



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

(Geneva, 25 November-6 December 1996)

FINAL DOCUMENT

Geneva, 1996

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

Final Document

PART I

Organization and Work of the Conference

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

I. ORGANIZATION AND WORK OF THE CONFERENCE

Introduction

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

"The Conference decides that a Fourth Review Conference shall be held in Geneva at the request of a majority of States Parties not later than 1996". 1/

2. By resolution 50/79, adopted without a vote on 12 December 1995, the General Assembly, inter alia, noted that, at the request of the States Parties, a Fourth Review Conference of the Parties to the Convention would be held at Geneva from 25 November to 13 December 1996, and that, following appropriate consultations, a Preparatory Committee for that Conference had been formed, open to all Parties to the Convention, and that the Committee would meet in Geneva from 9 to 12 April 1996.

3. The Preparatory Committee held one session at Geneva from 9 to 10 April 1996. The following 65 States Parties to the Convention participated in the session of the Preparatory Committee: Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Luxembourg, Malta, Mexico, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Tunisia, Turkey, Turkmenistan, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam.

4. At its 1st meeting, on 9 April, the Preparatory Committee elected by acclamation Ambassador Sir Michael Weston (United Kingdom) as Chairman of the Committee. It also unanimously elected Ambassador Jorge Berguño (Chile) and Ambassador Tibor Tóth (Hungary) as Vice-Chairmen of the Committee. The Committee authorized the Bureau to handle technical and other matters in the period before the Review Conference was convened.

1/ BWC/CONF.III/23.

5. On behalf of the Secretary-General of the United Nations, Mr. Ogunsola Ogunbanwo, Senior Coordinator of the Disarmament Fellowship, Training and Advisory Services Programme, Centre for Disarmament Affairs, Department of Political Affairs, opened the session of the Preparatory Committee. Mr. Ogunbanwo also served as Secretary of the Committee.

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

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

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

9. In the course of its session the 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) Final document(s).

10. At its last meeting, on 10 April 1996, the Preparatory Committee adopted its report, which was issued as a pre-session document of the Conference (BWC/CONF.IV/1). The report contained, *inter alia*, the provisional agenda and the draft rules of procedure for the Conference (BWC/CONF.IV/1, annexes I and II, respectively). In this connection, the Committee recommended that its report, without annexes, be annexed to the Final Document of the Fourth Review Conference (see annex II of this document).

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

1. Background information document providing, in summary tabular form, data on the participation of States Parties in the agreed confidence-building measures since the last Review Conference (BWC/CONF.IV/2, Corr.1-5)
2. Background information document on compliance by States Parties with all their obligations under the Convention, compiled from information provided by them. (BWC/CONF.IV/3, Corr.1-2 and Add.1-3)

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

Organization of the Conference

12. In accordance with the decision of the Preparatory Committee, the Conference was convened on 25 November at the Palais des Nations in Geneva for a period of two weeks.

13. At its 1st meeting, on 25 November, the Conference elected by acclamation Ambassador Sir Michael Weston (United Kingdom) as President.

14. At the same meeting, a message from the Secretary-General of the United Nations was read out by the Director-General of the United Nations Office at Geneva.

15. The Conference adopted its agenda as recommended by the Preparatory Committee (BWC/CONF.IV/1, annex I), with item 13 amended to read as follows:

"Other matters, including:

- (a) the question of future review of the Convention
- (b) the consideration of the proposal of the Islamic Republic of Iran concerning the prohibition of the use of biological weapons (BWC/CONF.IV/COW/WP.2)".

16. The Conference took note with appreciation of the report of the Preparatory Committee (BWC/CONF.IV/1).

17. The Conference adopted its Rules of Procedure as recommended by the Preparatory Committee (BWC/CONF.IV/1, annex II). Upon the recommendation of the Drafting Committee, the Rules of Procedure of the Conference are contained in annex III of this Final Document. The Rules of Procedure provided, inter alia, for (a) a General Committee, composed of the President of the Conference and chaired by him, the 20 Vice-Presidents, the Chairman and the two Vice-Chairmen of the Committee of the Whole, the Chairman and the two Vice-Chairmen of the Drafting Committee, the Chairman and the Vice-Chairman of the Credentials Committee and the three Regional Group Coordinators (see paragraph 19 of the report of the Preparatory Committee); (b) a Committee of the Whole; (c) a Drafting Committee, composed of representatives of the same 32 States that are represented on the General Committee; and (d) a Credentials Committee composed of a Chairman and Vice-Chairman elected by the Conference and five other members appointed by the Conference on the proposal of the President.

18. The Conference elected by acclamation 20 Vice-Presidents from the following States Parties: Bangladesh, Brazil, Canada, China, Cuba, Germany, India, Iran (Islamic Republic of), Ireland (on behalf of the European Union),

Japan, Mexico, Netherlands, Nigeria, Peru, Poland, Romania, Russian Federation, Slovenia, South Africa and United States of America. 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 Jorge Berguño (Chile)
	Vice-Chairman	Ambassador Lars Norberg (Sweden)
	Vice-Chairman	Dr. Petr Rytik Senior Scientist, SRIE&M (Belarus)
Drafting Committee:	Chairman	Ambassador Tibor Tóth (Hungary)
	Vice-Chairman	Mr. Steffen Kongstad Minister Counsellor (Norway)
	Vice-Chairman	Mr. Imron Cotan First Secretary (Indonesia)
Credentials Committee:	Chairman	Mrs. Maria Francisca Arias Castaño, Minister Counsellor (Colombia)
	Vice-Chairman	Ambassador Maria Krasnohorska (Slovakia)

The Conference also appointed the following five States Parties as members of the Credentials Committee: Belgium, Cuba, Czech Republic, New Zealand and South Africa.

19. The Conference confirmed the nomination of Mr. Ogunsola Ogunbanwo as Secretary-General of the Conference. The nomination had been made by the Secretary-General of the United Nations following an invitation by the Preparatory Committee.

Participation at the Conference

20. Seventy-seven States Parties to the Convention participated in the Conference as follows: Albania, Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ethiopia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland,

Italy, Japan, Jordan, Kenya, Kuwait, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Viet Nam.

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

22. Four States, Algeria, the former Yugoslav Republic of Macedonia, Israel and Kazakstan, neither Parties nor Signatories of the Convention, were granted Observer status in accordance with rule 44, paragraph 2 (a).

23. The United Nations, including the United Nations Institute for Disarmament Research (UNIDIR) and the United Nations Special Commission (UNSCOM) attended the Conference in accordance with rule 44, paragraph 3.

24. The International Committee of the Red Cross (ICRC), upon its request, was granted Observer status. Sixteen non-governmental organizations and research institutes attended the Conference under rule 44, paragraph 5.

25. A list of all delegations to the Conference, including States Parties, Signatories, Observer States and non-governmental organizations, is contained in annex IV to this document.

26. The Credentials Committee met on 2 and 5 December, and on 6 December it reported to the Conference on the credentials of the States Parties (BWC/CONF.IV/CC/1). The Conference took note of the report.

Work of the Conference

27. The Conference held six plenary meetings between 25 November and 6 December, when it concluded its work.

28. The general debate, in which 31 States Parties and the ICRC made statements, took place from the 1st to the 4th plenary meetings, on 25 and 26 November.

29. The General Committee, at its 1st meeting, on 25 November, considered item 9 of the agenda, "Programme of work", and decided, inter alia, to make the following recommendations to the Conference:

- (1) The Committee of the Whole should consider the following substantive items:
10. Review of the operation of the Convention as provided for in its Article XII
 - (a) Articles I - XV
 - (b) Preambular paragraphs and purposes of the Convention
 11. Consideration of issues identified in the review of Article XII contained in the Final Declaration of the Third Review Conference, and possible follow-up action
 12. Consideration of the work of the Ad Hoc Group established by the Special Conference in 1994
 13. Other matters, including:
 - (a) the question of future review of the Convention
 - (b) the consideration of the proposal of the Islamic Republic of Iran concerning the prohibition of the use of biological weapons (BWC/CONF.IV/WP.2)
- (2) The Drafting Committee should undertake the task of preparing and submitting to the plenary the draft Final Document of the Conference, including the Final Declaration.

30. At its 1st plenary meeting, on 25 November, the Conference adopted its indicative programme of work, which had been agreed in the course of informal consultations in New York in October.

31. The Committee of the Whole held six meetings between 27 November and 29 November, during which it reviewed the provisions of the Convention, article by article, followed by consideration of the Preamble. The Committee also examined agenda items 11, 12 and 13. It submitted its report (BWC/CONF.IV/6) to the Conference at its 5th plenary meeting, on 29 November. The Conference took note of the report.

32. The Drafting Committee held eleven meetings between 29 November and 6 December. At its final meeting, the Committee adopted its report to the Conference. The Conference, at its final plenary meeting, on 6 December, took note of the report.

Documentation

33. A list of documents of the Conference is contained in annex I to this document.

Conclusion of the Conference

34. At its final plenary meeting, on 6 December, the Conference adopted by consensus its Final Document as recommended by the Drafting Committee in document BWC/CONF.IV/DC/2, BWC/CONF.IV/L.1 and BWC/CONF.IV/L.1/Add.1 as orally amended. The Final Document consists of four parts and four annexes: I. Organization and work of the Conference; II. Final Declaration; III. Report of the Committee of the Whole; IV. Summary records of the plenary meetings of the Conference; and annex I, List of documents of the Conference; annex II, Report of the Preparatory Committee; annex III, Rules of Procedure of the Conference; and annex IV, List of participants at the Conference.

Fourth Review Conference of the Parties to the Convention
on the Prohibition of the Development, Production and
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PART II

Final Declaration

II. FINAL DECLARATION

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

- Their conviction that the Convention is essential to international peace and security;
- Their reaffirmation of their determination to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and their conviction that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control;
- Their reaffirmation that under any circumstances the use, development, production and stockpiling of bacteriological (biological) and toxin weapons is effectively prohibited under Article I of the Convention.
- Their continued determination, for the sake of mankind, to exclude completely the possibility of the use of bacteriological (biological) agents and toxins as weapons, and their conviction that such use would be repugnant to the conscience of mankind;
- Their reaffirmation of their firm commitment to the purposes of the Preamble and the provisions of the Convention, and of their belief that universal adherence to the Convention would enhance international peace and security;
- Their determination to enhance the implementation and effectiveness of the Convention and to further strengthen its authority, including through the confidence-building measures and agreed procedures for consultations agreed by the Second and Third Review Conferences, and through the fulfilment of the mandate entrusted to the Ad Hoc Group established by the Special Conference in 1994;
- Their recognition that effective verification could reinforce the Convention;
- Their conviction that the full implementation of the provisions of the Convention should facilitate economic and technological development and international cooperation in the field of peaceful biological activities;

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

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

Preamble

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

Article I

1. The Conference notes the importance of Article I as the provision which defines the scope of the Convention. The Conference reaffirms its support for the provisions of this Article.
2. The Conference reaffirms that the Convention prohibits the development, production, stockpiling, other acquisition or retention of microbial or other biological agents or toxins harmful to plants and animals, as well as humans, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes.
3. The Conference reaffirms that the use by the States Parties, in any way and under any circumstances, of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I of the Convention.
4. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict, in order to exclude completely and forever the possibility of their use.
5. The Conference also reaffirms that the Convention unequivocally covers all microbial or other biological agents or toxins, naturally or artificially created or altered, as well as their components, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes.
6. The Conference, conscious of apprehensions arising from relevant scientific and technological developments, inter alia, in the fields of microbiology, biotechnology, molecular biology, genetic engineering, and any applications resulting from genome studies, and the possibilities of their use for purposes inconsistent with the objectives and the provisions of the Convention, reaffirms that the undertaking given by the States Parties in Article I applies to all such developments.

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

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

9. The Conference emphasizes, once more, the vital importance of full implementation by all States Parties of all the provisions of the Convention, especially Articles I, II and III. The Conference agrees that the application by States Parties of positive approaches in accordance with the provisions of the Convention is in the interest of all States Parties and that any non-compliance with its provisions could undermine confidence in the Convention. Non-compliance should be treated with determination in all cases, without selectivity or discrimination.

Article II

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

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

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

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

Article III

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

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

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

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

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

Article IV

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

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

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

3. The Conference notes the importance of:

- Legislative, administrative and other measures designed to enhance domestic compliance with the Convention;
- Legislation regarding the physical protection of laboratories and facilities to prevent unauthorized access to and removal of microbial or other biological agents, or toxins;
- Inclusion in textbooks and in medical, scientific and military education programmes of information dealing with the prohibitions and provisions contained in the Biological and Toxin Weapons Convention and the Geneva Protocol of 1925.

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

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

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

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

Article V

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

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

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

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

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

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

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

7. In this regard, the Conference recalls that:

- The Third Review Conference established the Ad Hoc Group of Governmental Experts open to all States Parties to identify and examine potential verification measures from a scientific and technical standpoint.
- The Group held four sessions in 1992-1993 and circulated its report to all States Parties in September 1993.
- A Special Conference was held in September 1994 to consider the report, and decided to establish an Ad Hoc Group open to all States Parties. The Conference considered the work of the Ad Hoc Group under agenda item 12 and its conclusions are reflected in the section of this document entitled "Consideration of the work of the Ad Hoc Group established by the Special Conference in 1994".

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

Article VI

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

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

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

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

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

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

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

Article VII

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

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

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

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

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

Article VIII

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

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

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

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

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

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

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

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

Article IX

1. The Conference reaffirms that Article IX identifies the recognized objective of effective prohibition of chemical weapons. The Conference welcomes conclusion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, which was opened for signature on 13-15 January 1993 in Paris.
2. The Conference welcomes the fact that sixty-five instruments of ratification have now been deposited, and that the Convention will therefore enter into force on 29 April 1997.
3. The Conference stresses the importance to the Convention that all possessors of chemical weapons, chemical weapons production facilities or chemical weapons development facilities should be among the original parties to the Convention and, in this context, the importance of the United States of America and the Russian Federation, having declared possession of chemical weapons, being among the original States Parties to the Convention.
4. The Conference calls upon all States that have not yet done so to sign and/or ratify the Convention without delay.
5. The Conference notes that the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons, at its fourteenth session (22-26 July 1996) entrusted the Chairman of the Commission, in close consultation with its member States, with the task of convening, as necessitated by circumstances in connection with the occurrence of the trigger point, a meeting of the Commission to provide appropriate guidance.

Article X

1. The Conference once more emphasizes the increasing importance of the provisions of Article X, especially in the light of recent scientific and technological developments in the field of biotechnology, bacteriological (biological) agents and toxins with peaceful applications, which have vastly increased the potential for cooperation between States to help promote economic and social development, and scientific and technological progress, particularly in the developing countries, in conformity with their interests, needs and priorities.
2. The Conference, while acknowledging what has already been done towards this end, notes with concern the increasing gap between the developed and the developing countries in the field of biotechnology, genetic engineering, microbiology and other related areas. The Conference urges all States Parties actively to continue to promote international cooperation and exchange with States Parties in the peaceful uses of biotechnology, and urges all States Parties possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and

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

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

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

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

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

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

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

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

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

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

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

1. Transfer and exchange of information concerning research programmes in biosciences and greater cooperation in international public health and disease control;
2. Wider transfer and exchange of information, materials and equipment among States on a systematic and long-term basis;
3. Active promotion of contacts between scientists and technical personnel on a reciprocal basis, in relevant fields;
4. Increased technical cooperation and assistance, including training programmes to developing countries in the use of biosciences and genetic engineering for peaceful purposes through active association with United Nations institutions, including the International Centre for Genetic Engineering and Biotechnology (ICGEB);
5. Facilitating the conclusion of bilateral, regional and multiregional agreements providing, on a mutually advantageous, equal and non-discriminatory basis, for their participation in the development and application of biotechnology;
6. Encouraging the coordination of national and regional programmes and working out in an appropriate manner the ways and means of cooperation in this field;

7. Cooperation in providing information on their national epidemiological surveillance and data reporting systems, and in providing assistance, on a bilateral level and/or in conjunction with WHO, FAO and OIE regarding epidemiological and epizootical surveillance, with a view to improvements in the identification and timely reporting of significant outbreaks of human and animal diseases;
8. The promotion of programmes for the exchange and training of scientists and experts, and the exchange of scientific and technical information in the biological field between developed and developing countries.

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

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

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

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

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

Article XI

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

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

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

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

Article XII

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

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

- The impact of scientific and technological developments relating to the Convention;
- The relevance of the provisions of, and the implementation of the Chemical Weapons Convention on the effective implementation of the Biological and Toxin Weapons Convention, duly taking into account the degree of universality attained by such conventions at the time of the Fifth Review Conference;
- The effectiveness of confidence-building measures as agreed at the Second and Third Review Conferences;
- The conclusions of a Special Conference, to which the Ad Hoc Group shall submit its report, including a legally-binding instrument to strengthen the Biological and Toxin Weapons Convention, which shall be adopted by consensus, to be held as soon as possible before the commencement of the Fifth Review Conference; and further action as appropriate;
- The requirement for, and the operation of, the requested allocation by the United Nations Secretary-General of staff resources and other requirements to assist the effective implementation of the relevant decisions of the Fourth Review Conference;

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

Article XIII

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

Article XIV

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

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

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

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

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

Article XV

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

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

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

- The Special Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (September 1994) agreed to

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

- Since its establishment, the Ad Hoc Group has held one short organizational session and four substantive sessions of a duration of two weeks each.
- In accordance with its mandate, as contained in the Final Report of the Special Conference (BBC/SPCONF/1), the Ad Hoc Group has been considering appropriate measures, including possible verification measures, to strengthen the Convention. Where relevant, consideration of issues has sought to build on the considerable body of technical work connected with strengthening the Biological and Toxin Weapons Convention regime undertaken by the Ad Hoc Group of Technical Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint (VEREX) in 1992 and 1993.
- The Ad Hoc Group has made significant progress towards fulfilling the mandate given by the Special Conference, including by identifying a preliminary framework and elaborating potential basic elements of a legally-binding instrument to strengthen the Convention.
- Nevertheless, the Ad Hoc Group was not able to complete its work and submit its report including a draft of the future legally-binding instrument to the States Parties for consideration at the Fourth Review Conference. In this context it is noted that the cumulative period allocated to substantive negotiations in the Ad Hoc Group has been eight weeks.

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

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

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

Final Document

PART III

Report of the Committee of the Whole

REPORT OF THE COMMITTEE OF THE WHOLE

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

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

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

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

(a) Articles I-XV

(b) Preambular paragraphs and purposes of the Convention

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

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

Agenda item 13. Other matters, including:

(a) the question of future review of the Convention;

(b) the consideration of the proposal of the Islamic Republic of Iran concerning the prohibition of the use of biological weapons (BWC/CONF.IV/COW/WP.2).

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

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

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

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

ANNEX I

CHAIRMAN'S SUMMARY

AGENDA ITEM 10

Articles I-II

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

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

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

Articles III-IV

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

Many delegations highlighted the national measures they had taken to meet the requirements of Article IV. Participants called on all States Parties to declare the steps they had taken in this context, as required under CBM Form E agreed at the Third Review Conference. Several delegations drew attention to the risk of acquisition of relevant materials by groups or individuals for terrorist purposes, and called on all States Parties to review their national measures to address this threat. The importance of regional cooperation to aid the implementation of this Article was underlined.

Article V

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

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

Article VI-IX

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

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

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

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

Article X

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

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

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

Articles XI, XIII, XIV and XV

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

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

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

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

AGENDA ITEM 11 (Article XII)

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

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

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

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

AGENDA ITEM 12

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

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

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

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

AGENDA ITEM 13

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

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

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

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

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

The Chairman drew delegations' attention to the need for the Conference to consider what action might be taken consequent to the proposal in BWC/CONF.IV/COW/WP.2. Several views were expressed: it was suggested that the Depositaries, after a period for adequate consideration of the proposal by all States Parties, should convene a Special Conference to take a decision on the proposal. One delegation suggested that the Special Conference to be convened to consider the final report of the Ad Hoc Group could also consider the proposed amendment. One delegation suggested that this proposed amendment should be the subject of consensus agreement only. Other delegations stressed the need not to prejudice the consultations being carried out by the Depositary States. There was a general agreement that the issue of use should continue to be considered by the Review Conferences.

ANNEX II

PROPOSALS PUT BEFORE THE COMMITTEE OF THE WHOLE

(Proposal by the United States of America)

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

- Their conviction that the Convention is essential to international peace and security;
- Their reaffirmation of their determination to act with a view to achieving effective progress toward general and complete disarmament, and their conviction that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control;
- Their continued determination, for the sake of mankind, to exclude completely the possibility of the use of bacteriological (biological) agents and toxins as weapons, and their conviction that such use would be repugnant to the conscience of mankind;
- Their reaffirmation of their firm commitment to the purposes of the preamble and the provisions of the Convention, and of their belief that universal adherence to the Convention would enhance international peace and security;
- Their determination to enhance the implementation and effectiveness of the Convention and to further strengthen its authority, including through the confidence-building measures and agreed procedures for consultations agreed by the Second and Third Review Conferences, and through the continuing work of the Ad Hoc Group established by the Special Conference in 1994;
- Their recognition that effective verification could reinforce the Convention;
- Their conviction that the full implementation of the provisions of the Convention should not hamper economic and technological development and international cooperation in the field of peaceful biological activities.
- Their recognition that purposes of this Convention, include the abhorrence of all Parties for the possible use of biological weapons as contrary to the purpose of the Convention.

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

(Proposal by Non-Aligned Countries)

The States Parties solemnly declare:

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

Preamble

(Proposal by the United States of America)

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

Article I

(Proposal by Chile)

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

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

The Conference solemnly recalls the undertaking in Article I never in any circumstance to develop, produce, stockpile or otherwise acquire or retain weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict, in order to exclude completely and forever the possibility of their use.

The Conference also reaffirms that the Convention unequivocally covers all microbial or other biological agents or toxins, naturally or artificially created or altered, whatever their origin or method of production, as well as chemical components and products of living organisms and their analogs and modified derivatives, whether isolated, synthesized, cloned or produced by any combination of means, with a capacity for generating potentially adverse physiological effects.

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

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

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

(Proposal by the Russian Federation)

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

(Proposal by South Africa)

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

(Proposal by the United States of America)

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

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

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

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

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

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

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

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

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

(Proposal by Non-Aligned Countries)

1. The Conference reaffirms that the use, in any way and under any circumstance, of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is a violation of Article I of the Convention.
2. The Conference solemnly recalls the undertaking in Article I never in any circumstance to develop, produce, stockpile or otherwise acquire or retain weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict, in order to exclude completely and forever the possibility of their use.

(Proposal by some Non-Aligned Countries)

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

Article II

(Proposal by the Islamic Republic of Iran)

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

(Proposal by the United Kingdom and Canada)

1. The Conference notes the importance of Article II and welcomes the statements made by States which have become Parties to the Convention since the Third Review Conference that they do not possess agents, toxins, weapons, equipment or means of delivery referred to in Article I of the Convention. The Conference believes that such statements contribute to enhancing confidence in the Convention. The Conference notes that the politically-binding Confidence Building Measure F addresses the issue of past offensive BW programmes, and that related information should be submitted using the appropriate form.
2. The Conference stresses that States which become parties to the Convention, implementing the provisions of this Article, shall observe all necessary safety precautions to protect populations and the environment.

(Proposal by Non-Aligned Countries)

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

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

Article III

(Proposal by Austria and Canada)

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

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

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

(Proposal by Non-Aligned Countries)

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

(Proposal by some Non-Aligned Countries)

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

Article IV

(Proposal by New Zealand and Canada)

The Conference underlined the importance of Article IV and recommends to States Parties that they confirm their commitment to ensure, through national measures which they adopt or have adopted, that they achieve effective fulfilment of their objectives to prohibit and prevent the development, production, stockpiling, acquisitions or retention of the relevant weapons within their territory, under their jurisdiction or under their control anywhere, in order to prevent the use of those weapons, including for terrorist purposes.

The Conference notes those measures already taken by some States Parties in this regard, for example the adoption of penal legislation, and reiterates its call to any State Party that has not yet taken any necessary measures to do so immediately, in accordance with its constitutional processes. The Conference invites each State Party to consider, if constitutionally possible and in conformity with international law, the application of such measures also to actions taken anywhere by natural persons possessing its nationality.

The Conference notes the importance of:

- Legislative, administrative and other measures designed to enhance domestic compliance with the Convention;
- Legislation regarding the physical protection of laboratories and facilities to prevent unauthorized access to and removal of microbial or other biological agents, or toxins;

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

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

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

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

Article V

(Proposal by the Islamic Republic of Iran)

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

(Proposal by the United Kingdom)

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

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

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

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

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

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

6. The Conference notes that the Ad Hoc Group of States Parties established by the Special Conference in 1994 is, as part of its continuing work, considering the incorporation of existing and further enhanced confidence-building and transparency measures, as appropriate, in a regime to strengthen the Convention.

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

8. In this regard, the Conference recalled that:

- The Third Review Conference established the Ad Hoc Group of Governmental Experts open to all States Parties to identify and examine potential verification measures from a scientific and technical standpoint.
- The Group held four sessions in 1992-1993 and circulated its Report to all States Parties in September 1993.
- A Special Conference was held in September 1994 to consider the Report, and decided to establish an Ad Hoc Group open to all States Parties to consider appropriate measures, including

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

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

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

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

11. The Conference appeals to States Parties to make all possible efforts to solve any problems which may arise in relation to the objective or, or in application of the provisions of, the Convention with a view towards encouraging strict observance of the provisions subscribed to. In this connection, the States Parties agree to provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention. Pending agreement by the States Parties on specific measures to address a non-compliance concern, as currently being considered by the Ad Hoc Group, such responses should be submitted through the procedures provided for under the Convention. The Conference further requests that information on such efforts be provided to the Fifth Review Conference.

Article VI

(Proposal by the Islamic Republic of Iran)

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

(Proposal by the Russian Federation)

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

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

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

(Proposal by the United Kingdom)

1. The Conference notes that the provisions of this Article have not been invoked.
2. The Conference reaffirms the importance of Article VI, which, in addition to the procedures contained in Article V, provides that any State Party which finds that any other State Party is acting in breach of its obligations under the Convention may lodge a complaint with the United Nations Security Council. The Conference emphasized the provision of Article VI that such a complaint should include all possible evidence confirming its validity. It stressed that, as in the case of the implementation of all the provisions and procedures set forth in the Convention, the procedures foreseen in Article VI should be implemented in good faith within the scope of the Convention.
3. The Conference invites the Security Council to consider immediately any complaint lodged under Article VI and to initiate any measures it considers necessary for the investigation of the complaint. The Conference reaffirms the undertaking of each State Party to cooperate in carrying out any investigations which the Security Council may initiate.
4. The Conference recalls, in this context, United Nations Security Council resolution 620 of 1988, which encouraged the United Nations Secretary-General to carry out prompt investigations, in response to allegations brought to its attention by any Member States concerning the possible use of chemical and bacteriological (biological) or toxin weapons. The Conference also recalls the technical guidelines and procedures contained in Annex I of United Nations document A/44/561 to guide the United Nations Secretary-General on the timely and efficient investigation of reports of the possible use of such weapons. The States Parties reaffirm their agreement to consult, at the request of any State Party, regarding allegations of use or threat of use of bacteriological (biological) or toxin weapons and to cooperate fully with the United Nations Secretary-General in carrying out such investigations. The Conference

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

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

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

Article VII

(Proposal by the Islamic Republic of Iran)

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

(Proposal by the United Kingdom)

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

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

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

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

Article VIII

(Proposal by Chile, Mexico and Peru)

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

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

(Proposal by France and the Netherlands)

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

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

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

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

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

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

(Proposal by the Islamic Republic of Iran)

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

Article IX

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

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

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

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

(Proposal by the Islamic Republic of Iran)

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

Article X

(Proposal by Australia)

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

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

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

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

- Transfer and exchange of information concerning research programmes in biosciences and greater cooperation in international public health and disease control;
- Wider transfer and exchange of information, materials and equipment among States on a systematic and long-term basis;
- Active promotion of contacts between scientists and technical personnel on a reciprocal basis, in relevant fields;
- Increased technical cooperation and assistance, including training opportunities to developing countries in the use of biosciences and genetic engineering for peaceful purposes;
- Facilitating the conclusion of bilateral, regional and multi-regional agreements providing on a mutually advantageous, equal and non-discriminatory basis, for their participation in the development and application of biotechnology;
- Encouraging the coordination of national and regional programmes and working out in an appropriate manner the ways and means of cooperation in this field;
- Under the auspices of the WHO Division of Emerging and other Communicable Diseases Surveillance and Control, cooperation in the provision of information on national epidemiological surveillance and data reporting systems, and in providing assistance on epidemiological surveillance, with a view to improvements in the identification and timely reporting of significant outbreaks of human and animal diseases.

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

The Conference notes that the request in the Final Declaration of the Third Review Conference that the United Nations Secretary-General propose for inclusion on the agenda of a relevant United Nations body, not later than 1993, a discussion and examination of the means for improving institutional mechanisms in order to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes, has not been fulfilled. It also notes that the request that the Secretary-General collate on an annual basis, for the information of States Parties, reports on how this Article is being implemented, has not been fulfilled.

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

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

(Proposal by Colombia)

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

(Proposal by South Africa)

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

(Proposal by Non-Aligned Countries)

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

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

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

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

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

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

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

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

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

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

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

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

1. Transfer and exchange of information concerning research programmes in biosciences, and greater cooperation in international public health and disease control;
2. Wider transfer and exchange of information, materials and equipment among States on a systematic and long-term basis;
3. Active promotion of contacts between scientists and technical personnel on a reciprocal basis, in relevant fields;
4. Increased technical cooperation and assistance, including training programmes to developing countries in the use of biosciences and genetic engineering for peaceful purposes through active association with United Nations Institutions, including the International Centre for Genetic Engineering and Biotechnology (ICGEB);
5. Facilitating the conclusion of bilateral, regional and multi-regional agreements providing, on a mutually advantageous, equal and non-discriminatory basis, for their participation in the development and application of biotechnology;
6. Encouraging the coordination of national and regional programmes and working out in an appropriate manner the ways and means of cooperation in this field;
7. Cooperation in providing information on their national epidemiological surveillance and data reporting systems, and in providing assistance, on a bilateral level and/or in conjunction with WHO regarding epidemiological surveillance, with a view to improvements in the identification and timely reporting of significant outbreaks of human and animal diseases;

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

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

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

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

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

Article XI

(Proposal by the United Kingdom)

The Conference reaffirms the importance of Article XI, and notes that the Islamic Republic of Iran has notified the Depositaries of a proposal to amend the Convention. In this context the Conference underlined that the provisions of Article XI should in principle be implemented in such a way as not to affect the universality of the Convention.

Article XII

(Proposal by Sweden)

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

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

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

- The impact of scientific and technological developments relating to the Convention;
- The relevance of the provisions of and the implementation of the Chemical Weapons Convention on the effective implementation of the Biological and Toxin Weapons Convention;
- The effectiveness of coordinated confidence-building measures as agreed at the Third Review Conference;
- The requirement for, and the operation of, the requested allocation by the United Nations Secretary-General of staff resources and other requirements to assist the effective implementation of the relevant decisions of the Fourth Review Conference.

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

Article XIV

(Proposal by the United States of America)

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

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

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

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

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

Article XV

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

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

(Proposal by the United States of America)

The Conference notes the provisions of Article XV.

Item 12

(Proposal by South Africa)

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

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

- Compulsory annual Declarations preceded by a comprehensive initial Declaration;
- On-site measures including the investigations on non-compliance concerns;
- Voluntary confidence-building measures;
- Measures to implement the provisions of Article X of the Convention;
- Definitions of objective terms and criteria where applicable.

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

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

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

Final Document

PART IV

Summary Records of Plenary Meetings

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

Distr.
GENERAL

BWC/CONF.IV/SR.1
2 December 1996

ENGLISH
Original: FRENCH

Geneva, 25 November-6 December 1996

SUMMARY RECORD (PARTIAL)* OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 25 November 1996, at 11 a.m.

Temporary President: Mr. OGUNBANWO (Provisional Secretary-General
of the Conference)

President: Sir Michael WESTON (United Kingdom)

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* In accordance with rule 42 of the rules of procedure of the Conference, no summary records were prepared for meetings, or parts of meetings, devoted to consideration of agenda item 10 (a) - General debate.

This record is subject to correction.

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CREDENTIALS COMMITTEE

CREDENTIALS OF REPRESENTATIVES TO THE CONFERENCE

(a) APPOINTMENT OF THE CREDENTIALS COMMITTEE

CONFIRMATION OF THE NOMINATION OF THE SECRETARY-GENERAL

PROGRAMME OF WORK

REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE XII

(a) GENERAL DEBATE

The meeting was called to order at 11.15 a.m.

OPENING OF THE CONFERENCE BY THE PROVISIONAL SECRETARY-GENERAL (item 1 of the provisional agenda)

1. The PROVISIONAL SECRETARY-GENERAL welcomed participants and declared open the Fourth Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

ELECTION OF THE PRESIDENT (item 2 (a) of the provisional agenda)

2. The PROVISIONAL SECRETARY-GENERAL drew attention to paragraph 11 of the report of the Preparatory Committee (BWC/CONF.IV/1), which stated that the Committee had agreed to recommend to the Fourth Review Conference that Sir Michael Weston (United Kingdom) should preside over the Conference.

3. Sir Michael Weston (United Kingdom) was elected President by acclamation.

4. The PRESIDENT thanked all delegations for the honour bestowed on him and assured them that he would endeavour to conduct the Committee's proceedings in the most orderly, transparent and efficient manner possible. In order to carry out the mission incumbent on it under article XII of the Convention, the Conference must give particular attention to three issues that had been highlighted during the Third Review Conference: the impact of scientific and technological developments relating to the Convention, the imminent entry into force of the Convention on Chemical Weapons, and consideration of the conclusions of the work of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint (VEREX) and of the Ad Hoc Group established by the Special Conference in 1994. He was confident that he could rely on the full cooperation of all delegations and hoped that there would be an opportunity to discuss at length those matters, and the many other important issues on the Conference agenda, in the course of both the general debate and the detailed article-by-article review.

MESSAGE OF THE SECRETARY-GENERAL OF THE UNITED NATIONS (item 2 (b) of the provisional agenda)

5. Mr. PETROVSKY (Director-General of the United Nations Office at Geneva) read out a message to the Review Conference from the Secretary-General. In that message, the Secretary-General said that the Biological Weapons Convention was clearly a legal instrument highly appreciated by the international community, since there were nearly 140 States parties to it. The parties to the Convention had consistently shown their determination to consolidate that multilateral instrument, which was the first to ban an entire category of weapons of mass destruction. In 1986, they had initiated a set of

confidence-building measures, which had been revised and improved at the Third Review Conference and which continued to be implemented on a voluntary basis. Five years later, in 1991, developments in the Persian Gulf and the general international climate had led the Conference to recognize formally the need for more effective verification measures. That fact had led to the establishment of the VEREX Group, which had submitted its report in 1993. The Special Conference held in 1994 to evaluate that report from a political perspective had established an Ad Hoc Group to consider appropriate measures, including possible verification measures and draft proposals to strengthen the Convention, to be included, as appropriate, in a legally binding instrument. That Group had decided to intensify its work with a view to completing it as soon as possible, but the significant progress that it had already made towards identifying a preliminary framework and elaborating potential basic elements of a legally binding instrument would be considered by the Conference, which, it was to be hoped, would extend its full support to the Ad Hoc group.

6. There was a clear need for a coherent regime to enhance compliance with the Convention since a State party to the Convention had been able to acquire a full-scale biological weapons programme. However, the elaboration of such a regime was an extremely complex task because the States parties were convinced that full implementation of the provisions of the Convention should not hamper economic and technological development or international cooperation in the field of peaceful biological activities. Since the need for access to advanced technology would become increasingly acute as countries sought to develop, strenuous efforts must be made to ensure that the desired verification regime achieved a delicate balance between the need for access to technology and the need to prevent the proliferation of sensitive technology capable of being used for military purposes. The task undertaken by the Fourth Review Conference was, therefore, not a routine exercise. As had been demonstrated in the case of other multilateral disarmament instruments, there was a trend towards making the best possible use of the review process itself in order to safeguard and enhance the effectiveness of treaties. He encouraged the participants to follow that example in the case of the Convention on Biological Weapons and wished them every success in their work.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda)

7. The PRESIDENT drew attention to the provisional agenda recommended by the Preparatory Committee in annex I of its report (BWC/CONF.IV/1).

8. Mr. NEJAD (Islamic Republic of Iran) said his Government had officially submitted a proposal for an amendment to the Convention, which he wished the Conference to consider under a special agenda item.

9. The PRESIDENT suggested that the agenda recommended by the Preparatory Committee should be adopted on the understanding that consultations would be held on the issue raised by the representative of the Islamic Republic of Iran and a decision taken on the matter at the conclusion of those consultations.

10. It was so decided.

SUBMISSION OF THE FINAL REPORT OF THE PREPARATORY COMMITTEE (agenda item 4)
(BWC/CONF.IV/1)

11. The PRESIDENT, speaking as former Chairman of the Preparatory Committee, introduced the Committee's final report, noting with satisfaction that the Committee's decisions and recommendations had been adopted by consensus thanks to the spirit of good will and cooperation demonstrated by the participants. Particular thanks were due to the Vice-Chairmen of the Committee and the group coordinators. He also wished to express his appreciation to the United Nations Secretary-General and his staff for their help.

12. The Preparatory Committee had decided to transmit to the Conference a document containing background information on the participation of States parties in the agreed confidence-building measures (BWC/CONF.IV/2), a background information document on compliance by States parties with all their obligations under the Convention (BWC/CONF.IV/3) and a background paper on new scientific and technological developments relevant to the Convention (BWC/CONF.IV/4).

ADOPTION OF THE RULES OF PROCEDURE (agenda item 5)

13. The PRESIDENT drew attention to the provisional rules of procedure, which appeared in annex II to the report of the Preparatory Committee. In that regard, he noted that since the Committee had not taken a final decision concerning article 44.5 on non-governmental organizations (NGOs), it had decided that the Review Conference should decide whether to authorize NGOs to make statements at the Conference. At the end of the informal consultations held in New York during the preceding month, it had been decided to interrupt the work of the Plenary Committee at 4.30 p.m. on Wednesday, 27 November in order to hear presentations by NGOs.

14. The rules of procedure were adopted.

ELECTION OF THE VICE-PRESIDENTS OF THE CONFERENCE AND CHAIRMEN AND VICE-CHAIRMEN OF THE COMMITTEE OF THE WHOLE, THE DRAFTING COMMITTEE AND THE CREDENTIALS COMMITTEE (agenda item 6)

15. The PRESIDENT said that, under rule 5 of the rules of procedure and paragraph 19 of the report of the Preparatory Committee, the Conference had to elect 20 Vice-Presidents: 10 members of the Group of Non-Aligned and Other States, 6 members of the Western Group and 4 members of the Group of Eastern European States.

16. Following consultations in the various regional groups, the following candidates had been proposed:

Group of Non-Aligned and Other States: Bangladesh, Brazil, China, Cuba, India, the Islamic Republic of Iran, Mexico, Nigeria, Peru and South Africa;

Western Group: Canada, Germany, Ireland (on behalf of the European Union), Japan, Netherlands and the United States of America;

Group of Eastern European States: the Russian Federation and three other countries still to be determined.

17. The States parties named were elected Vice-Presidents by acclamation.

18. The PRESIDENT added that the Conference must elect a Chairman and two Vice-Chairmen of the Committee of the Whole, a Chairman and two Vice-Chairmen of the Drafting Committee, in accordance with paragraph 18 of the report of the Preparatory Committee, and a Chairman and Vice-Chairman of the Credentials Committee. Following consultations, it had been recommended that the Committee of the Whole should be chaired by Mr. Berguño (Chile) and the Drafting Committee by Mr. Toth (Hungary).

19. Ms. CASTAÑO (Colombia) nominated her delegation to chair the Credentials Committee.

20. Mr. Berguño, Mr. Toth and Colombia were elected Chairmen of the Committee of the Whole, the Drafting Committee and the Credentials Committee, respectively, by acclamation.

21. The PRESIDENT said that, following consultations, it had been recommended that Mr. Norberg (Sweden) and a representative of the Group of Eastern European States should be Vice-Chairmen of the Committee of the Whole, that a representative of Norway and a representative of Indonesia should be Vice-Chairmen of the Drafting Committee and that a representative of the Group of Eastern European States should be Vice-Chairman of the Credentials Committee.

22. It was so decided.

CREDENTIALS OF REPRESENTATIVES TO THE CONFERENCE (agenda item 7)

(a) APPOINTMENT OF THE CREDENTIALS COMMITTEE

23. The PRESIDENT said that, under rule 3 of the rules of procedure, the Conference had also to appoint five further members of the Credentials Committee on the proposal of the President. Following consultations with delegations, he proposed the appointment of representatives of the following States: Belgium, Cuba, New Zealand, South Africa and one country from the Group of Eastern European States.

24. It was so decided.

25. The PRESIDENT once again reminded delegations which had not yet done so that they should present their credentials as soon as possible.

CONFIRMATION OF THE NOMINATION OF THE SECRETARY-GENERAL (agenda item 8)

26. The PRESIDENT noted that rule 10 of the rules of procedure provided for a Secretary-General of the Conference. In paragraph 25 of its report, the Preparatory Committee had decided to invite the Secretary-General of the United Nations, in consultation with the members of the Preparatory Committee, to nominate an official to act on behalf of the Committee as provisional Secretary-General of the Review Conference. The Secretary-General of the United Nations had nominated Mr. Ogunsola Ogunbanwo, Senior Coordinator of the United Nations Disarmament Fellowship Training and Advisory Services Programme in the Department of Political Affairs. If there were no objections, he would take it that the Conference wished to confirm Mr. Ogunbanwo as Secretary-General of the Conference.

27. It was so decided.

PROGRAMME OF WORK (agenda item 9)

28. The PRESIDENT drew attention to the indicative programme of work in document BWC/CONF.IV/INF.1, which had been established at an informal meeting of States parties in New York during the month of October. If there was no objection, he would take it that the Committee wished to adopt the indicative programme.

29. It was so decided.

30. The PRESIDENT announced that four States - Algeria, Israel, the former Yugoslav Republic of Macedonia and Kazakstan - had applied for observer status in accordance with rule 44, paragraph 2 (a), of the rules of procedure. If there was no objection, he would take it that the Conference wished to accede to that request.

31. It was so decided.

32. The PRESIDENT announced that the International Committee of the Red Cross had also applied for observer status and for permission to make a short statement in that capacity at the end of the opening plenary meeting. If there were no comments, he would take it that the Conference wished to accede to that request.

33. It was so decided.

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REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE XII
(agenda item 10)

(a) GENERAL DEBATE

34. Mr. TOTH (Hungary), Mr. EMMANUELLI (France), Mr. TAYLOR (Ireland) (speaking on behalf of the European Union) and Mr. HERBY (International Committee of the Red Cross) made statements.

The meeting rose at 1 p.m.

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

Distr.
GENERAL

BWC/CONF.IV/SR.2
27 November 1996

Original: ENGLISH

Geneva, 25 November-6 December 1996

SUMMARY RECORD (PARTIAL)* OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 25 November 1996, at 3 p.m.

President: Sir Michael WESTON (United Kingdom)

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REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE XII
(continued)

(a) GENERAL DEBATE (continued)

ELECTION OF THE VICE-PRESIDENTS OF THE CONFERENCE AND CHAIRMEN AND
VICE-CHAIRMEN OF THE COMMITTEE OF THE WHOLE, THE DRAFTING COMMITTEE AND THE
CREDENTIALS COMMITTEE (continued)

* In accordance with rule 42 of the rules of procedure of the
Conference, no summary records were prepared for meetings, or parts of
meetings, devoted to consideration of agenda item 10 (a) - General debate.

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Corrections should be submitted in one of the working languages. They
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the Official Records Editing Section, room E.4018, Palais des Nations, Geneva.

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be consolidated in a single corrigendum, to be issued shortly after the end of
the Conference.

The meeting was called to order at 3.15 p.m.

REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE XII
(agenda item 10) (continued)

(a) GENERAL DEBATE (continued)

1. Statements were made by Mr. HOFER (Switzerland), Mr. SOMOL (Czech Republic), Mr. GRECU (Romania), Mr. VERGNE SABOIA (Brazil), Mr. MIDDLETON (New Zealand) and Mr. ABUAH (Nigeria).

ELECTION OF THE VICE-PRESIDENTS OF THE CONFERENCE AND CHAIRMEN AND VICE-CHAIRMEN OF THE COMMITTEE OF THE WHOLE, THE DRAFTING COMMITTEE AND THE CREDENTIALS COMMITTEE (agenda item 6) (continued)

2. The PRESIDENT said that, following consultations in the Eastern European regional group concerning the officers to be elected pursuant to rule 5 of the rules of procedure, Poland, Romania and Slovenia had been proposed for the three remaining posts of Vice-President, Belarus had been proposed for the remaining post of Vice-Chairman of the Committee of the Whole, Slovakia had been proposed for the remaining post of Vice-Chairman of the Credentials Committee and the Czech Republic had been proposed for membership of the Credentials Committee.

3. The States parties named were elected to those posts by acclamation.

The meeting rose at 4.25 p.m.

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

Distr.
GENERAL

BWC/CONF.IV/SR.3
29 November 1996

ENGLISH
Original: FRENCH

Geneva, 25 November-6 December 1996

SUMMARY RECORD (PARTIAL)* OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 26 November 1996, at 10 a.m.

President: Sr. Michael Weston (United Kingdom)

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REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE XII:

GENERAL DEBATE (continued)

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The meeting was called to order at 10.10 a.m.

REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE XII
(agenda item 10) (continued)

(a) GENERAL DEBATE (continued)

Ms. GHOSE (India), Mr. DAVIS (United Kingdom), Mr. HOLJUM (United States of America), Mr. SELEBI (South Africa), Mr. SHA Zukang (China), Mr. MOHER (Canada), Ms. KUROKOCHI (Japan), Mr. AKRAM (Pakistan), Mr. BARTOLO (Malta) and Ms. FLOREZ PRIDA (Cuba) made statements.

The meeting rose at 12.25 p.m.

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

Distr.
GENERAL

BWC/CONF.IV/SR.4
28 November 1996

Original: ENGLISH

Geneva, 25 November-6 December 1996

SUMMARY RECORD (PARTIAL)* OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 26 November 1996, at 3 p.m.

President: Sir Michael WESTON (United Kingdom)

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REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE XII
(continued)

(a) GENERAL DEBATE (continued)

* In accordance with rule 42 of the rules of procedure of the Conference, no summary records were prepared for meetings, or parts of meetings, devoted to consideration of agenda item 10 (a) - General debate.

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The meeting was called to order at 3.15 p.m.

REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE XII
(agenda item 10) (continued)

(a) GENERAL DEBATE (continued)

Statements were made by Ms. BOKOVA (Bulgaria), Mr. SUN (Republic of Korea), Mr. DE ICAZA (Mexico), Mr. CAMPBELL (Australia), Mr. BERDENNIKOV (Russian Federation), Ms. KRASNOHORSKA (Slovak Republic), Mr. RYTIK (Belarus), Mr. BERGUNO (Chile), Mr. TARMIDZI (Indonesia), Mr. ABBAS (Iraq), Mr. HASHIM (Bangladesh), Mr. NASERI (Islamic Republic of Iran) and Mr. GHOSE (India).

The meeting rose at 5.50 p.m.

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

Distr.
GENERAL

BWC/CONF.IV/SR.5
4 December 1996

Original: ENGLISH

Geneva, 25 November-6 December 1996

SUMMARY RECORD (PARTIAL)* OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 29 November 1996, at 3 p.m.

President: Sir Michael WESTON (United Kingdom)

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REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE XII
(continued)

(a) GENERAL DEBATE (continued)

REPORT OF THE COMMITTEE OF THE WHOLE

* In accordance with rule 42 of the rules of procedure of the Conference, no summary records were prepared for meetings, or parts of meetings, devoted to consideration of agenda item 10 (a) - General debate.

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The meeting was called to order at 4.10 p.m.

REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE XII
(agenda item 10) (continued)

(a) GENERAL DEBATE (continued)

1. Statements were made by Mr. ZAHRAN (Egypt) and Mr. MERNIER (Belgium).

REPORT OF THE COMMITTEE OF THE WHOLE (agenda item 14) (BWC/CONF.IV/COW/CRP.1)

2. Mr. BERGUÑO (Chile), Chairman of the Committee of the Whole, introducing the Committee's report (BWC/CONF.IV/COW/CRP.1), recalled that, in accordance with rule 35 of its rules of procedure, the Conference had decided as was customary, to establish a Committee of the Whole to undertake the review of the various articles and provisions of the Convention under agenda items 10 (a), 10 (b), 11, 12 and 13.

3. At its 1st meeting, the Committee had decided to cluster articles in the following manner: articles I-II; articles III-IV; article V; articles VI-IX; article X; and articles XI-XV, including the preamble. The Committee had also examined agenda items 11, 12 and 13.

4. The Committee had held five meetings and a series of informal consultations. A number of proposals had been presented on the various articles of the Convention and were contained in annex II of the Committee's report. The Chairman's summary of the various views expressed during the deliberations of the Committee was contained in annex I.

5. The PRESIDENT congratulated Mr. Berguño on the able manner in which he had conducted the deliberations of the Committee of the Whole. If he heard no objection, he would take it that the Conference wished to take note of the report of the Committee of the Whole and its annexes, on the understanding that the latter were without prejudice to the views of delegations.

6. It was so decided.

The meeting rose at 4.55 p.m

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

Distr.
GENERAL

BWC/CONF.IV/SR.6
10 December 1996

ENGLISH
Original: FRENCH

Geneva, 25 November-6 December 1996

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 6 December 1996, at noon

President: Sir Michael WESTON (United Kingdom)

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PREPARATION AND ADOPTION OF THE FINAL DOCUMENT(S)

CLOSING STATEMENTS

CLOSURE OF THE CONFERENCE

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The meeting was called to order at noon

CREDENTIALS OF REPRESENTATIVES TO THE CONFERENCE (agenda item 7) (continued)

(b) REPORT OF THE CREDENTIALS COMMITTEE (BWC/CONF.IV/CC/1)

1. Mrs. ARIAS CASTAÑO (Colombia), Chairman of the Credentials Committee, introducing the Committee's report (BWC/CONF.IV/CC/1), said that the Committee had held two meetings during the Conference to examine the credentials of the 79 States parties participating in the work of the Conference. Forty-six of those States had submitted their credentials in due form, 19 had submitted provisional credentials and 14 had communicated lists of representatives in letters from their respective Permanent Missions or Ministries of Foreign Affairs. The Islamic Republic of Iran, Nigeria and Senegal should be added to the list of States parties having submitted provisional credentials. As the delegations of Turkmenistan and Zimbabwe had not participated in the work of the Conference, those two countries had been deleted from the list of participants. The Committee had received notification from Uganda of the composition of its delegation, and that State should consequently be added to the list of participants.

2. The Committee had decided to accept the credentials of the representatives of the States parties, on the understanding that those that had not yet communicated the official credentials of their representatives as required by rule 2 of the rules of procedure would submit them to the Secretary-General of the Conference as soon as possible.

3. The Credentials Committee recommended to the Conference the adoption of the draft resolution entitled "Report of the Credentials Committee to the Fourth Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction", which appeared in paragraph 9 of the Committee's report (BWC/CONF.IV/CC/1).

4. Mr. HASHIM (Bangladesh) said that the official credentials of his delegation should reach the secretariat of the Conference at any moment, and requested that, in the Final Document of the Conference, the name of his country should appear in the list of States parties having submitted credentials in due form.

5. The PRESIDENT said he had no objection to that proposal as long as the official credentials of the delegation of Bangladesh reached the secretariat before the end of the meeting. If there were no objection, he would take it that the participants wished to take note of the report of the Credentials Committee.

6. It was so decided.

REPORT OF THE DRAFTING COMMITTEE (agenda item 15) (BWC/CONF.IV/DC/L.1 and BWC/CONF.IV/L.1 and Add.1)

7. Mr. TOTH (Hungary), Chairman of the Drafting Committee, introducing the draft report of the Committee (BWC/CONF.IV/DC/L.1); to which were appended the draft final document of the Conference (BWC/CONF.IV/L.1) and the draft final declaration (BWC/CONF.IV/L.1/Add.1), said that the Drafting Committee had held 11 formal meetings and several informal meetings. He thanked all delegations for the flexibility they had shown throughout the work of the Committee. He also paid tribute to the secretariat of the Committee, the interpreters, the translators and the technicians who had worked without interruption so that the Committee could fulfil its mandate within the given time limits. He also thanked the President of the Conference for his invaluable contribution.

8. The PRESIDENT said that, if he heard no objection, he would take it that the Conference wished to take note of the report of the Drafting Committee.

9. It was so decided.

PREPARATION AND ADOPTION OF THE FINAL DOCUMENT(S) (BWC/CONF.IV/L.1 and Add.1)

10. The PRESIDENT said that the Conference had before it the draft final document of the Fourth Review Conference, consisting of four parts and four annexes: I. Organization and work of the Conference; II. Final Declaration, as orally revised; III. Report of the Committee of the Whole; IV. Summary records of plenary meetings; and Annex I. List of documents of the Conference; Annex II. Report of the Preparatory Committee; Annex III. Rules of procedure of the Conference; and Annex IV. List of participants at the Conference. If he heard no objections, he would take it that the Conference wished to adopt the draft final document.

11. It was so decided.

CLOSING STATEMENTS

12. Mrs. GHOSE (India) said that, prior to the closure of the Conference, she wished to raise several issues for participants to consider. In order to limit expenses, the Conference had perhaps slightly underestimated the time necessary to complete its work, and it was thanks to the remarkable efforts of the President that the positive results obtained had been possible. It was none the less in order to ask whether it had completely fulfilled its mandate, which was to review the application of the Convention by States Parties.

13. Another question calling for reflection was that of the use of the words "proliferation" and "non-proliferation". The manner in which they were used suggested that only certain States were obliged to dispose of their stockpiles of weapons, while others were entitled to possess them. As long as that notion prevailed, India would continue to have the most serious reservations.

14. She wished to say a few words about the discussions that had taken place within the Drafting Committee, and above all behind the scenes, on the use of the word "multilateral", which was particularly important in the context of article 3 of the Convention. For India and for the non-aligned States, "multilateral" meant "universal". However, it had emerged during the course of the debates that, in the minds of some States parties, the term applied to a limited and exclusive group of States. That was an important question to which the delegations of member States of the Group of Non-Aligned and Other States would certainly return within the framework of the future work of the Conference.

15. Mrs. ARIAS CASTAÑO (Colombia), speaking on behalf of the Group of Non-Aligned and Other States, said that the results achieved had been extremely positive, as was evident from the Final Declaration. They would serve as guiding principles for the future work of the Conference. It was to be hoped that all delegations would continue to display the same spirit of cooperation.

16. Mr. CAMPBELL (Australia), speaking on behalf of a group of Western States Parties said that he welcomed the success of the Conference, which had been possible only thanks to the flexibility and sense of compromise shown by all delegations. He hoped that that spirit would continue to prevail.

17. Mr. BERDENNIKOV (Russian Federation), speaking on behalf of the Group of East European States, paid tribute to the President of the Conference, whose tireless efforts had made possible the extremely positive results obtained. He also expressed his gratitude to the Chairmen of the Committee of the Whole, the Drafting Committee and the Credentials Committee, as well as to all members of the secretariat, who had spared no effort to make the Conference a complete success.

18. Mr. KREISHAN (Jordan) said that his country had suffered throughout its history from the horrors of war and appreciated the real value of peace and security. Jordan had signed all the international conventions aimed at promoting peace throughout the world, and at the regional level, it had concluded an agreement with Israel, putting an end to long decades of conflict.

19. Jordan had never acquired any capability to produce biological weapons and had never used such weapons. It supported all efforts to promote the application of the Convention, including confidence-building measures, and subscribed to initiatives aimed at setting up a verification system and a body capable of implementing the means used to that end.

20. Unfortunately, certain neighbouring States had not signed the Convention. Although Jordan maintained good neighbourly relations with them, the situation continued to be of concern, as Jordan saw in it a potential threat to its security and stability.

21. The international community should simultaneously and with the same vigour eliminate all weapons of mass destruction, whether biological, chemical or nuclear, and appeal to all States possessing such weapons to ratify the relevant international conventions. Jordan was convinced in that regard that any progress towards the prohibition of nuclear weapons would encourage numerous States to accede to the conventions on the prohibition of biological and chemical weapons.

22. Mr. BERGUÑO BARNES (Chile) said that annex II to the report of the Committee of the Whole (see document BWC/CONF.IV/L.1) had inadvertently omitted to mention a document submitted by Colombia. The secretariat would be requested to do what was needed to ensure that the omission was rectified.

23. One of the positive elements worth mentioning was the very large number of States parties, signatory States, United Nations bodies and non-governmental organizations that had participated not only in the Conference itself but also in the preparatory process, which augured well for future work.

CLOSURE OF THE CONFERENCE

24. The PRESIDENT thanked all the participants, whose cooperation had made it possible to complete the work of the Conference even earlier than expected. Nevertheless, like the representative of India he wondered whether the fact that the length of the Conference had been reduced from three weeks to two had not forced participants to spend too much time on drafting documents and not enough on the very purpose of the Conference, which was to review the application of the Convention by States parties.

25. Having paid special tribute to the Chairman of the Drafting Committee, the Chairman of the Credentials Committee, the Secretary-General and the Bureau of the Conference and to all the members of the secretariat, he declared the Fourth Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction closed.

The meeting rose at 12.40 p.m.

ANNEX I

LIST OF DOCUMENTS

<u>Symbol</u>	<u>Title</u>
BWC/CONF.IV/1	Report of the Preparatory Committee for the Fourth Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction
BWC/CONF.IV/2 and Corr.1; Corr.2; Corr.3; Corr.4; Corr.5	Background information on the participation of States Parties in the agreed confidence-building measures (CBMs)
BWC/CONF.IV/3, Add.1; Add.2; Add.3 and Corr.1; Corr.2	Background information document on compliance by States Parties with all their obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction
BWC/CONF.IV/4, Add.1; Add.2	Background paper on new scientific and technological developments relevant to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction
BWC/CONF.IV/5	Letter dated 27 November 1996 to the Secretary-General of the Biological Weapons Review Conference from the Permanent Representative of Canada, concerning the Indicative Survey: Canadian Microbiological and Medical Cooperation
BWC/CONF.IV/6 and Add.1	Report of the Committee of the Whole
BWC/CONF.IV/7	Facsimile dated 2 December 1996 to the Secretary-General of the Biological Weapons Convention Review Conference from the Director and Deputy to the Under-Secretary-General, Office of the Legal Counsel, New York
BWC/CONF.IV/8	Note verbale from the Permanent Mission of the Arab Republic of Egypt to the Secretariat of the Fourth Review Conference of the States Parties to the Biological Weapons Convention attaching the statement of H.E. Ambassador Mounir Zahran, head of the Egyptian delegation to the plenary meeting on 29 November 1996

BWC/CONF.IV/9	Final document of the Fourth Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction
BWC/CONF.IV/L.1, Add.1 and Corr.1 (Russian only)	Draft final document of the Fourth Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction
BWC/CONF.IV/DC/1	Draft final document of the Fourth Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction
BWC/CONF.IV/DC/L.1	Draft report of the Drafting Committee
BWC/CONF.IV/DC/2	Report of the Drafting Committee
BWC/CONF.IV/COW/WP.1	The use of BTW: A violation of Article I of the BTWC - Working paper submitted by South Africa
BWC/CONF.IV/COW/WP.2	Islamic Republic of Iran - A proposal
BWC/CONF.IV/COW/WP.3	Proposal for Article VIII (Geneva Protocol) - France/The Netherlands
BWC/CONF.IV/COW/WP.4	Support for a system of global monitoring of emerging and other communicable diseases - Proposal by South Africa
BWC/CONF.IV/COW/WP.5	Proposal by the Russian Federation
BWC/CONF.IV/COW/WP.6	Proposal by the Russian Federation
BWC/CONF.IV/COW/WP.7	Article XV - China, Egypt, France, Spain and the Russian Federation
BWC/CONF.IV/COW/WP.8	Consideration of the work of the Ad Hoc Group - Proposal by South Africa
BWC/CONF.IV/COW/CRP.1 and Corr.1	Draft report of the Committee of the Whole
BWC/CONF.IV/CC/1 and Corr.1	Report of the Credentials Committee

BWC/CONF.IV/SR.1	Summary Record (partial) of the 1st meeting
BWC/CONF.IV/SR.2	Summary Record (partial) of the 2nd meeting
BWC/CONF.IV/SR.3	Summary Record (partial) of the 3rd meeting
BWC/CONF.IV/SR.4	Summary Record (partial) of the 4th meeting
BWC/CONF.IV/SR.5	Summary Record (partial) of the 5th meeting
BWC/CONF.IV/SR.6	Summary Record (partial) of the 6th meeting
BWC/CONF.IV/INF.1	Indicative programme of work
BWC/CONF.IV/INF.2	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
BWC/CONF.IV/INF.3	List of Participants
BWC/CONF.IV/Misc.1	Provisional List of Participants

ANNEX II

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

I. TERMS OF REFERENCE AND ORGANIZATION OF THE COMMITTEE'S WORK

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

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

2. By resolution 50/79, adopted without a vote on 12 December 1995, the General Assembly, *inter alia*, noted that, at the request of the States Parties, a Fourth Review Conference of the Parties to the Convention would be held at Geneva from 25 November to 13 December 1996, and that, following appropriate consultations, a Preparatory Committee for that Conference had been formed, open to all Parties to the Convention, and that the Committee would meet in Geneva from 9 to 12 April 1996.

3. The Preparatory Committee held four meetings at Geneva from 9 to 10 April 1996.

4. The Preparatory Committee, at its 1st meeting, on 9 April, elected by acclamation Ambassador Sir Michael Weston (United Kingdom) as Chairman of the Committee.

5. Also at its 1st meeting, the Committee unanimously elected Ambassador Jorge Berguño (Chile) and Ambassador Tibor Toth (Hungary) as Vice-Chairmen of the Committee. The Committee authorized the Bureau to handle technical and other matters in the period before the Review Conference was convened.

6. The following 65 States Parties to the Convention participated in the session of the Preparatory Committee: Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Luxembourg, Malta, Mexico, Mongolia, Netherlands, New Zealand,

* BWC/CONF.III/23.

Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Tunisia, Turkey, Turkmenistan, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam.

7. On behalf of the Secretary-General of the United Nations, Mr. Ogunbana Ogunbanwo, Senior Coordinator of the Disarmament Fellowship, Training and Advisory Services Programme, Centre for Disarmament Affairs, Department of Political Affairs, opened the session of the Preparatory Committee. Mr. Ogunbanwo also served as Secretary of the Committee.

8. The Committee decided to take its decisions by consensus.

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

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

II. ORGANIZATION OF THE REVIEW CONFERENCE

11. The Committee agreed to recommend to the Fourth Review Conference that Ambassador Sir Michael Weston (United Kingdom) preside over the Fourth Review Conference. The Committee also agreed to recommend to the Fourth Review Conference the following distribution of posts of Chairmen and Vice-Chairmen of the subsidiary bodies, among the various Groups:

Committee of the Whole:	Chairman	(Group of Non-Aligned and Other States)
	Vice-Chairman	(Western Group)
	Vice-Chairman	(Group of Eastern European States)
Drafting Committee:	Chairman	(Group of Eastern European States)
	Vice-Chairman	(Western Group)
	Vice-Chairman	(Group of Non-Aligned and Other States)
Credentials Committee:	Chairman	(Group of Non-Aligned and Other States)
	Vice-Chairman	(Group of Eastern European States)

12. In the course of its session the 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) Final document(s).

Date and duration

13. The Committee decided that the Conference should take place in Geneva from 25 November to 6 December 1996.

Provisional Agenda

14. The Committee agreed to recommend as the provisional agenda of the Fourth Review Conference the agenda of the Third Review Conference, as contained in document BWC/CONF.III/1, with the following change:

A new item 12 was included, entitled "12. Consideration of the work of the Ad Hoc Group established by the Special Conference in 1994.", and the subsequent agenda items were renumbered accordingly.

15. The provisional agenda, as approved by the Committee, is attached to this report as annex I.

Draft Rules of Procedure

16. The Committee agreed to recommend as the draft Rules of Procedure of the Fourth Review Conference the Rules of Procedure of the Third Review Conference, as contained in document BWC/CONF.III/23.

17. The draft Rules of Procedure, as approved by the Committee, are attached to this report as annex II.

18. The Committee agreed to recommend that, with respect to Rule 5, the Review Conference should elect a Chairman and two Vice-Chairmen of the Drafting Committee.

19. The Committee further agreed to recommend that the General Committee referred to in Rule 8 should be composed of the President of the Review Conference, the 20 Vice-Presidents (10 from the Group of Non-Aligned and Other States, 6 from the Western Group, and 4 from the Group of Eastern European States) and the Chairman and the 2 Vice-Chairmen of the Committee of the Whole, the Chairman and the 2 Vice-Chairmen of the Drafting Committee, the Chairman and the Vice-Chairman of the Credentials Committee, to be elected in accordance with Rule 5, and the 3 Regional Group Coordinators.

Background documentation

20. The Preparatory Committee decided to request the United Nations Secretary-General to prepare a background information document providing, in summary tabular form, data on the participation of States Parties in the agreed confidence-building measures since the last Review Conference.

21. The Preparatory Committee decided to request the Secretariat to compile a background information document on compliance by States Parties with all their obligations under the Convention. For the purpose of compiling this document, the Secretariat would request States Parties to provide information regarding compliance with all the provisions of the Convention. The Committee also decided to invite States Parties that wished to do so, including the Depositary Governments, to submit to the Secretariat information on new scientific and technological developments relevant to the Convention. This information should cover the applications being made of such developments and their relevance to various aspects of the Convention.

22. The Committee also decided that all background documentation should be circulated not later than four weeks before the opening of the Conference.

Publicity

23. Regarding publicity for the Review Conference, the Committee decided to request the Secretariat to issue press releases for the meetings of the Review Conference.

Final document(s)

24. With respect to the question of final document(s) of the Review Conference, the Preparatory Committee decided to include an appropriate item in the provisional agenda of the Conference (see annex I).

III. APPOINTMENT OF A SECRETARY-GENERAL OF THE CONFERENCE

25. Within the context of draft Rule 10 providing for a Secretary-General of the Review Conference, the Committee decided to invite the Secretary-General of the United Nations, in consultation with the members of the Preparatory Committee, to nominate an official to act on behalf of the Committee as Provisional Secretary-General of the Review Conference, the nominee to be confirmed by the Review Conference in accordance with the Rules of Procedure.

IV. COST ESTIMATES

26. The Preparatory Committee considered preliminary estimates, prepared by the Secretariat, of the costs of the Committee and of the fourth Review Conference. It was agreed to revise these estimates to take into account the fact that the session of the Preparatory Committee was considerably shorter than had been envisaged and that it had been agreed that the Fourth Review Conference would meet for two weeks and would be unlikely to require more than 36 meetings with interpretation services. It was agreed to delete the provision for a Secretariat legal affairs officer from New York to attend the

Fourth Review Conference since it seemed unlikely that the work of the Conference would require such expertise; if, in the event, legal advice from the Secretariat was required, it was agreed that this could be provided by telephone or facsimile. These decisions of the Preparatory Committee were reflected in document BWC/CONF.IV/PC/3.

V. ADOPTION OF THE REPORT

27. At its 4th and last meeting, on 10 April 1996, the Preparatory Committee adopted its report. It recommended that this report, without its annexes, be annexed to the final document of the Fourth Review Conference.

ANNEX III

RULES OF PROCEDURE OF THE CONFERENCE

I. REPRESENTATION AND CREDENTIALS

Delegations of Parties to the Convention

Rule 1

1. Each State Party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (hereinafter "the Convention") may be represented at the Conference by a head of delegation and such other representatives, alternate representatives and advisers as may be required.

2. The head of delegation may designate an alternate representative or an adviser to act as a representative.

Credentials

Rule 2

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not less than one week before the date fixed for the opening of the Conference. Credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

Credentials Committee

Rule 3

The Conference shall establish a Credentials Committee composed of the Chairman, one Vice-Chairman elected in accordance with rule 5, and five members appointed by the Conference on the proposal of the President. The Committee shall examine the credentials of representatives and report to the Conference without delay.

Provisional participation

Rule 4

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. OFFICERS

Election

Rule 5

The Conference shall elect the following officers: a President and 20 Vice-Presidents as well as a Chairman and 2 Vice-Chairmen for the Committee of the Whole, a Chairman and a Vice-Chairman for the Drafting Committee and a Chairman and a Vice-Chairman for the Credentials Committee.

Acting President

Rule 6

1. If the President is absent from a meeting or any part thereof, he shall designate a Vice-President to take his place.
2. A Vice-President acting as President shall have the same powers and duties as the President.

Voting rights of the President

Rule 7

The President, or a Vice-President acting as President, shall not vote, but shall appoint another member of his delegation to vote in his place.

III. GENERAL COMMITTEE

Composition

Rule 8

1. The General Committee shall be composed of the President of the Conference, who shall preside, 20 Vice-Presidents, the Chairman of the Committee of the Whole, the Chairman of the Drafting Committee and the Chairman of the Credentials Committee. No two members of the General Committee shall be members of the same delegation and it shall be so constituted as to ensure its representative character.
2. If the President is unable to attend a meeting of the General Committee, he may designate a Vice-President to preside at such meeting and a member of his delegation to take his place. If a Vice-President is unable to attend, he may designate a member of his delegation to take his place. If the Chairman of the Committee of the Whole, the Drafting Committee or the Credentials Committee is unable to attend, he may designate one of the Vice-Chairmen or the Vice-Chairman, as appropriate, to take his place, with the right to vote unless he is of the same delegation as another member of the General Committee.

Functions

Rule 9

The General Committee shall assist the President in the general conduct of the business of the Conference and subject to the decisions of the Conference, shall ensure the coordination of its work.

IV. CONFERENCE SECRETARIAT

Duties of the Secretary-General of the Conference

Rule 10

1. There shall be a Secretary-General of the Conference. He shall act in that capacity in all meetings of the Conference, its committees and other appropriate bodies established under rule 34, and may designate a member of the Secretariat to act in his place at these meetings.
2. The Secretary-General of the Conference shall direct the staff required by the Conference.

Duties of the Secretariat

Rule 11

The Secretariat of the Conference shall, in accordance with these rules:

- (a) interpret speeches made at meetings;
- (b) receive, translate and circulate the documents of the Conference;
- (c) publish and circulate any report of the Conference;
- (d) make and arrange for the keeping of sound recordings and summary records of meetings;
- (e) arrange for the custody of the documents of the Conference in the archives of the United Nations and provide authentic copies of these documents to each of the depositary Governments; and
- (f) generally perform all other work that the Conference may require.

Costs

Rule 12 1/

The costs of the Review Conference, including the session of the Preparatory Committee, will be met by the States Parties to the Convention participating in the Review Conference in accordance with the United Nations assessment scale pro-rated to take into account differences between the United Nations membership and the number of States Parties participating in

the Conference. States which have signed but not yet ratified the Convention and which accept the invitation to take part in the Review Conference as provided by rule 44.1 will share in the costs to the extent of their respective rates of assessment under the United Nations scale. For States Parties or signatories which are not members of the United Nations the share will be determined on the basis of the similarly pro-rated scale in force for determining this share in the activities in which they take part.

V. CONDUCT OF BUSINESS

Quorum

Rule 13

A majority of the States Parties to the Convention participating in the Conference shall constitute a quorum.

General powers of the President

Rule 14

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the Conference, he shall declare the opening and closing of each meeting, direct the discussion, ensure observance of these rules, accord the right to speak, ascertain consensus, put questions to the vote and announce decisions. He shall rule on points of order. The President, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each State may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his functions, remains under the authority of the Conference.

Points of order

Rule 15

A representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Speeches

Rule 16

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 15, 17 and 19-22, the President shall call upon speakers in the order in which they signify their desire to speak.
2. Debate shall be confined to the subject under discussion and the President may call a speaker to order if his remarks are not relevant thereto.
3. The Conference may limit the time allowed to speakers and the number of times the representative of each State may speak on a question; permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, the President shall limit interventions on procedural questions to a maximum of five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Precedence

Rule 17

The Chairman of a committee may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee.

Closing of list of speakers

Rule 18

During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When the debate on an item is concluded because there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 22.

Right of reply

Rule 19

Notwithstanding rule 18, the President may accord the right of reply to a representative of any State participating in the Conference. Such statements shall be as brief as possible and shall, as a general rule, be delivered at the end of the last meeting of the day.

Suspension or adjournment of the meeting

Rule 20

A representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 23, be immediately put to the vote.

Adjournment of debate

Rule 21

A representative may at any time move the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the adjournment after which the motion shall, subject to rule 23, be immediately put to the vote.

Closure of debate

Rule 22

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to rule 23, be immediately put to the vote.

Order of motions

Rule 23

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- (a) to suspend the meeting;
- (b) to adjourn the meeting;
- (c) to adjourn the debate on the question under discussion;
- (d) to close the debate on the question under discussion.

Submission of proposals and substantive amendments

Rule 24

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General of the Conference, who shall circulate copies to all delegations. Unless the Conference decides otherwise, proposals and

substantive amendments shall be discussed or decided on no earlier than 24 hours after copies have been circulated in all languages of the Conference to all delegations.

Withdrawal of proposals and motions

Rule 25

A proposal or a motion may be withdrawn by its sponsors at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

Decision on competence

Rule 26

Any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it, shall be decided upon before a decision is taken on the proposal in question.

Reconsideration of proposals

Rule 27

Proposals adopted by consensus may not be reconsidered unless the Conference reaches a consensus on such reconsideration. When a proposal has been adopted or rejected by a majority or two-thirds vote, it may not be reconsidered unless the Conference, by a two-thirds majority of the members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

VI. VOTING AND ELECTIONS

Adoption of decisions

Rule 28

1. Decisions on matters of procedure and in elections shall be taken by a majority of representatives present and voting.
2. The task of the Review Conference being to review the operation of the Convention with a view to assuring that the purposes of the preamble and the provisions of the Convention are being realized, and thus to strengthen its effectiveness, every effort should be made to reach agreement on substantive matters by means of consensus. There should be no voting on such matters until all efforts to achieve consensus have been exhausted.
3. If, notwithstanding the best efforts of delegates to achieve consensus, a matter of substance comes up for voting, the President shall defer the vote for 48 hours and during this period of deferment shall make every effort, with

the assistance of the General Committee, to facilitate the achievement of general agreement, and shall report to the Conference prior to the end of the period.

4. If by the end of the period of deferment the Conference has not reached agreement, voting shall take place and decisions shall be taken by a two-thirds majority of the representatives present and voting, providing that such majority shall include at least a majority of the States participating in the Conference.

5. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless the appeal is approved by a majority of the representatives present and voting.

6. In cases where a vote is taken in accordance with paragraphs 1 and 4 above, the relevant rules of procedure relating to voting of the General Assembly of the United Nations shall apply, except as otherwise specifically provided herein.

Voting rights

Rule 29

Every State Party to the Convention shall have one vote.

Meaning of the phrase "representatives present and voting"

Rule 30

For the purposes of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting are considered as not voting.

Elections

Rule 31

All elections shall be held by secret ballot, unless the Conference decides otherwise in an election where the number of candidates does not exceed the number of elective places to be filled.

Rule 32

1. If, when only one elective place is to be filled, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, confined to the two candidates having obtained the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held among such candidates for the purpose of reducing their number to two; similarly, in the case of a tie among three or more candidates obtaining the largest number of votes, a special ballot shall be held, if a tie again results in the special ballot, the President shall eliminate one candidate by drawing lots and thereafter another ballot shall be held in accordance with paragraph 1.

Rule 33

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot the majority required and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, provided that if only one place remains to be filled the procedures in rule 32 shall be applied. The ballot shall be restricted to the unsuccessful candidates having obtained the largest number of votes in the previous ballot, but not exceeding twice the number of places remaining to be filled. However, in the case of a tie between a greater number of unsuccessful candidates a special ballot shall be held for the purpose of reducing the number of candidates to the required number; if a tie again results among more than the required number of candidates, the President shall reduce their number to that required by drawing lots.

3. If such a restricted ballot (not counting a special ballot held under the conditions specified in the last sentence of paragraph 2) is inconclusive, the President shall decide among the candidates by drawing lots.

VII. OTHER APPROPRIATE BODIES OF THE CONFERENCE

Rule 34

The Conference may establish appropriate bodies. As a general rule each State Party to the Convention participating in the Conference may be represented in those bodies unless otherwise decided.

Committee of the Whole

Rule 35

The Conference shall establish a Committee of the Whole to consider in detail the substantive issues relevant to the Convention with a view to facilitating the work of the Conference.

Drafting Committee

Rule 36

1. The Conference shall establish a Drafting Committee composed of representatives of the same States which are represented on the General Committee. It shall coordinate the drafting of and edit all texts referred to it by the Conference. It shall also, without reopening substantive discussion on any matter, formulate drafts and give advice on drafting as requested by the Conference.
2. Representatives of delegations proposing texts referred to the Drafting Committee in conformity with paragraph 1 of this rule shall be entitled to participate, at their request, in the discussion of those texts in the Drafting Committee.
3. Representatives of other delegations may also attend the meetings of the Drafting Committee and may participate in its deliberations when matters of particular concern to them are under discussion.

VIII. OFFICERS AND PROCEDURES

Rule 37

The rules relating to officers, the Conference Secretariat, conduct of business and voting of the Conference (contained in chaps. II (rules 5-7), IV (rules 10-11), V (rules 13-27) and VI (rules 28-33) above) shall be applicable, mutatis mutandis, to the proceedings of committees and other appropriate bodies, except that:

- (a) unless otherwise decided, any body established under rule 34 shall elect a chairman and such other officers as it may require;
- (b) the Chairmen of the General Committee, the Committee of the Whole, the Drafting Committee and the Credentials Committee and the chairmen of bodies established under rule 34 may vote in their capacity as representatives of their States;
- (c) a majority of the representatives on the General Committee, the Committee of the Whole, the Drafting Committee or the Credentials Committee shall constitute a quorum; the same may apply to any body established under rule 34 if the Conference so desires.

IX. LANGUAGES AND RECORDS

Languages of the Conference

Rule 38

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Conference.

Interpretation

Rule 39

1. Speeches made in a language of the Conference shall be interpreted into the other languages.
2. A representative may make a speech in a language other than a language of the Conference if he provides for interpretation into one such language. Interpretation into the other languages of the Conference by interpreters of the Secretariat may be based on the interpretation given in the first such language.

Language of official documents

Rule 40

Official documents shall be made available in the languages of the Conference.

Sound recordings of meetings

Rule 41

Sound recordings of meetings of the Conference and of all committees shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided, no such recordings shall be made of the meetings of any other appropriate body established under rule 34.

Summary records

Rule 42

1. Summary Records of the plenary meetings of the Conference, excluding that part of those meetings devoted to consideration of agenda item 10 (a), general debate, shall be prepared by the Secretariat. Such records shall be produced in the languages of the Conference. They shall be distributed in provisional form as soon as possible to all participants in the Conference. Participants in the debate may, within three working days of receipt of provisional summary records, submit corrections on summaries of their own interventions to the Secretariat; in special circumstances, the presiding officer may, in consultation with the Secretary-General of the Conference, extend the time for submitting corrections. Any disagreement concerning such corrections shall be decided by the presiding officer of the body to which the record relates, after consulting, where necessary, the sound recordings of the proceedings. Separate corrigenda to provisional records shall not normally be issued.
2. The summary records, with any corrections incorporated, shall be distributed promptly to participants in the Conference.

X. PUBLIC AND PRIVATE MEETINGS

Rule 43

1. The plenary meetings of the Conference shall be held in public unless otherwise decided.
2. Meetings of the Committees and any other appropriate body established under rule 34 shall be held in private.

XI. PARTICIPATION AND ATTENDANCE

Rule 44

1. Signatories

Any State signatory to the Convention which has not yet ratified it shall be entitled to participate, without taking part in the adoption of decisions, whether by consensus or by vote, in the deliberations of the Conference, subject to prior written notification to the Secretary-General of the Conference. This means that any of those signatory States shall be entitled to attend meetings of the Conference; to address plenary meetings; to receive the document of the Conference and to submit its views in writing to the Conference, which shall be considered as Conference documents.

2. Observers

(a) Any other State which, in accordance with article XIV of the Convention, has the right to become a Party thereto but which has neither signed nor ratified it may apply to the Secretary-General of the Conference for Observer status, which will be accorded on the decision of the Conference. 2/ Such a State shall be entitled to appoint officials to attend meetings of the Plenary other than those designated closed meetings, and to receive documents of the Conference. An Observer State shall also be entitled to submit documents to the participants in the Conference.

(b) Any national liberation organization entitled by the General Assembly of the United Nations 3/ to participate as an Observer in the sessions and the work of the General Assembly, all international conferences convened under the auspices of the General Assembly, and all international conferences convened under the auspices of other organs of the United Nations, may apply to the Secretary-General of the Conference for Observer status, which will be accorded on the decision of the Conference. Such a liberation organization shall be entitled to appoint officials to attend meetings of the Plenary and of the Committee of the Whole other than those designated closed meetings, and to receive documents of the Conference. An Observer organization shall also be entitled to submit documents to the participants in the Conference.

3. The United Nations

The Secretary-General of the United Nations or his representative or representatives shall be entitled to attend meetings of the Plenary and any other appropriate body established under rule 34 and to receive the Conference documents. They shall also be entitled to submit material, both orally and in writing.

4. Specialized agencies and regional intergovernmental organizations

The specialized agencies as well as regional intergovernmental organizations may apply to the Secretary-General of the Conference for Observer Agency status which will be accorded on the decision of the Conference. An Observer Agency shall be entitled to appoint officials to attend meetings of the Plenary other than those designated closed meetings and to receive the documents of the Conference. The Conference may also invite them to submit, in writing, their views and comments on questions within their competence, which may be circulated as Conference documents.

5. Non-governmental organizations

Representatives of non-governmental organizations who attend meetings of the Plenary will be entitled upon request to receive the documents of the Conference.

Notes

1/ It is understood that all financial arrangements for the Review Conference do not constitute a precedent.

2/ It is understood that any such decision will be in accordance with the practice of the United Nations General Assembly.

3/ Pursuant to General Assembly resolutions 3237 (XXIX) of 22 November 1974 and 3280 (XXIX) of 10 December 1974.

ANNEX IV

LIST OF PARTICIPANTS

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