



# General Assembly

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### First Committee

Agenda item 106

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

##### **Hungary: draft resolution**

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

*The General Assembly,*

*Recalling* its previous resolutions relating to the complete and effective prohibition of bacteriological (biological) and toxin weapons and on their destruction,

*Noting with satisfaction* the increase in the number of accessions to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,<sup>1</sup> and stressing at the same time that there is a continuing need to achieve its universalization,

*Reaffirming its call upon* all signatory States that have not yet ratified the Convention to do so without delay, and calling upon those States that have not signed the Convention to become parties thereto at the earliest possible date, thus contributing to the achievement of universal adherence to the Convention, which will facilitate its success,

*Bearing in mind* its call upon all States parties to the Convention to participate in the implementation of the recommendations of the review conferences of the parties to the Convention, including the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, later amended by the Final Declaration of the Seventh Review Conference, and to provide such information and data in conformity with the standardized procedure to the Implementation Support Unit within the Office for Disarmament Affairs of the Secretariat on an annual basis and no later than 15 April,

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1015, No. 14860.



*Welcoming* the reaffirmation made in the Final Declarations of the Fourth, Sixth, Seventh and Eighth Review Conferences that under all circumstances the use of bacteriological (biological) and toxin weapons and their development, production and stockpiling are effectively prohibited under article I of the Convention,

*Recognizing* the importance of ongoing efforts by States parties to enhance international cooperation, assistance and the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes, recognizing also that there still remain challenges to be overcome in order to enhance international cooperation, and recognizing further the value of building capacity through international cooperation as well as strengthening coordination and coherence of efforts of all relevant international organizations, in line with the Final Document of the Ninth Review Conference,<sup>2</sup>

*Reaffirming* the importance of national measures, in accordance with constitutional processes, in strengthening the implementation of the Convention by States parties, in line with the Final Document of the Ninth Review Conference,

*Reaffirming also* the importance of the review of developments in the field of science and technology related to the Convention,

*Encouraging* the equitable participation of women and men in the framework of the Convention,

*Recalling* previous intersessional processes carried out under the Convention,

*Noting with satisfaction*, in the decisions and recommendations of the Final Document, that the Ninth Review Conference reaffirmed the utility of having an intersessional programme and decided that States parties would hold annual meetings between 2023 and 2026 in Geneva, in an in-person format in accordance with the regular practice under the Convention, for a duration of three days each year, and that the first such meeting would be held from 11 to 13 December 2023,

*Welcoming*, in the decisions and recommendations of the Final Document, that the Ninth Review Conference reaffirmed that Review Conferences constitute an effective method of reviewing the operation of the Convention with a view to assuring that the purposes of the preamble and the provisions of the Convention are being realized, and also reaffirmed the previous decision that Review Conferences be held at least every five years,

*Noting*, in the decisions and recommendations of the Final Document, that the Ninth Review Conference decided that the meetings of States parties would be responsible for managing the intersessional programme in support of the Convention, including taking necessary actions with respect to budgetary, financial and organizational matters, with a view to ensuring the proper implementation of the intersessional programme, that the meetings of the States parties would also consider, on an annual basis, progress on universalization of the Convention, the annual report of the Implementation Support Unit and, as appropriate, the implementation of decisions taken by the Conference, and that the Tenth Review Conference would consider the work and outcomes of these meetings and decide on any further action,

*Noting also* the Formal Consultative Meeting of the States Parties to the 1972 Biological Weapons Convention requested by the Russian Federation and convened at the Palais des Nations, Geneva, on 26 August 2022 and reconvened from 5 to 9 September 2022, the presentation by the Russian Federation of its article V consultation request regarding outstanding questions by the Russian Federation to the United States of America and Ukraine concerning the fulfilment of their respective

<sup>2</sup> BWC/CONF.IX/9.

obligations under the Convention in the context of the operation of biological laboratories in Ukraine, the responses by Ukraine and the United States of America, that no consensus was reached regarding the outcome of the Formal Consultative Meeting, and the final report of the Formal Consultative Meeting,<sup>3</sup>

*Noting further* that, on 24 October 2022, the Russian Federation submitted a letter to the President of the Security Council lodging a complaint,<sup>4</sup> pursuant to article VI of the Convention, regarding outstanding questions by the Russian Federation to the United States of America and Ukraine concerning the fulfilment of their respective obligations under the Convention in the context of the operation of biological laboratories in Ukraine and requesting the consideration of a proposed draft resolution to set up a commission to investigate its claims against the United States of America and Ukraine, that on 27 October 2022<sup>5</sup> the Council considered this complaint, and that on 2 November 2022<sup>6</sup> the Council took action on the draft resolution submitted by the Russian Federation<sup>7</sup> and that it was not adopted,

*Recalling with appreciation* the decision of the Ninth Review Conference that the Tenth Review Conference would be held in Geneva in an in-person format in accordance with the regular practice under the Convention, not later than 2027, and that the Review Conference should review the operation of the Convention, taking into account, inter alia, new scientific and technological developments relevant to the Convention, the progress made by States parties on the implementation of the Convention and progress of the implementation of decisions and recommendations agreed upon at the Ninth Review Conference, taking into account, as appropriate, decisions and recommendations reached at previous Review Conferences,

1. *Notes* the consensus reached at the Ninth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, and calls upon States parties to the Convention to participate and actively engage in the continued implementation;

2. *Notes with regret* that the Ninth Review Conference was not able to reach consensus on a draft Final Declaration;

3. *Notes with appreciation* that, determined to strengthen the effectiveness and to improve the implementation of the Convention in all its aspects, the Conference decided to establish a working group open to all States parties;

4. *Also notes with appreciation* that the aim of the working group is to identify, examine and develop specific and effective measures, including possible legally binding measures, and to make recommendations to strengthen and institutionalize the Convention in all its aspects, to be submitted to States parties for consideration and any further action, that these measures should be formulated and designed in such a manner that their implementation supports international cooperation, scientific research and economic and technological development, avoiding any negative impacts, and that in this context the working group will address the following:

- (a) Measures on international cooperation and assistance under article X;
- (b) Measures on scientific and technological developments relevant to the Convention;
- (c) Measures on confidence-building and transparency;

<sup>3</sup> BWC/CONS/2022/3.

<sup>4</sup> S/2022/796.

<sup>5</sup> See S/PV.9171.

<sup>6</sup> See S/PV.9180.

<sup>7</sup> S/2022/821.

- (d) Measures on compliance and verification;
- (e) Measures on national implementation of the Convention;
- (f) Measures on assistance, response and preparedness under article VII;
- (g) Measures on organizational, institutional and financial arrangements;

5. *Notes with satisfaction* that the Ninth Review Conference decided to develop with a view to establishing a mechanism open to all States parties to facilitate and support the full implementation of international cooperation and assistance under article X of the Convention, and that in order for this mechanism to be established, the working group on the strengthening of the Convention would make appropriate recommendations, and encourages States parties to provide, at least biannually, appropriate information on their implementation of article X and to collaborate to offer assistance or training, upon request, as contained in specific proposals, in support of the legislative and other implementation measures of States parties needed to ensure their compliance with the Convention;

6. *Also notes with satisfaction* that the Ninth Review Conference decided to develop with a view to establishing a mechanism to review and assess scientific and technological developments relevant to the Convention and to provide States parties with relevant advice, and that in order for this mechanism to be established, the working group on the strengthening of the Convention would make appropriate recommendations;

7. *Notes* that the decision by the Ninth Review Conference to establish the working group on the strengthening of the Convention is without prejudice to the mandate of the Ad Hoc Group established by the Special Conference of 1994,<sup>8</sup> nor does it supersede, supplant or change it;

8. *Also notes* that in fulfilling its mandate, the working group will take into account, inter alia, as appropriate, all documents agreed by the States parties under the Convention as well as work already done by States parties to strengthen the Convention without prejudice to any decision or position;

9. *Notes with appreciation* that, recognizing the need to balance an ambition to improve the intersessional programme within the constraints – both financial and human resources – faced by States parties, the Conference allocated 15 days to the working group for its substantive meetings and that every year for the period from 2023 to 2026 the working group will meet in Geneva in an in-person format in accordance with the regular practice under the Convention;

10. *Notes* that the Conference urged the working group to complete its work as soon as possible, preferably before the end of 2025, that at the completion of its work the working group will adopt a report, by consensus, that includes conclusions and recommendations according to its mandate, and that the adopted report will be submitted to States parties for their consideration at the Tenth Review Conference, or earlier at a special conference if it is requested, in accordance with the procedure established by the Third Review Conference,<sup>9</sup> to decide on any further action;

11. *Appreciates* the information and data on confidence-building measures provided by States parties to the Convention to date, and calls upon all States parties to participate in the exchange of information and data on confidence-building measures called for in the relevant decisions of the review conferences, and reiterates its call to make use of the platform for electronic submission, on a voluntary basis, without prejudice to their choice of methods for submission;

<sup>8</sup> See [BWC/SPCONF/1](#).

<sup>9</sup> See [BWC/CONF.III/23](#)

12. *Notes* the decision of the Eighth Review Conference to continue and improve the database established by the Seventh Review Conference to facilitate requests for and offers of exchange of assistance and cooperation, and urges States parties to submit to the Implementation Support Unit, on a voluntary basis, requests for and offers of cooperation and assistance, including in terms of equipment, materials and scientific and technological information regarding the use of biological and toxin agents for peaceful purposes;

13. *Welcomes* that the Ninth Review Conference noted with appreciation the functioning of the sponsorship programme and welcomed the continued willingness of donors to provide voluntary contributions that have allowed to support and increase the participation of representatives of developing States;

14. *Also welcomes* the decision of the Ninth Review Conference to renew the mandate of the Implementation Support Unit agreed to at the Seventh Review Conference, *mutatis mutandis*, for the period from 2023 to 2027, that it noted with appreciation the work of the Unit, and that, without prejudice to the decision of the Sixth Review Conference on the establishment of the Implementation Support Unit<sup>10</sup> and taking into account its decisions and the need for the Unit to render the necessary assistance and provide the services required for the intersessional period, the Ninth Review Conference decided to establish one new full-time staff position within the Unit, only for the period from 2023 to 2027, that the Unit will submit an annual written report to all States parties on its activities to implement its mandate and that the Unit's performance will be evaluated and its mandate reviewed by the States parties at the Tenth Review Conference;

15. *Notes with appreciation* the events organized by some States parties, regional organizations and the Office for Disarmament Affairs of the Secretariat for exchanges of views on the implementation of the Convention, and encourages States parties to continue to participate in such informal exchanges and discussions;

16. *Requests* the Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to continue to provide such services as may be required for the conduct and the implementation of the decisions and recommendations of the review conferences;

17. *Notes* that the Ninth Review Conference welcomed the improvement of the financial situation following the measures endorsed by the 2018 meeting of States parties, as reflected in section V of the report of the meeting,<sup>11</sup> confirmed their effectiveness and decided to review them at the Tenth Review Conference;

18. *Notes with satisfaction* that the Ninth Review Conference stressed the need to continue monitoring the overall financial situation of the Convention and to keep it under active review, and requested the Chairperson of the annual meetings of States parties, in close consultation with the States parties, the Implementation Support Unit, the Office for Disarmament Affairs and the United Nations Office at Geneva, to report on the overall financial situation of the Convention, implementation of the measures endorsed in 2018, and possible further measures for consideration by the meetings of States parties;

19. *Decides* to include in the provisional agenda of its seventy-ninth session the item entitled "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction".

<sup>10</sup> See [BWC/CONF.VI/6](#).

<sup>11</sup> See [BWC/MSP/2018/6](#).