

**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”.¹

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.

¹ 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
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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”.¹

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

¹ 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 1st 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 1st to the 4th 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 3rd 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);
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 - 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 Report².

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.

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