

National Implementation Obligations, Agreements and Understandings under the BWC

In order to effectively implement the Biological Weapons Convention, States Parties will need to put in place measures to cover: legislative and regulatory frameworks; export control regimes; biosafety and biosecurity; oversight of science; education and awareness raising; dealing with disease; responding to alleged use; exchanges of information; and building capacity for peaceful use. The need for and modalities of, these interrelated efforts are made up of the legally binding obligations of the Convention, the binding agreements reached at successive review conferences and the understandings reached at annual meetings.

PART I: OBLIGATIONS

Articles I, III, IV, VII and X of the Biological Weapons Convention all contain legally binding commitments relevant to national implementation.

Article I

Article I contains the complete prohibition of biological weapons:

“Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

- (1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
- (2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.”

Article III

Article III contains non-proliferation obligations:

“Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of this Convention.”

Article IV

Article IV deals explicitly with implementing the BWC:

"Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere."

Article VII

"Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention."

Article X

Article X includes the provisions for peaceful use which relate to the implementation of all articles of the BWC, including the provisions of Articles I, III, IV and VII:

"(1) The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also cooperate in contributing individually or together with other States or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes.

(2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention."

PART II: ADDITIONAL AGREEMENTS AND UNDERSTANDINGS

Through successive review conferences, States Parties have reached a series of additional agreements on how they will meet their obligations under the BWC. These agreements are binding and each and every State Party has committed themselves to complying with them. Through Meetings of States Parties (MSPs) held under the auspices of the two intersessional processes, the BWC has added a number of common understandings on the tools and approaches that might be useful in pursuing agreements on how to meet the obligations of the BWC. These common understandings do not represent commitments on behalf of states to undertaken any specific action but rather act as a toolbox from which each state can draw according to its own particular needs and circumstances. Additional agreements and common understandings reached by States Parties cover various aspects of implementation, including: legislative and regulatory frameworks; export control regimes; biosafety and biosecurity; oversight of science; education and awareness raising; dealing with disease; responding to alleged use; exchanges of information; and building capacity for peaceful use.

Legislative and regulatory frameworks

Agreements

The Sixth Review Conference called *upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other measures, including penal legislation, designed to... enhance domestic implementation of the Convention and ensure the prohibition and prevention of the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipments and means of delivery as specified in Article I of the Convention.*

The Third and Fourth Review Conferences reaffirmed *that the Convention prohibits the development, production, stockpiling, other acquisition or retention of microbial or other biological agents or toxins harmful to plants and animals, as well as humans.*

The Fourth and Sixth Review Conferences reaffirmed *that the use by States Parties, in any way and under any circumstances, of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I.*

The Fourth Review Conference noted that *States Parties should also consider ways and means to ensure that individuals or subnational groups are effectively prevented from acquiring, through transfers, biological agents and toxins for other than peaceful purposes.*

The Fourth Review Conference recognised *the need to ensure, through the review and/or adoption of national measures, the effective fulfillment of their obligations under the Convention in order, inter alia, to exclude use of biological and toxin weapons in terrorist or criminal activity.*

The Sixth Review Conference recognised *the need to effectively implement national measures in order to further implementation of Article X.*

The Sixth Review Conference encouraged *States Parties to designate a national focal point for coordinating national implementation of the Convention and communicating with other States Parties and relevant international organizations.*

The Sixth Review Conference called *upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other measures, including penal legislation, designed to... apply within their territory, under their jurisdiction or under their control anywhere and apply, if constitutionally possible and in conformity with international law, to actions taken anywhere by natural or legal persons possessing their nationality.*

Common understandings

Having considered ways and means to enhance national implementation of the Convention, and recognising the need to take into account their respective national circumstances and legal and constitutional processes, the States Parties agreed at the 2007 MSP on the fundamental importance of effective national measures in implementing the obligations of the Convention. The States Parties further agreed on the need to nationally manage, coordinate, enforce and regularly review the operation of these measures to ensure their effectiveness. It was recognised that full implementation of all the provisions of the Convention should facilitate economic and technological development and international cooperation in the field of peaceful biological activities.

At the 2007 MSP States Parties recognised the value of ensuring that national implementation measures:

- *penalize and prevent activities that breach any of the prohibitions of the Convention, and are sufficient for prosecuting prohibited activities;*
- *prohibit assisting, encouraging or inducing others to breach any of the prohibitions of the Convention;*
- *are not limited to enacting relevant laws, but also strengthen their national capacities, including the development of necessary human and technological resources;*
- *avoid hampering the economic and technological development of States Parties, or international cooperation in the field of peaceful uses of biological science and technology.*

Recognising the importance of developing a coordinated and harmonised domestic mechanism to implement the obligations of the Convention, at the 2007 MSP States Parties agreed:

- *on the value of moving from adjacency to synergy, with their governments taking the lead by promoting cooperation and coordination among domestic agencies;*
- *of clearly defining the roles and responsibilities of each.*

At the 2007 MSP States Parties noted that, where appropriate, the establishment of a central body or lead organisation and the creation of a national implementation plan may be useful in this regard.

At the 2007 MSP States Parties agreed on the value of ensuring effective enforcement of their legislative and regulatory measures, including through building capacity to:

- *collect evidence,*
- *develop early-warning systems,*
- *coordinate between relevant agencies,*
- *train law-enforcement personnel, and*
- *provide enforcement agencies with the necessary scientific and technological support.*

Recognising that implementing the Convention is a continuing process, at the 2007 MSP the States Parties agreed on the importance of regular national reviews of the adopted measures, including by:

- *ensuring the continued relevance of their national measures in light of scientific and technological developments;...*
- *by implementing additional measures as required.*

Export Control Regimes

Agreements

The Third and Fourth Review Conferences stated that transfers relevant to the Convention should be authorized only when the intended use is for purposes not prohibited under the Convention.

The Sixth Review Conference called for appropriate measures, including effective national export controls, by all States Parties to implement this Article, in order to ensure that direct and indirect transfers relevant to the Convention, to any recipient whatsoever, are authorized only when the intended use is for purposes not prohibited under the Convention.

The Second Review Conference also urged States Parties to provide wider access to and share their scientific and technological knowledge in this field, on an equal and non-discriminatory basis, in particular with the developing countries, for the benefit of all mankind.

The Second, Third, Fourth and Sixth Review Conferences emphasised that States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials.

The Sixth Review Conference urged *States Parties to undertake to review their national regulations governing international exchanges and transfers in order to ensure their consistency with the objectives and provisions of all the articles of the Convention.*

Common understandings

At the 2007 MSP *States Parties recognised the value of ensuring that national implementation measures... include an effective system of export/import controls, adapted to national circumstances and regulatory systems.*

At the 2007 MSP *the States Parties agreed on the importance of regular national reviews of the adopted measures, including by... updating lists of agents and equipment relevant to safety, security and transfer regimes.*

Biosafety and Biosecurity

Agreements

The Third Review Conference stressed that *States parties should take all necessary safety precautions to protect populations and the environment in relation to activities not prohibited by the Convention.*

The Second¹, Third and Fourth Review Conferences noted *the importance of... legislation regarding the physical protection of laboratories and facilities to prevent unauthorised access to and removal of microbial or other biological agents, or toxins.*

The Sixth Review Conference called *upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other measures, including penal legislation, designed to... ensure the safety and security of microbial or other biological agents or toxins in laboratories, facilities, and during transportation, to prevent unauthorized access to and removal of such agents or toxins.*

Common Understandings

At the 2003 MSP, *the States Parties stressed the need for undertaking activities at the national level in keeping with their obligations and responsibilities to strengthen and implement the Convention. The States Parties agreed... To review, and where necessary, enact or update national legal, including regulatory and penal, measures which... enhance effective security of pathogens and toxins.*

At the 2007 MSP *the States Parties agreed on the importance of regular national reviews of the adopted measures, including by... updating lists of agents and equipment relevant to safety, security and transfer regimes.*

At the 2008 MSP, *States Parties noted their common understanding that in the context of the Convention, biosafety refers to principles, technologies, practices and measures implemented to prevent the accidental release of, or unintentional exposure to, biological agents and toxins, and biosecurity refers to the protection, control and accountability measures implemented to prevent the loss, theft, misuse, diversion or intentional release of biological agents and toxins and related resources as well as unauthorized access to, retention or transfer of such material.*

¹ slightly different wording

At the 2003 MSP, *the States Parties stressed the need for undertaking activities at the national level in keeping with their obligations and responsibilities to strengthen and implement the Convention. The States Parties agreed, to that end, on... The need for comprehensive and concrete national measures to secure pathogen collections and the control of their use for peaceful purposes. There was a general recognition of the value of biosecurity measures and procedures, which will ensure that such dangerous materials are not accessible to persons who might or could misuse them for purposes contrary to the Convention.*

At the 2008 MSP *States Parties recognised the need for proportional measures, for carefully assessing risks, for balancing security concerns against the need to avoid hampering the peaceful development of biological science and technology, and for taking national and local circumstances into account.*

At the 2008 MSP *States Parties agreed on the value of:*

- *National authorities defining and implementing biosafety and biosecurity concepts in accordance with relevant national laws, regulations and policies, consistent with the provisions of the Convention and taking advantage of relevant guidance and standards, such as those produced by the FAO, OIE and WHO;*
- *National governments taking the leading role, including by nominating a lead agency (or focal point), specifying mandates for participating departments or agencies, ensuring effective enforcement and regular review of relevant measures, and integrating such measures into relevant existing arrangements at the national, regional and international level;*
- *National governments, supported by other relevant organisations as appropriate, using tools such as: accreditation, certification, audit or licensing for facilities, organizations or individuals; requirements for staff members to have appropriate training in biosafety and biosecurity; mechanisms to check qualifications, expertise and training of individuals; national criteria for relevant activities; and national lists of relevant agents, equipment and other resources.*
- *Ensuring measures adopted are practical, sustainable, enforceable, are readily understood and are developed in concert with national stakeholders², avoid unduly restricting the pursuit of the biological sciences for peaceful purposes, are adapted for local needs, and appropriate for the agents being handled and the work being undertaken, including through applying appropriate risk assessment and risk management strategies.*
- *Building networks between scientific communities and academic institutions and increasing interaction with professional associations and working groups at the national regional and international level, including through dedicated workshops, seminars, meetings and other events, as well as using modern information technologies and appropriate risk communication strategies and tools;*

² In this report, the term “stakeholders” refers, as appropriate according to national circumstances, to relevant actors such as scientists, researchers and other professionals in the life sciences; editors and publishers of life science publications and websites; and organizations, institutions, government agencies, and private companies acting in life sciences research or education, and any other legal entity that is involved in the stockpiling, transport or use of biological agents, toxins or other resources relevant to the Convention.

Oversight of Science

Agreements

The Second Review Conference concluded *that the scope of Article I covers scientific and technological developments relevant to the Convention*. The Sixth Review Conference reaffirmed *that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention*.

The First Review Conference decided *that any information provided by States Parties on scientific and technological developments relevant to the Convention, and on its implementation, shall be made available periodically to States Parties*.

The Third³ and Fourth Review Conferences appealed *through the States Parties to their scientific communities to lend their support only to activities that have justification for prophylactic, protective and other peaceful purposes, and refrain from undertaking or supporting activities which are in breach of the obligations deriving from provisions of the Convention*.

The Sixth Review Conference called *for appropriate measures by all States Parties to ensure that biological agents and toxins relevant to the Convention are protected and safeguarded, including through measures to control access to and handling of such agents and toxins*.

Common Understandings

At the 2008 MSP *States Parties recognised the need for proportional measures, for carefully assessing risks, for balancing security concerns against the need to avoid hampering the peaceful development of biological science and technology, and for taking national and local circumstances into account*.

At the 2008 MSP *States Parties recognised the value of developing national frameworks to prohibit and prevent the possibility of biological agents or toxins being used as weapons, including measures to oversee relevant people, materials, knowledge and information, in the private and public sectors and throughout the scientific life cycle. Recognising the need to ensure that such measures are proportional to risk, do not cause unnecessary burdens, are practical and usable and do not unduly restrict permitted biological activities, States Parties agreed on the importance of involving national stakeholders in all stages of the design and implementation of oversight frameworks. States Parties also noted the value of harmonizing, where possible and appropriate, national, regional and international oversight efforts*.

States Parties noted, at the 2008 MSP, the importance of balancing "top-down" government or institutional controls with "bottom-up" oversight by scientific establishments and scientists themselves. Within the framework of oversight, States Parties recognised the value of being informed about advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention and the necessity of strengthening ties with the scientific community. States Parties welcomed the important contributions made to their work by the scientific community and academia, including national and international academies of science and professional associations, as well as industry-led initiatives to address recent developments in science and technology, and encouraged greater cooperation between scientific bodies in various States Parties.

³ slightly different wording

Education and awareness raising

Agreements

The Second⁴, Third, Fourth and Sixth Review Conferences urged *the inclusion in medical, scientific and military educational materials and programmes of information on the Convention and the 1925 Geneva Protocol.*

The Sixth Review Conference urged *States Parties to promote the development of training and education programmes for those granted access to biological agents and toxins relevant to the Convention and for those with the knowledge or capacity to modify such agents and toxins, in order to raise awareness of the risks, as well as of the obligations of States Parties under the Convention.*

The Sixth Review Conference encouraged *States Parties to take necessary measures to promote awareness amongst relevant professionals of the need to report activities conducted within their territory or under their jurisdiction or under their control that could constitute a violation of the Convention or related national criminal law.*

Common Understandings

Recognising the importance of developing a coordinated and harmonised domestic mechanism to implement the obligations of the Convention, at the 2007 MSP States Parties agreed on the value... of raising awareness of the Convention among all relevant stakeholders, including policy makers, the scientific community, industry, academia, media and the public in general, and improving dialogue and communication among them.

At the 2008 MSP States Parties recognised the need for proportional measures, for carefully assessing risks, for balancing security concerns against the need to avoid hampering the peaceful development of biological science and technology, and for taking national and local circumstances into account.

At the 2008 MSP States Parties recognized the importance of ensuring that those working in the biological sciences:

- *are aware of their obligations under the Convention and relevant national legislation and guidelines,*
- *have a clear understanding of the content, purpose and foreseeable social, environmental, health and security consequences of their activities, and*
- *are encouraged to take an active role in addressing the threats posed by the potential misuse of biological agents and toxins as weapons, including for bioterrorism.*

At the 2008 MSP States Parties noted that formal requirements for seminars, modules or courses, including possible mandatory components, in relevant scientific and engineering training programmes and continuing professional education could assist in raising awareness and in implementing the Convention.

At the 2008 MSP States Parties agreed on the value of education and awareness programmes:

- *Explaining the risks associated with the potential misuse of the biological sciences and biotechnology;*

⁴ slightly different wording

- *Covering the moral and ethical obligations incumbent on those using the biological sciences;*
- *Providing guidance on the types of activities which could be contrary to the aims of the Convention and relevant national laws and regulations and international law;*
- *Being supported by accessible teaching materials, train-the-trainer programmes, seminars, workshops, publications, and audio-visual materials;*
- *Addressing leading scientists and those with responsibility for oversight of research or for evaluation of projects or publications at a senior level, as well as future generations of scientists, with the aim of building a culture of responsibility;*
- *Being integrated into existing efforts at the international, regional and national levels.*

Codes of Conduct

Agreements

The Sixth Review Conference recognised *the importance of codes of conduct and self-regulatory mechanisms in raising awareness, and called upon States Parties to support and encourage their development, promulgation and adoption.*

Common Understandings

With regards to the content, promulgation and adoption of codes of conduct for scientists, at the 2005 MSP, States Parties recognised that:

- *...codes of conduct, voluntarily adopted, for scientists in the fields relevant to the Convention can support the object and purpose of the Convention by making a significant and effective contribution... to combating the present and future threats posed by biological and toxin weapons, as well as by raising awareness of the Convention, and by helping relevant actors to fulfill their legal, regulatory and professional obligations and ethical principles;*
- *codes of conduct should reflect the provisions of the Convention and contribute to national implementation measures;*
- *a range of different approaches exist to develop codes of conduct in view of differences in national requirements and circumstances;*
- *codes of conduct should avoid impeding scientific discovery, placing undue constraints on research or international cooperation and exchange for peaceful purposes;*
- *...codes of conduct should require and enable relevant actors to have a clear understanding of the content, purpose and reasonably foreseeable consequences of their activities, and of the need to abide by the obligations contained in the Convention.*

At the 2005 MSP States Parties also recognised that all those with a responsibility for, or legitimate interest in, codes of conduct should be involved in their development, promulgation and adoption. The States Parties agreed on the value of codes of conduct applying not just to scientists, but to all those involved in scientific activity, including managers and technical and ancillary staff.

On the content of codes of conduct... the States Parties agreed at the MSP in 2005 on the importance of codes of conduct being:

- *compatible with national legislation and regulatory controls and contributing to national implementation measures;*
- *simple, clear and easily understandable both to scientists and to wider civil society;*
- *relevant, helpful and effective for guiding relevant actors in making decisions and taking action in accordance with the purposes and objectives of the Convention;*
- *sufficiently broad in scope;*
- *regularly reviewed, evaluated for effectiveness, and revised as necessary.*

On the adoption of codes of conduct, recognising that it is important to build on and coordinate with existing efforts, and avoid imposing burdensome and duplicative measures, at the MSP in 2005 the States Parties agreed on the value of:

- demonstrating the benefits of codes and encouraging relevant actors to develop codes themselves;*
- using existing codes, mechanisms, frameworks and bodies as far as possible; and*
- tailoring adoption strategies according to the needs of each relevant sector.*

On the promulgation of codes of conduct, recognising that codes of conduct will be most effective if they, and the principles underlying them, are widely known and understood, at the MSP in 2005 the States Parties agreed on the value of continuous efforts on promulgation through appropriate channels.

Having considered codes of conduct at the 2008 MSP, States Parties agreed that such codes can complement national legislative, regulatory and oversight frameworks and help guide science so that it is not misused for prohibited purposes. States Parties recognised the need to further develop strategies to encourage national stakeholders to voluntarily develop, adopt and promulgate codes of conduct

Dealing with disease

Agreements

The Sixth Review Conference reaffirmed the commitment of States Parties to take the necessary national measures to strengthen methods and capacities for surveillance and detection of outbreaks of disease at the national, regional and international levels.

The Third and Fourth Review Conferences urged States Parties to take further specific measures for cooperation in providing information on their national epidemiological surveillance and data reporting systems, and in providing assistance, on a bilateral level and/or in conjunction with WHO, FAO and OIE, regarding epidemiological and epizootical surveillance, with a view to improvements in the identification and timely reporting of significant outbreaks of human and animal diseases.

The Sixth Review Conference urged States Parties to develop frameworks for disease surveillance in humans, animals and plants, and to support programmes for effective responses at the national, bilateral, regional and multilateral levels, including through the conclusion of appropriate agreements that would promote the regular exchange of scientific and technical information in these fields.

The Sixth Review Conference called upon States Parties to continue establishing and/or improving national and regional capabilities to survey, detect, diagnose and combat infectious diseases as well as other possible biological threats and integrate these efforts into national and/or regional emergency and disaster management plans.

Common Understandings

At the 2004 MSP States Parties recognised that:

- *infectious disease outbreaks can be contained and suppressed through early-detection, immediate response and co-operation and support at the national and international level;*
- *strengthening and broadening national and international surveillance, detection, diagnosis and combating of infectious disease may support the object and purpose of the Convention;*
- *the primary responsibility for surveillance, detection, diagnosis and combating of infectious diseases rests with States Parties, while the WHO, FAO and OIE have global responsibilities, within their mandates, in this regard. The respective structures, planning and activities of States Parties and the WHO, FAO and OIE should be co-ordinated with and complement one another;*
- *scientific and technological developments have the potential to significantly improve disease surveillance and response.*

States Parties consequently agreed on the value of:

- *improving, wherever possible, national and regional disease surveillance capabilities, and, if in a position to do so, assisting and encouraging, with the necessary agreement, other States Parties to do the same;*
- *working to improve communication on disease surveillance, including with the WHO, FAO and OIE, and among States Parties.*

At the 2009 MSP, States Parties recognized the importance of developing effective infrastructure for disease surveillance, detection, diagnosis and containment. Such infrastructure could include:

- *Surveillance systems which are sensitive, specific, representative, timely, simple, flexible and acceptable, and which have capabilities for continuously collecting and analyzing data from various sources;*
- *Capacity for rapid detection and identification of pathogens, including improved access to high quality diagnostics and expertise;*
- *Primary health care services and veterinary and phytosanitary services, such as laboratory systems and disease management and treatment capacity;*
- *Emergency and epidemiological response capabilities;*
- *Communication capabilities, including for public information and professional collaboration;*
- *An appropriate national regulatory framework, including available resources for its implementation and surveillance activities;*
- *Facilitation of treatment of diseases, including availability of diagnostic equipment, vaccines and medicines.*

Recognizing that infrastructure, equipment and technology is of little use if there are not appropriately trained individuals to use it, States Parties agreed at the 2009 MSP on the value of developing human resources for disease surveillance, detection, diagnosis and containment, including by:

- *Making use of workshops, training courses and conferences at the national, regional and international levels;*
- *Ensuring that training materials are available in native languages;*
- *Taking advantage of both computer-based and hands-on training;*
- *Fostering an interdisciplinary approach to infectious disease problems, incorporating traditional biomedical science with economics, social sciences, demographics and agricultural science;*
- *Engaging with all relevant human resources, including technicians, managers, policy makers, health professionals and academia;*
- *Identifying ways to reduce "brain-drain";*
- *Providing the political leadership needed to ensure training and personnel issues are given adequate attention at the national level; and*
- *If in a position to do so, providing sponsorship for training, exchange visits, and travel to expert meetings.*

Recognizing the opportunities for building capacity through sharing practices and procedures, at the 2009 MSP States Parties agreed on the value of implementing standard operating procedures, taking into account their national needs and circumstances, including through:

- *Using standard operating procedures to enhance sustainability, improve trust, build confidence, contribute to quality control, and foster the highest standards of professional performance;*
- *Working at the national level with ministries of health and agriculture and other relevant agencies to develop relevant legislation, standards and guidelines;*
- *Developing and using best practices for surveillance, management, laboratory practice, manufacturing, safety, security, diagnostics, trade in animals and products, as well as associated procedures;*
- *Strengthening international protocols for the rapid sharing of information; and*
- *Using case studies of biosecurity considerations, risk assessment and the transportation of dangerous goods and disease management to improve existing practices and procedures.*

States Parties agreed at the 2009 MSP on the value of improving integration of capacity-building activities so that scarce resources are used effectively to combat disease irrespective of its cause, including through: ensuring effective communication and coordination among human, animal and plant health sectors; using an inter-disciplinary, all-hazards approach drawing on all relevant disciplines; and improving how government departments and agencies work with the private sector, academia and non-governmental experts. States Parties also noted the utility of public-private partnerships in dealing with disease.

States Parties recognized at the 2009 MSP the importance of ensuring that there is effective coordination among relevant activities to minimise duplication and ensure a more comprehensive approach to building capacity, including through... improved coordination and information sharing among... national departments... and improving cooperation, communication and networking among national institutions, departments, agencies and other stakeholders.

Responding to alleged use

Agreements

The Sixth Review Conference noted *that State Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons.*

Common Understandings

At the 2004 MSP *States Parties recognised that:*

- *capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease promote the object and purpose of the Convention;*
- *States Parties' national preparedness and arrangements substantially contribute to 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;*
- *the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution A/Res/45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons.*

States Parties consequently agreed on the value of... continuing to develop their own national capacities for response, investigation and mitigation, in cooperation with the relevant international and regional organisations, and, if in a position to do so, assisting and encouraging, with the necessary agreement, other States Parties to do the same

Exchanges of information

Agreements

There are a series of agreements on the provision of information on the measures they have taken to implement the Convention, including:

- *The First Review Conference invited States Parties which have found it necessary to enact specific legislation or take other regulatory measures relevant to this Article to make available the appropriate texts to the United Nations Centre for Disarmament [now the Office for Disarmament Affairs], for the purposes of consultation. The Second Review Conference invited States Parties to continue to provide such information and texts. The Third, Fourth and Sixth Review Conferences encouraged all States Parties to provide such information and texts in the future.*
- *The Third, Fourth and Sixth Review Conferences encouraged all States Parties to provide any useful information on the implementation of such measures.*
- *The Sixth Review Conference also noted that information provided to the United Nations by states in accordance with Resolution 1540 may provide a useful resource for States Parties in fulfilling their obligations.*

- The Sixth Review Conference encouraged *States Parties to provide appropriate information on how Article [X] is being implemented to the United Nations Department [now Office] for Disarmament Affairs.*

The Second Review Conference *mindful of the provisions of Article V and Article X of the Convention, and determined to strengthen its authority and to enhance confidence in the implementation of its provisions, agreed that the States Parties are to implement, on the basis of mutual co-operation, the following measures, in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and in order to improve international co-operation in the field of peaceful bacteriological (biological) activities.* The "following measures", which became known as the Confidence-Building Measures or CBMs.

With a view to promoting increased participation and strengthening further the exchange of information, the Third Review Conference agreed to reaffirm those measures established at the Second Review Conference with the following improvements...".

The Fourth Review Conference recognized *that participation in the confidence-building measures... has not been universal, and that not all responses have been prompt or complete.* In this regard, the Fourth Review Conference also recognized *the technical difficulties experienced by some States Parties with respect to preparing CBM responses.*

The Sixth Conference recognised *the urgent need to increase the number of States Parties participating in CBMs.* In this regard, the Sixth Review Conference addressed some of *the technical difficulties experienced by some States Parties in completing full and timely declarations.* In order to update the mechanism of transmission of information, the Conference agreed on several measures:...

- *Once completed, the electronic forms shall, with the consent of the State Party submitting them, be posted on a secure Internet site and made available for the use of States Parties...*
- *States Parties shall designate a national point of contact in charge of preparing the submission of CBMs, the contact details of which shall be sent to the ISU.*

Common Understandings

To facilitate the sharing of information on national implementation and regional cooperation, at the 2007 MSP States Parties are urged to nominate a national point of contact in accordance with the decision of the Sixth Review Conference, and to inform the Implementation Support Unit of their national measures and any updates or changes to them (for example, through the submission of confidence-building measures), and of any relevant regional or sub-regional activities.

At the 2009 MSP, States Parties affirmed the role of the Implementation Support Unit, consistent with its mandate, in supporting the capacity-building activities of the States Parties by facilitating communication and partnerships, and acting as a clearing-house for information on needs for and sources of assistance and cooperation. In this context, the States Parties recalled that the Sixth Review Conference had encouraged States Parties to provide appropriate information to the Implementation Support Unit on their implementation of Article X, and welcomed the reports on cooperation activities that were submitted by States Parties during this meeting.

Building capacity for peaceful use

Agreements

The Sixth Review Conference recognised *the need to effectively implement national measures in order to further implementation of Article X.*

Subsequent review conferences reached agreements on what these specific measures would include:

- The Second, Third and Fourth Review Conferences urged States Parties to take specific measures for the *transfer and exchange of information concerning research programmes in bio-sciences.*
- The Second, Third and Fourth Review Conferences urged States Parties to take specific measures for the *active promotion of contacts between scientists and technical personnel on a reciprocal basis, in relevant fields.*
- The Second, Third and Fourth Review Conferences urged States Parties to take specific measures for *increased technical co-operation and assistance, including training opportunities to developing countries in the use of bio-sciences and genetic engineering for peaceful purposes.*
- The Second, Third and Fourth Review Conferences urged States Parties to take specific measures to encourage *the co-ordination of national and regional programmes and working out in an appropriate manner the ways and means of co-operation in this field.*
- The Second, Third and Fourth Review Conferences urged States Parties to take specific measures for the *wider transfer and exchange of information, materials and equipment among States on a systematic and long-term basis in relevant fields.*

The Third and Fourth Review Conferences urged *all States Parties actively to continue to promote international cooperation and exchange with States Parties in the peaceful uses of biotechnology, and urged all States Parties possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis in particular with the developing countries, for the benefit of all mankind.*

The Sixth Review Conference urged *all States Parties possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, particularly with countries less advanced in this field, while promoting the basic objectives of the Convention, as well as ensuring that the promulgation of science and technology is fully consistent with the peaceful object and purpose of the Convention.*

Common Understandings

Keeping in mind Article X, States Parties agreed at the 2009 MSP on the value of mobilizing resources, including financial resources, to facilitate the widest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. Recognizing that all States Parties have a role to play, States Parties stressed that those States Parties seeking to build their capacity should identify their specific needs and requirements and seek partnerships with others, and that those States Parties in a position to do so should provide assistance and support.

Recalling the agreements on Article X and Article III reached at the Sixth Review Conference, States Parties recalled at the 2009 MSP that the Conference had emphasized that in the interest of

facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxin agents for peaceful purposes, States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials. States Parties noted in this respect that full implementation of Article III of the Convention would help to facilitate the exchange of equipment, materials and scientific and technological information in accordance with Article X.
