

**FIFTH REVIEW CONFERENCE OF THE STATES PARTIES  
TO THE CONVENTION ON THE PROHIBITION OF THE  
DEVELOPMENT, PRODUCTION AND STOCKPILING OF  
BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN  
WEAPONS AND ON THEIR DESTRUCTION**

(Geneva, 19 November – 7 December 2001 and 11 – 22 November 2002)

**FINAL DOCUMENT**

Geneva, 2002



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FINAL REPORT

Introduction

1. The Final Declaration of the Fourth 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 the section dealing with the review of Article XII of the Convention, contained the following decision:

“The Conference decides that a Fifth Review Conference shall be held in Geneva at the request of the majority of States Parties, or in any case, not later than 2001”.<sup>1</sup>

2. By resolution 55/40, adopted without a vote on 20 November 2000, the General Assembly, *inter alia*, noted that, at the request of the States Parties, a Fifth Review Conference of the States Parties to the Convention would be held at Geneva from 19 November to 7 December 2001, and that, following appropriate consultations, a Preparatory Committee for that Conference had been formed, open to all States Parties to the Convention, and that the Preparatory Committee would meet in Geneva from 25 to 27 April 2001.

3. The Preparatory Committee held three meetings at Geneva from 25 to 27 April 2001. At its last meeting, on 27 April 2001, the Preparatory Committee adopted its report, which was issued as a pre-session document of the Conference (BWC/CONF.V/PC/1).

Organization of the Conference

4. In accordance with the decision of the Preparatory Committee, the Conference was convened on 19 November 2001 at the Palais des Nations in Geneva for a period of three weeks. At its sixth plenary meeting on 7 December 2001, the Conference decided by consensus to adjourn its proceedings and reconvene at Geneva from 11 to 22 November 2002. The organization, participation, work, documentation and decisions of the Conference during this initial session are recorded in the Interim Report (BWC/CONF.V/12), adopted on 7 December 2001, and attached to this report as Annex I.

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<sup>1</sup> BWC/CONF.IV/9

5. In accordance with the decision of the Conference, a resumed session of the Conference was convened on 11 November 2002 at the Palais des Nations in Geneva.

#### Participation at the Conference

6. Participation at the initial session of the Conference is recorded in the Interim Report (attached as Annex I).

7. Ninety-four States Parties to the Convention participated in the resumed session of the Conference as follows: Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Bolivia, Bosnia-Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Viet Nam, Yemen and Yugoslavia.

8. In addition, four States that had signed the Convention but had not yet ratified it participated in the resumed session without taking part in the making of decisions, as provided for in rule 44, paragraph 1 of the Rules of Procedure: Egypt, Madagascar, Myanmar, Nepal.

9. One State, Israel, neither Party nor Signatory to the Convention, participated in the resumed session as an Observer, in accordance with rule 44, paragraph 2 (a).

10. The United Nations, including the United Nations Institute for Disarmament Research (UNIDIR), attended the resumed session of the Conference in accordance with rule 44, paragraph 3.

11. The International Committee of the Red Cross (ICRC) and the World Health Organization (WHO) participated in the resumed session as Observers. In addition, the International Atomic Energy Agency (IAEA) and the International Centre for Genetic Engineering and Biotechnology (ICGEB), upon their request, were granted Observer status during the resumed session. Sixteen non-governmental organizations and research institutes attended the resumed session of the Conference under rule 44, paragraph 5.

12. Lists of all delegations to the Conference, at its initial and resumed sessions, are contained in documents BWC/CONF.V/INF.3 and BWC/CONF.V/INF.5 respectively.

13. The Credentials Committee held two meetings, and at its second meeting on 6 December 2001 adopted its report on the credentials of States Parties (BWC/CONF.V/CC/1).

#### Work of the Conference

14. The work of the Conference during its initial session is recorded in the Interim Report (attached as Annex I).

15. During the resumed session, the Conference held a further three plenary meetings, in addition to the six plenary meetings held during the initial session.

16. At its seventh plenary meeting on 11 November 2002, the Conference approved the cost estimates for the resumed session, as contained in BWC/CONF.V/13, and adopted the President's proposal for a flexible programme of work for the resumed session, with the schedule of meetings to be determined as needed in consultation with the General Committee and the Regional Group Coordinators.

#### Documentation

17. A list of documents of the Conference is contained in Annex III to this Report.

#### Decisions and Recommendations

18. At its eighth plenary meeting on 14 November 2002, the Conference decided, by consensus, as follows:

- (a) To hold three annual meetings of the States Parties of one week duration each year commencing in 2003 until the Sixth Review Conference, to be held not later than the end of 2006, to discuss, and promote common understanding and effective action on:
- i. the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
  - ii. national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
  - iii. enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;

- iv. strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants;
  - v. the content, promulgation, and adoption of codes of conduct for scientists.
- (b) All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.
- (c) Each meeting of the States Parties will be prepared by a two week meeting of experts. The topics for consideration at each annual meeting of States Parties will be as follows: items i and ii will be considered in 2003; items iii and iv in 2004; item v in 2005. The first meeting will be chaired by a representative of the Eastern Group, the second by a representative of the Group of Non-Aligned and Other States, and the third by a representative of the Western Group.
- (d) The meetings of experts will prepare factual reports describing their work.
- (e) The Sixth Review Conference will consider the work of these meetings and decide on any further action.
19. At the same meeting, the Conference approved the nomination by the Eastern Group of Ambassador Tibor Tóth of Hungary as Chairman of the 2003 meetings. At the ninth plenary meeting the Conference approved the cost estimates for the meetings to be held in 2003, 2004 and 2005, as contained in document BWC/CONF.V/14. The Conference requested the Depositaries of the Convention to consult with a view to establishing suitable dates for the 2003 meetings, and to notify States Parties accordingly.
20. At the eighth plenary meeting, the Conference decided that the Sixth Review Conference would be held in Geneva in 2006, and would be preceded by a Preparatory Committee.
21. At the same meeting, the Conference adopted by consensus its Final Document, comprising a Final Report (BWC/CONF.V/L.1), with oral amendments made at the ninth plenary meeting, and three annexes: Annex I – Interim Report of the Conference; Annex II – Rules of Procedure of the Conference; Annex III – List of documents of the Conference.

## ANNEX I

FIFTH REVIEW CONFERENCE OF THE STATES PARTIES  
TO THE CONVENTION ON THE PROHIBITION OF THE  
DEVELOPMENT, PRODUCTION AND STOCKPILING OF  
BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN  
WEAPONS AND ON THEIR DESTRUCTION

## INTERIM REPORT

Introduction

1. The Final Declaration of the Fourth 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 the section dealing with the review of Article XII of the Convention, contained the following decision:

“The Conference decides that a Fifth Review Conference shall be held in Geneva at the request of the majority of States Parties, or in any case, not later than 2001”.<sup>1</sup>

2. By resolution 55/40, adopted without a vote on 20 November 2000, the General Assembly, *inter alia*, noted that, at the request of the States Parties, a Fifth Review Conference of the States Parties to the Convention would be held at Geneva from 19 November to 7 December 2001, and that, following appropriate consultations, a Preparatory Committee for that Conference had been formed, open to all States Parties to the Convention, and that the Preparatory Committee would meet in Geneva from 25 to 27 April 2001.

3. The Preparatory Committee held three meetings at Geneva from 25 to 27 April 2001. The following 68 States Parties to the Convention participated in the session of the Preparatory Committee: Albania, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Guatemala, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kuwait, Libyan Arab Jamahiriya, Lithuania, Malaysia, Malta, Mexico, Mongolia, Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan, Venezuela and Viet Nam.

4. At its 1st meeting, on 25 April 2001, the Preparatory Committee elected by acclamation Ambassador Tibor Tóth (Hungary) as Chairman of the Preparatory Committee. At the same

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<sup>1</sup> BWC/CONF.IV/9

meeting, it also unanimously elected Ambassador Markku Reimaa (Finland) and Ambassador Munir Akram (Pakistan) as Vice-Chairmen of the Preparatory Committee. The Preparatory Committee authorized the Bureau to handle technical and other matters in the period before the Review Conference was convened.

5. On behalf of the Secretary-General of the United Nations, Mr. Enrique Roman-Morey, Director of the Geneva Branch, Department for Disarmament Affairs, opened the session of the Preparatory Committee. Mr. Vladimir Bogomolov, Political Affairs Officer, Geneva Branch, Department for Disarmament Affairs, served as Secretary of the Preparatory Committee.

6. The Preparatory Committee decided to take its decisions by consensus.

7. The Preparatory Committee decided to use Arabic, Chinese, English, French, Russian and Spanish as official languages.

8. The Preparatory Committee, taking note of their written requests, decided to invite the representatives of States Signatories of the Convention, namely, Egypt and Morocco, to participate in its discussions without the right to take part in the making of decisions.

9. The Preparatory Committee, taking note of a written request and in accordance with the draft rule 44, paragraph 2, decided to invite the representative of the State, not party to the Convention, namely the Federal Republic of Yugoslavia, to participate as an Observer.

10. In the course of its session, the Preparatory Committee considered the following questions relating to the organization of the Review Conference:

- (a) Date and duration;
- (b) Provisional agenda;
- (c) Draft rules of procedure;
- (d) Background documentation;
- (e) Publicity;
- (f) Final document(s).

11. At its last meeting, on 27 April 2001, the Preparatory Committee adopted its report, which was issued as a pre-session document of the Conference (BWC/CONF.V/PC/1). The report contained, *inter alia*, the provisional agenda and the draft rules of procedure for the Conference (BWC/CONF.V/PC/1, Annexes I and II, respectively). In this connection, the Committee recommended that its report, without annexes, be annexed to the Final Document of the Fifth Review Conference.

12. Pursuant to the request of the Preparatory Committee, the following background documents were issued as pre-session documentation for the Conference:

1. Background information document providing, in summary tabular form, data on the participation of States Parties in the agreed Confidence-Building Measures since the last Review Conference. (BWC/CONF.V/2, and Corr.1, 2 and 3)
2. Background information document on compliance by States Parties with all their obligations under the Convention, compiled from information provided by them. (BWC/CONF.V/3, Corr.1, and Add.1 to 9)
3. Background information on new scientific and technological developments relevant to the Convention and covering the applications being made of such developments and their relevance to various aspects of the Convention, compiled from information provided by the States Parties (BWC/CONF.V/4, Add.1-2).

#### Organization of the Conference

13. In accordance with the decision of the Preparatory Committee, the Conference was convened on 19 November 2001 at the Palais des Nations in Geneva for a period of three weeks.

14. At its 1<sup>st</sup> meeting, on 19 November, the Conference elected by acclamation Ambassador Tibor Tóth (Hungary) as President.

15. At the same meeting, a message from the Secretary-General of the United Nations was read out by Mr. Jayantha Dhanapala, Under Secretary-General for Disarmament Affairs.

16. The Conference adopted its agenda as recommended by the Preparatory Committee (BWC/CONF.V/1 and BWC/CONF.V/PC/1, Annex I).

17. The Conference took note with appreciation of the report of the Preparatory Committee (BWC/CONF.V/PC/1).

18. The Conference adopted its Rules of Procedure as recommended by the Preparatory Committee (BWC/CONF.V/PC/1, Annex II). The Rules of Procedure provided, *inter alia*, for: (a) a General Committee, composed of the President of the Conference and chaired by him, the 20 Vice-Presidents, the Chairman and the two Vice-Chairmen of the Committee of the Whole, the Chairman and the two Vice-Chairmen of the Drafting Committee, the Chairman and the Vice-Chairman of the Credentials Committee, the three Regional Group Coordinators and the Depositories (see paragraph 20 of the report of the Preparatory Committee); (b) a Committee of the Whole; (c) a Drafting Committee, composed of representatives of the same 35 States Parties that are represented on the General Committee; and (d) a Credentials Committee composed of a

Chairman and Vice-Chairman elected by the Conference and five other members appointed by the Conference on the proposal of the President.

19. The Conference elected by acclamation 20 Vice-Presidents from the following States Parties: Belgium, Brazil, Bulgaria, Canada, China, Cuba, Czech Republic, France, Germany, India, Indonesia, Libyan Arab Jamahiriya, Malaysia, Mexico, Peru, Poland, Republic of Korea, Russian Federation, South Africa and Sweden. It 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 Markku Reimaa (Finland)
	Vice-Chairman	Mr. Alfredo Labbé Minister Counsellor (Chile)
	Vice-Chairman	Ambassador Krzysztof Jakubowski (Poland)
Drafting Committee:	Chairman	Ambassador Munir Akram (Pakistan)
	Vice-Chairman	Mr. Gennady Lutay (Russian Federation)
Vice-Chairman	Ambassador Christian Faessler (Switzerland)	
Credentials Committee:	Chairman	Ambassador Ali-Asghar Soltanieh (Islamic Republic of Iran)
	Vice-Chairman	Ambassador Chris Sanders (The Netherlands)

The Conference also appointed the following five States Parties as members of the Credentials Committee: Australia, Colombia, Romania, Ukraine, and Venezuela.

20. The Conference confirmed the nomination of Mr. Enrique Roman-Morey 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.

#### Participation at the Conference

21. Ninety-one States Parties to the Convention participated in the Conference as follows: Albania, Algeria, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Ethiopia, Federal Republic

of Yugoslavia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Viet Nam and Yemen.

22. In addition, five States that had signed the Convention but had not yet ratified it participated in the Conference without taking part in the making of decisions, as provided for in rule 44, paragraph 1 of the Rules of Procedure: Egypt, Morocco, Myanmar, Nepal and the United Arab Emirates.

23. Two States, Holy See and Israel, neither Parties nor Signatories of the Convention, were granted Observer status in accordance with rule 44, paragraph 2 (a).

24. The United Nations, including the United Nations Institute for Disarmament Research (UNIDIR) attended the Conference in accordance with rule 44, paragraph 3.

25. The International Committee of the Red Cross (ICRC) and the World Health Organization (WHO), upon their request, were granted Observer status. Eighteen non-governmental organizations and research institutes attended the Conference under rule 44, paragraph 5.

#### Work of the Conference

26. The Conference held six plenary meetings between 19 November and 7 December 2001.

27. The general debate, in which 34 States Parties, Egypt and the ICRC made statements, took place from the 1<sup>st</sup> to the 4<sup>th</sup> plenary meetings, on 19 and 20 November 2001.

28. The General Committee, at its 1st meeting, on 19 November, considered item 9 of the agenda, "Programme of work", and decided, *inter alia*, to make the following recommendations to the Conference:

(1) The Committee of the Whole should consider the following substantive items:

10. Review of the operation of the Convention as provided for in its Article XII

(b) Articles I-XV

(c) Preambular paragraphs and purposes of the Convention

11. Consideration of issues identified in the review of Article XII contained in the Final Declaration of the Fourth Review Conference, and possible follow-up action.
  12. Work done to strengthen the Convention in accordance with the decision of the 1994 Special Conference.
  13. Other matters, including the question of future review of the Convention.
- (2) The Drafting Committee should undertake the task of preparing and submitting to the plenary the draft Final Document of the Conference, including the Final Declaration.
29. At its 3<sup>rd</sup> plenary meeting, on 20 November, the Conference adopted its indicative programme of work, as set out in BWC/CONF.V/1, Annex I.
30. The Committee of the Whole held seven plenary meetings between 21 November and 29 November, during which it reviewed the provisions of the Convention, article by article, followed by consideration of the Preamble. The Committee also examined agenda items 11, 12 and 13. It submitted its draft report (BWC/CONF.V/COW/L.1) to the Conference at its 5th plenary meeting, on 30 November. The Conference took note of the draft report.
31. The Drafting Committee held 13 meetings between 30 November and 7 December 2001. Based on a request by the Conference to the President, the Chairman of the Drafting Committee and the Chairman of the Committee of the Whole, the Chairman of the Drafting Committee was assisted in his work by Facilitators in the following areas:
- Solemn Declaration: Ambassador David Broucher (United Kingdom of Great Britain and Northern Ireland);
  - 
  - Use: Minister Counsellor Alfredo Labbé (Chile);
  - Legislation/Criminalization: Ambassador Gustavo Albin (Mexico);
  - Safety: Ambassador Volker Heinsberg (Germany);
  - Investigations: Ambassador Rakesh Sood (India);
  - Assistance: Ambassador Christopher Westdal (Canada);
  - Disease Surveillance: Ambassador Ali-Asghar Soltanieh (Iran);
  - Confidence-Building Measures: Ambassador Hubert de La Fortelle (France);

- Cooperation (other than on disease and assistance): Minister Counsellor F. S. Duque Estrada Meyer (Brazil);
- Follow-up/Ad Hoc Group: President of the Conference.

#### Documentation

32. A preliminary list of documents of the Conference is contained in the Annex to this Interim Report<sup>2</sup>.

#### Adjournment of the Conference

33. At its 6th plenary meeting on 7 December 2001, the Conference decided by consensus to adjourn its proceedings and reconvene at Geneva from 11 to 22 November 2002.

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<sup>2</sup>The preliminary list of documents was annexed to BWC/CONF.V/12







## ANNEX II

### RULES OF PROCEDURE OF THE CONFERENCE

#### 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

depository Governments; and

- (f) generally perform all other work that the Conference may require.

Costs

Rule 12<sup>1</sup>

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.

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



2. The President, in the exercise of his functions, remains under the authority of the Conference.

### 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 paragraphs 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 28-33) 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 34 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.<sup>2</sup> 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<sup>3</sup> 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,

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<sup>2</sup> It is understood that any such decision will be in accordance with the practice of the United Nations General Assembly.

<sup>3</sup> Pursuant to General Assembly resolutions 3237 (XXIX) of 22 November 1974 and 3280 (XXIX) of 10 December 1974.

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.

## ANNEX III

## LIST OF DOCUMENTS OF THE CONFERENCE

<u>Symbol</u>	<u>Title</u>
BWC/CONF.V/1	Provisional agenda for the Fifth Review Conference
BWC/CONF.V/2, Corrs.1 to 3, Add.1 and Add.1/Corr.1 [English Only]	Background information document on the participation of States Parties in the agreed Confidence-Building Measures (CBMs)
BWC/CONF.V/3 and Adds.1 to 9	Background document on compliance by States Parties with all their obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
BWC/CONF.V/3/Corr.1 [Arabic, English, Russian, Spanish Only]	Background document on compliance by States Parties with all their obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
BWC/CONF.V/4 and Add.1	Background paper on new scientific and technological developments relevant to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
BWC/CONF.V/5	Legislation in the Federal Republic of Germany on the Prohibition of Biological Weapons
BWC/CONF.V/6	Technical assistance, exchange and cooperation undertaken by Australia in the field of biotechnology

BWC/CONF.V/7	Federal Republic of Germany - Developments in non-profit and industrial applications of genetic engineering, biotechnology and other areas of life sciences
BWC/CONF.V/8	Federal Republic of Germany - Transparency in biodefence
BWC/CONF.V/9	Implementation of Article X of the 1972 Convention - France's policy on scientific cooperation in biology and medicine in the field of health
BWC/CONF.V/10	Background information on the compliance of Article IV - Brazil
BWC/CONF.V/10/Corr.1 [English Only]	Background information on the compliance of Article IV - Brazil
BWC/CONF.V/11	The reply of the Libyan Arab Jamahiriya
BWC/CONF.V/12	Interim Report - Fifth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
BWC/CONF.V/13	Estimated costs of the Resumed Session of the Fifth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
BWC/CONF.V/14	Estimated costs of meetings in 2003, 2004 and 2005 of the States Parties to the Convention on the Prohibition of the Production, Development and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
BWC/CONF.V/15	Statement of the Group of the Non-Aligned

Movement and Other States

BWC/CONF.V/16	Statement of the Western Group
BWC/CONF.V/17	Final Document of the Fifth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
BWC/CONF.V/L.1	Draft Report of the Fifth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
BWC/CONF.V/DC/WP.1	Working paper by the Islamic Republic of Iran - Article XI
BWC/CONF.V/COW/WP.1	Strengthening Confidence-Building Measures - Working paper by South Africa
BWC/CONF.V/COW/WP.2	Article I - Working paper submitted by China
BWC/CONF.V/COW/WP.3	Article III - Working paper submitted by China
BWC/CONF.V/COW/WP.4	Article IV - Working paper submitted by China
BWC/CONF.V/COW/WP.5	Article V - Working paper submitted by China
BWC/CONF.V/COW/WP.6	Proposals for the Fifth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction - Working paper by the Libyan Arab Jamahiriya
BWC/CONF.V/COW/WP.7	Proposal concerning Article 10 - Working paper by the Libyan Arab Jamahiriya
BWC/CONF.V/COW/WP.8	Fifth BWC Review Conference - Article X review -

	Working paper by Australia, France and Italy
BWC/CONF.V/COW/WP.9	Working paper submitted by China, Cuba, India, Indonesia, Islamic Republic of Iran, Libyan Arab Jamahiriya and Pakistan
BWC/CONF.V/COW/WP.10/Rev.1	The universality of the Biological Weapons Convention - Working paper by NAM and Other States
BWC/CONF.V/COW/WP.11	The prohibition of the use of biological weapons - Working paper by NAM and Other States
BWC/CONF.V/COW/WP.12 and Corr.1	Measures to strengthen Article X: Scientific and technological exchange for peaceful purposes and technical cooperation - Working paper by NAM and Other States
BWC/CONF.V/COW/WP.13	The work of the Ad Hoc Group to the Biological Weapons Convention - Working paper by NAM and Other States
BWC/CONF.V/COW/WP.14	Working paper by Japan
BWC/CONF.V/COW/WP.15	Working paper by Canada and Poland
BWC/CONF.V/COW/WP.16	Proposal for the Final Declaration - Working paper by Argentina and Australia
BWC/CONF.V/COW/WP.17	Proposals - Working paper by the United States of America
BWC/CONF.V/COW/WP.18	Proposal on Article VIII - Working paper submitted by the Russian Federation
BWC/CONF.V/COW/WP.19	Proposal - Working paper by Brazil, Chile, Mexico and Peru
BWC/CONF.V/COW/WP.20	Proposal - Working paper by Chile
BWC/CONF.V/COW/WP.21	Proposal - Working paper by Pakistan

BWC/CONF.V/COW/WP.22	Proposal - Working paper by Canada and Switzerland
BWC/CONF.V/COW/WP.23	Proposals - Working paper submitted by the European Union
BWC/CONF.V/COW/WP.24	Proposal - Article 15 - Working paper by Iraq, Jordan, Kuwait, Libyan Arab Jamahiriya and Oman
BWC/CONF.V/COW/WP.25	Transfer of equipment and biological materials for peaceful application - Working paper by China, Cuba, India, Indonesia, Islamic Republic of Iran, Libyan Arab Jamahiriya, Pakistan and Sri Lanka
BWC/CONF.V/COW/WP.26	Proposal - Working paper by Mexico and Peru
BWC/CONF.V/COW/WP.27	Proposal concerning Article V - Working paper by the Libyan Arab Jamahiriya
BWC/CONF.V/COW/WP.28 and Add.1	Proposals - Working paper by the Islamic Republic of Iran
BWC/CONF.V/COW/WP.29	Working paper by Mexico
BWC/CONF.V/COW/WP.30	Working paper by Australia, Canada and New Zealand
BWC/CONF.V/COW/WP.31	Article X - Institutional mechanisms for international cooperation and assistance - Working paper by NAM and Other States
BWC/CONF.V/COW/1	Report of the Committee of the Whole
BWC/CONF.V/COW/L.1 [English Only]	Draft report of the Committee of the Whole
BWC/CONF.V/COW/CRP.1 [English Only]	Annex to the draft report of the Committee of the Whole
BWC/CONF.V/CC/1	Report of the Credentials Committee

BWC/CONF.V/SR.1	Summary record (partial) of the 1st meeting
BWC/CONF.V/SR.2	Summary record (partial) of the 2nd meeting
BWC/CONF.V/SR.3	Summary record (partial) of the 3rd meeting
BWC/CONF.V/SR.4	Summary record (partial) of the 4th meeting
BWC/CONF.V/SR.5	Summary record (partial) of the 5th meeting
BWC/CONF.V/SR.6	Summary record (partial) of the 6th meeting
BWC/CONF.V/SR.7	Summary record (partial) of the 7th meeting
BWC/CONF.V/SR.8	Summary record (partial) of the 8th meeting
BWC/CONF.V/SR.9	Summary record (partial) of the 9th meeting
BWC/CONF.V/INF.1	List of States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, as at October 2001
BWC/CONF.V/INF.2	Organization of the Conference
BWC/CONF.V/INF.3	List of participants (initial session)
BWC/CONF.V/INF.4	List of States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, as at October 2002
BWC/CONF.V/INF.5	List of participants (resumed session)
BWC/CONF.V/MISC.1	Informal paper by the Chairman of the Committee of the Whole
BWC/CONF.V/MISC.2	Provisional list of participants (initial session)

BWC/CONF.V/MISC.3

Provisional list of participants (resumed session)

BWC/CONF.V/CRP.1  
[English Only]

BTWC Fifth Review Conference - Facilitators

BWC/CONF.V/CRP.2  
[English Only]

Note from the Secretariat - Reproduction of the  
Annex on Confidence-Building Measures from the Final  
Declaration of the Third Review Conference

BWC/CONF.V/CRP.3

Draft Decision of the Fifth Review Conference of  
the States Parties to the Convention on the  
Prohibition of the Development, Production and  
Stockpiling of Bacteriological (Biological) Weapons  
and Their Destruction

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