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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



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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