

Second Review Conference Final Declaration

(8th - 26th September 1986)

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

Final Documents

PART II

Final Declaration

II. FINAL DECLARATION

PREAMBLE

The States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin weapons and on their Destruction, having met in Geneva 8-26 September 1986 in accordance with a decision by the First Review Conference 1980 and at the request of a majority of States Parties to the Convention with a view to assuring that the purposes of the Preamble and the provisions of the Convention are being realised.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE I

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

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

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

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

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

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ARTICLE II

The Conference notes the importance of Article II and welcomes the

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

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

ARTICLE III

The Conference notes the importance of Article III and welcomes the statements which States that have been 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

organisations to manufacture or otherwise acquire them. The conference affirms that Article III is sufficiently comprehensive so as to cover any recipient whatsoever at international, national or sub-national levels.

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

ARTICLE IV

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

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

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

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The Conference notes the importance of:

- legislative, administrative and other measures designed effectively to guarantee compliance with the provisions of the Convention within the territory under the jurisdiction or control of a State Party,
- legislation regarding the physical protection of laboratories and facilities to prevent unauthorised access to and removal of pathogenic or toxic material, and
- inclusion in textbooks and in medical, scientific and military educational programmes of information dealing with the prohibition of bacteriological (biological) and toxin weapons and the provisions of the Geneva Protocol

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

ARTICLE V

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

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

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

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

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

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

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

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

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

1. Exchange of data, including name, location, scope and general description of activities, on research centres and laboratories that meet very high national or international safety standards established for handling, for permitted purposes, biological materials that pose a high individual and community risk or specialise in permitted biological activities directly related to the Convention.
2. Exchange of information on all outbreaks of infectious disease and similar occurrences caused by toxins that seem to deviate from the normal pattern as regards type, development, place, or time of occurrence. If possible, the information provided would include, as soon as it is available, data on the type of disease, approximate area affected, and number of cases.
3. Encouragement of publication of results of biological research directly related to the Convention, in scientific journals generally available to States Parties,

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as well as promotion of use for permitted purposes of knowledge gained in this research.

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

The Conference decides to hold an ad hoc meeting of scientific and technical experts from States Parties to finalise the modalities for the exchange of information

and data by working out, inter alia, appropriate forms to be used by States Parties for the exchange of information agreed to in this Final Declaration, thus enabling States Parties to follow a standardised procedure. The group shall meet in Geneva for the period 31 March-15 April 1987 and shall communicate the results of the work to the States Parties immediately thereafter.

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

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

ARTICLE VI

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

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

ARTICLE VII

The Conference notes that these provisions have not been invoked.

ARTICLE VIII

The Conference reaffirms the importance of Article VIII and stresses the importance of the Protocol for the prohibition of the use in war of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare.

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

ARTICLE IX

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

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

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

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

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

ARTICLE X

The Conference emphasises 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

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peaceful applications, which have vastly increased the potential for co-operation between States to help promote economic and social development, and scientific and technological progress, particularly in the developing countries, in conformity with their interests, needs and priorities.

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

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

- transfer the exchange of information concerning research programmes in bio-sciences
- wider transfer and exchange of information, materials and equipment among States on a systematic and long-term basis,
- active promotion of contracts between scientists and technical personnel on a reciprocal basis, in relevant fields,
- increased technical co-operation, including training opportunities to developing countries in the use of bio-sciences and genetic engineering for peaceful purposes,
- facilitating the conclusion of bilateral, regional and multi-regional agreements providing on a mutually advantageous, equal and non-discriminatory basis, for their participating in the development and application of biotechnology,
- encouraging the co-ordination of national and regional programmes and working out in an appropriate manner the ways and means of co-operation in this field.

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

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

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

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

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

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

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

ARTICLE XI

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

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ARTICLE XII

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

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

- the impact of scientific and technological developments relevant to the Convention,
- the relevance for effective implementation of the Convention of the results achieved in the negotiations on prohibition of chemical weapons,
- the effectiveness of the provisions in Article V for consultation and co-operation and of the co-operative measures agreed in this Final Declaration, and
- in the light of these considerations and of the provisions of Article XI, whether or not further actions are called for to create further co-operative measures in the context of article V, or legally binding improvements to the Convention, or a combination of both.

ARTICLE XIII

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

ARTICLE XIV

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

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

The Conference makes an urgent appeal to all States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, which did not participate in its work, to give their effective co-operation and take part more actively in the

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common endeavour of all the Contracting Parties to strengthen the objectives and purposes of the Convention. In this connection, the Conference urges all State Parties that were absent to take part in the future work envisaged in this Final Declaration.

The Conference notes the provisions of Article XV.

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

Preamble - Cuba

Bulgaria

Finland

German Democratic Republic

Sweden

Article

I China

I German Democratic Republic and Hungary

I Ireland

I Sweden

I-III Bulgaria and German Democratic Republic

I-IV United States of America

III Argentina

III Finland

IV German Democratic Republic

V Argentina

V Australia, Netherlands and New Zealand

V Canada, France, Germany, Federal Republic of, Norway, Spain, Turkey and

the United Kingdom

V Australia, Belgium, France, Germany, Federal Republic of, and the
United States of America

V Finland

V Australia, Canada, France, Japan, Netherlands, Spain and the United Kingdom

V Australia, Canada, Germany, Federal Republic of, Italy, Netherlands,
Norway, Spain and the United States of America

V Australia, Canada, France, Germany, Federal Republic of, Japan,
Netherlands, new Zealand, Spain, Turkey and the United States of
America

V German Democratic Republic, Hungary and Union of Soviet Socialist
Republics

V Ireland

V Sweden

V-VI Pakistan

V-VI Germany, Federal Republic of and United Kingdom

V-VI German Democratic Republic

V-VI Union of Soviet Socialist Republics

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VI Columbia

VI Columbia

VI France

VI Nigeria

VI United States of America

Article

IX Poland, Bulgaria and the Ukrainian Soviet Socialist Republic

IX Sweden

IX Union of Soviet Socialist Republics

X Argentina

X Bulgaria

X Czechoslovakia, Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics

X Czechoslovakia and Poland

X Czechoslovakia, German Democratic Republic and the Union of Soviet Socialist Republics

X Hungary (on behalf of a group of socialist States)

X India

X Hungary, Mongolia, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics

X Pakistan

X Poland

X German Democratic Republic, Poland and Ukrainian Soviet Socialist Republic

XI Ireland

XI Sweden

XII Sweden

XIV Hungary