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# **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**

7 November 2022

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Geneva, 28 November to 16 December 2022

Item 12 of the provisional agenda

**Follow-up to the recommendations and decisions of the Eighth Review Conference and the question of future review of the Convention**

## **Strengthening the Biological Weapons Convention (BWC): Proposal for the BWC Article VI Implementation**

### **Submitted by the Russian Federation**

1. At the Eighth Review Conference in 2016 States Parties to the Biological Weapons Convention confirmed the BWC Article VI provisions related to the fact that the UN Security Council only may initiate any investigation of the alleged breach of obligations deriving from the provisions of the BWC, including use of biological and toxin weapons, on the basis of a complaint received from any State Party, in accordance with the provisions of the Charter of the United Nations. They also agreed that the Security Council may request, if it deems necessary and in accordance with its Resolution 620 of 26 August 1988, the UN Secretary-General to investigate the allegation of use of chemical and bacteriological (biological) or toxin weapons, applying the technical guidelines and procedures contained in Annex I of UN Document A/44/561.
2. At the same time no specific procedures to initiate and conduct investigations under Article VI have been considered and adopted. The Convention does not provide details as to how the Security Council shall use the UN Charter and other guiding documents of the UN in dealing with such a request. There is no common understanding either on how guidelines and procedures contained in Annex I of United Nations Document A/44/561 are to be applied under Article VI. So, there must be a widespread agreement that appropriate comprehensive and effective arrangements are needed.
3. Therefore the BWC States Parties face a practical issue with regard to addressing the relevant BWC provisions contained in Article VI. To that end a concerted effort by BWC States Parties is urgently required.
4. As a way forward we propose to elaborate modalities of a specific mechanism with technical guidelines and procedures for investigating alleged breach of obligations deriving from the provisions of the BWC consistent with Article VI of the Convention. In doing so, a specialized Group of Governmental Experts seems to be an appropriate venue established by the decision of the Ninth Review Conference.



## Annex

### **Draft text to include in Part III entitled Decisions and Recommendations of the Ninth Review Conference of the States Parties to the BWC (2022)**

#### **Article VI Implementation Mechanism**

The Conference,

*Reaffirming* 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 violations of Article I of the BWC,

*Reaffirming* also the determination of States Parties to condemn any use of biological agents or toxins other than for peaceful purposes, by anyone at anytime,

*Underlining* the need of prompt and impartial investigation of alleged breach of obligations deriving from the provisions of the Convention that is aimed for further strengthening the BWC,

*Referring* to Article VI of the Convention related to the fact that the United Nations Security Council only may initiate any investigation of the alleged breach of obligations deriving from the provisions of the BWC on the basis of the complaint received from any State Party, in accordance with the provisions of the Charter of the United Nations,

*Stressing 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 and within the scope of the Convention,

*Recognizing* that the United Nations Security Council may request, if it deems necessary and in accordance with its Resolution 620 of 26 August 1988, the United Nations Secretary-General to investigate the allegation of use of chemical and bacteriological (biological) or toxin weapons, implementing the technical guidelines and procedures contained in Annex I of United Nations Document A/44/561,

*Recognizing* also that the United Nations Security Council shall inform each State Party of the results of any investigation initiated under Article VI and consider promptly any appropriate further action which may be necessary,

*Reaffirming* the agreement of States Parties to consult, at the request of any State Party, regarding allegations of use or threat of use of biological or toxin weapons as well as the undertaking of each State Party to cooperate in carrying out any investigations that the United Nations Security Council initiates.

*Decides:*

1. To establish a Group of Governmental Experts for the period from 2022 to 2026 to consider and agree on concrete guidelines and procedures to initiate and conduct investigations under Article VI of the BWC;
2. The newly established Group of Governmental Experts to operate by consensus and hold two one-week sessions in Geneva annually;
3. The appointed Chair of the Group of Governmental Experts to inform the BWC States Parties annually on the work done;
4. The Group of Governmental Experts to submit the report to the BWC Tenth Review Conference in 2026.