

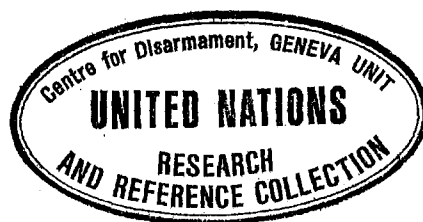
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BWC/SPCONF/1

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

(Geneva, 19-30 September 1994)

FINAL REPORT



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PART I

ORGANIZATION AND WORK OF THE CONFERENCE

PART I

I. ORGANIZATION AND WORK OF THE CONFERENCE

Introduction

1. 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 establishing the Ad Hoc Group of Governmental Experts to identify and examine potential verification measures from a scientific and technical standpoint decided, inter alia, that:

"The report of the Group shall be circulated to all States Parties for their consideration. If a majority of States Parties ask for the convening of a Conference to examine the report, by submitting a proposal to this effect to the depositary Governments, such a Conference will be convened. In such a case the Conference shall decide on any further action".

2. In accordance with the mandate adopted at the Third Review Conference, the Ad Hoc Group of Governmental Experts held four sessions in 1992 and in 1993. At the last session (13 - 24 September 1993) the report of the Group (VEREX Report) was adopted by consensus and later circulated to all States Parties for their consideration (BWC/CONF.III/VEREX/9).

3. In response to requests from a majority of States Parties the Depositary Governments took the necessary steps to convene a Special Conference of States Parties, in accordance with the Final Declaration of the third Review Conference and consistent with UN General Assembly Resolution 48/65, which requested the Secretary-General to render the necessary assistance and to provide such services as may be required for the convening of a Special Conference.

4. The Preparatory Committee, convened by the Depositary Governments, held one session in Geneva from 11 to 15 April. The following 61 States Parties to the Convention participated in the session of the Preparatory Committee:

Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czech Republic, Denmark, Ecuador, Ethiopia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Jordan, Luxembourg, Malta, Mauritius, Mexico, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, and Zimbabwe.

5. On behalf of the Secretary-General of the United Nations, Mr. Sohrab Kheradi, Deputy Director of the Centre for Disarmament Affairs, opened the session of the Preparatory Committee. Mr. Kheradi also served as Secretary of the Committee.

6. At its first meeting on 11 April 1994, the Preparatory Committee elected by acclamation Ambassador Tibor Toth (Hungary), as Chairman of the Committee. At the same meeting, the Committee unanimously elected Dr. A. A. Mohammadi (Islamic Republic of Iran) and Ambassador Wolfgang Hoffmann (Germany) as Vice-Chairmen of the Committee.

7. In the course of the session the Committee confirmed the understanding reached at the Preparatory Committee of the Third Review Conference and agreed to recommend to the Special Conference that Ambassador Tibor Toth (Hungary) preside over the Special Conference. The Committee also agreed to recommend that the 20 Vice-Presidents be elected in accordance with Rule 8 of the Rules of Procedure, these posts to be distributed as follows: 10 from the Group of Non-Aligned and other States, 6 from the Western Group and 4 from the Group of Eastern European States. The Committee further recommended the following distribution of posts for the subsidiary bodies:

Committee of the Whole: Chairman (Western Group)  
Vice-Chairman (Group of NAM and Other States)  
Vice-Chairman (Group of East European States)

Drafting Committee: Chairman (Group of NAM and other States)  
Vice-Chairman (Western Group)

Credentials Committee: Chairman (Group of NAM and Other States)  
Vice-Chairman (Group of East European States)

8. The Committee decided that the Special Conference should take place in Geneva from 19 to 30 September. The Committee recommended to the Special Conference the adoption of the rules of procedure of the Third Review Conference, "mutatis mutandis" and of a provisional agenda, as attached to the report of the Preparatory Committee (BWC/SPC/PC/6).

9. The Committee decided that, in addition to its report (BWC/SPC/PC/6) and the VEREX Report, (BWC/CONF.III/VEREX/9) the Special Conference should have available, as background documentation, the Final Document of the Third Review Conference (BWC/CONF.III/23).

10. Having adopted the estimates of the cost for the Special Conference as contained in document BWC/SPC/PC/4/Rev.1, the Committee recommended it for adoption by the Special Conference, based on the same cost sharing formula as adopted by the Preparatory Committee itself.

### Organization of the Conference

11. In accordance with the decision of the Preparatory Committee, the Conference was convened on 19 September at the Palais des Nations in Geneva for a period of two weeks.

12. At its first meeting on 19 September, the Chairman of the Preparatory Committee opened the Special Conference and submitted the report of the Preparatory Committee.

13. The Conference elected by acclamation Ambassador Tibor Toth (Hungary) as its President.

14. The Conference adopted its agenda as recommended by the Preparatory Committee (BWC/SPCONF/L.1), and its programme of work (BWC/SPCONF/L.2).

15. The Conference adopted its Rules of Procedure as recommended by the Preparatory Committee (BWC/SPC/PC/6). The rules of procedure provide, inter alia, for the establishment of a General Committee, composed of the President of the Conference, the Vice-Presidents, the Chairmen and the Vice-Chairmen of the Committee of the Whole, the Drafting Committee and the Credentials Committee.

16. The Conference confirmed the nomination of Mr. Sohrab Kheradi, Deputy Director of the Centre for Disarmament Affairs, 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.

17. The Conference elected by acclamation 20 Vice-Presidents from the following States Parties: Belarus, Brazil, Bulgaria, China, Colombia, Cuba, Democratic People's Republic of Korea, France, Germany, India, Indonesia, Iran (Islamic Republic of), Kenya, Netherlands, Romania, Russian Federation, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, and Zimbabwe. The Conference 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 Christopher Westdal (Canada)
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	Vice-Chairman	Mr. Orobola Fasehun (Nigeria)
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	Vice-Chairman	Mr. Vladislav Demyanenko (Ukraine)
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Drafting Committee:	Chairman	Ambassador Jorge Berguño (Chile)
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	Vice-Chairman	Ambassador Richard Starr (Australia)
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Credentials Committee:	Chairman	Ambassador J.A. Eksteen (South Africa)
	Vice-Chairman	Ambassador Ludwik Dembinski (Poland)

#### Participation at the Conference

18. The following eighty States Parties to the Convention participated in the Conference:

Albania, Argentina, Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Lebanon, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Vietnam and Zimbabwe.

19. In addition, Egypt and Morocco, which had signed the Convention but had not yet ratified it, participated in the Conference, without taking part in the adoption of decisions as provided for in rule 44, paragraph 1, of the Rules of Procedure.

20. At the 6th Plenary meeting Israel was admitted to participate, as an Observer, to the Conference, in accordance with Rule 44 (2) (a) of the Rules of Procedure.

21. A list of all delegations to the Conference, including States Parties and signatories, is contained in Annex IV to this report.

22. The Credentials Committee met on 27 and 29 September, and on 30 September reported to the Conference on the credentials of the States Parties (BWC/SPCONF/CC.1). At its .... plenary meeting on 30 September, the Conference took note of the report.

#### Work of the Conference

23. The Conference held.....plenary meetings from 19 to 30 September, when it concluded its work.

24. The first three plenary meetings were devoted to the general debate on Agenda Item 9 entitled "Consideration of the Report of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint and decision on any further action with a view to strengthening the Convention". Twenty-eight among States Parties and Signatory States made statements in the general debate.<sup>1</sup>

25. The Committee of the Whole held seven meetings between 20 and 23 September. The Committee also held informal consultations. During its work oral statements were made and eighteen working papers were submitted. Its report was submitted to the Conference at its..... Plenary Meeting on 23 September. The working papers were annexed to the report. At the same meeting, the Conference took note of the report.

26. The Drafting Committee held seven meetings between 23 and 28 September. During its work oral statements were made and working papers were submitted. The Committee also held informal consultations. Its report was submitted to the Conference at its...plenary meeting on 29 September. At the same meeting the Conference took note of the report.

27. At the ... Plenary meeting, the Conference adopted the estimated costs, as contained in document BWC/SPCONF/L.3.

#### Documentation

28. A list of documents of the Conference is contained in Annex I to this report.

#### Conclusion of the Conference

29. At its... and final plenary meeting on 30 September, the Conference adopted by consensus its Final Report, as contained in document BWC/SPCONF/1. The Final Report consists of four parts and four annexes:

- I. Organization and work of the Conference;
- II. Report of the Conference to the States Parties;
- III. Reports of the Subsidiary Bodies;
- IV. Summary records of the Plenary meetings;

- Annex I. List of documents of the Conference;
- Annex II. Report of the Preparatory Committee;
- Annex III. Rules of procedure of the Conference;
- Annex IV. List of participants at the Conference.

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<sup>1</sup> Germany made a statement on behalf of the European Union.

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PART II

FINAL DECLARATION



PART II

II. FINAL DECLARATION

Consideration of the VEREX Report

30. Under item 9 of its agenda, the Special Conference considered the Report of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint.

31. The Conference welcomed the Report and noted that the Conference afforded States Parties a first opportunity to integrate political considerations with the Report's scientific and technical assessment.

32. The Conference also noted that the Group had examined and evaluated 21 potential verification measures and some examples of possible combinations of them, without prejudice to any further ideas that might evolve on the subject. While it had been agreed in the Group that reliance could not be placed on any single measure by itself to differentiate conclusively between prohibited and permitted activity and to resolve ambiguities about compliance, the measure described under the heading "Declarations" had been most frequently identified for application in combination with other measures. Some measures had been considered inherently not capable by themselves of differentiating between prohibited and permitted activities. The Group had considered that important positive and negative synergies which were not identified in the evaluation might exist for each of the combinations examined. It was recognized that there remained a number of further technical questions to be addressed, such as identity of agent, types and quantities, in the context of any future work.

33. The Conference further noted that the VEREX Report considered, from the scientific and technical standpoint, that some of the potential verification measures would contribute to strengthening the effectiveness and improve the implementation of the Convention and that some combinations of some potential verification measures, including both off-site and on-site measures, could provide information which could be useful for the main objective of the Biological Weapons Convention. The Conference noted that the Report recognised that appropriate and effective verification could reinforce the Convention.

34. The Conference recognized that the process aiming at strengthening compliance with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction should 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.

35. The Conference also recognized that the complex nature of the issues pertaining to the strengthening of the Biological Weapons Convention underlined the need for a gradual approach towards the establishment of a coherent regime to enhance the effectiveness of and

improve compliance with the Convention. This regime would include, inter alia, potential verification measures, as well as agreed procedures and mechanisms for their efficient implementation and measures for the investigation of alleged use.

#### Strengthening the Convention

36. In pursuance of the second part of its mandate under Item 9, the Conference, determined to strengthen the effectiveness and improve the implementation of the Convention and recognizing that effective verification could reinforce the Convention, decides to establish an Ad Hoc Group, open to all States Parties. The objective of this Ad Hoc Group shall be 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. In this context, the Ad Hoc Group shall, inter alia consider:

- 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;
- The incorporation of existing and further enhanced confidence building and transparency measures, as appropriate, into the regime;
- A system of measures to promote compliance with the Convention, including, as appropriate, measures identified, examined and evaluated in the VEREX Report. Such measures should apply to all relevant facilities and activities, be reliable, cost effective, non-discriminatory and as non-intrusive as possible, consistent with the effective implementation of the system and should not lead to abuse;
- 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.

Measures should be formulated and implemented in a manner designed to protect sensitive commercial proprietary information and legitimate national security needs.

Measures shall be formulated and implemented in a manner designed to avoid any negative impact on scientific research, international cooperation and industrial development.

37. In undertaking its task, the Ad Hoc Group will take into account all Working Papers, Summary Records, and all other relevant material presented to the Special Conference, as contained in its Final Report.

38. The Conference also decided that a short session of the Ad Hoc Group should be held in Geneva from 4 - 6 January, 1995. The session will be devoted to procedural matters and will decide the Group's methods of work, including the adoption, by consensus, of its Rules of Procedure. The Group will hold additional sessions as appropriate. It will complete its work as soon as possible and submit its report, which shall be adopted by consensus, to the States Parties, to be considered at the Fourth Review Conference or later at a Special Conference. The Group will be chaired by Ambassador Tibor Tóth (Hungary), who will be assisted by two Vice-Chairmen, to be elected by the Group.

39. The Conference recommended that the General Assembly of the United Nations request the Secretary-General to render the necessary assistance and to provide such services as may be required for the convening of the Ad Hoc Group.

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REPORTS OF THE SUBSIDIARY BODIES

III.1 REPORT OF THE COMMITTEE OF THE WHOLE

1. At its first plenary meeting on 19 September, the Special Conference decided, in accordance with Rule 35 of its Rules of Procedure, to establish a Committee of the Whole to facilitate the work of the Conference in its consideration of agenda item 9: "Consideration of the report of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint (VEREX) and decision on any further action with a view to strengthening the Convention".

2. At the same plenary meeting, the Conference elected by acclamation Ambassador Christopher Westdal (Canada) as Chairman of the Committee of the Whole, and Mr. Vladislav O. Demyanenko (Ukraine) and Dr. O. Fasehun (Nigeria) as Vice-Chairmen. Mr. Timur Alasaniya, Political Affairs Officer, Centre for Disarmament Affairs, acted as Secretary of the Committee.

3. The Committee of the Whole held seven meetings during the period from 20 to 23 September under the chairmanship of Ambassador C. Westdal. The Committee also held informal consultations.

4. In the course of the work of the Committee, oral statements were made and a number of working papers were submitted and proposals presented on the relevant issues under agenda item 9. These papers appear in the Annex to this report.

5. At its seventh and final meeting on 23 September 1994 the Committee of the Whole adopted its report as contained in document BWC/SPCONF/WP.19.

ANNEX

to the Report of the Committee of the Whole

Proposal for a Mandate for an  
Ad Hoc Working Group on Verification

Federal Republic of Germany  
on behalf of the European Union  
(Working Paper 1)

1. The Special Conference, recalling the determination of the Third Review Conference to strengthen the effectiveness and to improve the implementation of the Convention, notes with satisfaction the Report of the Ad Hoc Group of Government Experts to identify and examine potential verification measures from a scientific and technical standpoint.

2. The Special Conference further notes that this Report concludes that from a scientific and technical standpoint some of the potential verification measures would contribute to strengthening the effectiveness and improve the implementation of the Convention; and that combination of some potential verification measures including both off-site and on-site measures could provide information which could be useful for the main objective of the BWC. The Special Conference endorses the Report's recognition that appropriate and effective verification could reinforce the Convention. The Conference further believes that a verification protocol should now be concluded as expeditiously as possible.

3. Therefore, the Conference, determined to strengthen the effectiveness and improve the implementation of the Convention, decides to establish an Ad Hoc Working Group on Verification open to all States Parties to develop a legally binding verification protocol. The aim of such a protocol shall be to ensure effective verification of the Biological and Toxin Weapons Convention.

4. The objective of the Ad Hoc Working Group on Verification shall be to draft a verification protocol, drawing on the VEREX Final Report as appropriate, establishing a mandatory regime that provides or enhances openness and transparency of all activities relevant to the Biological and Toxin Weapons Convention.

Such a regime shall include the following basic elements:

- off-site measures, including national declarations covering a broad range of activities in States Parties, such as BW-defence programs, vaccines, relevant pharmaceutical and biotechnology activities, and facilities handling specific organisms and toxins;
- on-site measures such as information visits to declared facilities, short notice-inspections, and investigations of allegations of use.

The regime shall also include a provision for multilateral information sharing, on a voluntary basis, to contribute to the efficacy of verifying compliance with the Convention.

5. The regime should apply to commercial, academic and government facilities as legitimate potential objects of verification, bearing in mind that all activities must include appropriate means to protect proprietary rights and sensitive information not related to biological and toxin weapons activities.



6. The Ad Hoc Working Group on Verification shall consider how such a regime might best be implemented by an independent inspectorate, taking into account such factors as financial, legal, safety, technology, material, manpower, equipment and organizational implications; but these aspects shall not be construed in such a manner as to distract from the regime's core objectives and contents.

7. The Ad Hoc Working Group on Verification shall meet in Geneva with the initial meeting no later than January 1995. The Ad Hoc Working Group will hold additional meetings as required. These meetings will develop the necessary modalities for effective implementation of the verification regime, including, but not restricted to, the areas laid out in the fourth paragraph in this mandate. The Ad Hoc Working Group shall be chaired by ... who shall be assisted by two Vice-Chairmen to be elected by the States Parties during the first meeting.

8. The Ad Hoc Working Group on Verification shall complete its work as soon as possible, preferably in time for the protocol to be endorsed by the Fourth Review Conference to be held in 1996; or, if later, by a Special Conference of the States Parties.

United Kingdom BTWC Practice Compliance  
Inspection (PCI) Programme. Summary Report  
(Working Paper 2)

INTRODUCTION

1. The United Kingdom has conducted four practice inspections in the biotechnology, pharmaceutical and vaccine industries. The programme's objectives were:
  - a. To test the effectiveness of verifying compliance with the BTWC by means of inspection of biotechnology, research and development, pharmaceutical and vaccine plants, especially those that are large, multipurpose, flexible, compatible with pathogen work and where there are substantial concerns about commercial confidentiality.
  - b. To examine the issues that arise for industry, for the government of the State Party receiving the inspection, and for the administration of such verification measures under the BTWC.
  - c. To test whether sufficient access within the plant and to documentation could be given to demonstrate compliance with the BTWC, without unacceptable compromise to commercial confidentiality.

MAIN ISSUES

2. There were four issues in the PCIs: access, compliance assessment, commercial confidentiality and logistics.

Access

3. Managed access techniques were important in negotiating access to buildings and to documentation. Some form of physical access is feasible, and in most cases the level of access that can be provided is actually quite extensive. However, there are occasions when plant operators will wish to limit inspectors' physical access on grounds of commercial confidentiality, Good Manufacturing Practice and/or health and safety. The UK believes that in principle specific solutions could probably be developed to deal with most eventualities. Whether the level of access provides all the information required by the inspectors and reassures the company concerned that commercially sensitive information is protected will depend on the individual circumstances.

4. There are no insurmountable obstacles to granting some access to plant documentation during the course of an inspection. Indeed documentation assumes a crucial importance when physical or visual access is denied or otherwise constrained. Access to relevant personnel presented few problems. Imposition on senior managers' time is perhaps the greatest burden imposed by a short notice inspection of a commercial site. Wherever possible the inspectors should be allowed to interview any employee, subject to safeguards.

#### Compliance Assessment

5. Provided the inspection team is given sufficient access, and the definition of this will vary from site to site, it is possible to determine with confidence that no non-compliant activities are being concealed. The degree of confidence depends on the nature and extent of access provided.

6. Whenever inspectors can establish the internal consistency, technical and commercial plausibility of the evidence and explanations provided across as broad a range of site activities as possible, then the confidence in compliance increases dramatically.

7. Commercial Confidentiality The legitimate need to protect commercial confidentiality presents few insurmountable obstacles to the conduct of an effective inspection. Nevertheless there are occasions when the requirement to safeguard proprietary data clashes with the inspectors' requests for information. However these are infrequent and limited to relatively few areas of critical commercial concern that may be site specific. However, a problem may occur with pieces of information that are not confidential in themselves but when aggregated could give a commercially sensitive overview.

8. As long as the host authorities have prepared themselves beforehand to identify sensitivities and planned managed access approaches, the risk of compromise can be reduced considerably although not eliminated entirely. It is important to make a distinction between the sensitivities of classes of commercial information. The trials showed that in most cases when confidential information could be threatened by disclosure of information, it would be possible to satisfy the particular line of enquiry indirectly without risk to confidentiality.

#### Logistics

9. General logistical issues such as team size, escorting, briefing, safety, language and general equipment do not impose serious constraints on the conduct of inspections. There are advantages for a real BTWC inspection team in having access to sampling and identification kits specific for a range of candidate BW agents. These would allow relatively real time determination on the presence or absence of an agent of concern. It would also be helpful for host authorities to be prepared to offer any existing laboratory or test facilities to demonstrate the presence

of other microorganisms or biochemicals in samples. On-site analysis avoids the risks to commercial information from removing samples from the site.

#### CONCLUSIONS

10. In-depth inspections are practicable: auditing, interviewing and visual inspection of key equipment are all essential and mutually reinforcing. Any measure on its own is of little or no value.

11. Provided the sites being inspected make preparations and use managed access, the risks to commercially sensitive information can be reduced. On many occasions the amount of access that can be granted without unduly risking proprietary data can be extensive.

12. The standards of evidence for an effective inspection are high. This is a qualitative problem as unambiguous evidence of non-compliance is difficult to acquire, but indicators of such activity can be identified. Given the potential dual-use nature of biological agents and much related equipment, inspection teams need evidence from all aspects of the site under investigation if they are to form a judgement on its compliance.

13. Availability of portable candidate BW agent identification kits would be of immense value for both inspection teams and home teams; use of host laboratory facilities may also help to prove the presence of other biological agents of biochemicals.

14. The main burden on industry is largely one of diversion of management time to hosting the inspection; there should be no need to disrupt plant operations or enter sterile areas provided alternative means can be found to satisfy inspector concerns.

15. Many of the access problems encountered in the PCI programme were site specific, and the managed access solutions were equally specific. This is probably a general conclusion which might apply to most sites.

Swiss View on a Mandate to Strengthen  
the Biological and Toxin Weapons Convention  
(Working Paper 3)

The Special Conference should decide to establishing a working group with the mandate to negotiate a legally binding protocol to strengthen the Convention. In our view strengthening the BWC should be considered as a common task of the States Parties themselves rather than as the administration of a legal instrument by a technical body. States Parties themselves should be involved in the future regime.

1. A regime to strengthen the BWC should have a strong element of transparency. Unlike the existing Confidence Building Measures this element ought to be mandatory. The experience made with the existing Confidence Building Measures and the findings in the VEREX report should be the basis for this work. The transparency element should be flexible enough to be adapted to the new risks emerging from the ongoing rapid developments in science and biotechnology.
2. Whenever doubts emerge on violations of the BWC states parties should have the possibility to request clarification. A future regime should include rules and methods for on site fact finding missions. Fact finding is not only in the benefit of a state suspecting another of violation, fact finding is also in the interest of a suspected country to show compliance under the BWC. The question of the appropriate infrastructure, equipment and personnel to conduct fact finding missions should be addressed.
3. A Commission open to all States Parties should be established under the protocol. This Commission should meet periodically or at short notice upon request of a state party. The Commission should held substantial discussions on the results of the transparency measures and fact finding missions; lead consultations on diverging standpoints with regard to violation or compliance under the BWC; consider and, if possible, agree on specific measures to dispel doubts about compliance with the BWC; and address other matters with regard to compliance under the BWC.

Measures to protect legitimate confidential information in industry, science and for national security purpose should be elaborated.

Brazil

Strengthening the BWC: Elements for  
a Possible Verification System  
(Working Paper 4)

1. Brazil presents the elements below as preliminary remarks on a possible verification system for the BWC. Further elaboration, in the context of an open-ended Ad Hoc Group provided with an adequate mandate, would still be necessary before proceeding to a drafting exercise. However, we consider it useful to share with other States-Parties the way in which we envisage verification of compliance with the BWC.

DECLARATIONS

2. It has become clear that a system of national declarations would be useful as a starting point for the BWC verification system. As stated at VEREX 3, "declarations could build up a picture of the approaches to microbiological work, health and safety in a country (...) against which initial judgments of consistency could be made". It seems necessary to discuss carefully what types of facilities should be included in national declarations, in order to account for all facilities posing a real compliance concern, and only those.

3. During the VEREX exercise, possible items and events which should be included in declarations were identified, examined and evaluated. At present, such proposals still require the detailed preparation by a group of qualified experts of at least two lists - one of agents and the other of equipment - which would serve both the purpose of determining which facilities should be included in national declarations and of facilitating the operational aspects of the verification regime. Definitions are needed regarding production capabilities of listed equipment. For reasons of expediency, it could be useful to divide such lists in "core" and "alert" lists, according to the greater or lesser relevance of specific agents and equipment for the purpose of assessing compliance.

4. The lists would be complemented by other criteria linked to the purpose of the work being done in the facility (biological defense programs, including vaccination programs for the armed forces, and vaccine development) and the origin of the funding for the facility (defense budgets and military contracts).

5. Moreover, it is important to add another indicator, related to certain technological procedures about which there might be serious cause for concern, because they could be related to the development of new, more efficient

biological weapons (and also, of course, to legitimate purposes). Therefore, all facilities where certain genetic manipulation techniques are applied to listed pathogens should have to declare the nature and purpose of their work, and should be submitted to stringent transparency and verification procedures.

6. The importance of increasing transparency and establishing verification procedures related to the genetic manipulation of pathogens should be emphasized. Such techniques, by increasing the military value of biological agents, could create powerful incentives for non-compliance with the Convention. Moreover, if there is no relevant prophylactic or other peaceful purpose involved, the application of genetic techniques to the enhancement of the virulence of pathogens, or of characteristics which make them easier to weaponize, may constitute a violation of Article I (even if no biological weapons are actually built). In such cases, a very careful declaration procedure should be established, followed by on-site inspections and, if need be, by continuous monitoring.

#### TECHNICAL ASSISTANCE AND TECHNOLOGICAL DEVELOPMENT

7. It has been frequently stated that a very large number of facilities around the world should have to be included in any system of national declarations in the context of the BWC. This is not surprising, since it is possible to engage in activities forbidden under the Convention - for instance, the manufacture of crude biological weapons for terrorist or retaliatory purposes - with minimum equipment and human resources. Such situation would place a heavy burden on national authorities in charge of compiling declarations. The relatively low participation in existing CBM's is a good indicator of the difficulties faced by many countries - especially, but not only, developing countries - in keeping track of their industry. This problem will not disappear in the near future, even if national declarations are made mandatory.

8. Therefore, delays and gaps in national declarations, in the absence of other reasons for concern, should not necessarily be considered as indicators of deliberate non-compliance. They should be addressed first through the development of a cooperative relationship between the national authorities and the international organization or center which will be in charge of verification. It is foreseeable that the organization would have to help national authorities to prepare declarations and to assist them in the training of human resources for monitoring biological activities and for establishing and managing national biological databases. Inevitably, such

work would lead to the provision of technical assistance as regards the improvement of national biological safety practices, in order to upgrade them gradually in connection with multilaterally agreed standards.

9. The cooperative approach outlined above would present several advantages. First, it would help the organization to draw a clearer picture of relevant biological activity in each State-Party and around the world, as recommended by VEREX 3. Second, it would be of great utility to many countries which are trying to improve their national biosafety standards and practices. In doing so, the verification regime would help accomplish the goals set forth in Article X of the BWC. Third, it would provide a framework for donor countries who might be interested in providing additional assistance for the improvement of biosafety practices in other countries (a mutually beneficial form of cooperation, since it helps contain the spread of diseases). Fourth, it would provide a strong incentive for many countries to sustain active participation in the implementation of the Convention and would thus increase political and practical support for the overall biological disarmament regime of the BWC.

10. Other valuable ideas in this area have also been raised, related, for instance, to international cooperation in vaccine research, development and production. All such ideas should be carefully examined by an adequate working group.

#### ON-SITE MEASURES

11. The large number of facilities that should probably have to be included in national declarations makes it necessary to limit the use of routine inspections to a minimum. Only the most sensitive facilities (e.g., those working with defensive military programs, military vaccination and genetic manipulation of listed pathogens) should be routinely inspected.

12. It seems more useful to rely mostly upon a system of unscheduled short notice inspections. Several criteria have been put forward to select the facilities which should be inspected at any given moment (the use of weighting factors, sensitivity indicators, equitable geographic distribution, etc). A combination of criteria would seem to be a reasonable solution. For instance, most of the inspection effort could be decided randomly with the use of weighting factors, while the rest could be initiated by the Secretariat if it feels that important information is missing about a specific program or country. Since the inspections would have to be on short notice (to compensate for the fact that they would not be very frequent), it seems



inevitable that the secretariat should be granted a reasonable degree of autonomy, within the limits of the selection criteria and of the program of work approved by States-Parties or by the Executive Council of the organization. The program of work would have to take into account the amount of resources available for inspections. Short notice inspections would apply a package of on-site measures (interviewing, visual inspection, identification of key equipment and, if necessary, sampling, identification and auditing). They would have to follow an inspection manual to be approved by the Executive Council or by the Conference of States-Parties for each kind of facility.

13. Alongside short notice inspections, it seems useful to establish a mechanism of validation visits, which would be part of cooperation programs between the organization and national authorities. Such visits would help in the process of preparing, checking, updating and improving national declarations and would lead to recommendations by the secretariat to national authorities and facility operators, including recommendations on biological safety practices. Validation visits would use only the least intrusive on-site measures (interviewing, visual inspection and identification of key equipment). They could be directed to a specific facility or, if appropriate, to certain programs or activities distributed among several geographically close facilities (even if the facilities are located in more than one country). In this case, the validation visits could follow local, national or regional seminars which would raise awareness about BWC affairs and acquaint personnel from several facilities with verification procedures. In particular, the combination of seminars and validation visits would seem to be the most cost-effective way of reaching the greatest possible number of facilities in the initial stages of implementing the BWC verification system. They would help the secretariat to select the areas and programs where further inspections are needed. Also, they would help familiarize local personnel with the more intrusive short-notice inspections which could follow.

14. It is important to distinguish clearly between validation visits and inspections, because only the former could possibly be carried out jointly with other international organizations (the WHO, for instance) and, if so agreed, with third countries. In this way, the Convention would provide a framework for States presently possessing certain specific technical qualification to share their expertise and help others qualifying human resources for the task of implementing the BWC.

15. It seems also necessary to foresee procedures for challenge inspections or inspections on request, in order to investigate and solve specific well-grounded doubts about compliance. Such inspections would have to be reviewed by

the Executive Council. In this regard, the precedent of the CWC is important. However, since the political cost of carrying out inspections on request is generally high, it is important that they be applied only if strictly necessary and after cooperative procedures are exhausted. The possibility of solving compliance doubts by less formal mechanisms, for instance, by an invitation from national authorities for the Secretariat to send inspection teams, should be kept open.

16. When negotiating and applying the several types of inspections of the BWC verification system, it is important to remember that the verification of disarmament agreements is essentially a cooperative endeavor among sovereign States. It cannot be effective if it is not perceived as useful in building confidence and if it does not distribute equitably the verification burden. Care must be taken not to apply blindly experience drawn from a different context. Complete assurance of treaty compliance might not be achieved immediately after the beginning of the implementation of a BWC verification system, but only as the result of the good functioning over time of the system and of the increased transparency, openness and cooperation deriving from it.

#### ORGANIZATIONAL ASPECTS

17. It is important to fully explore existing multilateral resources relevant to the implementation of a BWC verification regime. In this regard, the work already done by the World Health Organization (WHO) in the field of biological safety would clearly be relevant. Conversely, the organization in charge of verifying compliance with the BWC would undoubtedly benefit from the considerable amount of knowledge and experience accumulated over the years by the WHO in this area. Therefore, careful consideration should be given to the possibility of establishing a working relationship between the organization and the WHO, as well as with agencies with verification responsibilities, in particular the future OPCW.

18. There could be a strong synergy as well as significant economies deriving from joint activities with the WHO, in such fields as the collection of information on listed pathogens, the management of an international database on biological activities, the provision of technical assistance to national authorities; and the sharing of libraries and equipment.

19. At the same time, certain tasks performed by the organization in charge of the BWC, especially regarding on-site measures, would involve the handling of confidential proprietary information and technological secrets. Therefore, at least intrusive inspections would have to be

carried out by a specific inspectorate, to be part of the secretariat of the organization in charge of the BWC. Information resulting from such inspections could not be communicated to any other organization except with the authorization of States-Parties. In negotiating such issues, States-Parties could certainly benefit from precedents set in the Verification and Confidentiality Annexes to the CWC.

20. Among the specific tasks of the secretariat, it is possible to list the following: collecting and disseminating information on relevant technological developments; providing technical assistance for the preparation of national declarations and in fields such as the improvement of biological safety standards (together with the WHO and, as appropriate, other international organizations and donor countries); compiling and assessing national declarations; coordinating exchange visits and other confidence-building measures; administering appropriate mechanisms for the inspection of sensitive facilities; investigating and clarifying doubts about compliance (under the guidance of a Executive Council or of the Conference of States-Parties).

Brazil

Strengthening the BWC: The Next Steps  
(Working Paper 5)

1. The complex nature of the issues pertaining to the strengthening of the BWC makes it necessary to adopt a gradual approach to dealing with proposals for the implementation of a regime for verification of compliance. Although the technical aspects of verifying the BWC have to a considerable extent been satisfactorily dealt with by VEREX, there is still considerable work to be done, both at the technical and political levels.

2. It is now necessary to integrate a package of verification measures into a coherent system, which should include a subset of the verification measures examined by VEREX and a definition of the features of the mechanism for their implementation. However, it will be possible to reach agreement on such a system only if there is previous agreement on the political goals of the whole process. The purpose of strengthening the BWC is to help achieve the mutually reinforcing objectives of excluding "completely the possibility of bacteriological (biological) agents and toxins being used as weapons" (Preamble 9) and 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" (Article X).

3. While the first objective is the primary aim of the Convention, progress towards the second would be important for approaching the first.

4. It seems that the task of the Special Conference should be to reiterate clearly and unequivocally the purpose of the process of strengthening the Convention and, in doing so, to set up the foundations for the work of an Ad Hoc Group on Compliance which would make a concrete proposal to that end, ideally in time for the Review Conference of 1996. It is the view of Brazil that the terms of the mandate of the Ad Hoc Group on Compliance should include:

- the definition of a system for verification and promotion of compliance with the BWC, based upon, inter alia, a combination of measures identified and examined by VEREX, with a view to determine whether States-Parties are complying with their obligations under the Convention; and

- the definition of the responsibilities of the machinery which would be in charge of managing the verification system and of "contributing individually or together" with other international organizations or States "to the further development and application of scientific discoveries in the field of bacteriology (biology) for

prevention of disease, or for other peaceful purposes" (Article X), thus fostering economic and social development.

5. Careful consideration of the issue demonstrates clearly that, far from hindering each other, the two tracks of the work of the organization which will be in charge of the BWC (verification and technological development) are mutually reinforcing. The provision of technical assistance and the establishment of a cooperative relationship with national authorities is the only practical, cost-effective way of amassing information on the hundreds, or even thousands, of biological facilities potentially relevant to the Convention. Conversely, cooperation with the verification regime could help national authorities, inter alia, in their efforts to upgrade biological safety standards and practices and to participate in the fullest possible technological interchange for peaceful purposes.

6. The mandate of the Ad Hoc Group, in short, should include a clear reference to the goals of the process of strengthening the BWC (disarmament and development), to the basis for its work on verification of compliance (the VEREX report) and to the purposes of the organization or center in charge of implementation (verification and technical assistance).

Initial Comments from Australia on  
Consideration of the VEREX Report  
(Working Paper 6)

- Australia welcomed the positive outcome of the VEREX process.
- We believe the VEREX report was sufficiently positive to warrant further action to develop a legally binding verification protocol for the BWC.
- Indeed, in our view the VEREX report was sufficiently positive that we believe to consider as an alternative building on CBMs - which had been suggested by some delegations - would be to turn our backs on much of the good work of VEREX.
- As a starting point for work towards a verification protocol, we think the EU draft mandate will serve very well and we can endorse it.
- We would also add that we believe the VEREX work sufficiently detailed and effective that it would be counterproductive here to reopen debate on the substance of any specific measures. Debate on the substance of specific measures ought to be left to the future working group.
- For that reason, in our view we should ensure that any mandate developed here to allow negotiation of a verification protocol does not exclude any of the measures identified by VEREX from consideration by the working group.

Comments by the Delegation of the Russian Federation  
with Regard to the Document Tabled by the German Delegation  
on behalf of the European Union  
(Working Paper 7)

The Russian delegation has done a preliminary study of the document tabled by the Federal Republic of Germany on behalf of the European Union entitled "Proposal for a Mandate for an Ad-Hoc Working Group on Verification" (BWC/SPCONF/WP.1) of 20 September 1994 and considers it to be a good basis for further work. At the same time, the Russian delegation would like to suggest the following amendments to be included in the language of the paragraphs 3-5 (text to be deleted is marked as strikethrough, text to be inserted in bold):

3. Therefore, the Conference, determined to strengthen the effectiveness and improve the implementation of the Convention, decides to establish an Ad Hoc Working Group on Verification open to all States Parties to develop a legally binding draft verification protocol. The aim of such a protocol shall be to insure effective verification of the Biological and Toxin Weapons Convention.

4. The objective of the Ad Hoc Working Group on Verification shall be to draft a verification protocol, drawing on the VEREX Final Report as appropriate, establishing a mandatory verification regime ~~that provides or enhances openness and transparency of all activities relevant to the Biological and Toxin Weapons Convention.~~

Such a verification regime shall include the following basic elements:

- off-site measures such as ~~including national declarations covering a broad range of activities in States Parties relevant to the Convention such as BW defense programs, vaccines, relevant pharmaceutical and biotechnology activities, and facilities handling specific organisms and toxins;~~
- on-site measures such as ~~mutual information visits to declared facilities and inspections short notice inspections, and investigations of allegations of use.~~

The regime shall also include a provision for multilateral information sharing, on a voluntary basis, to contribute to the efficacy of verifying compliance with the Convention.

4a. In order for the verification regime to be effective and efficient the draft verification protocol should include the following provisions:

- definitions of terms used in the 1972 Biological and Toxin Weapons Convention;
- illustrative lists, updated as necessary, of biological agents and toxins which can be regarded as potential agents for the development of biological weapons, and definitions of their threshold quantities;
- lists of activities, instruments and equipment prohibited under the Convention, as well as of activities which are permitted for prophylactic, protective or other peaceful purposes.

New Zealand Submission to the  
Committee of the Whole  
(Working Paper 8)

New Zealand is committed to strengthening the aims and objectives of the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. We share other States Parties' desire to prohibit the development, production and stockpiling of biological and toxin weapons, and to enhance compliance with the Convention, to promote transparency and thereby confidence amongst States Parties that these objectives are being met.

The conclusions of the VEREX Report were that verification is possible, but that a legally binding protocol going beyond the current confidence building measures would be required. New Zealand is in agreement with these conclusions and supports the establishment of a mandatory regime to secure our objectives as outlined above.

New Zealand supports the establishment of an open-ended Ad Hoc Committee to begin work on this protocol. In line with our belief that wide participation in the Special Conference process is desirable, we consider that the proposed Ad Hoc Committee should meet with a frequency which enables participation by non-European States Parties.

Our aim would be for the Committee to conclude its work in time to circulate a draft protocol to States Parties prior to the Fourth Review Conference in 1996. We recognise this is a short time frame, but given the significance of the Protocol, we are sure States Parties will give the negotiations their fullest cooperation.

Therefore, our preferred chain of events to bring together the elements for a legally binding protocol to the Convention for a decision by the 1996 Conference are the following:

- i the acceptance of the Report of the VEREX meetings by the Special Conference;
- ii the establishment of an intersessional process which would negotiate the protocol (the proposed Ad Hoc Committee);
- iii the mandating of the intersessional process to consider the full range of measures necessary for a mandatory regime.



With regard to the mandate for this Committee, we believe the following main elements should be included:-

- \* a combination of both off- and on-site measures incorporating to some degree all of the 21 measures identified and examined during the VEREX process, but without revisiting the work done during VEREX;
- \* mandatory and effective declarations and notifications;
- \* both routine and short-notice on-site inspections using the guidelines suggested in VEREX, including validation visits;
- \* provision for multilateral information sharing, on a voluntary basis, to both develop cooperation between States Parties and to enhance compliance with the Convention.

Japan

Illustrative Guidelines for Considering a Mandate  
of an Ad Hoc Working Group on Measures to Strengthen BWC  
(Working Paper 9)

- I. The Group should consider the following elements of an international legal instruments to strengthen BWC.
  1. Measures to strengthen and expand the existing CBMs
    - (1) mandatory declarations / notifications
    - (2) expansion of objects to be declared / notified
    - (3) increase of frequency of declarations / notifications
    - (4) expansion of data to be required and providing them more in detail
    - (5) ways of processing of collected data and feed back of the results to States Parties
  2. Elements to be considered related to off-sites measures
    - (1) selection of measures taking practicability and cost-effectiveness into account
    - (2) details of implementation
      - (a) data to be required
      - (b) frequency of implementation
      - (c) ways of processing of collected data
      - (d) ways of feed-back of the results to States Parties
  3. Elements to be considered related to on-site measures
    - (1) selection of measures taking practicability and cost-effectiveness into account

(2) details of implementation

- (a) sites and trigger mechanism
- (b) frequency of visits / inspections
- (c) prior consent on implementing of visits / inspections, if any, and contents of the consent
- (d) prior notifications and their timing
- (e) nationality and qualification of personnel engaged (national or non-national, etc.)
- (f) extent of access
- (g) adequate techniques and equipment to be employed
- (h) ways of processing of collected information and data
- (i) ways of feed-back of the results to States Parties

4. Additional points to be worked out for the above considerations of off-site measures and on-site measures

- (a) advisability to introduce, for the sake of practical measures, some lists :
  - of agents (type, name, etc.) ;
  - of facilities / equipment (type, level of biological containment, etc.) ; and
  - of activities (products of activities, etc.), and advisability only to set some criterion instead
- (b) definition of terms to facilitate the Group's work, eg: "biological weapon", "biological agent"

5. Various issues to be settled related to implementation of measures

(1) Protection of confidentiality

- (a) Principles on protection of CPI and consideration to national security
- (b) Principles on compensation against leakage of CPI caused by implementing measures

(2) Legal questions

- (a) Consistency with each national constitution
- (b) Privileges and immunities of foreign personnel engaged

(3) Institutional arrangement

- (a) Necessity of international body  
(utilization of an existing body, etc.)
- (b) Establishment of the National Authority, if necessary
- (c) Recruitment of the minimum number of competent personnel to  
be engaged

(4) Financial questions

- (a) Estimation of necessary annual costs
- (b) Development of a new cost-sharing formula

II. The Group should prepare the final report by the end of 1995.

United States of America  
Consideration of VEREX Report  
(Working Paper 10)

The Special Conference, recalling the determination of the Third Review Conference to strengthen the effectiveness and improve the implementation of the Convention, notes with satisfaction the report of the Ad Hoc Group of Government Experts to identify and examine potential verification measures from a scientific and technical standpoint.

The Special Conference further notes that this Report concludes that some of the potential measures would contribute to strengthening the effectiveness and improve the implementation of the Convention; and that combinations of some potential measures including both off-site and on-site measures could provide information which could be useful for the main objective of the Biological Weapons Convention. The Special Conference endorses the Report's recognition that appropriate and effective mandatory measures could reinforce the Convention.

## Strengthening the Convention

### MANDATE TO STRENGTHEN THE BIOLOGICAL AND TOXIN WEAPONS CONVENTION

The Special Conference, determined to enhance the effectiveness and improve the implementation of the Biological and Toxin Weapons Convention, decides to establish an Ad Hoc Group of Governmental Experts, open to all States Parties, to develop a legally binding regime that will increase openness and transparency and thereby deter violations of, and strengthen confidence in compliance with, the Convention.

The Ad Hoc Group shall meet in \_\_\_\_\_. The Group shall convene an initial meeting no later than \_\_\_\_\_ and shall hold additional meetings as appropriate to complete its work as soon as possible, but no later than \_\_\_\_\_ [1995].

The objective of the Ad Hoc Group shall be to draft a protocol that provides for a regime with the following basic elements:

- The regime should build on measures such as those contained in the VEREX Final Report, plus any additional new measures the Group believes necessary.
- The regime should be mandatory and legally binding.
- The regime should provide or enhance openness and transparency of activities relevant to the BWC for all stages of potential biological and toxin warfare activities, from research through production, stockpiling, and weaponization.
- The regime should include off-site and on-site measures, including short-notice on-site measures.
- Any on-site measures should be designed to, among other things, strengthen confidence in information exchanged among States Parties or provide a mechanism for pursuing specific activities of concern.

South Africa

Mandate to Strengthen the Biological  
and Toxic Weapons Convention  
(Working Paper 11)

South Africa favours an ad hoc working group on verification open to all States Parties to develop a legally binding verification protocol. In this regard South Africa shares the view of the European Union that appropriate and effective verification measures could reinforce the Convention and that the main objective of the ad hoc working group should be to draft a verification protocol.

The ad hoc working group should be of a political as well as a technical nature in order for it to address issues arising from the VEREX report. Unresolved issues of a technical nature include the identification of biological agents, types and quantities of agents, the protection of commercial proprietary information and national security needs. To establish a verification protocol, the ad hoc working group should use the VEREX report as a basis to find the most cost effective or practical measures to strengthen the Convention.

With regard to the basic measures and objectives of verification to be considered by the working group, South Africa considers the basic elements as proposed by the European Union as possibly too prescriptive. At this early stage it may not be necessary to prescribe in the mandate of the working group which measures should be included in the proposed protocol. It is suggested that the ad hoc working group itself determines the elements it wishes to include.

South Africa proposes that investigations of alledged use should also be included in the protocol.

South Africa is of the opinion that the working group should, as a minimum, consider legally binding measures as a basis for a protocol supported by confidence building and other non-intrusive measures. Verification measures should furthermore strengthen the treaty and be to the benefit of all States Parties. These measures may possibly include:

- Monitoring of publications, information exchange and exchange of visits.

- Less intrusive on-site inspections which are not likely to threaten commercial proprietary interests. In this regard, South Africa envisages measures such as interviews, visual inspections and identification of key equipment which could generally be instituted without great expense or technical difficulty. Inspections should, however, be conducted according to principles of managed access.
- The introductions of mandatory declarations. South Africa is of the opinion that declarations should form the nucleus of any verification regime as well as the substance of confidence building measures. Declarations should, however, not contain information that would threaten proprietary rights. Declarations are also not of much value for preventing proliferation if they are not verified in some way. Confirmation of security provisions at a facility, the nature of containment facilities, the presence of equipment for declared activities and changes in previously declared status, are all areas of useful information which can be verified during on-site visits without threatening commercial confidentiality.

Should the ad hoc working group come to the conclusion that more intrusive measures are required, additional measures should be considered. However, inspections incorporating more intrusive measures should only occur if adequate cause has been shown and there are specific reasons to suspect illegitimate activities at the site in question. South Africa does not favour intrusive measures on a routine basis and is of the opinion that where adequate cause is claimed, the inspected party should have access to an international appeal mechanism. These intrusive measures may, however, pose a threat to legitimate commercial interest, would require greater expertise and are likely to be prohibitively expensive if implemented on a large scale. More intrusive measures could include:

- Auditing and inspecting of process control records.
- Sampling and identification.

Whilst recognizing the need for non-proliferation, care should be taken to ensure that elements for a verification protocol do not hinder biological research and development for peaceful purposes. South Africa therefore believes that an integral objective of the proposed protocol should be the facilitation of international cooperation and technical assistance.

With regard to the time frame, South Africa supports the view that a verification protocol should urgently be developed, preferably before the Review Conference to be held in 1996 or, if later, by a Special Conference of States Parties. South Africa is, however, concerned that the ad hoc group will not be able to complete its work before the Review Conference.



Further action to strengthen the  
Biological Weapons Convention - Australian views  
on the form of future negotiations  
(Working Paper 12)

1. Introduction

The Biological Weapons Convention (BWC) Special Conference should produce a mandate for further work on mandatory measures to strengthen the BWC regime by verifying compliance with Convention obligations. Australia believes this mandate should provide for establishment of a negotiating process - to be conducted by an ad hoc working group - to draft a protocol containing such measures for the BWC, drawing on the outcome of the Ad Hoc Group of Governmental experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint (VEREX) established by the 1991 BWC Review Conference. This paper has been prepared to assist delegations to the Special Conference in considering what form of negotiating process might best suit the objective of drafting a verification protocol.

2. Substance-related considerations - basic elements for a verification protocol

Because VEREX was limited to identifying and evaluating potential verification measures, part of a negotiating process to develop adequate means to strengthen the BWC must involve considering which measures from among those identified by VEREX are suitable for inclusion in a regime. This selection process will involve political as well as technical considerations, and will be critical to the ultimate effectiveness of the protocol ultimately agreed. Such selection may require a lengthy and focussed expert discussion. There is unlikely to be sufficient time at the Special Conference for such a discussion, and any question of narrowing the range of measures which were discussed during VEREX ought to be left to the subsequent ad hoc working group.

In considering which of the VEREX-identified measures to use to form a regime, the ad hoc working group will have to work towards establishing a total package where measures are welded into a single body of agreed procedure, complete with supporting institutional structure. For this reason it would be important early in the post-Special Conference negotiating process to agree on the broad, basic elements of that single body of procedure for a regime. Indeed, drafting an agreement on basic elements might best be made the first task of negotiations to follow the Special Conference.

It ought even be possible to incorporate some broad agreement on some basic elements into the mandate for negotiation flowing from the Special Conference itself. Basic elements identified in the mandate for an ad hoc working group could be:

- off-site measures, including national declarations covering a broad range of activities in States Parties, such as BW defence programs, vaccines, relevant pharmaceutical and bio-technology activities and facilities handling specific organisms and toxins;
- on-site measures such as information visits to declared facilities, short notice-inspections and investigations of allegations of use.

### 3. Further phases of negotiating a protocol

Agreement on the basic elements to be incorporated into a verification regime could lead to more detailed expert negotiation aimed at agreement upon specific aspects to do with each element. Such subsequent expert negotiation could take the form of relatively discrete consideration of each of the agreed basic elements. (For example negotiation to draft an illustrative list of potential BW agents could be conducted fairly independently of negotiation to do with determining what type of international implementation organisation to establish.)

Following this phase, the results of detailed negotiations on the agreed basic elements for a regime could be brought together in negotiation aimed at integrating those elaborated elements into a unified verification regime.

### 4. Pattern and duration of meetings (timetable)

The most resource-efficient way to conduct negotiations for a protocol could be to hold an initial meeting early in 1995 of one or two weeks duration. Thereafter, a schedule which favours longer, less frequent meetings would suit participants such as Australia - where high travel costs are applicable - as opposed to more frequent, shorter meetings. This type of scheduling also would be appropriate to the expectation that - as with the VEREX process - considerable work could be done intersessionally. We would envisage, however, that a more time-intensive process than the VEREX process would be needed to negotiate a protocol.

We do not believe it would be wise for the Special Conference mandate rigidly to stipulate that a protocol be ready for signature by the time of the 1996 Fourth Review Conference, although it would be appropriate for the negotiating process firmly to *aim* for that objective. Some allowance should be made for extending negotiation for a protocol beyond the Fourth Review Conference if that proves necessary to achieve a protocol.

### 5. Industry Consultation

The need to protect sensitive proprietary information in the course of verification activity was an important conclusion of VEREX. Accordingly, it would seem appropriate to hold a meeting dedicated to allowing national delegations to exchange views with industry representatives at some stage in the process of negotiating a protocol. Timing for such a meeting might be geared to the stage of negotiations, and preferably would take place at a stage where ideas on what would be required in a verification regime were well-formed with respect to each basic element, but where detailed agreement had not yet been reached.

### 6. Financial and administrative support considerations

Apart from producing a mandate for further action on verification, the Special Conference may need to:

- initiate action whereby the UN Office of Disarmament Affairs is authorised to provide secretariat support for an Ad Hoc Committee established for the purpose of negotiations
- settle upon a formula by which States Parties will finance the negotiations. (For example, the VEREX formula might be used.)

China's View on Follow-Up Mechanism  
for Strengthening the BWC  
(Working Paper 13)

1. TITLE

Ad Hoc Working Group of Governmental Experts

2. OBJECTIVE

Consideration of appropriate measures to strengthen the BW Convention and drafting a legally binding instrument to that effect.

3. BASIC ELEMENTS

-- Review of existing confidence-building and transparency measures;

-- Consideration and negotiation on further appropriate measures for the comprehensive and balanced implementation of the BW Convention, drawing upon necessary and suitable measures as identified in the VEREX report, with the view to ensuring enlarged participation by states parties;

-- Definition for the terms used in the BW Convention, Article 1 in particular, with the purpose of differentiating conclusively between prohibited and permitted activities;

-- Determination of lists of types and quantities of microbial or other biological agents or toxins, in accordance with Article 1 of the Convention and the relevant findings of the VEREX report, to provide the prerequisite for enhanced further measures for the strengthening of the Convention;

-- Consideration and formulation of specific measures for the promotion of international cooperation and exchange in the peaceful uses of biotechnology and the removal of any restrictions, including those in any international agreements, incompatible with the obligations undertaken under the Convention, Article 10 in particular.

4. ENTRY INTO FORCE

The legal instrument drafted by the Working Group, once adopted by a conference of the states parties, shall enter into force in accordance with the amendment procedure or entry into force procedure as provided in relevant articles of the Convention.

Strengthening the BWC - The Bulgarian View  
(Working Paper 14)

Bulgaria accepts the positive outcome of the VEREX process. It is our view that some of the proposed verification measures, implemented separately and in combination, can afford the detection of eventual breaches of the Convention.

At the same time their application is limited, especially when dual-use activities should be differentiated. Some of the proposed measures provoke questions related to the protection of confidential information, constitutional rights, national security. Others raise doubts about their effectiveness and overhead expenses. We insist on further evaluation of the possibilities for application of the measures, relating to remote sensing, the capabilities of which to detect biological weapons in its essential stage of laboratory research, are extremely limited and almost impossible, not speaking about their high costs.

Despite this, our country favours the creation of a legally binding regime based on mandatory declarations on relevant facilities of all States Parties to the Convention. It is necessary, however, to determine precisely the sites, the agents and the activities to be declared. We support also the inclusion of on-site inspections into the future verification Protocol. This purpose should be achieved by establishing an ad hoc working group, open to all States Parties, mandated by our Conference. The problems mentioned above should find an appropriate consideration and solution.

Bulgaria is ready to participate constructively in drawing up appropriate verification rules, to accept any inspections of all its activities concerned. We could take part in the future verification regime providing a relevant expertise. Considering the problem of the illustrative lists of potential BW agents, we think that a special attention should be paid to the pests on plants and animals. One cannot exclude the possibility of their use even in periods of peace for economic or other reasons. In such cases, and especially when plant diseases and epizootics take place in one or another country, the future verification regime should have the tools for identification the sources of infection.

Bulgaria believes that the potential verification measures would have the relevant impact on scientific research, cooperation, industrial development and other permitted activities, in accordance with art. 10 of BWC. These goals should be achieved on the basis of the common objective of the non-proliferation of biological weapons.

China, India, Iran (Islamic Republic of)  
(Working Paper 15)

#### I. Examination of the VEREX Report

1. The Third Review Conference of the Biological Weapons Convention determining to strengthen the effectiveness and improve the implementation of the Convention and recognizing that effective verification could reinforce the Convention decided to establish an Ad Hoc Group of Governmental Expert VEREX to identify and examine potential verification measures from a scientific and technical standpoint.

2. The Group identified, examined and evaluated from a scientific and technical standpoint in all 21 potential verification measures against the agreed mandate criteria and, some examples of possible combinations without prejudice to any further ideas that may evolve on the subject.

3. While it was agreed that reliance could not be placed on any single measure by itself, the measures described under the headings "declaration" and "off-site" were most frequently identified as the most desirable ones. Some measures were considered inherently not capable by themselves of differentiating between prohibited and permitted activities. The Group considered that important positive and negative synergies which were not identified in the evaluation may exist for each of the combinations examined.

#### II. Further action

4. As it seems necessary much more work is needed towards the strengthening of the Convention before devising any effective verification mechanism. The current Special Conference of the States Parties has been entrusted the mandate to examining the VEREX Report and to decide on any further action.

5. Our basic objective shall meet the concerns of all members of the Convention and therefore be abided by all States Parties ensuring its universality.

6. In this respect, the main tasks of the Working Group established by the Special Conference will be as follows:

a. Review of the existing measures, in-depth consideration and identification of appropriate and necessary further measures for comprehensive strengthening the convention including the proposals for a legal instrument. Therefore the mandate of such a forum shall be as wide enough to allow the full coverage of all aspects, including Confidence Building measures.

b. Identity of agent, types and quantities, the thresholds and the definition of BW.

c. Full implementation of Article X of the Convention. All States Parties shall have an ensured access to materials, equipment and technology in the field of biology and biotechnology for peaceful purposes. There shall be no restrictions for the states Parties in this regard. All the existing restrictions against the States Parties must be removed. The development and promotion of cooperation in peaceful area between States Parties as enshrined in article X of the Convention shall by no means be hindered in formulation of elaborated verification mechanism. It shall be enhanced. The development of the future mechanism shall be combined with guarantees for full access to materials, technology for peaceful purposes.

d. Establishment of a cost effective mechanism. We should try to make better use of existing facilities in order to prevent the creation of a large bureaucracy.

In establishing the time frame for the meetings, the disarmament agenda specially for the year 1995 should be fully taken into account.

7. The Conference of the States Parties shall examine the final result of the Working Group and this shall take effect in accordance with the procedure as provided in relevant articles of the Convention.

Statement of U.S. Representative Donald A. Mahley  
to the Committee of the Whole, September 22, 1994  
(Working Paper 16)

The United States has been an active participant in the development of many treaties, and in the effort to verify them. The task before us should not be underestimated. Building confidence in compliance with a Convention is a task that we firmly believe must be tailored in each instance to the unique features of the weapons being prohibited or controlled. Procedures or standards crafted for different conditions and different weapons--would both ignore some of the unique characteristics of biological weapons and would provide a potentially damaging false confidence in compliance in that states would be claiming compliance on the basis of adherence to incomplete or misleading criteria that may not ensure such compliance. There is a common point of departure for BWC: a shared belief that the BWC needs strengthening.

The U.S. believes that the term "effective verification" in the specialized context of formal arms control, refers to a set of measures designed to verify compliance with the provisions of a treaty with sufficient confidence to detect any militarily significant violation in time for other state parties to take appropriate countermeasures. In addition, an effective verification regime should safeguard non-relevant national security and industrial proprietary information and provide a net benefit to states parties' national security. In the case of the BWC, it should further the nonproliferation goals set forth by the international community.

This definition further assumes that measures are developed with an ability to distinguish between treaty prohibited and permitted activities with a minimum of ambiguity. The Ad Hoc Group of Experts recognized the great difficulty in meeting this condition but "concluded that potential measures as identified and evaluated could be useful to varying degrees in enhancing confidence, through increased transparency, that

states parties were fulfilling their obligations under the BWC." Further, "The group considered, from the scientific and technical standpoint, that some of the verification measures would contribute to strengthening the effectiveness and improve the implementation of the Convention."

Even under this relaxed definition of verification; i.e., compliance enhancement, it is an extremely complex task to define as well as distinguish between "treaty prohibited" and "permitted activities" with regard to the unique prohibitions of the BWC with a reasonable level of confidence. Determination of whether a violation of the BWC has occurred is not a straightforward analytical task, and is dependent on intent as well as physical evidence. This statement does not imply that we are against strengthening the Biological Weapons Convention but the Protocol must reflect what is both technically and politically feasible.



Non-Paper of the Chairman  
of the Committee of the Whole  
(Working Paper 17)

AGENDA ITEM 9:  
CONSIDERATION OF THE REPORT OF THE AD HOC GROUP OF  
GOVERNMENTAL EXPERTS TO IDENTIFY AND EXAMINE POTENTIAL  
VERIFICATION MEASURES FROM A SCIENTIFIC AND TECHNICAL  
STANDPOINT AND DECISION ON ANY FURTHER ACTION WITH A VIEW TO  
STRENGTHENING THE CONVENTION.

CONSIDERATION OF THE REPORT

THE REPORT OF THE AD HOC GROUP OF GOVERNMENTAL EXPERTS  
(VEREX REPORT) WAS WELCOMED. IT WAS NOTED THAT THE SPECIAL  
CONFERENCE AFFORDED THE FIRST OPPORTUNITY TO INTEGRATE  
POLITICAL CONSIDERATIONS WITH THE REPORT'S SCIENTIFIC AND  
TECHNICAL ASSESSMENT.

THE VEREX REPORT'S CONCLUSION WAS NOTED THAT, FROM A  
SCIENTIFIC AND TECHNICAL STANDPOINT, SOME OF THE POTENTIAL  
VERIFICATION MEASURES WOULD CONTRIBUTE TO STRENGTHENING THE  
EFFECTIVENESS AND IMPROVE THE IMPLEMENTATION OF THE  
CONVENTION, RECOGNIZING THAT APPROPRIATE AND EFFECTIVE  
VERIFICATION COULD REINFORCE THE CONVENTION.

IT WAS RECALLED THAT THE VEREX REPORT INDICATED THAT  
CAPABILITIES AND LIMITATIONS EXISTED FOR EACH MEASURE IN  
VARYING DEGREES. COMBINATION OF SOME POTENTIAL VERIFICATION  
MEASURES INCLUDING BOTH OFF-SITE AND ON-SITE MEASURES COULD  
PROVIDE INFORMATION WHICH COULD BE USEFUL FOR THE MAIN  
OBJECTIVE OF THE BWC.

IT WAS NOTED THAT THE IMPLEMENTATION OF ANY MEASURE  
SHOULD ENSURE THAT SENSITIVE COMMERCIAL PROPRIETARY  
INFORMATION AND NATIONAL SECURITY NEEDS ARE PROTECTED,  
CONSISTENT WITH THE EFFECTIVE VERIFICATION NEEDS OF THE  
CONVENTION.

IT WAS RECALLED THAT THE AD HOC GROUP OF GOVERNMENTAL  
EXPERTS EVALUATED THE IMPACT THAT POTENTIAL VERIFICATION  
MEASURES MIGHT HAVE ON SCIENTIFIC RESEARCH, SCIENTIFIC  
COOPERATION AND INDUSTRIAL DEVELOPMENT. ANY SUCH IMPACT  
SHOULD BE CONSIDERED IN FOLLOW-UP ACTION.

IT WAS RECALLED THAT THE REPORT RECOGNIZED THAT THERE  
REMAIN A NUMBER OF FURTHER TECHNICAL QUESTIONS TO BE ADDRESSED  
SUCH AS IDENTITY OF AGENT, TYPES AND QUANTITIES, IN THE  
CONTEXT OF ANY FUTURE WORK.

THERE WAS A GENERAL VIEW IN THE COMMITTEE THAT THE REPORT OF THE AD HOC GROUP OF GOVERNMENTAL EXPERTS PROVIDES A GOOD BASIS FOR PURSUING EFFORTS TO STRENGTHEN THE BWC WITH REGARD TO THE PROMOTION AND DEMONSTRATION OF COMPLIANCE.

#### FURTHER ACTION

THERE WAS GENERAL SUPPORT FOR THE ESTABLISHMENT OF A FOLLOW-UP MECHANISM, WHICH SHOULD TAKE THE FORM OF AN AD HOC WORKING GROUP OPEN TO ALL STATES PARTIES AND CONSIST OF GOVERNMENTAL REPRESENTATIVES SUPPORTED BY EXPERTS. A COMMONLY SUPPORTED VIEW WAS THAT THE TITLE SHOULD REFLECT THE GROUP'S OBJECTIVES. SEVERAL PROPOSALS WERE MADE.

NONE OF THE VEREX MEASURES SHOULD BE EXCLUDED FROM THE WORKING GROUP'S DELIBERATIONS. DECLARATIONS, VISITS, INSPECTIONS AND INVESTIGATIONS WERE IDENTIFIED AS IMPORTANT ELEMENTS, AS WAS THE PRINCIPLE OF COST-EFFECTIVENESS.

THERE WAS GENERAL SUPPORT FOR A LEGALLY-BINDING INSTRUMENT WHICH WOULD APPLY TO ALL ACTIVITIES AND FACILITIES RELEVANT TO THE BWC. ITS IMPLEMENTATION SHOULD INCLUDE APPROPRIATE MEANS TO PROTECT PROPRIETARY RIGHTS AND SENSITIVE INFORMATION NOT RELATED TO BIOLOGICAL AND TOXIN WEAPONS ACTIVITIES.

IT IS ESSENTIAL THAT THE INSTRUMENT AVOID HAMPERING THE ECONOMIC OR TECHNOLOGICAL DEVELOPMENT OF STATES PARTIES TO THE CONVENTION OR INTERNATIONAL COOPERATION IN THE FIELD OF PEACEFUL BACTERIOLOGICAL (BIOLOGICAL) ACTIVITIES. CONSIDERATION SHOULD BE GIVEN TO THE PROVISION OF TECHNICAL ASSISTANCE IN THE IMPLEMENTATION OF ACTIVITIES REQUIRED BY THE INSTRUMENT. IT WAS SUGGESTED THAT SUCH ASSISTANCE COULD ALSO LEAD TO THE IMPROVEMENT OF NATIONAL BIOLOGICAL SAFETY PRACTICES.

THE AD HOC WORKING GROUP SHOULD CONSIDER, INTER ALIA, THE ROLE THAT MIGHT BE PLAYED BY OBJECTIVE CRITERIA, SUCH AS A LIST OF AGENTS, IN RELATION TO PARTICULAR MEASURES.

IT WAS NOTED THAT CONFIDENCE-BUILDING MEASURES, IF IMPLEMENTED BY ALL STATES PARTIES, COULD PLAY AN IMPORTANT ROLE IN STRENGTHENING CONFIDENCE IN COMPLIANCE WITH THE CONVENTION.

MANY DELEGATIONS BELIEVED THAT THE DRAFTING OF A LEGALLY-BINDING INSTRUMENT SHOULD IDEALLY BE COMPLETED IN TIME FOR CONSIDERATION BY THE FOURTH REVIEW CONFERENCE OF THE BWC IN 1996.

Non-Paper of the Chairman  
of the Committee of the Whole  
(Working Paper 17/Rev.1)

THIS NON-PAPER REPRESENTS THE PERSONAL VIEWS OF THE CHAIRMAN OF THE COMMITTEE OF THE WHOLE WITHOUT ENDORSEMENT OF THE COMMITTEE

AGENDA ITEM 9:

CONSIDERATION OF THE REPORT OF THE AD HOC GROUP OF GOVERNMENTAL EXPERTS TO IDENTIFY AND EXAMINE POTENTIAL VERIFICATION MEASURES FROM A SCIENTIFIC AND TECHNICAL STANDPOINT AND DECISION ON ANY FURTHER ACTION WITH A VIEW TO STRENGTHENING THE CONVENTION.

CONSIDERATION OF THE REPORT

THE REPORT OF THE AD HOC GROUP OF GOVERNMENTAL EXPERTS (VEREX REPORT) WAS WELCOMED. IT WAS NOTED THAT THE SPECIAL CONFERENCE AFFORDED THE FIRST OPPORTUNITY TO INTEGRATE POLITICAL CONSIDERATIONS WITH THE REPORT'S SCIENTIFIC AND TECHNICAL ASSESSMENT.

THE VEREX REPORT'S CONCLUSION WAS NOTED THAT, FROM A SCIENTIFIC AND TECHNICAL STANDPOINT, SOME OF THE POTENTIAL VERIFICATION MEASURES WOULD CONTRIBUTE TO STRENGTHENING THE EFFECTIVENESS AND IMPROVE THE IMPLEMENTATION OF THE CONVENTION, RECOGNIZING THAT APPROPRIATE AND EFFECTIVE VERIFICATION COULD REINFORCE THE CONVENTION.

IT WAS RECALLED THAT THE VEREX REPORT INDICATED THAT CAPABILITIES AND LIMITATIONS EXISTED FOR EACH MEASURE IN VARYING DEGREES. COMBINATION OF SOME POTENTIAL VERIFICATION MEASURES INCLUDING BOTH OFF-SITE AND ON-SITE MEASURES COULD PROVIDE INFORMATION WHICH COULD BE USEFUL FOR THE MAIN OBJECTIVE OF THE BWC.

IT WAS NOTED THAT THE IMPLEMENTATION OF ANY MEASURE SHOULD ENSURE THAT SENSITIVE COMMERCIAL PROPRIETARY INFORMATION AND NATIONAL SECURITY NEEDS ARE PROTECTED, CONSISTENT WITH THE EFFECTIVE VERIFICATION NEEDS OF THE CONVENTION.

IT WAS RECALLED THAT THE AD HOC GROUP OF GOVERNMENTAL EXPERTS EVALUATED THE IMPACT THAT POTENTIAL VERIFICATION MEASURES MIGHT HAVE ON SCIENTIFIC RESEARCH, SCIENTIFIC COOPERATION AND INDUSTRIAL DEVELOPMENT. ANY SUCH IMPACT SHOULD BE CONSIDERED IN FOLLOW-UP ACTION.

IT WAS RECALLED THAT THE REPORT RECOGNIZED THAT THERE REMAIN A NUMBER OF FURTHER TECHNICAL QUESTIONS TO BE ADDRESSED SUCH AS IDENTITY OF AGENTS, TYPES AND QUANTITIES, IN THE CONTEXT OF ANY FUTURE WORK.

THERE WAS A GENERAL VIEW IN THE COMMITTEE THAT THE REPORT OF THE AD HOC GROUP OF GOVERNMENTAL EXPERTS PROVIDES A GOOD BASIS FOR PURSUING EFFORTS TO STRENGTHEN THE BWC WITH REGARD TO THE PROMOTION AND DEMONSTRATION OF COMPLIANCE.

#### FURTHER ACTION

THERE WAS GENERAL SUPPORT FOR THE ESTABLISHMENT OF A FOLLOW-UP MECHANISM, WHICH SHOULD TAKE THE FORM OF AN AD HOC WORKING GROUP OPEN TO ALL STATES PARTIES AND CONSIST OF GOVERNMENTAL REPRESENTATIVES SUPPORTED BY EXPERTS. A COMMONLY SUPPORTED VIEW WAS THAT THE TITLE SHOULD REFLECT THE GROUP'S OBJECTIVES. SEVERAL PROPOSALS WERE MADE.

NONE OF THE VEREX MEASURES SHOULD BE EXCLUDED FROM THE WORKING GROUP'S DELIBERATIONS. DECLARATIONS, VISITS, INSPECTIONS AND INVESTIGATIONS WERE IDENTIFIED AS IMPORTANT ELEMENTS, AS WAS THE PRINCIPLE OF COST-EFFECTIVENESS.

THERE WAS GENERAL SUPPORT FOR A LEGALLY-BINDING INSTRUMENT WHICH WOULD APPLY TO ALL ACTIVITIES AND FACILITIES RELEVANT TO THE BWC. ITS IMPLEMENTATION SHOULD INCLUDE APPROPRIATE MEANS TO PROTECT PROPRIETARY RIGHTS AND SENSITIVE INFORMATION NOT RELATED TO BIOLOGICAL AND TOXIN WEAPONS ACTIVITIES.

IT IS ESSENTIAL THAT THE INSTRUMENT AVOID HAMPERING THE ECONOMIC OR TECHNOLOGICAL DEVELOPMENT OF STATES PARTIES TO THE CONVENTION OR INTERNATIONAL COOPERATION IN THE FIELD OF PEACEFUL BACTERIOLOGICAL (BIOLOGICAL) ACTIVITIES. CONSIDERATION SHOULD BE GIVEN TO THE PROVISION OF TECHNICAL ASSISTANCE IN THE IMPLEMENTATION OF ACTIVITIES REQUIRED BY THE INSTRUMENT. IT WAS SUGGESTED THAT SUCH ASSISTANCE COULD ALSO LEAD TO THE IMPROVEMENT OF NATIONAL BIOLOGICAL SAFETY PRACTICES.

THE AD HOC WORKING GROUP SHOULD CONSIDER, INTER ALIA, THE ROLE THAT MIGHT BE PLAYED BY OBJECTIVE CRITERIA, SUCH AS A LIST OF AGENTS, IN RELATION TO PARTICULAR MEASURES.

IT WAS NOTED THAT CONFIDENCE-BUILDING MEASURES, IF IMPLEMENTED BY ALL STATES PARTIES, COULD PLAY AN IMPORTANT ROLE IN STRENGTHENING CONFIDENCE IN COMPLIANCE WITH THE CONVENTION.

MANY DELEGATIONS BELIEVED THAT THE DRAFTING OF A LEGALLY-BINDING INSTRUMENT SHOULD IDEALLY BE COMPLETED IN TIME FOR CONSIDERATION BY THE FOURTH REVIEW CONFERENCE OF THE BWC IN 1996.

### III.2 REPORT OF THE DRAFTING COMMITTEE

1. At its Plenary Meeting on 19 September, the Special Conference decided, in accordance with Rule 36 of its Rules of Procedure, to establish a Drafting Committee to coordinate the drafting of and edit all texts referred to it by the Conference.
2. At the same Plenary meeting, the Conference elected by acclamation Ambassador Jorge Berguño (Chile) as chairman of the Drafting Committee, and Ambassador Richard Starr (Australia) as Vice-Chairman. Mr. Francesco Cottafavi, Political Affairs Officer, Centre for Disarmament Affairs, acted as Secretary of the Committee.
3. The Drafting Committee held seven meetings during the period from 23 September to 28 September under the Chairmanship of Ambassador Jorge Berguño. The Committee also held informal consultations.
4. In the course of the work of the Committee the Chairman submitted a resource paper (BWC/SPCONF/DC/WP.1) and a Chairman's paper offering a draft of the Final Declaration (BWC/SPCONF/DC/WP.2).
5. The Chairman's paper was welcomed by the Committee and used as a basis for the Committee's work. The comments and proposals made during the meetings were incorporated into the Chairman's paper. A revised version is attached herewith for the consideration of the Conference. At its seventh and final meeting on 23 September 1994, the Drafting Committee adopted its report as contained in document BWC/SPCONF/DC/WP.3.

ATTACHMENT

To the Report of the Drafting Committee

DRAFTING COMMITTEE: CHAIRMAN'S RESOURCE PAPER

I. TECHNICAL ELEMENTS OF THE REPORT

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II. CONSIDERATION OF THE VEREX REPORT

Under Item 9 of its agenda, the Special Conference first considered the Report of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint.

The Conference welcomed the Report, and noted that the Conference afforded States Parties a first opportunity to integrate political considerations with the Report's scientific and technical assessment. [WP.17/Rev.1]

The Conference noted the Report's conclusion that from a scientific and technical standpoint some of the potential verification measures would contribute to strengthening the effectiveness and improve the implementation of the Convention, recognising that appropriate and effective verification could reinforce the Convention. Delegations recalled that the VEREX Report indicated that capabilities and limitations existed for each measure in varying degrees. Combination of some potential verification measures including both off-site and on-site measures could provide information which could be useful for the main objective of the Convention. [WP.17/Rev.1]

While it was agreed that reliance could not be placed on any single measure by itself, the measures described under the headings "declaration" and "off-site" were most frequently identified as the most desirable ones. Some measures were considered inherently not capable by themselves of differentiating between prohibited and permitted activities. The Group considered that important positive and negative synergies which were not identified in the evaluation may exist for each of the combinations examined. [WP.15]

The Conference noted that the implementation of any measure should ensure that sensitive commercial proprietary information and national security needs are protected, consistent with the effective verification needs of the Convention. [WP.17/Rev.1]

The Conference recalled that the Group evaluated the impact that potential verification measures might have on scientific research, scientific cooperation, and industrial development, and concluded that any such impact should be considered in follow-up action. The Conference further recalled that the Report recognised that there remain a number of further technical questions to be addressed such as identity of agents, types and quantities, in the context of any further work. [WP.17/Rev.1]

It was the general view of the Conference that the Report provided a good basis for pursuing efforts to strengthen the Convention with regard to the promotion and demonstration of compliance. [WP.17/Rev.1]

### III. STRENGTHENING THE CONVENTION

In accordance with the second element of item 9 of its agenda, the Special Conference proceeded to decide upon further action with a view to strengthening the Convention. There was general support for the establishment of a follow-up mechanism. [WP.17/Rev.1]

#### Body for Follow-up Process

The Special Conference,

determined to [strengthen] [enhance] the effectiveness and improve the implementation of the Convention [WP.1 and 10],

and recognising that effective verification could reinforce the Convention [WP.15],

decided to establish

an Ad Hoc Working Group on Verification [WP.1, WP.7],

an Ad Hoc Group on Compliance [WP.5]

an Ad Hoc Group of Governmental Experts [WP.10]

an Ad Hoc Working Group of Governmental Experts [WP.13]

an Ad Hoc Working Group [WP.14]

a Working Group [WP.15]

a negotiation within the framework of the Conference on Disarmament [Nigerian intervention]

open to the participation of all States Parties [WP.1 and 10]

and to signatories in the capacity of observer [new language]

on an open-ended basis [WP.3]

#### Purpose of Follow-up Work

The Conference agreed that

the Group's objective shall be to develop a legally-binding protocol, the aim of which shall be to ensure effective verification of the Convention. Drawing on the VEREC Final Report as

appropriate, this protocol shall establish a mandatory regime that provides or enhances openness and transparency of all activities relevant to the Convention [WP.1].

the Group's task shall be to integrate a package of verification measures into a coherent regime for the verification of compliance with the Convention, consistent with the Convention's primary intention of excluding completely the possibility of bacteriological (biological) agents and toxins being used as weapons, and with the complementary objective of facilitating the fullest possible exchange of materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes, as reflected in Article X of the Convention [WP.5].

the Group's objective shall be to develop a legally-binding draft verification protocol, drawing on the VEREX Final Report as appropriate, establishing a mandatory verification regime of all activities relevant to the Convention [WP.7]

the Group's objective shall be to develop a legally-binding regime that will increase openness and transparency and thereby deter violations of, and strengthen confidence in compliance with, the Convention [WP.10].

the Group's objective shall be to consider appropriate measures to strengthen the Biological Weapons Convention and to draft a legally-binding instrument to that effect. [WP.13]

the main tasks of the Group will be:

- (a) to review existing measures, and provide for in-depth consideration and identification of appropriate and necessary further measures for comprehensive strengthening of the Convention, including the proposals for a legal instrument, and for full coverage of all aspects, including strengthening and promoting greater participation in existing Confidence-Building Measures; and,
- (b) full implementation of Article X of the Convention. There shall be no restrictions for the States Parties in this regard. All the existing restrictions against States Parties must be removed. The development and promotion of cooperation in peaceful area between States Parties as enshrined in Article X of the Convention shall by no means be hindered in formulation of an elaborated verification mechanism. It shall be enhanced. The development of the future mechanism shall be combined with guarantees for full access to materials, technology for peaceful purposes.
- (c) establishment of a cost effective mechanism. We should try to make better use of existing facilities in order to prevent the creation of a large bureaucracy. [WP.15]

#### Basic Elements and Measures

The Conference agreed that none of the measures included in the VEREX Report should be excluded from the Group's consideration, and that [WP.17/Rev.1 and WP.6]

in proceeding to develop a proposal for a regime including as basic elements:



- (a) off-site measures ( [including] [such as] national declarations covering a broad range of activities in States Parties [relevant to the Convention] [, such as biological weapons defence programs, vaccines, relevant pharmaceutical and biotechnology activities, and facilities handling specific organisms and toxins] );
- (b) on-site measures (such as [information] [mutual] visits [to declared facilities, short-notice inspections, and investigations of allegations of use] [and inspections]); and,
- (c) multilateral information-sharing on a voluntary basis to [both develop cooperation between States Parties and to enhance compliance with the Convention][contribute to the efficacy of verifying compliance with the Convention] [WP.1, 7 and 8]

in proceeding to define a system for verification and promotion of compliance with the Convention, based upon inter alia a combination of measures identified and examined in the VEREX report (including declarations, technical assistance, on-site measures, supported by appropriate organisational arrangements) [WP.4 and 5]

in proceeding to undertake the work required to strengthen the Convention before devising an effective verification regime [WP.15]

the Group take careful note of the detailed views of States Parties on possible basic elements and measures as set out in Annex X to this report.

#### Consideration of the Outcomes by States Parties

The Special Conference decided that

the Ad Hoc Working Group on Verification shall complete its work as soon as possible, preferably in time for the protocol to be endorsed by the Fourth Review Conference to be held in 1996; or, if later, by a Special Conference of the States Parties. [WP.1, WP.3, WP.11, and WP.12]

the Ad Hoc Group on Compliance would make a concrete proposal, ideally in time for the Review Conference of 1996. [WP.5]

the Group should prepare its final report by the end of 1995. [WP.9]

as soon as possible after the Ad Hoc Group has completed its work, the draft protocol shall be distributed to all States Parties for their consideration; it shall then be presented for adoption at the Fourth Review Conference of the Convention, to be held in 1996. [WP.10]

the legal instrument drafted by the Working Group, once adopted by a conference of the States Parties, shall enter into force in accordance with the amendment procedure or entry into force procedure as provided in the relevant articles of the Convention. [WP.13]

the Conference of the States Parties shall examine the final result of the Working Group and this shall take effect in accordance with the procedure as provided in relevant articles of the Convention. [WP.15]

## Relationship to International Cooperation and Technological Development

The Conference took note of the presence in the Convention of two mutually-reinforcing objectives, namely:

first the prevention of an arms race in the biological area and the elimination of the possibility of use of biological weapons; and,

second, the facilitation of the fullest possible exchange of biological technology for peaceful purposes, with all the benefits such interchange may bring for international trade and development. [Brazil, General Debate Statement]

The Conference recognised also the importance of technical assistance in permitting effective participation by all States Parties in verification of the Convention, and for the need for this aspect to be addressed in follow-up work. [WP.5, intervention by Brazil]

The impact of any measures on scientific research, international cooperation, and industrial development should be minimised, and kept in mind during their development. [Indian intervention]

Whilst recognising the need for non-proliferation, care should be taken to ensure that elements for a verification protocol do not hinder biological research and development for peaceful purposes. An integral objective of the proposed protocol should be the facilitation of international cooperation and technical assistance. [WP.11]

Consideration should be given to the promotion of international cooperation and exchange in the peaceful uses of biotechnology and the removal of any restrictions, including those in any international agreements, incompatible with the obligations undertaken under the Convention, Article X in particular. [WP.13]

The impact of potential verification measures on scientific research, cooperation, industrial activity and other permitted activities would necessarily be in accordance with Article X of the Convention, the goals of which should be achieved on the basis of the common objective of the non-proliferation of biological weapons. [WP.14]

All States Parties should have an ensured access to materials, equipment and technology in the field of biology and biotechnology for peaceful purposes. There shall be no restrictions for the States Parties in this regard. All the existing restrictions against the States Parties must be removed. The development and promotion of cooperation in peaceful areas between States Parties as enshrined in Article X of the Convention shall by no means be hindered in formulation of the elaborated verification mechanism. It shall be enhanced. The development of the future mechanism shall be combined with guarantees for full access to materials, and technology for peaceful purposes. [WP.15]

Any measures implemented to strengthen the Convention should take new developments in technology into account, should be non-discriminatory, and should not hamper the

development and use of biotechnology for peaceful purposes, nor hamper or create barriers to trade in advanced biotechnology. [Indonesian intervention]

Strengthened verification measures should be consistent with protection of national security interests, should use the minimum intrusion consistent with their objectives, and should not impede the transfer of technology for peaceful purposes. [Nigerian intervention]

### Commercial and Security Considerations

The Special Conference confirmed that

the regime should apply to commercial, academic and government facilities as legitimate potential objects of verification [regardless of ownership and of whether they are located inside or outside the territory of the State Party], bearing in mind that all activities must include appropriate means to protect proprietary [information, constitutional] rights and sensitive [national] information not related to biological and toxin weapons activities. [WP.1, 7, and 11]

measures to protect legitimate confidential information in industry, science and for national security purposes should be elaborated. [WP.3]

in settling issues relating to the implementation of measures to strengthen the Convention, the Group would need to consider protection of confidentiality, including the principles which might apply to:

- (a) protection of commercial proprietary information (CPI) and considerations relating to national security; and,
- (b) compensation in cases of leakage of CPI caused through implementing measures. [WP.9]

in settling issues relating to the implementation of measures to strengthen the Convention, the Group should consider holding some form of consultation with industry representatives to assist in its objective of ensuring protection of CPI. [WP.12]

### Timing and Venue of the Follow-up Process

Noting the heavy multilateral disarmament agenda applying in 1995 [WP.15, Indonesia]

The Conference decided that the Ad Hoc Working Group on Verification shall meet in Geneva, with an initial meeting no later than January 1995. The Ad Hoc Working Group will hold additional meetings as required. These meetings will develop the necessary modalities for effective implementation of the verification regime. [WP.1]

The Ad Hoc Group shall meet in \_\_\_\_\_. The Group shall convene an initial meeting no later than \_\_\_\_\_, and shall hold additional meetings as appropriate to complete its work as soon as possible, but no later than \_\_\_\_\_ (1995). [WP.10]

#### Modalities of the Follow-up Process and Allocation of Costs

The Conference agreed that the costs of the Working Group will be met by States Parties to the Convention participating, in accordance with the United Nations scale of assessment prorated to take into account differences between the United Nations membership and the number of States Parties participating in a given session. States which have signed but not ratified or acceded to the Convention, and which accept the invitation to participate as observers in the Working Group will share the costs on the same basis as States Parties. [WP.12]

The Conference decided that the Ad Hoc Working Group shall be chaired by ..., who shall be assisted by two Vice-Chairs to be elected by States Parties during the Group's first meeting. [WP.1]

The Conference noted its understanding that the Working Group would determine its Rules of Procedure at its first meeting. [new text]

#### Initiating the Follow-up Process

The Conference agreed that the Ad Hoc Working Group commence work on the basis of the Conference's decisions on the strengthening of the Convention recorded above, and to this end called on the Depositaries to:

- . initiate action in the forty-ninth session of the United Nations General Assembly authorising provision by the United Nations Secretary-General of necessary secretariat and conference support services; and,
- . notify all States Parties and signatories of arrangements for initiation of the Working Group, and invite widest possible participation. [WP.12]

BASIC ELEMENTS AND MEASURES TO BE CONSIDERED BY THE GROUP IN  
ELABORATING MEASURES TO STRENGTHEN THE BIOLOGICAL WEAPONS  
CONVENTION

(Note: Headings are purely to assist in organisation of the text.)

Noting the Special Conference's decision that none of the measures included in the VEREX Report should be excluded from the Ad Hoc Working Group's consideration, it was agreed that without prejudice to the study of those measures, the Group should give attention to:

CBMs

review of existing confidence-building and transparency measures [WP.13]

measures to strengthen and expand the existing CBM's

- (1) mandatory declarations / notifications
  - (2) expansion of objects to be declared / notified
  - (3) increase in the frequency of declarations / notifications
  - (4) expansion of data to be required and providing them more in detail
  - (5) ways of processing of collected data and feed back of the results to States Parties.
- [WP.9]

Declarations

a system of national declarations as a starting point for the BWC verification system. [WP.4]

mandatory and effective declarations and notifications [WP.3 and 11]

what types of facilities should be included in national declarations in order to account for all facilities posing a real compliance concern, and only those. [WP.4]

collecting and disseminating information on relevant technological developments; providing technical assistance for the preparation of national declarations and in fields such as the improvement of biological safety standards . . . compiling and assessing national declarations; coordinating exchange visits and other confidence-building measures; administering appropriate mechanisms for the inspection of sensitive facilities; investigating and clarifying doubts about compliance. [WP.4]

On-site

on-site measures (such as [information] [mutual] visits [to declared facilities, short-notice inspections, and investigations of allegations of use] [and inspections]) [WP.1, 7 and 12]

a mechanism of validation visits which would be part of cooperation programs . . . [WP.4]

rules and methods for on-site fact finding missions. The question of the appropriate infrastructure, equipment and personnel to conduct fact finding missions should be addressed. [WP.3]

on-site measures such that they, among other things, strengthen confidence in information exchanged among States Parties or provide a mechanism for pursuing specific activities of concern. [WP.10]

elements related to on-site measures

- (1) selection of measures taking practicability and cost-effectiveness into account
- (2) details of implementation
  - (a) sites and trigger mechanism
  - (b) frequency of visits / inspections
  - (c) prior consent on implementing visits / inspections, if any, and contents of the consent
  - (d) prior notifications and their timing
  - (e) nationality and qualifications of personnel engaged (national or non-national, etc.)
  - (f) extent of access
  - (g) adequate techniques and equipment to be employed
  - (h) ways of processing of collected information and data
  - (i) ways of feed-back of the results to States Parties [WP.9]

less intrusive on-site inspections which are not likely to threaten commercial proprietary interests; interviews, visual inspections, and identification of key equipment. Inspections would have to be conducted according to principles of managed access. Should the Ad Hoc Group come to the conclusion that more intrusive measures are required, additional measures should be considered. [WP.11]

#### Short-notice

a system of unscheduled short notice inspections. [WP.4] Short notice inspections would apply a package of on-site measures (interviewing, visual inspection, identification of key equipment and, if necessary, sampling, identification and auditing). [WP.4]

procedures for challenge inspections or inspections on request, in order to investigate in order to investigate and solve specific well-grounded doubts about compliance. [WP.4]

both routine and short-notice inspections using the guidelines suggested in VEREX including validation visits [WP.3]

#### Off-site

off-site measures ( [including] [such as] national declarations covering a broad range of activities in States Parties [relevant to the Convention] [, such as biological weapons defence programs, vaccines, relevant pharmaceutical and biotechnology activities, and facilities handling specific organisms and toxins] ) [WP.1, 7 and 12]

elements related to off-site measures

- (1) selection of measures taking practicability and cost-effectiveness into account
- (2) details of implementation
  - (a) data to be required
  - (b) frequency of implementation
  - (c) ways of processing of collected data
  - (d) ways of feed-back of the results to States Parties [WP.9]

#### Information sharing

multilateral information-sharing on a voluntary basis to [both develop cooperation between States Parties and to enhance compliance with the Convention][contribute to the efficacy of verifying compliance with the Convention] [WP.1, 7 and 8]

#### Lists

identity of agent, types and quantities, the thresholds and definition of BW. [WP.15]

development of a list of toxins. [Indian intervention]

detailed preparation by a group of qualified experts of at least two lists - one of agents and one of equipment. [WP.4]

lists of:

- agents (type, name, etc.);
- facilities / equipment (type, level of biological containment, etc); and,
- activities (products of activities, etc.) [WP.9]

determination of lists of types and quantities of microbial or other biological agents or toxins, in accordance with Article I of the Convention and the relevant findings of the VEREX report, to provide the prerequisite for enhanced further measures for the strengthening of the Convention [WP.13]

#### Definitions

definition of terms to facilitate the Group's work, eg. "biological weapon", "biological agent" [WP.9]

definition of the terms used in the BW Convention, Article I in particular, with the purpose of differentiating conclusively between prohibited and permitted activities [WP.13]

definitions of terms used in the BWC;

- illustrative lists, updated as necessary, of biological agents and toxins which can be regarded as potential agents for the development of biological weapons, and definitions of their threshold quantities;
- lists of activities, instruments and equipment prohibited under the Convention, as well as of activities which are permitted for prophylactic, protective and other peaceful purposes. [WP.7]

#### Legal

legal questions with respect to any introduction of a regime:

- (a) consistency with each national constitution
- (b) privileges and immunities of foreign personnel engaged [WP.9]

#### Institutional

institutional arrangements with respect to any introduction of a regime:

- (a) Necessity of international body (utilisation of an existing body, etc.)
- (b) Establishment of the National Authority, if necessary
- (c) Recruitment of the minimum number of competent personnel to be engaged [WP.9]

#### Financial

costs of implementation of measures, with a view to minimising such costs [Indonesian intervention]

financial questions with respect to any introduction of a regime:

- (a) Estimation of necessary annual costs
- (b) Development of a new cost-sharing formula [WP.9]

#### General

measures such as those contained in the VEREX final report, plus any additional new measures the Group believes necessary [WP.10]

measures which enhance openness and transparency of activities relevant to the BWC for all stages of potential biological and toxin warfare activities, from research through to production, stockpiling, and weaponisation. [WP.10]

monitoring of publications, information exchange and exchange visits. [WP.11]



#### Organisational aspects

exploration of existing multilateral resources relevant to the implementation of a BWC verification regime. In this regard, the work already done by the World Health Organisation in the field of biological safety standards would clearly be relevant. [WP.4]

the purposes of the organisation or centre in charge of implementation (verification and technical assistance. [WP.5]

having the organisation help national authorities to prepare declarations and to assist them in the training of human resources for monitoring biological activities and for managing national biological databases. Inevitably such work would lead to the provision of technical assistance as regards the improvement of national biological safety practices . . . The cooperative approach outlined above would . . . help accomplish the goals set forth in Article X of the BWC. . . . Other valuable ideas in this area have also been raised, related, for instance, to international cooperation in vaccine research, development and production. All such ideas should be carefully examined by an adequate working group. [WP.4]

exploration of capacity for reliance on existing organisational resources where possible to minimise costs, consistent with technical requirements. Efficient, timely operation should be an important consideration in designing the regime. [WP.10]

exploration of how a regime might best be implemented by an independent inspectorate, taking into account such factors as financial, legal, safety, technology, material, manpower, equipment and organisational implications; but these aspects shall not be construed in such a manner as to distract from the regime's core objectives and contents [WP.1]

timing for consultations with industry representatives to assist with CPI considerations. This might be geared to the stage of negotiations, and preferably would take place at a stage where ideas on what would be required in a verification regime were well-formed with respect to each basic element, but where detailed agreement had not yet been reached. [WP.12]

Chairman's rolling text

II. Final Declaration

27. Under item 9 of its agenda, the Special Conference first considered the report of the Ad Hoc Group of Governmental Experts to identify and examine potential Verification Measures from a scientific and technological standpoint.

28. The Conference welcomed the report and noted that the Conference afforded States Parties a first opportunity to integrate political considerations with the Report's scientific and technical assessment.

29. The Conference also noted that the Group examined and evaluated 21 potential verification measures and some examples of possible combinations of them, without prejudice to any further ideas that may evolve on the subject. While it was agreed in the Group that reliance could not be placed on any single measure by itself, the measures described under the headings "declaration" and "off-site" were most frequently identified as the most desirable ones. Some measures were considered inherently not capable by themselves of differentiating between prohibited and permitted activities. The Group considered that important positive and negative synergies which were not identified in the evaluation may exist for each of the combinations examined.

30. The Conference further noted that the VEREX Report concluded that some of the potential measures would contribute to strengthening the effectiveness and improve the implementation of the Convention and that combinations of some potential measures, including both off-site and on-site measures, could provide information which could be useful for the attainment of the main objective of the Biological Weapons Convention. The Conference also recognises that appropriate and effective mandatory measures could reinforce the Convention.

31. The Conference recognised that the complex nature of the issues pertaining to the strengthening of the Biological Weapons Convention makes it necessary to adopt a gradual approach to dealing with proposals for the implementation of a system for the verification of compliance with the Convention. It is now necessary to integrate a package of verification measures into a coherent system, which should include a subset of the verification measures examined in the VEREX report and a definition of the features of the mechanism for their implementation.

32. The Conference also recognised that the process aiming at strengthening the Biological Weapons Convention should achieve the mutually reinforcing objectives of excluding completely the possibility of bacteriological (biological) agents and toxins being used as weapons, and 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. While the first objective is the primary aim of the Convention, progress towards the second would be important for approaching the first.

33. The Conference also recognised that it has become clear that a system of national declarations and other transparency measures would be useful for

the verification of compliance with the Biological Weapons Convention. As stated in the VEREX report "declarations could build up a picture of the approaches to microbiological work, health and safety in a country (...) against which initial judgments of consistency could be made".

34. In pursuance of the second part of its mandate under item 9, the Conference, determined to strengthen the effectiveness and improve the operation of the Convention, decided to establish an Ad Hoc Working Group, whose objective shall be the consideration of appropriate measures to strengthen the Convention, including drafting a legally binding instrument to that effect. The Ad Hoc Working Group will proceed to develop a proposal for a regime including:

- a) the consideration of pre-existing confidence building measures, to the extent that these can be used as a resource in the development of the regime;
- b) a system to verify effective compliance with the Convention, including off-site and on-site measures. The verification system should be reliable, cost effective and as non-intrusive as possible, consistent with effective implementation of the Convention;
- c) the formulation of specific measures to promote international cooperation and to provide technical assistance which will enhance effective participation in verification and improve national bio-safety standards and practices;
- d) the identification of criteria for the determination of bacteriological (biological) agents and toxins and, if necessary, processes, relevant for the implementation of the Convention.

35. The draft instrument should include provisions to protect proprietary rights and sensitive information not related to the scope of the Convention.

36. The impact of any measures on scientific research, international cooperation and industrial development should be minimized.

37. In undertaking its task, the Ad Hoc Working Group will take into account all Working Papers, Summary Records, and all other relevant material presented to the Special Conference, as contained in its Final Report.

38. The Conference also decided that the Ad Hoc Working Group shall meet in Geneva in January 1995, and will hold as many additional meetings as necessary, in Geneva or in New York. The Group shall complete its work as soon as possible. By the end of 1995 it will submit a progress report to the States Parties. The proposal of the Group shall be submitted, if possible, to the States Parties to be endorsed by the Fourth Review Conference in 1996, or later by a Special Conference. The Group will be Chaired by ....., who shall be assisted by two Vice-Chairmen to be elected by the Group. The World Health Organization, and any other Organization whose participation to the work of the Group is considered useful by the Chairman, may be invited to participate.

39. The Conference recommended that the General Assembly of the United Nations requests the Secretary-General to render the necessary assistance and to provide such services as may be required for the convening of the Ad Hoc Working Group.

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REVISED VERSION

Chairman's Paper

II. Final Declaration

Consideration of the VEREX Report

27. Under item 9 of its agenda, the Special Conference considered the report of the Ad Hoc Group of Governmental Experts to identify and examine potential Verification Measures from a scientific and technical standpoint.

28. The Conference welcomed the report and noted that the Conference afforded States Parties a first opportunity to integrate political considerations with the Report's scientific and technical assessment.

29. The Conference also noted that the Group had examined and evaluated 21 potential verification measures and some examples of possible combinations of them, without prejudice to any further ideas that might evolve on the subject. While it had been agreed in the Group that reliance could not be placed on any single measure by itself, to differentiate conclusively between prohibited and permitted activity and to resolve ambiguities about compliance, the measure described under the heading "Declarations" had been most frequently identified for application in combination with other measures. Some measures had been considered inherently not capable by themselves of differentiating between prohibited and permitted activities. The Group had considered that important positive and negative synergies which were not identified in the evaluation might exist for each of the combinations examined. [The Group also noted that agreed lists, which are difficult to construct at this stage, are a pre-requisite to the implementation of many potential verification measures].

30. The Conference further noted that the VEREX Report considered, from the scientific and technical standpoint, that some of the potential verification measures would contribute to strengthening the effectiveness and improve the implementation of the Convention and that some combinations of some potential verification measures, including both off-site and on-site measures, could provide information which could be useful for the main objective of the Biological Weapons Convention. The Conference recognised that appropriate and effective mandatory and other measures could reinforce the Convention.

31. The Conference recognised that the complex nature of the issues pertaining to the strengthening of the Biological Weapons Convention makes it necessary to adopt a gradual approach to dealing with proposals for the implementation of a system for the [verification] [strengthening] of compliance with the Convention. (It also recognized that further appropriate and practical measures are now necessary and possible to strengthen the effectiveness and insure compliance with the Convention.) [It is now necessary to integrate a package of [verification] measures into a coherent system, which should include a subset of the verification measures examined in the VEREX report and a definition of the features of the mechanism for their implementation.]

32. The Conference also recognised that the process aiming at strengthening the Biological Weapons Convention should [have as its primary purpose to] achieve the [mutually reinforcing] objective(s) of excluding completely the possibility of bacteriological (biological) agents and toxins being used as weapons, [and] [while] 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. [While the first objective is the primary aim of the Convention, progress towards the second would be important for approaching the first.]

#### Strengthening the Convention

33. In pursuance of the second part of its mandate under item 9, the Conference, determined to strengthen the effectiveness and improve the implementation of the Convention, decided to establish an [Ad Hoc Group], open to States Parties whose objective shall be the consideration of appropriate measures to strengthen the Convention, [to be included in a legally binding instrument to that effect] [including drafting a legally binding instrument to that effect. In this context, the Ad Hoc Group will proceed to develop a proposal for a [mandatory] [verification] regime [to promote and demonstrate compliance] ] including:

- a) the consideration of existing confidence building measures [as enumerated in ...], [to the extent that these can be used as a resource in the development of the regime;]

[existing and further enhanced confidence building and transparency measures;]

- b) a system to verify effective compliance with the Convention, including [national declarations] off-site and on-site measures. The verification system should [apply to any biological facilities,] be reliable, cost effective and as non-intrusive as

possible, consistent with effective implementation of the Convention;

[measures to further ensure compliance with the Convention, including appropriate and practicable off-site and on-site measures. Care being taken to avoid abuse, such measures should be reliable, cost effective and as non-intrusive as possible, consistent with effective implementation of the Convention;]

[thereafter consider realistic, practicable non-intrusive and cost-effective proposals including CEMs and transparency measures to enhance effective compliance with the Convention.]

- c) [the formulation of specific measures to promote international cooperation and to provide technical assistance which will enhance effective participation in verification and improve national bio-safety standards and practices;]

[the formulation of specific measures to promote international cooperation and to provide technical assistance for verification and other peaceful purposes]

[provisions for ensuring the access of the States Parties to materials, equipment and technology for peaceful purposes. In this respect all the restrictions and monitoring regimes against the States Parties, including those in any international agreement, will be removed and the future mechanism shall work, among the States Parties as the sole basis for dealing with activities related to the objectives of the Convention.]

[the formulation of measures to investigate alleged use.]

[measures to promote international cooperation and development in the biological field and to provide technical assistance, which ...]

[the formulation of specific measures to promote international cooperation and to provide technical assistance for peaceful uses of biotechnology including removal of existing restrictions.]

[the formulation of proposals to enhance scientific research and development as well as international cooperation in this regard with a view to ultimately strengthening the compliance with the Convention.]

- d) [the identification of criteria for the determination of bacteriological (biological) agents and toxins and, if necessary, processes, relevant for the implementation of the Convention.]

[the identification of the 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 relevant for the Implementation of the Convention]

[objective criteria such as definition of terms, lists of agents and threshold quantities, and types of activities, instruments and equipment, relevant to the Implementation of the Convention.]

[elaborate definitions of terms used in BTWC with the purpose of differentiating conclusively between prohibited and permitted activities;]

[determine (i) agreed lists of biological agents and toxins of significant threat to the BWC (ii) threshold quantities and (iii) lists and details of equipment which could assist in differentiation between permitted and prohibited activities.]

- e) provisions to protect proprietary rights and sensitive information not related to the scope of the Convention.

[the formulation of guidelines to ensure the protection of commercial proprietary information and sensitive national information not relevant to the Convention.]

- f) [minimization] [avoidance] of any [possible] [significant] negative impact of any measures on scientific research, international cooperation and industrial development.

34. In undertaking its task, the Ad Hoc Working Group will take into account all Working Papers, Summary Records, and all other relevant material presented to the Special Conference, as contained in its Final Report.

[34. bis The Ad Hoc Working Group shall take decisions by consensus.]

35. The Conference also decided that the Ad Hoc Working Group shall meet in ....., and will hold additional meetings as appropriate, in .... The Group shall complete its work as soon as possible. The proposal of the Group shall be submitted, if possible, to the States Parties for consideration by the Fourth Review Conference in 1996, or later by a Special Conference. The Group will be Chaired by ....., who shall be assisted by two Vice-Chairmen to be elected by the Group.

36. The Conference recommended that the General Assembly of the United Nations requests the Secretary-General to render the necessary assistance and to provide such services as may be required for the convening of the Ad Hoc Working Group.

### III.3 REPORT OF THE CREDENTIALS COMMITTEE

1. At its first plenary meeting on 19 September 1994, the Special Conference decided, in accordance with Rule 3 of its Rules of Procedure, to establish a Credentials Committee to examine the credentials of representatives and report to the Conference without delay.
2. At the same meeting, the Conference elected by acclamation Ambassador J. A. Eksteen of South Africa as Chairman of the Credentials Committee and Ambassador Ludwik Dembinski as Vice-Chairman. Mrs. Olga Sukovic, Senior Political Affairs Officer, Centre for Disarmament Affairs, served as Secretary of the Committee.
3. At its ... plenary meeting on 20 September, the Conference, in accordance with rule 3 of the Rules of Procedure and upon the proposal of the President, appointed the following 5 States parties as members of the Credentials Committee: Austria, Malaysia, Mexico, New Zealand and Republic of Korea.
4. The Committee held two meetings, on 27 and 29 September 1994, respectively. At its first meeting on 27 September, it had before it a memorandum dated 27 September 1994 addressed to the Chairman of the Credentials Committee from the Secretary-General of the Conference on the status of the credentials of the representatives of the 76 States Parties participating in the Conference as of 26 September.
5. At its second meeting on 29 September, the Committee had before it a memorandum dated 29 September 1994 from the Secretary-General of the Conference, addressed to the Chairman of the Credentials Committee, on the status of the credentials of representatives of States Parties participating in the Conference. The memorandum reads as follows:
  - "(a) As of 28 September 1994, 80 States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction were participating in the Special Conference.
  - (b) As of the same date, formal credentials in due form under Rule 2 of the Rules of Procedure were received by the Secretary-General of the Conference from the following 40 States Parties: Austria, Bahrain, Brazil, Canada, Chile, China, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Malta, Mexico, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.
  - (c) Provisional credentials of the representatives of the following 9 States Parties were communicated to the Secretary-General of the Conference in the form of cables or facsimiles from their Foreign Ministers: Albania, Belarus, Belgium, Colombia, Democratic People's Republic of Korea, India, Indonesia, Luxembourg and Mongolia.



- (d) The list of representatives of the following 31 States Parties were communicated to the Secretary-General of the Conference by letters from their respective missions in Geneva or New York: Argentina, Armenia, Australia, Bolivia, Bulgaria, China, Cuba, Ecuador, El Salvador, Ethiopia (Transitional Government of), Ghana, Honduras, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lebanon, Liechtenstein, Malaysia, Mauritius, Nicaragua, Nigeria, Oman, Paraguay, Peru, Philippines, Saudi Arabia, Uruguay, Venezuela, Viet Nam and Zimbabwe."
  - (e) Credentials for the following Signatory States were received through their respective missions: Egypt and Morocco.
  - (f) In accordance with rule 44, para. 2 (a) of its Rules of Procedure, the Conference, at its plenary meeting on 28 September 1994, accorded observer status to Israel whose credentials were transmitted through its Permanent Mission."
- 6. Subsequently, on 29 September, the Secretary-General of the Conference received credentials in due form, in accordance with Rule 2 of the Rules of Procedure, for the representative of Uruguay.
  - 7. Upon the proposal of the Chairman, the Committee decided to accept the credentials of the representatives of the participating States referred to in paragraphs 5 (b), (c), (d), (e) and (f) of the Secretary-General's above-mentioned memorandum of 29 September 1994 and para. 6, on the understanding that those States which had not yet submitted formal credentials for their representatives as required by Rule 2 of the Rules of Procedure would communicate them to the Secretary-General of the Conference at the earliest date.
  - 8. At its second and final meeting on 29 September 1994, the Credentials Committee adopted its report to the Conference.

FINAL REPORT

PART IV

SUMMARY RECORDS OF PLENARY MEETINGS

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 19 September 1994, at 10 a.m.

President: Mr. TOTH (Hungary)

CONTENTS

Opening of the Special Conference by the Chairman of the Preparatory Committee

Submission of the final report of the Preparatory Committee

Election of the President of the Special Conference

Adoption of the agenda

Adoption of rules of procedure

Confirmation of the nomination of the Secretary-General of the Special  
Conference

Election of the Vice-Presidents of the Special Conference and the Chairman and  
Vice-Chairmen of the Committee of the Whole, the Drafting Committee and the  
Credentials Committee

Appointment of the Credentials Committee

Consideration of the report of the Ad Hoc Group of Governmental Experts to  
Identify and Examine Potential Verification Measures from a Scientific and  
Technical Standpoint and decision on any further action with a view to  
strengthening the Convention

The meeting was called to order at 11.10 a.m.

OPENING OF THE SPECIAL CONFERENCE BY THE CHAIRMAN OF THE PREPARATORY COMMITTEE  
(item 1 of the provisional agenda)

1. Mr. TOTH (Chairman of the Preparatory Committee) declared the Special Conference open. The Special Conference was being convened at the request of the majority of States parties, in accordance with the Final Declaration of the Third Review Conference.

SUBMISSION OF THE FINAL REPORT OF THE PREPARATORY COMMITTEE (item 2 of the provisional agenda)

2. Mr. TOTH (Chairman of the Preparatory Committee) said that, in accordance with the provisional agenda (BWC/SPCONF/L.1), he would now submit the report of the Preparatory Committee (BWC/SPC/PC/6), which had been adopted by consensus. It had been decided that the Preparatory Committee would deal mainly with organizational matters, on the understanding that substantive issues would be discussed at the Special Conference itself.

3. The report of the Preparatory Committee contained recommendations concerning, inter alia, the dates and duration of the Special Conference, participation, financial arrangements, the distribution of posts among the various groups, the draft rules of procedure and background documentation. The Preparatory Committee had confirmed the understanding reached on the presidency of the Conference, and agreement had been reached on the distribution of the posts of Chairman and Vice-Chairmen of the subsidiary bodies and the posts of 20 Vice-Presidents of the Conference. The Preparatory Committee, taking into account the estimated cost and other factors, had decided that the session in Geneva should last for two weeks instead of three, as had been suggested earlier. It had also agreed to recommend for consideration and adoption by the Special Conference the rules of procedure of the Third Review Conference, mutatis mutandis. Those rules, together with the provisional agenda, constituted two annexes to the report of the Preparatory Committee. It had been decided that the VEREX report (BWC/CONF.III/VEREX/9), the report of the Preparatory Committee and the Final Document of the Third Review Conference should constitute the main documentation before the Special Conference. The matter of financial arrangements for the Special Conference had also been discussed and it had been decided to recommend that the Special Conference should adopt the same cost-sharing formula as the Preparatory Committee. The document containing cost estimates (BWC/SPC/PC/4/Rev.1) had been made available to delegations at the end of the Preparatory Committee's session. Under rule 10 of the rules of procedure, the Preparatory Committee had requested the Secretary-General of the United Nations to nominate an official to act as the Provisional Secretary-General of the Special Conference; that matter would be taken up later under item 6 of the provisional agenda. The Preparatory Committee had also briefly discussed the issue of the content of the Final Document. He thanked delegations for the cooperation, constructive attitude and readiness to compromise which they had displayed during the Committee's session.

ELECTION OF THE PRESIDENT OF THE SPECIAL CONFERENCE (item 3 of the provisional agenda)

4. Mr. TOTH (Chairman of the Preparatory Committee) requested the Provisional Secretary-General of the Conference to conduct the proceedings relating to that item.

5. Mr. KHERADI (Provisional Secretary-General of the Conference) said that the Preparatory Committee had agreed to recommend to the Special Conference that Mr. Toth (Hungary) should act as President of the Special Conference. If there was no objection, he would take it that the Special Conference wished to elect Mr. Toth President by acclamation.

6. It was so decided.

7. Mr. Toth (Hungary) took the Chair.

8. The PRESIDENT thanked delegations for the confidence they had expressed in him. The Biological Weapons Convention (BWC) had been the first international legal instrument to eliminate one component of the weapons of mass destruction. It had created favourable conditions for negotiations of the prohibition of chemical weapons and the destruction of stockpiles of those weapons, and had thus been an early precursor of the Chemical Weapons Convention. Since the conclusion of the BWC, the notion of security had been considerably enlarged and become more complex. Verification had been given the highest priority and security had become a kind of watchword for subsequent disarmament negotiations. That had been the genesis of the Special Conference, which, he was convinced, would be successful.

ADOPTION OF THE AGENDA (item 4 of the provisional agenda) (BWC/SPCONF/L.1)

9. The provisional agenda was adopted.

ADOPTION OF RULES OF PROCEDURE (agenda item 5) (BWC/SPC/PC/6 (annex II))

10. The draft rules of procedure were adopted.

CONFIRMATION OF THE NOMINATION OF THE SECRETARY-GENERAL OF THE SPECIAL CONFERENCE (agenda item 6)

11. The PRESIDENT said that, as stated in paragraph 26 of the report of the Preparatory Committee and in accordance with rule 10 of the rules of procedure just adopted, the Preparatory Committee had decided to invite the Secretary-General of the United Nations, in consultation with States parties, to nominate an official to act as Provisional Secretary-General of the Special Conference, the nominee to be confirmed by the Special Conference. Mr. Kheradi, Deputy Director of the Centre for Disarmament Affairs, had been nominated by the Secretary-General of the United Nations to act in that capacity. If there was no objection, he would take it that the Special Conference wished to confirm the nomination of Mr. Kheradi as Secretary-General of the Special Conference.

12. It was so decided.

ELECTION OF THE VICE-PRESIDENTS OF THE SPECIAL CONFERENCE AND THE CHAIRMAN AND VICE-CHAIRMEN OF THE COMMITTEE OF THE WHOLE, THE DRAFTING COMMITTEE AND THE CREDENTIALS COMMITTEE (agenda item 7)

13. The PRESIDENT read out the distribution of posts recommended by the Preparatory Committee:

Vice-Presidents of the Special Conference:

West European and other States: France, Germany, Netherlands, Sweden, United Kingdom, United States of America;

Non-Aligned Movement and other States: Brazil, China, Colombia, Cuba, Democratic People's Republic of Korea, India Indonesia, Iran, Kenya, Zimbabwe;

East European States: Belarus, Bulgaria, Romania, Russian Federation.

14. If there was no objection, he would take it that those nominations were acceptable to the Special Conference.

15. It was so decided.

16. The PRESIDENT read out the following further recommendations:

Chairman and Vice-Chairmen of the Committee of the Whole:

Chairman (West European and other States): Mr. Wesdal (Canada);

Vice-Chairman (Non-Aligned Movement and other States): Mr. Fasehun (Nigeria);

Vice-Chairman (East European States): Mr. Demyanenko (Ukraine);

Chairman and Vice-Chairman of the Drafting Committee:

Chairman (Non-Aligned Movement and other States): Mr. Berguño (Chile);

Vice-Chairman (West European and other States): Mr. Starr (Australia);

Chairman and Vice-Chairman of the Credentials Committee

Chairman (Non-Aligned Movement and other States): Mr. Eksteen (South Africa);

Vice-Chairman (East European States): Mr. Dembinski (Poland).

17. If there was no objection, he would take it that those nominations were acceptable to the Special Conference.

18. It was so decided.

APPOINTMENT OF THE CREDENTIALS COMMITTEE (agenda item 8)

19. The PRESIDENT suggested that the question of the composition of the Credentials Committee should be taken up at a later stage.

20. It was so decided.

CONSIDERATION OF A REPORT OF THE AD HOC GROUP OF GOVERNMENTAL EXPERTS TO IDENTIFY AND EXAMINE POTENTIAL VERIFICATION MEASURES FROM A SCIENTIFIC AND TECHNICAL STANDPOINT AND DECISION ON ANY FURTHER ACTION WITH A VIEW TO STRENGTHENING THE CONVENTION (agenda item 9) (BWC/CONF.III/VEREX/9)

21. The PRESIDENT said that no delegation expressed an intention to make a statement in the general debate at the present meeting. On the basis of informal discussions there was a general understanding that the general debate should be kept relatively short. He therefore suggested that the first three meetings of the Special Conference should be devoted to the general debate, which would be followed by discussions in the Committee of the Whole, when delegations could explain their positions and make proposals. The secretariat had informed him that it had prepared a draft programme of work (BWC/SPCONF/L.2) which reflected the understanding that had just been reached. The draft programme would be applied in a flexible manner.

22. Mr. BAIDI-NEJAD (Islamic Republic of Iran) asked for confirmation by the President that, in accordance with rule 42 of the rules of procedure, summary records of the proceedings of the Special Conference would be prepared by the secretariat.

23. The PRESIDENT gave the confirmation requested.

The meeting rose at 11.50 a.m.

PLEASE INSERT THE TEXT OF THE SECOND SUMMARY RECORD  
WHEN IT BECOMES AVAILABLE



SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 20 September 1994, at 10 a.m.

President: Mr. TOTH (Hungary)

CONTENTS

Consideration of the report of the Ad Hoc Group of Governmental Experts to  
Identify and Examine Potential Verification Measures from a Scientific and  
Technical Standpoint and decision on any further action with a view to  
strengthening the Convention

General debate (continued)

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

CONSIDERATION OF THE REPORT OF THE AD HOC GROUP OF GOVERNMENTAL EXPERTS TO IDENTIFY AND EXAMINE POTENTIAL VERIFICATION MEASURES FROM A SCIENTIFIC AND TECHNICAL STANDPOINT AND DECISION ON ANY FURTHER ACTION WITH A VIEW TO STRENGTHENING THE CONVENTION

General debate (continued)

1. The PRESIDENT invited delegations to resume the general debate.
2. Mr. ARAR (Turkey), referring to the report of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint (VEREX report - BWC/CONF.III/VEREX/9), said that the Special Conference constituted an historic opportunity to initiate work in order to provide the Biological Weapons Convention (BWC) with a mechanism of verification, using the technical basis of that report. Such work could best be undertaken through the establishment of an ad hoc working group, with an appropriate mandate, comprising governmental experts and government representatives, and open to all States parties, which would develop the modalities of a legally binding verification protocol to be added to the Convention. Preliminary attention should be focused on: mandatory national declarations; on-site measures, including short-notice inspections and inspection of non-declared facilities; inquiries into alleged use of biological weapons; and protection of confidential proprietary information, as well as sensitive and national security information not related to the Convention. His delegation hoped that such a group might start its work in early 1995, preferably presenting its results to the Fourth Review Conference to be held in 1996, although the Special Conference should refrain from imposing time-limits.
3. Mr. BERNHARDSEN (Norway) said that the increased political focus on measures to prevent the proliferation of weapons of mass destruction was an important and positive development which should be sustained. In the past, agreements had been reached concerning the reduction of the level of nuclear weapons, chemical weapons and a whole category of weapons of mass destruction. Public concern, and consequently political interest, had more recently focused on the danger of uncontrolled access to agents of mass destruction - nuclear, chemical or biological - as the technology for their production had become more readily accessible. In the context of the BWC, the conclusion of which had represented a major breakthrough in the disarmament field more than 20 years previously, there was scope for improvement, in terms of both universal adherence and ensuring compliance and increased confidence. A strengthened Convention would add significantly to efforts to stem proliferation of weapons of mass destruction.
4. His delegation fully supported the statement made on behalf of the European Union at the previous meeting and its emphasis on the need for legally binding commitments. It was convinced that satisfactory verification measures were achievable and that an appropriate step would be to establish an ad hoc working group which would submit a report to the Fourth Review Conference in 1996. The current Special Conference should therefore focus on a realistic mandate for such a working group, to form the basis for the

elaboration of viable measures to strengthen confidence in the Convention. Measures to ensure verification and transparency, which should include mandatory national declarations, on-site regular visits, inspections at short notice and investigation of alleged use, should provide greater security against violations and facilitate international trade through increased confidence. In that context, it would be necessary to address the issue of illustrative lists of potential bacteriological-weapon agents. The group might produce elements for a separate protocol on verification and transparency for the Fourth Review Conference in order to create binding commitments on States parties.

5. The VEREX report (BWC/CONF.III/VEREX/9) provided valuable material for the work of the Special Conference and its follow-up, in the form of proposals for potential verification measures and mandatory national declarations, in combination with both off-site and on-site measures. It demonstrated the feasibility of a verification regime, taking into account legitimate concern for commercial interests and intellectual-property rights.

6. A reliable verification system would have to take into account existing verification procedures in other agreements on arms control and disarmament, as well as relevant experience gained in recent years. Basically, verification measures would have to conform with existing requirements relating to the possible production of biological and toxin weapons. The working group should be mandated to consider the best implementation procedure for a verification regime and should be open to all States parties. As the main technical aspects had already been covered by the VEREX process, the Group should concentrate on the legal and procedural aspects of a verification protocol. In that context, his country would be prepared to make governmental expertise available.

7. Mr. WESDAL (Canada) said that, like every multilateral gathering, the Special Conference inspired both optimism and realism. Optimism was in order at the outset as a majority of States parties had made a conscious effort to request the convening of the Conference and participants had come to the Conference with a firm record of consensus agreement behind them. Realism meant that certain practical considerations, such as time constraints could not be ignored; it also meant maturity, the foresight to recognize compelling common interest in building a global security which would endure into the twenty-first century, and restraint in controlling and containing prowess.

8. He expressed his appreciation for the work completed by the Ad Hoc Group of Experts, in which Canada had actively participated. Much had been accomplished quantitatively and qualitatively, bearing in mind that the Group had not had the luxury of an infinite time-horizon. The strengthening of the BWC was not a theoretical issue; the challenges were real and present and it was therefore necessary to develop practical proposals rather than perfect theoretical models.

9. The mandate of the Ad Hoc Group had been the result of, first, considerable support at the Second Review Conference and, secondly, a consensus expression at the Third Review Conference of the view that effective verification could reinforce the Convention. The resulting VEREX report provided an excellent basis on which to begin the negotiation and drafting of

a legally binding protocol to strengthen the Convention, thus going beyond the politically binding confidence-building measures already agreed by States parties, enhancing openness and transparency, and strengthening confidence in compliance with the Convention.

10. Observing that delegations would inevitably be using a number of different "labels" in the course of discussion to describe preferred outcomes, his delegation would have no difficulty in joining consensus around terminology such as "verification regime" and "verification protocol". In that respect, it would be recalled that, at the Third Review Conference, his country had proposed the creation of a compliance regime as an approach emphasizing the obligation of States parties to demonstrate compliance with the Convention. The proposal had placed emphasis on cooperative approaches to the resolution of any concerns which might arise, albeit within prescribed guidelines and time-frames.

11. Efforts at the Special Conference should be concentrated on two main areas: first, the preparation and adoption of a mandate to negotiate and draft a protocol to demonstrate compliance with the Convention, and secondly, the establishment of an ad hoc committee, open to all States parties, to carry out that mandate and report to the Fourth Review Conference.

12. The objective of the ad hoc committee's work should be to circulate a draft compliance protocol to States parties prior to the Fourth Review Conference, which would consider the draft and take a decision on further action. The ultimate goal would be to reach agreement on the compliance protocol at the Fourth Review Conference, including initiation of the process for its formal adoption. As the time-frame would be rather short, negotiation and drafting would need to be clearly focused and, as a result, it might not be possible - or indeed necessary or desirable - to attempt to incorporate all potential verification measures which had been identified and examined so far.

13. Mr. TANAKA (Japan) said that in view of rapid developments in biotechnology, genetic engineering and related areas, together with the growing concern about the proliferation of bacteriological and toxin weapons, the Convention had an increasingly significant role to play in the disarmament field in relation to the prohibition, development, production and stockpiling of such weapons. In that respect all States parties must make every effort to comply with its provisions. Japan was a nation firmly committed to peace; it did not engage in any bacteriological or toxin weapon development or research activities, and it complied strictly with its various obligations under the Convention.

14. His Government valued very highly the work done by the Ad Hoc Working Group, in which a Japanese expert had participated, and the resulting VEREX report. Following the completion of the Ad Hoc Group's work, the Special Conference had the vitally important task of deciding on measures to ensure continued and increased effectiveness of the Convention. In view of the findings of the Third Review Conference and the work of the Ad Hoc Group, his Government was of the view that the natural course for future activities

would be to establish an acceptable regime incorporating compliance measures, accompanied by a legally binding international instrument which would be independent of the Convention. It would, therefore, be necessary to establish a new working group to draft the provisions of such an instrument.

15. Attention had been drawn, at the Third Review Conference, to the conviction of States parties that implementation of the provisions of the Convention should not hamper economic or technological development or international cooperation in the field of peaceful biological activities. It was therefore very important to achieve a balance between strengthening the Convention and promoting economic and technological development in that field.

16. While recognizing that the task of a working group as proposed would not be easy, given the characteristics of bacteriological agents and the complex task of protecting proprietary rights and attaining maximum cost effectiveness, he hoped that it would be able to find well-balanced solutions. His country attached great importance to participating actively in such a working group.

17. Mr. EKSTEEN (South Africa) said that verification measures based on confidence among States parties should be sought in order to strengthen the Convention. His delegation welcomed the VEREX report, as it provided a good basis for the work of the Conference, and hoped that States parties could agree on a mandate for the establishment of an ad hoc working group to draft the verification protocol before the Fourth Review Conference in 1996.

18. South Africa was fully committed to the non-proliferation, disarmament and control of all weapons of mass destruction and had been among the States parties to request the convening of the Special Conference. His country was determined to establish itself as a responsible possessor of advanced technologies and had passed an Act on Non-Proliferation of Weapons of Mass Destruction, under which it was compelled to control the technology, equipment and material that could be used in the production of such weapons. South Africa was therefore a member, or in the process of becoming a member, of all non-proliferation regimes and believed that export controls should be used to prevent the proliferation of weapons of mass destruction, and not to obstruct trade for peaceful purposes. South Africa would work to ensure that such controls did not prevent developing countries from obtaining access to the advanced technologies needed for their industrial development. His delegation pledged its support in the task of identifying and examining potential verification measures for the Convention.

19. Mr. BERDENNIKOV (Russian Federation) said that the 1972 Biological Weapons Convention had been the first international treaty to ban a whole category of weapons of mass destruction but its major shortcoming was the lack of an effective verification mechanism. His delegation was keenly interested in the establishment of such a mechanism and had taken a number of steps to strengthen national controls in respect of compliance with the Convention. For example, the President had issued a special decree prohibiting the development and implementation on Russian territory of biological programmes contrary to the Convention and a law had been enacted making any activity which violated the Convention a criminal offence.

20. At the Second and Third Review Conferences in 1986 and 1991, a number of confidence-building measures had been adopted by the States parties to enhance the effectiveness of the Convention. His country had regularly supplied data to the United Nations in full compliance with the established declaration formats.

21. The implementation of confidence-building measures helped to create an atmosphere of openness and predictability and to strengthen confidence in compliance with the Convention, but those measures were neither mandatory for all States parties nor comprehensive.

22. After identifying a series of potential verification measures and evaluating their capabilities and limitations, the VEREX Group had concluded that some of them would contribute to strengthening the effectiveness of the Convention and that appropriate and effective verification could reinforce the Convention. The Group's findings as set out in its final report could form a good basis for further work on the Convention's verification mechanism.

23. The Russian Federation would welcome early and comprehensive negotiations on the establishment of such a mechanism. The main objective of the Special Conference should be to set up a special body to negotiate an appropriate document, such as a draft protocol on verification. That document should make provision for measures to evaluate objectively compliance with the Convention by States parties, including compliance by individual facilities. The verification measures should apply to all private and State-owned biological facilities of all parties to the Convention, whether they were located within or outside of their national territories. They should furthermore be consistent with national laws and provide for the safeguarding of commercial and confidential information. They should take account, inter alia, of financial, legal and organizational factors, the question of safety, and material, manpower and other requirements.

24. A major prerequisite for an effective and efficient verification regime was the formulation of agreed definitions of terms and the objects prohibited in accordance with the Convention. An illustrative list should be made of biological agents and toxins that could be used in the development of biological weapons, and their threshold quantities should be determined. Such a list could be updated as necessary. The activities, instruments and equipment that should be prohibited under the Convention, as well as activities permitted or prophylactic, protective or other peaceful purposes, should also be specified. His country would be prepared to submit relevant definitions, lists and points for discussion by the future negotiating body.

25. Regarding the structural and institutional arrangements of the future verification mechanism, he suggested that a substantive discussion of such arrangements should begin after the basic parameters and scope of verification measures had been more clearly defined.

26. A negotiating body established by the Conference could hold its first meeting in Geneva early in 1995 and submit the document it had drafted to the Fourth Review Conference in 1996. If the document was not finalized in time, a Special Conference of the States parties could subsequently be convened to consider it.

27. Mr. SANCHEZ (Argentina) said that his country's interest in strengthening the non-proliferation regime in general, and the bacteriological weapons regime in particular, was well known. It was the Third Review Conference, under the presidency of Argentina, which had initiated the process that had begun with VEREX and culminated in the present Conference to consider the VEREX Group's report and make recommendations. The VEREX Group had identified a number of possible verification measures in accordance with the parameters set forth in its mandate. What remained to be done was to give legal force to the verification mechanism, force which the convention so far lacked.

28. To date, the States parties had tried to fill that gap by adopting confidence-building measures and exchanging information on a voluntary basis. However, those measures were insufficient to strengthen the Convention and make it an effective non-proliferation mechanism. VEREX had provided the nucleus of a verification protocol to the Convention and the Special Conference should decide on a mandate for a group of governmental experts to draft the terms of such a protocol without delay.

29. Mr. HOU Zhitong (China) said that further progress had recently been made in the area of international disarmament. The Biological Weapons Convention (BWC) had been followed by the Chemical Weapons Convention, of which China had been among the first signatories. The international community should pursue its efforts to achieve the final goal of complete prohibition and destruction of nuclear weapons. In the meantime, all nuclear-weapon States should unconditionally undertake not to use or threaten to use nuclear weapons against non-nuclear weapon States and nuclear-weapon-free zones, and to resume negotiations immediately for the conclusion of international conventions to that end. China fulfilled all its obligations under the BWC submitting data in its annual report to the United Nations.

30. Since the Third Review Conference, the VEREX group had done useful work and submitted its final report for consideration by the Special Conference. It had identified and examined some 21 potential verification measures, but those were insufficient to distinguish conclusively the activities permitted or prohibited by the Convention. Further work might be required for their improvement.

31. Confidence-building measures had proven to be a sure way of strengthening the effectiveness of the Convention, and the Conference should comprehensively review their implementation. Ways could be explored of improving and enhancing such measures, and practical steps should be taken to encourage more States to participate in the existing measures.

32. The VEREX group's study had shown that the technical means for verification of biological weapons were still inadequate. In order to render the future verification mechanism of the Convention practicable and to attain the goal of strengthening the universality and effectiveness of the Convention, further studies should be undertaken to solve a whole range of technical problems. Studies should also be carried out to find solutions to the political, legal and financial problems involved in verification.

33. China firmly believed in non-selectivity in the implementation of any international treaty. It further considered that the full implementation of the relevant articles of the Convention on the strengthening of international cooperation and exchange in the peaceful uses of biotechnology would contribute to the economic and social development of all States parties and enhance the universality of the Convention. Countries with advanced biotechnology should provide more information about specific measures in order to promote the transfer of technology and trade in the peaceful uses of biotechnology. Progress in strengthening confidence-building measures and measures to ensure compliance measures with the Convention would further advance international cooperation and the exchange of biotechnology.

34. Mr. LANG (Austria) said that in the 20 years since the conclusion of the Biological Weapons Convention, the political context had gradually changed from one of distrust, under which verification had been considered as illegitimate interference in a country's domestic jurisdiction, to one which recognized that any arms control or disarmament agreement needed a verification regime in order to be meaningful. The need for effective international verification had been a long-standing theme of Austria's disarmament policy, and at the Third Review Conference in 1991, Austria had proposed an efficient intersessional mechanism under which the performance of States parties with regard to confidence-building measures would have been kept under surveillance. Failure to establish such a mechanism had made it impossible to monitor, and thus ensure compliance with, those commitments. As a result of that earlier experience, his delegation welcomed the statement made the previous day by Germany of behalf of the European Union, with which it fully associated itself.

35. His delegation supported in particular the idea of an open-ended working group to develop a verification regime for the Convention. Austria had always held the view that the Convention should be subject to efficient and cost-effective international verification. The experience of verification so far acquired in connection with the Chemical Weapons Convention had shown how difficult it could be. Accordingly, he emphasized the importance of resisting the temptation of perfectionism in designing a verification regime, and advocated the establishment of a system conducive to effective deterrence, taking into account not only biological-weapon production capabilities, but also political probabilities. A future verification system for the Convention should be easily manageable and flexible, with a small inspectorate rather than a cumbersome bureaucratic apparatus. A delicate balance must, of course, be struck between the need to adapt a future verification system to relevant scientific and technological developments and the need to safeguard the autonomy and freedom of research and development in that field.

36. His delegation had nevertheless noted that the Third Review Conference had reaffirmed that the undertaking given by States parties in article 1 applied to all such developments and that the Convention unequivocally covered all microbial or other biological agents or toxins, whatever their origin or method of production. Accordingly, such agents or toxins should be subject to adequate inspection and control procedures, particularly in the field of export control.



37. Mr. FASEHUN (Nigeria) said that the previous few years, during which progress towards the control and ultimate elimination of chemical weapons had been matched by similar progress in the area of biological and toxin weapons, had been truly remarkable in the history of disarmament. The Special Conference afforded an opportunity for all States parties to the BWC to strengthen its effectiveness. It was to be hoped that the enthusiasm shown for controlling and ultimately eliminating such weapons of mass destruction would also extend to the most lethal weapons of that kind - nuclear weapons.

38. Nigeria had been an early signatory to the Biological Weapons Convention, although it had been cognizant of its deficiencies, the greatest of which was the absence of a verification system. The VEREX meetings had identified 21 possible verification methods, which were not foolproof on account of the continuing progress in biotechnology and genetic engineering. The Conference should examine the possibilities available in order to establish a verification system that was transparent, non-discriminatory, protective of national security and business confidentiality, and non-intrusive, and did not obstruct technology transfer and international cooperation.

39. Broad political support for a strengthened treaty would depend, inter alia, on the transparency of the export-control policies of exporting States, which should ensure that their implementation of the treaty did not hamper the economic and technological development of the parties, but rather promoted international cooperation in all fields of peaceful biological activities.

40. Only a multilaterally negotiated protocol would achieve the desired objective of strengthening the Convention, and in that light his delegation recommended the establishment of an open-ended drafting body to submit, as soon as possible, a draft protocol for States parties to negotiate in an appropriate forum.

41. Mr. HO (Republic of Korea) said that his country, which had acceded to the Biological Weapons Convention in 1987, was also an original signatory of the Chemical Weapons Convention and had been a signatory of the Non-Proliferation Treaty since 1975. It attached great importance to furthering global non-proliferation of weapons of mass destruction.

42. The indiscriminate threat posed by biological weapons, whose low cost and simplicity increased the threat of their proliferation and made the need for effective verification urgent, had long been recognized. At the Third Review Conference, the Republic of Korea had expressed its support for the establishment of a verification mechanism.

43. Since acceding to the Convention in 1987, the Republic of Korea had faithfully performed its obligations. It had never developed, produced or stockpiled biological weapons and had participated in all four VEREX meetings in 1992 and 1993; it had been one of the sponsors of General Assembly resolution 48/65 of 16 December 1993. It had regularly submitted its reports on the implementation of confidence-building measures. His delegation hoped that those measures would be strengthened and that more countries would participate in implementing them, pending the establishment of a verification regime.

44. His delegation endorsed the recognition by the report of the Ad Hoc Group of Governmental Experts (BWC/CONF.III/VEREX/9) that appropriate and effective verification measures could reinforce the Convention, and considered that the report had provided the momentum to establish the necessary verification regime. His delegation appreciated the 21 potential verification measures described in the report and believed that they had been subject to sufficiently thorough scientific research for them to be adopted by the Conference.

45. The time had come to move towards establishing a verification mechanism for the Convention. The Conference should establish an ad hoc group with a clear mandate to work out the modalities for a legally-binding protocol based on the findings of the VEREX meetings. That step should be undertaken in a cost-effective manner so as not to impose burdensome financial obligations on States parties. His delegation hoped that the ad hoc group would achieve substantive results in order to permit the adoption of a protocol at the Fourth Review Conference in 1996. The adoption of such a protocol would truly improve the effective implementation of the Convention and strengthen the non-proliferation regime governing biological and toxin weapons.

46. The Republic of Korea wished to engage in a range of cooperative activities with other countries under article X of the Convention in order to further the exchange of equipment, materials and scientific and technological information concerning the use of biological agents and toxins for peaceful purposes. Research and development in biotechnology and genetic engineering were fields of increasing promise and importance to both industry and the academic world.

47. While striving to deepen confidence in the Convention through the establishment of an effective verification system, States parties should also further their efforts to broaden its membership until it secured universal acceptance. Finally, he affirmed his Government's wish to contribute actively to the establishment of an effective verification regime for the Convention.

48. Mr. PIPEKKOV (Bulgaria) said that his country had been among the first signatories of the Biological Weapons Convention in 1972, and was one of the 71 States parties which had requested the holding of the Special Conference on verification measures; it was well known that the lack of means of monitoring compliance undermined the Convention's effectiveness. His delegation believed that compliance with the Convention should be ensured in the interest of the international community as a whole.

49. Bulgaria had never developed, produced, stockpiled or planned to use biological or toxin weapons in military operations. Its research work had been limited to developing methods of detecting and identifying agents. It had strictly abided by the Convention and its development programmes had always been transparent, as part of its multilateral commitment to enhanced confidence through the exchange of information. It submitted annually the data required in accordance with the Final Declaration of the Third Review Conference.

50. Despite the initial doubt about the feasibility of a verification regime for biological weapons, the VEREX process had contributed to efforts to strengthen the Convention by compiling and evaluating certain individual measures. It was his delegation's view that certain of the proposed verification measures, implemented separately and in combination, could permit the detection of possible breaches of the Convention. Nevertheless, their application was limited, especially when it was necessary to differentiate dual-use activities. Some of the proposed measures raised questions concerning the protection of confidential information, constitutional rights and national security, while the effectiveness and cost of others were a source of concern. Bulgaria nevertheless favoured the establishment of a legally-binding regime based on mandatory declarations by all States parties, although it was necessary precisely to determine the sites, agents and activities to be declared. It also supported the inclusion of on-site inspections in the future verification protocol. The establishment of an open-ended ad hoc working group should make it possible to find suitable solutions to the problems posed.

51. Bulgaria was prepared to participate in drawing up appropriate verification rules and to accept any inspections of its activities, and would take part in the future verification regime by providing relevant expertise. Regarding the problem of the lists of potential biological warfare agents, his delegation believed that special attention should be paid to animal and plant pests which could be used, even during peacetime, for economic or other purposes. The future verification regime should possess the tools for identifying the sources of diseases affecting plants and animals.

52. His delegation considered that the potential verification measures would permit scientific research, cooperation, industrial development and other activities, in conformity with article X of the Convention. Those goals should be achieved on the basis of the common objective of the non-proliferation of biological weapons.

53. Mr. ZIMONYI (Hungary) said that the Special Conference was taking place in a favourable international climate that created new opportunities for the disarmament process. Notwithstanding the central role played by the Biological Weapons Convention (BWC) in curbing the threat of biological warfare, there was an ever-greater demand for measures to eliminate its shortcomings.

54. In his delegation's view, efforts at the Special Conference should aim at finding an effective response to those compliance concerns that had already had a major impact on the work of the Second and Third Review Conferences. Although the confidence-building measures adopted at those Conferences had helped to reinforce the Convention, only a comprehensive set of verification measures stipulated in a legally binding protocol could be the final answer to compliance concerns. The Fourth Review Conference might be an appropriate forum for adopting such a document.

55. In that respect his delegation could not but express its satisfaction with the results of the work of the Ad Hoc Group of Governmental Experts. The potential measures put forward by the Group would undoubtedly strengthen the effectiveness and improve the implementation of the Convention by enhancing openness and transparency.

56. With the completion of the VEREX activities, a package of proposals deserving in-depth consideration was available. Without going into further technical analysis, the Conference should define the main pillars of a future verification regime. A combination of off-site and on-site measures would best serve the purpose of strengthening the BWC. Mandatory declaration requirements, validation visits and other potential measures might be considered as basic elements of an effective verification regime. Despite the difficulties, both political and technical, on the road towards that goal, the parties should embark on it. The best way was to establish an appropriate body with a corresponding mandate, open to all parties, to develop the modalities of a legally-binding protocol on compliance and verification.

57. Mr. BRODODININGRAT (Indonesia) said that his country, which had signed the BWC in June 1972 and ratified it in 1991, had participated in the VEREX activities out of awareness that the Convention's lack of a verification system was detrimental to its effectiveness. Although VEREX had been able to identify, examine and evaluate potential verification measures, much remained to be done. The report, contained in document BWC/CONF.III/VEREX/9, therefore deserved serious consideration by the Special Conference. In that connection, his delegation believed that the application of sophisticated technology in verifying the BWC should avoid hampering the developing countries' legitimate interests in the field of biotechnology for peaceful purposes, or their national sovereignty as recognized by international law.

58. Although he shared the view of some speakers that the Special Conference would not be able to produce a protocol containing a verification system for the Convention, he wished to take the opportunity to express further views on that question. First, the verification system should not hamper the use, research and development of biological/toxin agents for peaceful purposes, particularly in addressing diseases that normally occurred in tropical countries. Secondly, it should be trustworthy, i.e. it should eliminate any possibility of disclosing commercial information liable to damage the interests of national industries of the States parties. Thirdly, it should not hamper technical cooperation among the States parties or create barriers to access to advanced technology.

59. In order to make the best use of the time available, the Special Conference should begin focusing attention on a most essential step, namely, the establishment of an ad hoc group to formulate a verification system for the Convention. However, the work of the Group should not in any way duplicate the work of VEREX, and he was hesitant about the idea of setting an artificial deadline.

60. Mr. SARNA (India) said that India had been a State party to the BWC since 1974 and had participated actively in subsequent meetings aimed at strengthening it. The Second and Third Review Conferences had produced important confidence-building measures, after which the VEREX group had

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examined potential verification measures from a technical and scientific viewpoint. India had participated actively in all the VEREX meetings and considered that the Special Conference should conduct a political examination of that work. Such an examination would bring into perspective various dimensions of the problems faced by the international community in strengthening the BWC. Technical inadequacies highlighted by the VEREX process, such as the lack of agreement on listing of biological agents and toxins, development of thresholds and non-availability of certain analytical materials, posed fundamental problems in the strengthening of the Convention and needed to be fully examined.

61. The essential ingredient in strengthening the Convention was confidence among States parties; enhanced cooperation among the parties could play an important role in building such confidence.

62. Mr. NASSERI (Islamic Republic of Iran) said that despite the successful conclusion of the Chemical Weapons Convention, the task of providing a verification system for the BWC had proved far more demanding than originally anticipated. The VEREX activities had eventually offered a viable approach to enhancing the reliability of the Convention, but challenges remained on the political side.

63. In military and political terms, biological weapons still posed a threat. Maintaining reservations on the 1925 Geneva Protocol and insisting on the option to retaliate bred scepticism and uncertainty. The persistence of that option diminished the chances of eliminating weapons from military structures and strategies. Ambiguities in the military doctrines of the major Powers increased the uncertainty. The "yellow rain" incident remained a mystery, despite extensive investigation; it simply proved that the desire to produce and use biological weapons had by no means been eliminated.

64. The decision of the Third Review Conference on provision of information and confidence-building measures had not helped significantly to clarify matters. The information forwarded had been general and selective, and his delegation expected the major Powers to increase transparency and expand the information they submitted to the parties to the Convention.

65. From a regional perspective, major problems still existed in the Middle East. Israel had stubbornly refused to accede to the Convention, leaving the Middle East under continuous threat of weapons of mass destruction. In those circumstances, the proposal for the establishment of a zone free of weapons of mass destruction in the region of the Middle East, urgent as it was, remained a dead letter, and even contemplating the idea was discouraged by some major Powers, which considered it to be unrealistic. That situation must change.

66. The question of the peaceful use of biological weapons, as prescribed in article X of the Convention, had proved to be a mirage. The expansion of the "Australia group" list and the inclusion of 65 biological substances and related equipment in only two to three years, constituted an indication of what lay ahead. The list was in contravention of the text of the Convention, and the restrictions must be lifted. If members were expected to accede to the demands of verification, existing arbitrary export control regimes must be

removed. He understood that changes in attitudes and policies might not be immediate. However, the assurance was needed that the issue would be faithfully negotiated with a view to its satisfactory resolution for the developing countries.

67. In connection with the protocol, two points should be borne in mind. First, regarding the legal status of the protocol and its entry into force, two possibilities existed: the addition of a protocol as an integral part of the Convention or a protocol to which members might or might not decide to accede. In his view, the second possibility did not meet the security requirements of States parties. If the predominant view was that the time had not yet come to aim at a comprehensive protocol and that confidence-building measures offered a good basis in the interim for ensuring compliance, then the parties might concentrate on confidence-building measures and prepare the protocol on that basis. But if a verification protocol was sought, it should be acceded to and observed by all members.

68. Secondly, regarding a future organization for implementation of the Convention, the idea of an independent organization such as OPCW seemed ambitious and unnecessary. Instead, the best use should be made of available facilities. The World Health Organization appeared to be in a good position to serve that purpose, and its Director-General should be asked to share that Organization's information and experience with the parties to the Convention.

69. Mr. PAC (Poland) welcomed the VEREX report and expressed agreement with delegations that opposed any renegotiation of its findings or recommendations. The report did, however, need to be considered expeditiously and consistently. Such an approach would make it possible for the Special Conference to proceed to the elaboration of a draft mandate for an ad hoc body to negotiate a legally-binding verification protocol to the Convention. In that process, due account should be taken of the experience gained in negotiating the Chemical Weapons Convention.

70. In his delegation's view, the mandate in question should be as general as possible. It should identify broad principles rather than attempt to prejudge the specific provisions of any future verification regime. Such a regime should be based on mandatory and systematic declarations by States parties and comprise an appropriate on-site inspection mechanism. He used the word "appropriate" with circumspection, since any fully effective verification system must be cost-effective as well.

71. In conclusion, he observed that any realistic work schedule which the Special Conference might recommend to an ad hoc body must take into account the heavy disarmament schedule planned for 1995.

The meeting rose at 12.05 p.m.

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Part IV  
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PLEASE INSERT THE TEXTS OF THE REMAINING SUMMARY RECORDS  
WHEN THEY BECOME AVAILABLE

FINAL REPORT

ANNEX I

LIST OF DOCUMENTS OF THE CONFERENCE



ANNEX I

LIST OF DOCUMENTS OF THE CONFERENCE

<u>Symbol</u>	<u>Title</u>
BWC/SPCONF/WP.1	Proposal for a Mandate for an Ad-Hoc Working Group on Verification Federal Republic of Germany on behalf of the European Union
BWC/SPCONF/WP.2	United Kingdom BTWC Practice Compliance Inspection (PCI) Programme. Summary Report
BWC/SPCONF/WP.3	Swiss View on a Mandate to Strengthen the Biological and Toxin Weapons Convention
BWC/SPCONF/WP.4	Working Paper by Brazil Strengthening the BWC: Elements for a Possible Verification System
BWC/SPCONF/WP.5	Working Paper by Brazil Strengthening the BWC: The Next Steps
BWC/SPCONF/WP.6	Initial Comments from Australia on Consideration of the Verex Report
BWC/SPCONF/WP.7	Comments by the Delegation of the Russian Federation with Regard to the Document Tabled by the German Delegation on behalf of the European Union
BWC/SPCONF/WP.8	New Zealand Submission to the Committee of the Whole
BWC/SPCONF/WP.9	Illustrative Guidelines for Considering a Mandate of an Ad Hoc Group on Measures to Strengthen BWC Proposal of the Government of Japan
BWC/SPCONF/WP.10	Working Paper by the United States of America
BWC/SPCONF/WP.11	Working Paper by South Africa Mandate to Strengthen the Biological and Toxic Weapons Convention
BWC/SPCONF/WP.12	Further action to strengthen the Biological Weapons Convention - Australian views on the form of future negotiations
BWC/SPCONF/WP.13	China's View on Follow-up Mechanism for Strengthening the BWC
BWC/SPCONF/WP.14	Working Paper by Bulgaria Strengthening the BWC - The Bulgarian View
BWC/SPCONF/WP.15	Working Paper by China, India, Iran (Islamic Republic of)
BWC/SPCONF/WP.16	Statement of U.S. Representative, Donald A. Mahley, to the Committee of the Whole, September 22, 1994

<u>Symbol</u>	<u>Title</u>
BWC/SPCONF/WP.17	Paper of the Chairman of the Committee of the Whole
BWC/SPCONF/WP.17/Rev.1	Non-Paper of the Chairman of the Committee of the Whole
BWC/SPCONF/WP.18	Draft Report of the Committee of the Whole
BWC/SPCONF/WP.19	Draft Report of the Committee of the Whole
BWC/SPCONF/WP.20	Report of the Drafting Committee
BWC/SPCONF/	Final Report
BWC/SPCONF/L.1	Provisional Agenda
BWC/SPCONF/L.2	Programme of work
BWC/SPCONF/L.3	Estimated costs of the Special Conference of the States Parties to the Convention on Biological Weapons concerning the review of the final report of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint
BWC/SPCONF/L.4	Draft Final Report
BWC/SPCONF/INF.1	Telephone list and office no.
BWC/SPCONF/INF.2/Rev.1 and Corr.1	List of participants
<u>COMMITTEE OF THE WHOLE</u>	
BWC/SPCONF/CW/WP.1	Chairman's Suggested Structure of Discussion
<u>Drafting Committee</u>	
BWC/SPCONF/DC/WP.1	Drafting Committee: Chairman's Resource Paper
BWC/SPCONF/DC/WP.2	Chairman's rolling text
BWC/SPCONF/DC/WP.3	Draft Report of the Drafting Committee
<u>Credentials Committee</u>	
BWC/SPCONF/CC/1	Report of the Credentials Committee

FINAL REPORT  
ANNEX II  
REPORT OF THE PREPARATORY COMMITTEE

ANNEX II

REPORT OF THE PREPARATORY COMMITTEE

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

1. 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, decided to establish an 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 Final Declaration of the Third Review Conference contained the following decision:

"The Group shall adopt by consensus a report taking into account views expressed in the course of its work. The report of the Group shall be a description of its work on the identification and examination of potential verification measures from a scientific and technical standpoint, according to this mandate."

"The report of the Group shall be circulated to all States Parties for their consideration. If a majority of States Parties ask for the convening of a conference to examine the report, by submitting a proposal to this effect to the depositary Governments, such a conference will be convened. In such a case the conference shall decide on any further action. The conference shall be preceded by a preparatory committee".

2. In accordance with the mandate adopted at the Third Review Conference, the Ad Hoc Group of Governmental Experts held four sessions. The first session (30 March - 10 April 1992) identified 21 measures; the second session (23 November - 4 December 1992) examined the measures; the

third session (24 May - 4 June 1993) evaluated the measures; and the fourth session (13 - 24 September 1993) prepared and agreed to a consensus report of its work. The report was forwarded to States Parties for consideration.

3. By resolution 48/65, adopted without a vote on 16 December 1993, the General Assembly, inter alia:

"2. Commends to all States parties the final report of the Ad Hoc Group of Governmental Experts, agreed to by consensus at its last meeting at Geneva on 24 September 1993;"

4. In response to requests from a majority of States Parties (the list of the States Parties which have requested the convening of the Special Conference is contained in Annex III) and in accordance with the Final Declaration of the Third Review Conference, the Depositary Governments took the necessary steps to convene a Special Conference of States Parties. The Depositary Governments notified Parties of the convening of the Preparatory Committee and of arrangements made, consistent with UN General Assembly Resolution 48/65, which requested the Secretary-General to render the necessary assistance and to provide such services as may be required for the convening of a Special Conference.

5. The Preparatory Committee held one session in Geneva from 11 to 15 April 1994. During its session the Preparatory Committee held 9 formal meetings and also a number of informal meetings.

6. On behalf of the Secretary-General of the United Nations, Mr. Sohrab Kheradi, Deputy Director of the Centre for Disarmament Affairs, Department of Political Affairs, opened the session of the Preparatory Committee. Mr. Kheradi also served as Secretary of the Committee.

7. At its first meeting on 11 April 1994, the Preparatory Committee elected by acclamation Ambassador Tibor Tóth (Hungary), as Chairman of the Committee.

8. At the same meeting, the Committee unanimously elected Dr. A.A. Mohammadi (Islamic Republic of Iran) and Ambassador Wolfgang Hoffmann (Germany) as Vice-Chairmen of the Committee.

9. The Committee authorized the Chairman of the Preparatory Committee to conduct consultations related to organizational aspects of the Special Conference, if necessary, during the period leading to the Special Conference.

10. The following 61 States Parties to the Convention participated in the session of the Preparatory Committee: Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czech Republic, Denmark, Ecuador, Ethiopia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Jordan, Luxembourg, Malta, Mauritius, Mexico, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Zimbabwe.

11. The Committee decided that signatories could also participate in the work of the Preparatory Committee without taking part in the adoption of decisions. Accordingly, Myanmar participated in the session of the Preparatory Committee.

12. The Committee, at its first meeting, adopted its agenda which reads as follows:

1. Opening of the session.
2. Election of the Chairman and other officers.
3. Adoption of the agenda.
4. Method of decision-making.
5. Consideration of financial arrangements for the Preparatory Committee.
6. Participation.
7. Organization of work of the Preparatory Committee.
8. Organization of the Special Conference:
  - (a) Date and duration.
  - (b) Draft rules of procedure.
  - (c) Provisional agenda.
  - (d) Background documentation.
  - (e) Final document(s).
  - (f) Appointment of the Secretary-General of the Special Conference.
  - (g) Financial arrangements.
9. Report of the Preparatory Committee to the Special Conference.
10. Other business.

13. The Committee decided to take its decisions according to the relevant rules of procedure for such conferences which specify, inter alia, that every effort should be made to reach agreement on substantive matters by consensus.

14. The Preparatory Committee had before it document BWC/SPC/PC/2 containing estimates of the cost for the Preparatory Committee. Having considered this document, the Committee at its fourth meeting adopted the document containing the estimated costs for the Preparatory Committee. It was decided that this cost will be shared among the States Parties participating in the Preparatory Committee based on their assessments to the United Nations regular budget prorated to take into account the number of States participating in the Preparatory Committee. States which had signed but not yet ratified the Biological Weapons Convention and which had accepted the invitation to take part in the Preparatory Committee will share the costs to the extent of their respective rates of assessment under the United Nations scale.

## II. ORGANIZATION OF THE SPECIAL CONFERENCE

15. In the course of its session the Committee confirmed the understanding reached at the Preparatory Committee of the Third Review Conference <sup>1/</sup> and agreed to recommend to the Special Conference that Ambassador Tibor Tóth (Hungary) preside over the Special Conference. The Committee also agreed to recommend to the Special Conference the following distribution of posts of Chairmen and Vice-Chairmen of the subsidiary bodies, among the various groups:

Committee of the Whole:	Chairman	(Western Group)
	Vice-Chairman	(Group of NAM and Other States)
	Vice-Chairman	(Group of East European States)
Drafting Committee:	Chairman	(Group of NAM and Other States)
	Vice-Chairman	(Western Group)
Credentials Committee:	Chairman	(Group of NAM and Other States)
	Vice-Chairman	(Group of East European States)

16. The Committee further agreed to recommend that the General Committee referred to in Rule 8 should be composed of the President of the Special 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 East European States) and the Chairman and two Vice-Chairmen of the Committee of the Whole, the Chairman and Vice-Chairman of the Drafting Committee and the Chairman and Vice-Chairman of the Credentials Committee to be elected in accordance with Rule 5.

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<sup>1</sup> The wording can be found on page 224 of the Final Document of the Third Review Conference.



17. While bearing in mind that the decisions of the Preparatory Committee to the Special Conference cannot be binding with respect to the Fourth or any subsequent Review Conference, the Committee noted the practice to be established by the Special Conference regarding the allocation of offices between Groups and the composition of the General Committee.

18. The Committee also considered the following questions relating to the organization of the Special Conference:

- (a) Date and duration
- (b) Draft rules of procedure
- (c) Provisional agenda
- (d) Background documentation
- (e) Final document(s)
- (f) Appointment of the Secretary-General of the Conference
- (g) Financial arrangements

Date and duration

19. The Committee decided that the Special Conference should take place in Geneva from 19 to 30 September 1994.

Draft Rules of Procedure

20. The Committee agreed to recommend as the draft Rules of Procedure of the Special Conference the Rules of Procedure of the Third Review Conference, mutatis mutandis, as contained in document BWC/CONF.III/23, Annex III.

21. The Draft Rules of Procedure, as approved by the Committee, are attached to this Report as Annex II.

Provisional agenda

22. The Committee agreed to recommend to the Special Conference the Provisional Agenda for its consideration and adoption, on the understanding that the Preparatory Committee could not prejudice the end-results and the decisions to be

taken by the Special Conference.

23. The Provisional Agenda, as recommended by the Committee, is attached to this Report as Annex I.

#### Background documentation

24. At its fifth meeting the Committee decided that, in addition to the report of this Preparatory Committee and the final report of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint, States Parties should have available the Final Document 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 before the beginning of the Special Conference.

#### Final Report

25. With respect to the question of the final report of the Special Conference to the States Parties, the Preparatory Committee decided to include an appropriate item in the provisional agenda of the Conference (see Annex I).

#### Appointment of a Secretary-General of the Conference

26. Within the context of draft rule 10 providing for a Secretary-General of the Special 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 Special Conference, the nominee to be confirmed by the Special Conference.

#### Financial arrangements

27. The Committee also had before it document BWC/SPC/PC/4/Rev.1 containing estimates of the cost for the Special Conference. Having adopted this document the Committee

recommended it for adoption by the Special Conference based on the same cost-sharing formula as adopted by the Preparatory Committee itself.

### III. ADOPTION OF THE REPORT

28. At its last meeting, on 15 April 1994, the Preparatory Committee adopted its report. It recommended that this report, with its annexes, be annexed to the final report of the Special Conference to the States Parties.

Annex I

PROVISIONAL AGENDA

1. Opening of the Special Conference by the Chairman of the Preparatory Committee
2. Submission of the final report of the Preparatory Committee
3. Election of the President of the Special Conference
4. Adoption of the agenda
5. Adoption of rules of procedure
6. Confirmation of the nomination of the Secretary-General of the Special Conference
7. Election of the Vice-Presidents of the Special Conference and the Chairman and Vice-Chairmen of the Committee of the Whole, the Drafting Committee and the Credentials Committee
8. Appointment of the Credentials Committee
9. Consideration of the report of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint and decision on any further action with a view to strengthening the Convention
10. Report of the Credentials Committee
11. Report of the Committee of the Whole
12. Report of the Drafting Committee
13. Adoption of the final report

Annex II

RULES OF PROCEDURE

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 two 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.

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



### 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 paragraph 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 29-33) 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 3- 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. 1/ 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 2/ 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.

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

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

Annex III

LIST OF STATES PARTIES WHICH REQUESTED  
THE CONVENING OF THE SPECIAL CONFERENCE

AFGHANISTAN  
ARGENTINA  
AUSTRALIA  
AUSTRIA  
BELARUS  
BELGIUM  
BELIZE  
BOLIVIA  
BRAZIL  
BULGARIA  
CANADA  
CHILE  
COSTA RICA  
CROATIA  
CUBA  
CYPRUS  
CZECH REPUBLIC  
DENMARK  
ECUADOR  
ESTONIA  
ETHIOPIA  
FIJI  
FINLAND  
FRANCE  
GERMANY  
GREECE  
HUNGARY  
ICELAND  
IRELAND  
ITALY  
JAMAICA  
JAPAN  
KUWAIT  
LIECHTENSTEIN  
LUXEMBOURG  
MALDIVES

MALTA  
MAURITIUS  
MEXICO  
MONGOLIA  
NETHERLANDS  
NIGERIA  
NEW ZEALAND  
NORWAY  
OMAN  
PANAMA  
PAPUA NEW GUINEA  
PERU  
POLAND  
PORTUGAL  
REPUBLIC OF KOREA  
ROMANIA  
RUSSIA  
SENEGAL  
SINGAPORE  
SLOVAK REPUBLIC  
SLOVENIA  
SOLOMON ISLANDS  
SOUTH AFRICA  
SPAIN  
SWEDEN  
SWITZERLAND  
TONGA  
TUNISIA  
TURKEY  
VENEZUELA  
UNITED KINGDOM  
UKRAINE  
URUGUAY  
UNITED STATES  
ZIMBABWE

FINAL REPORT

ANNEX III

RULES OF PROCEDURE OF THE SPECIAL CONFERENCE

ANNEX III

RULES OF PROCEDURE OF THE SPECIAL CONFERENCE

The Rules of Procedure of the Special Conference are contained  
in Annex II of the Report of the Preparatory Committee  
which appears in Annex II of this document.

FINAL REPORT

ANNEX IV

LIST OF PARTICIPANTS OF THE CONFERENCE

ANNEX IV

LIST OF PARTICIPANTS OF THE CONFERENCE

A. STATES PARTIES

ALBANIA

Mr. Zef Simoni	Head of Delegation, Ambassador Permanent Mission, Geneva
Mr. Viktor Kabili	First Secretary Permanent Mission

ARGENTINA

Sr. Juan C. Sanchez Arnau	Jefe de la Delegación, Embajador Extraordinario y Plenipotenciario, Representante Permanente Misión Permanente, Ginebra
Sr. Manuel Benitez	Ministro, Representante Permanente Adjunto Misión Permanente
Sr. Carlos A. Hernandez	Consejero, Misión Permanente
Sr. Rafael Grossi	Secretario, Ministerio de Relaciones Exteriores y Culto, Buenos Aires
Sr. Victor Hugo Dappitt	Capitán de Fragata, Bioquímico-Toxicólogo, Instituto de Investigaciones Científicas y Técnicas de las Fuerzas Armadas, Buenos Aires Asesor Científico

ARMENIA

M. Achot Melik-Chakhnazarov	Ambassadeur, Représentant permanent, Mission permanente, Genève
Mlle Anahit Tarkhanian	Stagiaire de la délégation

AUSTRALIA

Mr. Richard Starr	Head of Delegation, Ambassador, Permanent Representative for Disarmament Matters, Geneva
Mr. Patrick Cole	Deputy Head of Delegation, Alternative Representative to the Conference on Disarmament, Counsellor
Dr. Brendon Hammer	Chemical and Biological Disarmament Section, Department of Foreign Affairs and Trade, Canberra

AUSTRIA

Mr. Winfried Lang	Head of Delegation, Ambassador, Permanent Representative, Permanent Mission, Geneva
Dr. Werner Ehrlich	Director, Ministry for Foreign Affairs, Vienna
Mr. Walter Gehr	First Secretary, Permanent Mission

BAHRAIN

Col. Mohammed J. K. Alghatam	Director of Maintenance and Logistics Bahrain Defence Force, Manama
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BELARUS

Mr. Anatoly A. Mardovitch	Head of Delegation, Ambassador, Permanent Representative, Permanent Mission, Geneva
Mr. Alexander M. Boicharov	Deputy Head of Delegation, Chief, Department for International Security and Disarmament, Ministry for Foreign Affairs, Minsk
Mr. Petr G. Rytik	Director of the Institute for Epidemiology and Microbiology, Ministry of Health
Mr. Andrei O. Sannikov	Counsellor, Permanent Mission

BELGIUM

Baron Alain Guillaume	Chef de la Délégation, Ambassadeur extraordinaire et Ministre plénipotentiaire auprès de la Conférence du Désarmement, Genève
M. Louis de Roover	Conseiller, Mission permanente
Col. Jan Willems	Conseiller, Expert Bruxelles

BOLIVIA

Sra. Rosa Chávez Bustíos	Consejero, Encargada de Negocios, a.i. Misión Permanente, Ginebra
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BRAZIL

Mr. Roberto Jaguaribe	Head of Delegation, Counsellor, Permanent Mission, Geneva
Mr. Roque Monteleone Neto	CETESB Escola Paulista de Medicina Brasilia
Mr. Achilles Zaluar	Third Secretary, Ministry of External Relations Brasilia
Mr. Sócrates da Costa Monteiro	Air Force General, Military Adviser Permanent Mission

BULGARIA

Mr. Valentin Dobrev	Head of Delegation, Ambassador, Permanent Representative, Permanent Mission, Geneva
Mr. Ivan Piperkov	First Secretary, Ministry for Foreign Affairs, Sofia
Dr. Anguel Anastassov	First Secretary, Permanent Mission

CANADA

Mr. Christopher Westdal	Head of Delegation, Representative, Ambassador, Ottawa
Mr. Gordon Vachon	Deputy Head of Delegation, Alternate Representative, Deputy Director and Head of Verification Research, Non-Proliferation, Arms Control and Disarmament Division, Department of Foreign Affairs and International Trade, Ottawa
Mr. Donald C. Sinclair	Counsellor, Permanent Mission, Conference on Disarmament, Geneva Advisor
Mr. Avard Bishop	Second Secretary, Permanent Mission, Conference on Disarmament Advisor
Dr. Lloyd White	Director, Research and Development - Human Performance, Department of National Defence, Ottawa

CHILE

Sr. Jorge Berguño Barnes	Presidente de la Delegación, Embajador Extraordinario y Plenipotenciario, Misión Permanente, Ginebra
Sr. Camilo Sanhueza	Tercer Secretario, Misión Permanente



CHINA, PEOPLE'S REPUBLIC OF

Mr. HOU Zhitong	Head of Delegation, Ambassador Extraordinary and Plenipotentiary for Disarmament Affairs, Geneva
Mr. HU Xiaodi	Counsellor, Permanent Mission
Mr. CAO Di	Official, Ministry of Defence, Beijing
Mr. WANG Jun	Deputy Division Chief, Department of International Organizations and Conferences, Ministry of Foreign Affairs
Ms. XIANG Jiagu	Second Secretary, Permanent Mission
Ms. GUO Anfeng	Assistant Research Fellow, Beijing Research Institute of Microbiology

COLOMBIA

Sr. Guillermo Alberto Gonzalez	Embajador Extraordinario y Plenipotenciario, Representante Permanente, Misión Permanente, Ginebra
Sr. José Renato Salazar	Primer Secretario, Misión Permanente

CROATIA

Mr. Miomir Zuzul	Ambassador Permanent Representative Permanent Mission, Geneva
Mr. Jaksa Muljacic	Department for International Legal Affairs of the Ministry for Foreign Affairs, Zagreb
Dr. Vlado Taborski	Expert, Ministry of Defence

CUBA

Sr. José Antonio García Lara	Encargado de Negocios a.i. Misión Permanente, Ginebra
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CZECH REPUBLIC

Mr. Zdenek Venera	Head of Delegation and Representative Chargé d'affaires a.i., Permanent Mission, Geneva
Mr. Otakar Gorgol	Alternate, Ministry of Foreign Affairs, Prague
Mr. Pavel Skoda	Alternate, Second Secretary, Permanent Mission
Mr. Bohumir Kriz	State Health Officer Member of Delegation

DEMOCRATIC PEOPLE'S  
REPUBLIC OF KOREA

Mr. Ri Tcheul	Head of Delegation, Permanent Representative, Permanent Mission, Geneva
Mr. Han Chang On	Deputy Permanent Representative, Member of Delegation
Mr. Tchoe Il	First Secretary, Permanent Mission, Member of Delegation
Mr. An Myong Hun	Second Secretary, Permanent Mission Member of Delegation

DENMARK

Mr. Knud-Arne Hjerik Eliassen	Head of Delegation, Minister (Disarmament), Permanent Mission, Geneva
Mr. Torsten Gregersen	Colonel (Vet.), Ministry of Defence, Copenhagen Advisor

ECUADOR

Sr. Alfredo Pinoargote C.	Representante Permanente, Embajador, Misión Permanente, Ginebra
Sr. Gustavo Anda S.	Segundo Secretario, Misión Permanente

EL SALVADOR

Sr. Carlos Ernesto Mendoza	Embajador Representante Permanente Misión Permanente, Ginebra
Srta. Margarita Escobar	Embajador Representante Permanente Adjunto Misión Permanente

ETHIOPIA (Transitional Government of)

Mrs. Almaz Amaha Tesfaye	Counsellor for Disarmament Permanent Mission, Geneva
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FINLAND

Mr. Pekka Ojanen	Head of Delegation Deputy Director General for Political Affairs, Ministry for Foreign Affairs, Helsinki
Mr. Timo Kantola	Alternate Representative First Secretary, Permanent Mission, Geneva
Mr. Risto Visakorpi, M.D.	Alternate Representative Finnish Defence Forces

FRANCE

M. Gérard Errera	Chef de la délégation, Ambassadeur, Représentant permanent auprès de la Conférence du Désarmement, Genève
M. Jean-Luc Florent	Suppléant, adjoint au Chef de la délégation, Conseiller, Représentation permanente auprès de la Conférence du Désarmement
M. Thomas Wagner	Sous-Direction du Désarmement, Ministère des Affaires étrangères, Paris Membre de la délégation
M. Patrice Binder	Ministère de la Défense, Membre de la délégation
M. Claude Eon	Ministère de la Défense, Membre de la délégation
M. Jacques Bonnet	Ministère de la Défense, Membre de la délégation
M. Henri Garrigue	Ministère de la Défense, Membre de la délégation
M. Michel Allary	Secrétariat général de la Défense nationale, Membre de la délégation
Mlle Anne Rouban	Ministère de l'Industrie, Membre de la délégation

GERMANY

Dr. Wolfgang Hoffmann	Head of Delegation, Ambassador, Representative to the Conference on Disarmament, Geneva
Mr. Herbert Salber	Deputy Head of Delegation, Counsellor, Federal Foreign Office, Bonn
Dr. Stefan Keil	First Secretary, Disarmament Delegation
Dr. Joachim Schulze	Scientific Advisor Disarmament Delegation
Dr. Volker Beck	Colonel, Military Advisor, Ministry of Defence
Dr. Martin Hoffmeister	Lieutenant Colonel, Military Advisor, Ministry of Defence
Dr. Ernst Wyszomirski	Scientific Advisor

GHANA

Mr. B.G. Godwyll	Leader of Delegation, Ambassador, Permanent Representative, Permanent Mission, Geneva
Mr. Fritz Poku	Minister, Alternate, Permanent Mission
Mrs. Ellen S. Nee-Whang	Minister-Counsellor, Permanent Mission Adviser

GREECE

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Prof. Antonis Antoniadis	University of Thessaloniki Member of the Delegation

HONDURAS

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Mr. Sirous Nasser	Ambassador, Permanent Representative, Permanent Mission Geneva
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Mr. Bashier Hasoon	First Secretary Permanent Mission (Disarmament)

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ITALY

Mr. Alessandro Vattani	Head of Delegation, Ambassador, Permanent Representative to the Conference on Disarmament, Geneva
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Mr. Michael Bartolo

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Mr. Martin Valentino

First Secretary, Permanent Mission



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Mr. Ah-Yao Lam	Second Secretary, Permanent Mission

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Sr. Miguel Marin Bosch	Jefe de la Delegación, Embajador, Representante Permanente ante la Conferencia de Desarme, Ginebra
Sra. Perla Carvalho	Delegado Alterno, Ministro, Misión Permanente
Dr. Jaime Martuscelli Quintana	Delegado Alterno, Secretario Ejecutivo del Consejo Consultivo de Ciencias de la Presidencia de la República, Tlatelolco
Sr. Abel Abarca Ayala	Delegado Alterno, Consejero, Misión Permanente

MONGOLIA

Mr. Shirchinjavyn Yumjav	Head of Delegation, Ambassador, Permanent Representative, Permanent Mission, Geneva
Mr. D. Ganbaatar	First Secretary, Permanent Mission

NETHERLANDS

Mr. Jaap Ramaker	Head of Delegation, Ambassador, Permanent Representative to the Conference on Disarmament, Geneva
Mr. Onno D. Kervers	Deputy Head of Delegation, First Secretary, Permanent Representation to the Conference on Disarmament
Mr. Marc Bentinck	Delegate, Head of the Non-nuclear Arms Control and Disarmament Section, UN Political Affairs Department, Ministry of Foreign Affairs, The Hague
Mr. Peter C. Potman	Delegate, Second Secretary, Permanent Representation to the Conference on Disarmament
Mr. Pieter van den Berg	Delegate, Non-nuclear Arms Control and Disarmament Section, Ministry of Foreign Affairs

Dr. Jan Gerbrandy	Prevention and Health Department of Immunological and Infectious Diseases, Netherlands Organization for Applied Scientific Research (TNO), Rijswijk Expert
Dr. Jan Rozing	Prevention and Health Department of Immunological and Infectious Diseases, Netherlands Organization for Applied Scientific Research (TNO), Expert
Mr. Mario Dorigo	Delegate, Division for Strategic Trade and Sanctions, Directorate-General for Foreign Economic Relations, Ministry of Economic Affairs

NEW ZEALAND

Mr. Wade Armstrong	Head of Delegation, Ambassador, Permanent Representative, Permanent Mission, Geneva
Ms. Lucy Duncan	Alternate, Counsellor, Permanent Mission
Ms. Elizabeth Wilson	Alternate, Second Secretary, Permanent Mission
Dr. Marlene Castle	Ministry of Foreign Affairs and Trade, Wellington Advisor

NICARAGUA

Mr. Alvaro J. Sevilla Siero	Ambassador, Permanent Representative, Permanent Mission, Geneva
Mr. Norman Miranda	Minister-Counsellor, Deputy Permanent Representative Permanent Mission
Mr. Alvaro Porta	First Secretary, Permanent Mission

NIGERIA

Dr. O. Fasehun	Leader of Delegation, Chargé d'affaires a.i., Minister, Permanent Mission, Geneva
Ms. M. O. Laose-Ajayi	Member of Delegation, Senior Counsellor, Permanent Mission, New York
Mr. B. I. D. Oladeji	Member of Delegation, First Secretary, Permanent Mission Geneva
Major-General E. B. Opaleye	Chief of Research & Development Defence Headquarters Lagos
Mrs. O. I. Olorunnisomo	Ministry of Defence, Lagos

NORWAY

Mr. Jostein H. Bernhardson	Head of Delegation, Minister Counsellor, Permanent Mission, Geneva
Mr. Knut Paus	Representative, Adviser, Ministry of Foreign Affairs Oslo
Mr. Jorn Gjelstad	Representative, Senior Executive Officer Ministry of Foreign Affairs
Prof. Bjorn P. Berdal	Representative, Norwegian Defence Microbiological Laboratory

OMAN

Mr. Mohammed Omar Ahmed Aideed	Ambassador, Permanent Representative, Permanent Mission, Geneva
Col. Abdullah Hamad Al-Rouahi	Chief of Operations - General Staff, Sultanate of Oman
Mr. Hashem Alawi Ahmed Al-Gazali	Second Secretary, Permanent Mission
Mr. Said Abdulla Mubarak Al-Amri	Third Secretary, Permanent Mission

PAKISTAN

Mr. Ahmad Kamal	Leader of Delegation, Ambassador Permanent Representative, Permanent Mission, Geneva
Mr. Muhammad Afzal	Minister (Technical), Permanent Mission
Brig. Abdul Rauf	Director, Joint Staff Headquarters Islamabad
Mr. Khalid Aziz Babar	Counsellor, Permanent Mission Member
Mr. Syed Ibne Abbas	First Secretary, Permanent Mission Member

PARAGUAY

Sr. Rigoberto Gauto	Consejero, Encargado de Negocios, a.i., Misión Permanente, Ginebra
Sr. Gustavo Lopez Bello	Segundo Secretario, Misión Permanente

PERU

Srta. Romy Tincopa

Tercera Secretaria  
Misión Permanente, Ginebra

PHILIPPINES

Ms. Lilia R. Bautista

Ambassador, Permanent Representative,  
Permanent Mission, Geneva

Mr. Jaime J. Yambao

Minister Counsellor, Permanent Mission

Ms. Lourdes O. Yparraguirre

Second Secretary, Permanent Mission

POLAND

Mr. Ludwik Dembinski

Head of Delegation, Ambassador, Permanent  
Representative,  
Permanent Mission, Geneva

Mr. Henryk Pac

Minister-Counsellor (Disarmament),  
Permanent Mission

PORTUGAL

Mr. Luis de Barros

Head of Delegation, Deputy Permanent  
Representative  
Permanent Mission, Geneva

Prof. Aires Penha Gonçalves

Alternate, Expert,  
National Laboratory of Veterinary Research,  
Ministry of Agriculture  
Lisbon

REPUBLIC OF KOREA

Mr. Seung Ho

Head of Delegation, Ambassador, Permanent  
Representative  
Permanent Mission, Geneva

Mr. Chang-Il Park

Alternate Head of Delegation, Ambassador,  
Deputy Permanent Representative, Permanent  
Mission

Mr. Myung-Jin Kim

Representative, Counsellor  
Permanent Mission

Mr. Sahng-Hoon Bahk

Representative, Assistant Director, Security  
Policy Division, Ministry of Foreign  
Affairs, Seoul

Dr. Kyung-Soo Hahm

Director, Protein Engineering Research  
Group, Genetic Engineering Research  
Institute  
Adviser

Mr. Young-Chuil Hong

NBC Operation Officer, Joint Chief of Staff,  
Ministry of National Defense  
Adviser

ROMANIA

Dr. Florin Rosu	Head of Delegation, Counsellor Permanent Mission, Geneva
Lt. Col. Stefan Trasculescu	Expert, Ministry of National Defence, Bucharest
Dr. Marian Negut	National Institute of Microbiology "Cantacuzino", Bucharest

RUSSIAN FEDERATION

Mr. Grigori V. Berdennikov	Head of Delegation, Ambassador Extraordinary and Plenipotentiary, Representative to the Conference on Disarmament, Geneva
Mr. Valeri N. Zemskov	Minister Plenipotentiary, Deputy Permanent Representative to the Conference on Disarmament
Mr. Oleg B. Ignatiev	Conventional Committee on Chemical and Biological Weapons, Moscow
Mr. Nicolai G. Piatkov	Ministry of Foreign Affairs, Moscow
Mr. Alexander V. Vorobyev	Counsellor, Permanent Mission to the Conference on Disarmament
Mr. Nikolai D. Suglobov	Permanent Mission to the Conference on Disarmament
Mr. Valeri V. Sych	Third Secretary, Permanent Mission to the Conference on Disarmament
Mr. Anatoli I. Kozintsev	Ministry of Defense
Mr. Vladimir A. Maksimov	Ministry of Defense
Mr. Alexander F. Zaitsev	Ministry of Public Health
Mr. Eduard K. Osadchiy	Interpreter, Ministry of Foreign Affairs

SAUDI ARABIA

Dr. Mohammed Ali Jamal	Third Secretary, Permanent Mission, Geneva
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SLOVAK REPUBLIC

Ms. Mária Krasnohorská	Head of Delegation, Ambassador, Permanent Representative Permanent Mission, Geneva
Prof. Vladimír Betina	Alternate Representative Head of Department of Microbiology, Biochemistry and Biology, Slovak Technical University, Bratislava
Mr. Dusan Dacho	Third Secretary, Permanent Mission

SLOVENIA

Dr. Anton Bebler	Head of Delegation, Ambassador and Permanent Representative Permanent Mission, Geneva
Mr. Andrej Logar	Counsellor, Deputy Permanent Representative, Permanent Mission, Member of Delegation

SOUTH AFRICA

Mr. J. A. Eksteen	Head of Delegation, Ambassador, Permanent Representative, Permanent Mission, Geneva
Mr. P. Goosen	Deputy Head of Delegation, Deputy Director, Non-Proliferation and Disarmament Affairs, Department of Foreign Affairs, Pretoria
Mr. J. P. du Preez	Assistant Director, Non-Proliferation and Disarmament Affairs, Department of Foreign Affairs
Col. B. P. Steyn	Office of the Surgeon General
Mr. W. Penzhorn	Director, Systems Co-ordination, Department of Trade and Industry
Mr. A. G. Michie	Third Secretary, Permanent Mission

SPAIN

Sr. Amador Martínez Morcillo	Embajador, Delegado ante la Conferencia de Desarme, Ginebra
Sra. Aurora Mejía Errasquín	Consejera Técnica de Verificación, Ministerio de Asuntos Exteriores, Madrid
Sr. Rafael Pérez Mellado	Experto, Centro Nacional de Biotecnología (CSIC), Madrid

SWEDEN

Mr. Lars Norberg	Head of Delegation, Ambassador, Permanent Representative Permanent Mission, Geneva
Mr. Richard Ekwall	Alternate Representative, Counsellor, Permanent Mission
Mr. Birger Karlsson	Alternate Representative, First Secretary, Ministry for Foreign Affairs, Stockholm
Mr. Per Lindgärde	Alternate Representative Second Secretary, Permanent Mission
Mr. Ake Bovallius	National Defence Research Establishment, Umea Adviser
Mr. Roger Roffey	National Defence Research Establishment, Umea Adviser

SWITZERLAND

M. Friedrich Moser	Chef de la délégation, Ambassadeur, Observateur permanent auprès de la Conférence du Désarmement, Genève
M. Martin Dahinden	Politique du Désarmement et Questions Nucléaires, DFAE, Bern
M. Olivier Desarzens	Groupeement de l'Etat-major général, DMF
M. Marc Fässler	Groupeement de l'armement, DMF

THAILAND

Mr. Tej Bunnag	Head of Delegation, Ambassador Extraordinary and Plenipotentiary, Permanent Representative Permanent Mission, Geneva
Mr. Vichitr Benjasil	Representative, Deputy Director-General Department of Agriculture, Ministry of Agriculture and Cooperatives, Bangkok
Mr. Viraphan Vacharathit	Representative, Minister Counsellor, Permanent Mission
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Lt. Col. Supachai Indaruna	Representative, Chief of Legal Reviewing and Drafting Section, Department of the Judge Advocate General, Ministry of Defense
Mr. Bundit Tunsathien	Industrial Safety Division, Department of Industrial Works, Ministry of Industry
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Mr. A. Asim Arar	First Secretary, Permanent Mission
Prof. Levent Doganci	Navy Commander, Military Academy of Medicine, Ankara

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Mr. Arkadiy A. Anisimov	Senior Research Fellow of the Section of Applied Problems of the Presidium of the National Academy of Science, Expert

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Mr. Paul Hatt	Director, Proliferation and Arms Control Secretariat, Ministry of Defence
Dr. Graham Pearson, CB	Director-General, Chemical and Biological Defence Establishment, Porton Down
Mr. Peter Agrell	Head, Export Control and Non-Proliferation Division, Department of Trade and Industry



Ms. Kate Smith	First Secretary, Non-Proliferation Department, Foreign and Commonwealth Office
Mr. Michael Anderson	First Secretary, Delegation to the Conference on Disarmament
Mr. Geoffrey Perry	First Secretary, Permanent Mission
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Mr. Thomas Dashiell	Science and Technology Policy Division, Bureau of Multilateral Affairs, Arms Control and Disarmament Agency Senior Technical Adviser
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Ms. Elisa D. Harris	Director, Office of Nonproliferation and Export Controls, National Security Staff Adviser

Mr. Robert Kadlec, M.D.

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Dr. Hisham Khalil	Second Secretary, Permanent Mission
Mr. Aly Sirry	Third Secretary, Permanent Mission

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C. OBSERVER

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