

# 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

1 November 2022

English only

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Geneva, 28 November to 16 December 2022

Item 11 of the provisional agenda

Consideration of issues identified in the review of the operation of the Convention as provided for in its Article XII and any possible consensus follow-up action

## A proposal for amending the Convention to incorporate therein the explicit "Prohibition of the Use of Biological Weapons"

### Submitted by the Islamic Republic of Iran

1. As has unanimously been confirmed by the successive Review Conferences 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, it is quite obvious that the use of biological weapons is contrary to the object and purpose of this Convention. Nevertheless, regrettably, *the Convention does not explicitly prohibit the Use of Biological Weapons*. This, indeed, is a legal deficit and gap in the Convention.
2. Moreover, according to the Final Documents of the various Review Conferences of the Convention, "reservations" to *1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, "concerning retaliation through the use of any of the objects prohibited by the Convention, even conditional, are totally incompatible with the absolute and universal prohibition of the development, production, stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use."
3. However, unfortunately, around 38 of such reservations to the Protocol were made by States Parties to the Convention, continue to exist and are legally effective. This is yet another deficiency which subjects the Convention to certain interpretations contrary to its object and purpose. At the same, it is worth nothing that, 43 States Parties to the Convention are not even parties to the 1925 Protocol, and 8 States are neither party to the Protocol nor to the Convention, which make the issues related to the prohibition of the use of biological weapons even more complex.
4. The Islamic Republic of Iran, reiterates the commitment made at the Final Documents of the successive Review Conferences of the Convention, to continue with "determination, for the sake of humankind, to exclude completely the possibility of the use of bacteriological (biological) and toxin weapons", and is of the firm belief that further promotion of the object and purpose of the Convention requires effectively addressing of such legal deficit and gap, in order to ensure the total ban on the use of biological weapons by anyone, anywhere, and under any circumstances.
5. Therefore, and in exercising its right under Article XI of the Convention, according to which "Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party



on the date of acceptance by it", the Islamic Republic of Iran, would like to reiterate its proposal on the amendments to the Title and Article I of the of the Convention, to address the abovementioned shortcomings.

6. This proposal is indeed an effort to strengthen the Convention, building upon the lessons learnt in other international legal disarmament instruments such as Chemical Weapons Convention, under Article I of which, the use of chemical weapons under any circumstances is explicitly prohibited.

7. The Islamic Republic of Iran calls upon the Ninth Review Conference of the States Parties to the Convention, in reviewing the operation of the Convention, in particular its Articles I and XI, to reaffirm the importance and urgency of explicit Prohibition of the Use of Biological Weapons, and consequently, the need for amending the Title and Article I of the Convention, and to that end, in line with the Final Document of the Fourth Review Conference, to urge all States Parties to the Convention, to officially convey, to the Depositories of the Convention, their *acceptance* of the amended Title and Article I of the Convention, within a specific timeframe, and to further call upon the Depositories, to take all measures required by Article XI of the Convention, including notifying all other States Parties to the Convention of all acceptance notes they received.

### **Proposals for inclusion in the Final Document of the Conference:**

8. In this context, the Islamic Republic of Iran proposes following paragraphs for their inclusion in the "Decisions and Recommendations" of the Final Document of the Ninth BWC Review Conference:

(a) "The Conference acknowledges the concerns, expressed at the successive Review Conferences of the Convention, that not having the prohibition of the use of biological weapons explicitly included in the Convention accrues serious potential risk of use or threat of use of biological weapons."

(b) "In accordance with Article XI of the Convention, based on which *"Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it"*, and by recalling the Statement at the Sixth Review Conference by the Government of the Russian Federation as a Depository that has notified all States Parties of the proposal by the Islamic Republic of Iran to amend the Convention, the Conference:

- i. **Urges** all States Parties to the Convention to convey, officially, to the Depositories of the Convention, their *acceptance* of the amended Title and Article I of the Convention, as follows:

The amended Title of the Convention:

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

The amended Article I of the Convention:

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

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

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

- ii. **Calls upon** the Depositories, to notify all other States Parties to the Convention, of the proposal.

- iii. *Calls upon* the Depositories, to notify all other States Parties to the Convention, of all acceptance notes they receive.

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