is the understanding of the Government of the Republic of Korea that any technique for deliberately changing the natural state of rivers falls within the meaning of the term 'environmental modification techniques' as defined in article II of the Convention.

"It is further understood that military or any other hostile use of such techniques, which could cause flooding, inundation, reduction in the water-level, drying up, destruction of hydrotechnical installations or other harmful consequences, comes within the scope of the Convention, provided it meets the criteria set out in article I therefore."

SWITZERLAND

Because of the obligation incumbent upon it by virtue of its status of perpetual neutrality, Switzerland must make a general reservation specifying that its co-operation in the framework of this Convention cannot go beyond the limits imposed by this status. This reservation refers, in particular, to article V, paragraph 5, of the Convention, and to any similar clause which may replace or supplement this provision in the Convention (or in any other arrangement).

TURKEY

Upon signature:

Interpretative statement:

"In the opinion of the Turkish Government the terms 'wide-spread', 'long lasting' and 'severe effects' contained in the Convention need to be clearly defined. So long as this clarification is not made the Government of Turkey will be compelled to interpret itself the terms in question and consequently it reserves the right to do so as and when required.

"Furthermore, the Government of Turkey believes that the difference between 'military or any other hostile purposes' and 'peaceful purposes' should be more clearly defined so as to prevent subjective evaluations."

Territorial Application

<i>Participant</i>	<i>Date of receipt of the notification</i>	<i>Territories</i>
United Kingdom of Great Britain and Northern Ireland ¹¹	16 May 1978	United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus, Association of Caribbean States, Brunei, Solomon Islands and United Kingdom Territories

Notes:

¹ *Official Records of the General Assembly, Thirty-first Session, Supplement No. 39 (A/31/39), p. 36.*

² With the following declaration with respect of Hong Kong Special Administrative Region and Macao Special Administrative Region:

In accordance with the provisions of Article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and Article 138 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the Convention shall apply to the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People's Republic of China.

³ Czechoslovakia had signed and ratified the Convention on 18 May 1977 and 12 May 1978, respectively. See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of this volume.

⁴ See note 1 under "Germany" regarding Berlin (West) in the "Historical Information" section in the front matter of this volume.

⁵ The German Democratic Republic had signed and ratified the Convention on 18 May 1977 and 25 May 1978, respectively. See also note 2 under "Germany" in the "Historical Information" section in the front matter of this volume.

⁶ For the Kingdom in Europe and the Netherlands Antilles.

See also note 1 under "Netherlands" regarding Aruba/Netherlands Antilles in the "Historical Information" section in the front matter of this volume.

⁷ The accession shall also apply to the Cook Islands and Niue.

⁸ Democratic Yemen had acceded to the Convention on 12 June 1979. See also note 1 under "Yemen" in the "Historical Information" section in the front matter of this volume.

⁹ The Government of Argentina has specified that the understandings referred to in the declaration are the Understandings adopted as part of the report of the Conference of the Committee on Disarmament to the General Assembly at its thirty-first session, published under the symbol A/31/27. [Report of the Conference of the Committee on Disarmament to the General Assembly (Volume I, Annex I).]

¹⁰ On 23 June 1980, the Secretary-General received from the Government of Israel the following communication concerning the above-mentioned understanding:

"The Government of Israel has noted the political character of the statement made by the Government of Kuwait. In the view of the Government of Israel, this Convention is not the proper place for making such political pronouncements. Moreover, the said declaration cannot in any way affect whatever obligations are binding upon Kuwait, under general international law or under particular conventions. Insofar as concerns the substance of the matter, the Government of Israel will adopt towards the Government of Kuwait an attitude of complete reciprocity."

¹¹ See note 2 under "United Kingdom of Great Britain and Northern Ireland" regarding Hong Kong in the "Historical Information" section in the front matter of this volume.