

5. Regional Documents

5. Documents from Regions, Regional Organizations and Other Organizations

At a most basic level, regional organizations play an important role in providing states with a forum for consultation on political and security issues in a regional context. These consultations have led, for example, to specific agreements that proclaim the region free of a particular category of weapon or a WMD-free zone, or that implement regional strategies to prevent the proliferation of WMD in general, and BW issues specifically.

Association of Southeast Asian Nations

As part of its commitment to promote regional peace and stability the Association of Southeast Asian Nations (ASEAN) established the ASEAN Regional Forum (ARF) in 1994. The 26 current participants in the ARF are: Australia, Bangladesh, Brunei Darussalam, Cambodia, Canada, China, European Union, India, Indonesia, Japan, Laos, Malaysia, Myanmar, Mongolia, New Zealand, North Korea, Pakistan, Papua New Guinea, Philippines, Russia, Singapore, South Korea, Thailand, Timor Leste, USA and Vietnam. The ARF agenda consists of two broad objectives: first, to foster constructive dialogue and consultation on political and security issues of common interest and concern and, second, to contribute to efforts towards confidence building and preventive diplomacy in the Asia-Pacific region. This agenda aims to evolve in three broad stages, namely the promotion of confidence building, development of preventive diplomacy and elaboration of approaches to conflicts and as part of that the ARF countries agreed a non-proliferation statement in 2004, a copy of which is included in this section of the Briefing Book.

European Union

Established in 1957 by the Treaty of Rome, the European Union (EU) currently has 25 Member States. A further two States are due to be admitted in January 2007. While the EU has always had an interest in arms control, disarmament and non-proliferation, especially since the adoption of its Common Foreign and Security Policy in the early 1990s, its involvement has recently become much more intensive and pro-active. During 2003, both the European Council and the Council of the European Union adopted general strategy documents outlining the broad approach of the EU towards preventing WMD proliferation. The European Council adopted an *EU Strategy Against Proliferation of Weapons of Mass Destruction* and the Council of the European Union adopted basic principles and an action plan for the implementation of the strategy. Also in 2003, the EU appointed its first Personal Representative of the High Representative on Non-Proliferation of WMD, Annalisa Giannella of Italy, who is responsible for overseeing the implementation of the strategy and for preparing six-monthly progress reports. More EU documents related to CBW are available at www.sussex.ac.uk/Units/spru/hsp/Harvard-Sussex-Program-The-EU-and-WMD.htm

Since the setting of strategic priorities in 2003, the EU has focused on more practical activities. In November 2003, the Council of the European Union adopted Common Position 2003/805/CFSP on the universalisation and reinforcement of multilateral WMD agreements which called for all states to join the BWC and committed EU Member States to strengthened national implementation measures. In February 2006, the Council adopted Joint Action 2006/184/CFSP in support of the BWC. Under this Joint Action, the EU has committed €867,000 over 18 months for activities to promote the universality of the BWC and to support

the national implementation of the treaty. At the same time, the Council adopted a complementary action plan committing all EU Member States to submit CBMs every year starting in 2006 and to volunteer expertise to the UN Secretary-General by the end of 2006 for the investigation of BW allegations. The Council adopted Common Position 2006/242/CFSP in March 2006 setting out the EU's objectives for the Sixth BWC Review Conference; committing all EU Member States to supporting a full review of the BWC at the Review Conference and the convening of a further intersessional work programme between the Sixth and Seventh Review Conferences, as well as a range of other measures designed to contribute to a successful outcome to the Conference. This section of the Briefing Book includes a copy of the 2003 Common Position, the 2006 Joint Action and Action Plan and the 2006 Common Position.

Latin America

In September 1991 in Mendoza, Argentina, the governments of Argentina, Brazil and Chile jointly signed the Declaration of Mendoza which committed the three countries not to “develop, produce or acquire in any way, stockpile or retain, transfer directly or indirectly, and not to use chemical or biological arms.” The Declaration was agreed in the context of the negotiation of the Chemical Weapons Convention and is primarily concerned with supporting the negotiation but, in its preambular determination to “consolidate the region as an area of peace and cooperation, free from the scourge of these weapons of mass destruction”, it can be seen as a precursor of later declarations by the Organization of American States. The Declaration was subsequently also signed by Bolivia, Ecuador, Paraguay and Uruguay. A copy of the declaration is included in this section of the Briefing Book.

In December 1991, the leaders of the Andean Group countries (Bolivia, Colombia, Ecuador, Peru and Venezuela) signed a Declaration on Renunciation of Weapons of Mass Destruction in Cartagena des Indias. The declaration obliged its signatories not to produce, develop, use, test and transfer weapons of mass destruction, whether nuclear, biological, toxin or chemical weapons, and to refrain from storing, acquiring or holding such weapons. Regarding the BWC specifically, the Declaration states: “They express support for the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, as well as the negotiations aimed at strengthening its verification machinery.” Like the slightly earlier Mendoza Declaration, the Cartagena Declaration states the goal of “the transformation of Latin America and the Caribbean into the first inhabited area of the planet which is free of weapons of mass destruction”. A copy of the declaration is included in this section of the Briefing Book.

Non-Aligned Movement

The first conference of non-aligned heads of state was held in Belgrade in September 1961. The Non-Aligned Movement (NAM) currently has over 110 Member States. Summit meetings of NAM heads of state are held approximately every three years and there have been fourteen to date with the most recent being held in Cuba in September 2006. After each summit, the host country becomes chair of the NAM until the next summit meeting, so Cuba is the current chair of the NAM. This section of the Briefing Book contains an extract from the 2006 NAM summit declaration relating to the BWC.

Organization of American States

The Organization of American States (OAS) brings together 35 independent countries (however, while Cuba remains a member of the OAS, its government has been excluded from participation since 1962) to strengthen cooperation and advance common interests in the Western Hemisphere. At the Second Summit of the Americas, held in Santiago, Chile, in 1998 the Heads of State and Government decided to promote regional dialogue taking into account the new post Cold War political, economic, social, and strategic-military factors with a view to revitalizing and strengthening the institutions of the Inter-American system.

One result of this regional dialogue was momentum to make the region a chemical and biological weapons-free zone, building on earlier commitments in the Mendoza and Cartagena Declarations of 1991. In October 2003, a Special Conference in Mexico City adopted the "Declaration on Security in the Americas" which represented a new approach to hemispheric security taking into account the impact of globalization and other changes in the region. The Declaration emphasized the commitment of all states in the region to the BWC and to its full implementation. It additionally declared as an objective of the OAS making the Americas a region free of chemical and biological weapons. This latter objective was put into effect by a resolution of the 34th OAS General Assembly in Quito in 2004 in which OAS Member States resolved to "concretely fulfill the shared commitment of member states to make the Americas a region free of biological and chemical weapons." A copy of the resolution is included in this section of the Briefing Book.

Southeast Asia

In February 2005, Australia and Indonesia jointly organized a BWC Regional Workshop in Melbourne to provide a forum for BWC States Parties in the Asia-Pacific region to discuss effective national implementation of the BWC. The intention of the workshop was to "bring Geneva to Melbourne for a week" to enable further exploration and sharing of experiences of BWC implementation from a regional perspective, based on the 3-year intersessional work programme adopted by the Fifth BWC Review Conference in 2002. Officials from the following States participated in the workshop: Australia, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, New Zealand, Papua New Guinea, Philippines, Singapore, Thailand and Viet Nam. A follow-up BWC Regional Workshop was held in Bali in March 2006 attended by the same countries as the first workshop, with the exception of Brunei Darussalam and Singapore. The summaries from the proceedings of each workshop are provided in this section of the Briefing Book.

**ASEAN Regional Forum Statement on Non-Proliferation
Jakarta, 2 July 2004**

1. The Chairman of the ASEAN Regional Forum, on behalf of the ARF participants, issues the following statement:
2. Recognizing that:
 - A. The proliferation of weapons of mass destruction (WMD) in all its aspects and their means of delivery constitute a threat to international peace and security and a growing danger to all states;
 - B. The proliferation of WMD and the spread of terrorist groups increase the risk that terrorists may gain access to WMD and their means of delivery;
 - C. A multilateral approach to security, including disarmament and nonproliferation, contributes to maintaining international order, therefore every effort should be undertaken to uphold, implement and strengthen the multilateral disarmament and nonproliferation treaties and agreements to which ARF participants are States Parties.
 - D. The support of international institutions charged respectively with verification and upholding of compliance with these treaties is of key importance.
 - E. It is vital to prevent terrorists or those who harbor them from acquiring or developing WMD, their means of delivery, and related materials, and continued efforts to reduce this threat should be greatly encouraged.
 - F. In the interest of international peace and security, ARF participants agree that it is vital that we prevent, with utmost vigilance and urgency, the proliferation of WMD, their means of delivery, and related materials.
 - G. The effort to prevent the proliferation of WMD and their means of delivery requires a comprehensive approach in accordance with international law.
 - H. Critical to such an approach is to encourage all ARF participants to comply with their respective nonproliferation commitments and disarmament obligations under the international treaties to which they are parties. They are also encouraged to adopt new measures as appropriate on effective export controls and on establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.
 - I. The ARF has long recognized the threat posed by the proliferation of WMD and their means of delivery to the Asia-Pacific region and the need to uphold, implement and strengthen the multilateral disarmament and nonproliferation treaties and agreements to which ARF participants are states parties. These principles were reflected in the 1996 ARF Chairman's Statement, which referred to the ARF Seminar on Nonproliferation in Jakarta on December 6-7, 1996, and in subsequent ARF statements. The ARF commends Canada's proposal to conduct a seminar on export licensing in the next ARF cycle.
 - J. The prevention of proliferation should not hamper international cooperation in materials, equipment and technology for peaceful purposes.
3. The ARF supports, in line with Article 25 of the UN Charter, the adoption of UN Security Council Resolution 1540 on nonproliferation of weapons of mass destruction (2004) and presumes that all its provisions, having unequivocal supremacy over this Statement, should be effectively implemented. To this end, ARF participants will closely collaborate with each other and duly cooperate with the Committee of the Security Council established under Resolution 1540. This Statement is a contribution at the regional level to achieving the goals of the aforesaid Resolution
4. The ARF notes the progress that has been made by ARF participants in addressing proliferation concerns. The ARF encourages ARF participants to further enhance their efforts and commitments to prevent the proliferation of WMD and their means of delivery in a more comprehensive manner that takes into account ARF participants' resources and capacities. The ARF encourages ARF participants to make best efforts:

- A. To redouble their efforts to maintain and strengthen the disarmament and nonproliferation treaties, and for all States parties to these treaties to fully implement them in accordance with their obligations under these treaties.
 - B. To enact or improve national legislation, regulations and procedures to exercise effective control over the transfer of WMD and related materials, while ensuring that such legislation, regulations and procedures are consistent with the obligations of States Parties under international treaties;
 - C. To strengthen cooperation in sharing of information among ARF participants and with relevant multilateral and international organizations in order to deal effectively with proliferation of WMD and their means of delivery and related transfers.
 - D. To take cooperative measures to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials in accordance with national legal authorities and legislation and consistent with international law; and
 - E. To strengthen national legal measure, as appropriate, for criminalizing the illicit exports of equipment and technology that contributes to the proliferation of WMD, their delivery systems, and related materials.
5. To accomplish these goals, ARF participants have decided to carry out the following cooperative actions, as appropriate and in accordance with international law, for strengthening measures against proliferation of WMD and their means of delivery:
- A. ARF participants will implement effective export controls and enforcement measures to control the transfer of materials, technology and expertise that can contribute to the design, development, production or use of WMD and their means of delivery, where necessary reinforcing their national authorities and capabilities toward this end, while ensuring that such policies and practices are consistent with obligations of States Parties to the international treaties. However, efforts to prevent the proliferation of WMD should not hamper international cooperation in material, equipment and technology for peaceful purposes.
 - B. To this end, ARF participants recognize the utility of effective national export control lists as well as the need, where necessary to rigorously enforce and further develop them, without affecting the rights to develop research, production and use of (nuclear, chemical and biological) materials for peaceful purposes.
 - C. Given that safe and secure management of radioactive sources is very important in the current security climate, ARF participants will review their abilities to control radioactive sources and will make a political commitment to work toward following guidance contained in the International Atomic Energy Agency's (IAEA) Code of Conduct on the Safety and Security of Radioactive Sources, or "Code."
 - D. Agreeing that the denuclearization of the Korean Peninsula would contribute to the peace and stability of the Asia-Pacific region, ARF participants will continue to support the Six Party Talks to resolve the nuclear issue peacefully through dialogue.
 - E. ARF participants will continue to enhance cooperation with the IAEA and the OPCW in order to strengthen international nuclear and chemical safeguards respectively, and to uncover networks that provide WMD-related equipment, materials and technologies illegally.
 - F. All participants will foster regional dialogue and cooperation in order to strengthen a global response to this serious challenge and threat to international security.
6. In addition, ARF participants decided that they will:
- A. Work actively with international cooperative mechanisms to provide, when and where possible, technical assistance to strengthen mechanisms against proliferation of WMD, their delivery systems and related materials and technologies, to ARF participants that request such assistance; and
 - B. Encourage the ARF Chair to explore with the ASEAN Secretariat, or, if established, and ARF Unit, whether it would be willing to record requests from ARF participants for assistance in implementing measures to strengthen their respective WMD national authorities and other mechanisms against proliferation of WMD, their delivery systems and related materials and technologies.

7. ARF participants will review the progress of these and other efforts to strengthen nonproliferation of WMD in all its aspects and their delivery means at the 12th ARF Ministerial Meeting in 2005

(Acts adopted pursuant to Title V of the Treaty on European Union)

**COUNCIL COMMON POSITION 2003/805/CFSP
of 17 November 2003**

on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union, and in particular Article 15 thereof,

Whereas:

(1) At Thessaloniki, the European Council stated that the proliferation of weapons of mass destruction and means of delivery is a growing threat to international peace and security; the risk that terrorists will acquire chemical, biological, radiological or nuclear materials adds a new dimension to this threat. Therefore, the European Council decided that the EU collective effort would focus, *inter alia*, on working towards the universal ratification of, and adherence to, the key disarmament and non-proliferation treaties and agreements and, when necessary, towards the strengthening thereof.

(2) In its Action Plan for the implementation of the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction, the EU and its Member States undertook to promote at political level universal adherence to instruments relating to weapons of mass destruction and their means of delivery.

(3) The restatement of this policy would serve as a yardstick in the negotiations of EU positions in international forums, and it is therefore appropriate to formulate it in a Council Common Position,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objectives of this Common Position are:

- (a) to promote the universal ratification of, and adherence to, the following multilateral agreements and, where necessary, to reinforce their provisions, including by ensuring compliance:
- (i) Nuclear Non-Proliferation Treaty and Safeguards Agreements (NPT);

(ii) Additional Protocols with the International Atomic Energy Agency (IAEA Additional Protocols);

(iii) Chemical Weapons Convention;

(iv) Biological and Toxin Weapons Convention;

(v) The Hague Code of Conduct against Ballistic Missile Proliferation;

(b) to promote the early entry into force of the Comprehensive Nuclear Test-Ban Treaty.

These key instruments provide a basis for the international community's disarmament and non-proliferation efforts, which contribute to international confidence, stability and peace, including the fight against terrorism.

Article 2

In pursuit of the objectives set up in Article 1, the EU and its Member States will pay particular attention to the need to reinforce compliance with the multilateral treaty regime by:

- enhancing the detectability of violations, and
- strengthening the enforcement of obligations established by this treaty regime.

To this end, particular emphasis will be placed on making best use of existing verification mechanisms and, where necessary, establishing additional verification instruments as well as strengthening the role of the UN Security Council which has the primary responsibility for the maintenance of international peace and security.

Article 3

The EU and its Member States will focus their diplomatic action on the pursuance of the objectives referred to in Articles 1 and 2, in accordance with the modalities set out below.

Article 4

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, under Article VI thereof. Achieving universal adherence to the NPT is of crucial importance. To that end, the EU will:

- call on all those States not yet parties to the NPT to accede unconditionally to the NPT as non-nuclear-weapon States and to place all their nuclear facilities and activities under the provisions of the IAEA Comprehensive Safeguards System,
- urge those States not yet having entered into Safeguards Agreements with the IAEA to fulfil their obligations in accordance with Article III of the NPT and to conclude such agreements as a matter of urgency,
- promote all the objectives laid down in the NPT,
- support the Final Document of the 2000 NPT Review Conference and the Decisions and Resolution adopted at the 1995 NPT Review and Extension Conference,
- promote further consideration of security assurances,
- promote measures to ensure that any possible misuse of civilian nuclear programmes for military purposes will be effectively excluded.

Article 5

The EU considers the IAEA Additional Protocols to be an integral part of the IAEA Safeguards System. By raising the standard for compliance and by making it easier to detect violations, the Additional Protocols strengthen the NPT. In order to promote the universal adoption and implementation of the Additional Protocols, the EU will:

- urge the early ratification of the Additional Protocols by the EU Member States and Acceding Countries by the end of 2003,
- urge other regional organisations to do likewise,
- work towards making the Additional Protocols and Safeguards Agreements the standard for the IAEA verification system and work towards universal adherence to the Additional Protocols,
- encourage strong political and financial support for the work of the IAEA.

Article 6

The Chemical Weapons Convention is a unique disarmament and non-proliferation instrument the integrity and strict application of which must be fully guaranteed. Effective national implementation is essential for the effective operation of the Convention. In order to strengthen the Convention, the EU will:

- encourage those countries that have not yet adhered to or ratified the Convention to do so without delay,
- encourage all countries which are parties to the Convention to enact without delay necessary national implementation measures, including penal legislation. Such measures must reflect the comprehensive nature of the Convention's provisions,
- urge those States concerned to ensure compliance with their obligation to destroy chemical weapons and to destroy or convert chemical weapons production facilities within the time limits provided for by the Convention,
- work towards the bans on chemical weapons being declared universally binding rules of international law.

Article 7

The Biological and Toxin Weapons Convention (BTWC) is a cornerstone in the effort to prevent biological agents or toxins from being used as weapons. The EU continues to support the principle of verification of the BTWC.

In order to strengthen the Convention, the EU will:

- make specific efforts to convince States which have not yet adhered to or ratified the Convention to do so without delay,
- work towards identifying effective mechanisms to strengthen and verify compliance within the BTWC,
- work to ensure concrete outcomes from the annual meetings to be held between 2003 and 2005, in preparation for the Sixth Review Conference in 2006,
- put emphasis on, where necessary, strengthening national implementation measures, including penal legislation, and control over pathogenic microorganisms and toxins in the framework of the BTWC,
- work towards the bans on biological and toxin weapons being declared universally binding rules of international law.

Article 8

The Hague Code of Conduct against Ballistic Missile Proliferation is an important tool against the growing proliferation of ballistic missiles capable of carrying weapons of mass destruction. The Code establishes fundamental principles where previously there were none and represents a crucial step towards a possible multilateral arrangement to prevent ballistic missiles proliferation. The EU will:

- convince as many countries as possible to subscribe to it, especially those with ballistic missile capabilities,
- work together with other subscribing States to develop further and implement the Code, in particular the confidence building measures provided for in the Code,
- promote, where possible and appropriate, a closer relationship between the Code and the UN system.

Article 9

The EU will promote the early entry into force of the Comprehensive Nuclear Test-Ban Treaty in accordance with the terms set out in Council Decision 2003/567/CFSP of 21 July 2003 implementing Common Position 1999/533/CFSP relating to the European Union's contribution to the promotion of the early entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT) ⁽¹⁾.

Article 10

This Common Position shall take effect on the date of its adoption.

Article 11

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 17 November 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ OJ L 192, 31.7.2003, p. 53.

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL JOINT ACTION 2006/184/CFSP

of 27 February 2006

in support of the Biological and Toxin Weapons Convention, in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction

THE COUNCIL OF THE EUROPEAN UNION,

(5) The Commission is entrusted with the supervision of the proper implementation of the EU financial contribution,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

HAS ADOPTED THIS JOINT ACTION:

Whereas:

Article 1

(1) On 12 December 2003, the European Council adopted the EU Strategy against the Proliferation of Weapons of Mass Destruction, Chapter III of which contains a list of measures to combat such proliferation.

1. For the purpose of giving immediate and practical application to some elements of the EU Strategy against the Proliferation of Weapons of Mass Destruction, the European Union shall support the BTWC, with the following objectives:

(2) The European Union is actively implementing the EU Strategy and is giving effect to the measures listed in Chapter III thereof, in particular those related to reinforcing the Biological and Toxin Weapons Convention (BTWC), including supporting national implementation of the BTWC, and continuing the reflection on the verification mechanism.

— promotion of the universality of the BTWC,

— support for implementation of the BTWC by the States Parties.

(3) The submission of Confidence Building Measures (CBMs) constitutes an important element to increase transparency in the implementation of the BTWC and an EU Action Plan has been agreed upon to improve the number of CBMs submitted by Member States and to encourage all Member States to submit lists of appropriate experts and laboratories to the United Nations Secretary-General (UNSG), the results of which could serve to define the contents of further Joint Actions in this field.

2. The projects corresponding to measures of the EU Strategy are those that aim at:

— promotion of the universality of the BTWC by carrying out activities, including regional and sub-regional workshops and seminars, aimed at increasing the membership of the BTWC,

— assistance to States Parties for the national implementation of the BTWC, in order to ensure that States Parties transpose the international obligations of the BTWC into their national legislation and administrative measures.

(4) The Review Conference of the BTWC in 2006 will be a good opportunity to agree on specific, practical and realistic measures to strengthen both the BTWC and compliance with it. In this regard, the European Union remains committed to developing measures to verify compliance with the BTWC. In the absence of negotiations on such a verification mechanism however, much useful work remains to be done within the perimeters of the intersessional BTWC work programme.

A detailed description of the abovementioned projects is set out in the Annex.

Article 2

1. The Presidency shall be responsible for the implementation of the Joint Action in full association with the Commission. The Commission shall supervise the proper implementation of the financial contribution referred to in Article 3.

2. In order to carry out the objectives specified in Article 1(1), the Presidency shall be assisted by the Secretary-General/High Representative for CFSP (SG/HR), who will be responsible for the political coordination of the implementation of the projects referred to in Article 1(2).

3. The technical implementation of the projects referred to in Article 1(2) shall be entrusted to the Graduate Institute of International Studies, Geneva, which shall perform its tasks under the responsibility of the Presidency and under the control of the SG/HR.

Article 3

1. The financial reference amount for the two projects listed in Article 1(2) shall be EUR 867 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the Community procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community.

3. For the purpose of implementing the projects referred to in Article 1(2), the Commission shall conclude a financing arrangement with the Graduate Institute of International Studies, Geneva, referred to in Article 2(3).

Article 4

The Presidency, assisted by the SG/HR, shall report to Council on the implementation of this Joint Action on the basis of regular reports prepared by the Graduate Institute of International Studies, Geneva. The Commission shall be fully associated and shall provide information on the financial implementation of the projects referred to in Article 1(2).

Article 5

This Joint Action shall enter into force on the day of its adoption.

It shall expire 18 months after its adoption.

Article 6

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 27 February 2006.

For the Council
The President
U. PLASSNIK

ANNEX

1. Objective

Overall objective: to support the universalisation of the BTWC and, in particular, to promote the accession to the BTWC by States not Party (signatory States as well as non-signatory States) and to support the implementation of the BTWC by the States Parties.

Description: EU assistance to the BTWC will be focused on the following areas identified by the European BTWC States Parties as requiring urgent action:

- (i) Promotion of the universality of the BTWC;
- (ii) Support for implementation of the BTWC by the States Parties.

The projects described below will benefit exclusively from EU support.

2. Project description**2.1. Project 1: Promotion of the universality of the BTWC**

Project purpose:

Enhanced membership of the BTWC through regional and sub-regional workshops. The aim of the workshops will be to encourage greater membership and thereby enhanced implementation of the BTWC in these regions and to explain the benefits and consequences of acceding to the BTWC and to understand the needs of the States not Party to the BTWC in order to assist their accession and offer EU technical and drafting assistance to States in need.

Project results:

- (i) Enhanced membership of the BTWC in various geographical regions (in West and Central Africa, Eastern and Southern Africa, the Middle East, Central Asia and the Caucasus, Asia and the Pacific Islands, Latin America and the Caribbean);
- (ii) Strengthened regional networking, involving sub-regional organisations and networks in various areas relevant to the BTWC.

Project description:

The project provides for the organisation of five regional workshops in 2006 - 2007 in three consecutive stages. The first preparatory stage consists in establishing the contacts with relevant actors (diplomatic and expert community), holding preparatory meetings and drafting information packages, carrying forward research and implementation status review in targeted countries and creating an internet-based Information and Collaboration Management System of the project. The aim of the second stage is to raise awareness of the relevance of the BTWC among the diplomatic community and more widely among national administrations of selected countries and found the grounds for effective participation of the countries concerned in the third stage of the project. To this end, the series of meetings with diplomats of selected countries will be organised in Brussels, Geneva, The Hague and New York, where the BTWC-related diplomatic activities usually take place. Five regional workshops are foreseen in the third stage of the project:

- (a) Workshop on the BTWC for Signatory States and States not Party in West and Central Africa to bring about participation by decision-makers and regional organisations, e.g. African Union. Representatives, including from Cameroon, Central African Republic, Republic of Chad, Côte d'Ivoire, Gabon, Guinea, Liberia and Mauritania, will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in this region would also be invited to participate in the workshop.

- (b) Workshop on the BTWC for Signatory States and States not Party in Eastern and Southern Africa to bring about participation by decision-makers and regional organisations, e.g. African Union. Representatives, including from Angola, Burundi, Comoros, Djibouti, Eritrea, Madagascar, Malawi, Mozambique, Namibia, Somalia, United Republic of Tanzania and Zambia, will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in this region would also be invited to participate in the workshop.
- (c) Workshop on the BTWC for Signatory States and States not Party in the Middle East. Representatives, including from Egypt, Israel, Syrian Arab Republic and United Arab Emirates will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in this region would also be invited to participate in the workshop.
- (d) Workshop on the BTWC for Signatory States and States not Party in Asia and the Pacific Islands. Representatives, including from the Cook Islands, Kiribati, Marshall Islands, Micronesia, Myanmar, Nauru, Nepal, Niue, Samoa and Tuvalu, will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in this region would also be invited to participate in the workshop.
- (e) Workshop on the BTWC for Signatory States and States not Party in Latin America and the Caribbean. Representatives, including from Haiti, Guyana and Trinidad and Tobago, will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in the region would also be invited to participate in the workshop.

Estimated Cost: EUR 509 661

2.2. *Project 2: Assistance to States Parties for the national implementation of the BTWC*

Project purpose:

To ensure that States Parties transpose the international obligations of the BTWC into their national legislation and administrative measures.

Project results:

In accordance with what was identified by the States Parties within the 'BTWC intersessional Process', three common elements in their national implementing approaches must be achieved:

- (i) adoption of national legislation, including penal legislation, which encompasses the full scope of the prohibitions of the Convention;
- (ii) effective regulations or legislation to control and monitor transfers of relevant dual-use technologies;
- (iii) effective implementation and enforcement to prevent violations and to sanction breaches.

Project description:

The project is aimed at filling a gap which exists in the BTWC implementation, such as the absence of legal advisory network or implementation Action Plan, non-existence of national focal points for the BTWC implementation, insecurity as regards the minimal national implementation standards of the BTWC. In order to cope with these shortcomings, the project foresees the preparatory phase which includes the establishment of the pool of EU legal experts and research and consultation activities. Following implementation, assistance actions will be taken as a next step:

- (a) A conference will be organised in the context of the preparation for the 2006 BTWC Review conference in order to receive specific needs of requesting States Parties who are yet to fulfil their BTWC obligations.

(b) Assistance visits on legal and technical aspects in order to respond to specific needs of requesting States Parties will be organised. The visits will address the drafting of national legislation to ensure that the obligations of the BTWC are effectively transformed into a range of national laws and measures, including appropriate criminal provisions. The EU will also assist States to adopt measures in order to ensure the appropriate physical protection of biological agents and toxins, as well as related material and equipment. The duration of each visit will be about five days. These visits will comprise no more than three experts for each visit. Experts from EU Member States will be invited to join.

(c) Furthermore, the projects will provide translations of the BTWC, as appropriate, that will subsequently be made available on the internet.

Estimated Cost: EUR 277 431

3. Duration

The total estimated duration for the implementation of this Joint Action is 18 months.

4. Beneficiaries

The beneficiaries of universality-related activity are States not Party to the BTWC (both signatory States and non-signatory States). The beneficiaries of implementation-related activities are States Parties to the BTWC.

5. Implementing entity

The Graduate Institute of International Studies, Geneva (through its Bioweapons Prevention Project, BWPP, Director, Dr Zanders) is entrusted with the technical implementation of the two projects, in the framework of the political coordination by the Secretary-General/High Representative through his Personal Representative on non-proliferation of Weapons of Mass Destruction. The regional workshops and consultations foreseen will be organised with the support of the EU Institute for Security Studies. In carrying out its activities, the BWPP shall cooperate, as appropriate, with local missions of Member States and the Commission.

6. Estimated required means

The EU contribution will cover 100 % of the implementation of the projects as described in this Annex. The estimated costs are as follows:

Project 1	EUR 509 661
Project 2	EUR 277 431
Administrative costs (7 % of the direct cost)	EUR 55 096
TOTAL COST (excluding contingencies):	EUR 842 188

In addition, a contingency reserve of about 3 % of eligible costs (EUR 24 812) is included.

TOTAL COST (including contingencies):	EUR 867 000
---------------------------------------	-------------

7. Financial reference amount to cover the cost of the projects

The total cost of the projects is EUR 867 000.

I

(Information)

COUNCIL**EU Action Plan on biological and toxin weapons, complementary to the EU Joint Action in support of the BTWC**

(2006/C 57/01)

Introduction

The Council adopted on 27 February 2006 an EU Joint Action in support of the BTWC, including EU financial assistance. In addition, and complementary to the measures contained in that Joint Action, the EU hereby adopts an Action Plan on biological and toxin weapons. This Action Plan contains two measures to be implemented by EU Member States which do not require EU funding.

I. Efficient use of CBM*Purpose*

The EU wishes to revitalise interest in and use of CBMs. Increased use of CBMs would increase transparency in implementation of the BTWC.

Description

To this end, all EU Member States will ensure the fulfilment of their obligation under the BTWC to file a CBM return each year, beginning with 2006 as a first step. Notably, the EU will ensure that the current nine topics, each of which has its own reporting form, are reported each year by every BTWC State Party of the EU. Submission of CBM's by all EU Member States on a yearly basis would allow the EU to take diplomatic action towards other States Parties to the BTWC to fulfil their obligations under the Convention. EU Member States will furthermore develop thoughts on how best to improve the effectiveness of CBM's in the context of the BTWC and discuss these with other BTWC States Parties.

II. Investigations of alleged use of BW*Purpose*

The EU wishes to increase the effectiveness of the current UN Secretary General's mechanism for investigating cases of alleged use of (chemical) biological and toxin weapons. This mechanism is well established in legal terms, having received the endorsement of both the General Assembly and the Security Council. Separately the EU believes that the mechanism, which is now 15 years old, should be reviewed and updated as necessary.

Description

EU Member States will consider and volunteer expertise to the Secretary General in helping him update the lists of experts and laboratories that he may call on for an investigation. EU Member States will aim to submit information to the UN Secretary-General by the end of December 2006 and review and update this information every two years. EU Member States will keep partners informed of the steps they have taken to implement this action and will work with like-minded UN members to achieve this.

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2006/242/CFSP

of 20 March 2006

relating to the 2006 Review Conference of the Biological and Toxin Weapons Convention (BTWC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) The European Union considers the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC) as a key component of the international non-proliferation and disarmament framework and the cornerstone of efforts to prevent biological agents and toxins from ever being developed and used as weapons. Furthermore, the European Union remains committed to the development of measures to verify compliance with the BTWC in the longer term.
- (2) On 17 May 1999, the Council adopted Common Position 1999/346/CFSP ⁽¹⁾ relating to progress towards a legally binding Protocol to strengthen compliance with the BTWC and on 25 June 1996, Common Position 96/408/CFSP ⁽²⁾ relating to preparation for the Fourth Review Conference of the BTWC.
- (3) On 17 November 2003 the Council adopted Common Position 2003/805/CFSP on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery ⁽³⁾. Under that Common Position, the BTWC is included as one of these multilateral agreements.
- (4) On 12 December 2003, the European Council adopted a Strategy against the Proliferation of Weapons of Mass Destruction which aims, *inter alia*, at reinforcing the BTWC, continuing reflection on verification of the BTWC, supporting national implementation of the BTWC, including through penal legislation, and strengthening compliance with it.
- (5) On 28 April 2004, the United Nations Security Council unanimously adopted Resolution 1540 (2004) describing the proliferation of weapons of mass destruction and their means of delivery as a threat to international peace and security. Implementation of the provisions of this Resolution contributes to implementation of the BTWC.
- (6) On 1 June 2004, the Council adopted a statement of support for the Proliferation Security Initiative on Weapons of Mass Destruction.
- (7) On 14 November 2002, the States Parties to the BTWC decided, by consensus, to hold three annual meetings of States Parties of one week duration commencing in 2003 until the Sixth Review Conference, to be held not later than the end of 2006. Each meeting of the States Parties would be prepared by a two-week meeting of experts, and the Sixth Review Conference would consider the work of these meetings and decide on any further action. The States Parties decided that the Sixth Review Conference would be held in Geneva in 2006, and would be preceded by a Preparatory Committee.
- (8) On 13 December 1982, the United Nations General Assembly adopted a Resolution (A/RES/37/98) on Chemical and Bacteriological (Biological) Weapons requesting the United Nations Secretary-General to investigate information that may be brought to his attention concerning activities that may constitute a violation of the 1925 Geneva Protocol. On 26 August 1988 the United Nations Security Council adopted Resolution 620 which, *inter alia*, encourages the Secretary-General to carry out promptly investigations in response to allegations concerning the possible use of chemical and bacteriological (biological) or toxin weapons that may constitute a violation of the 1925 Geneva Protocol.
- (9) On 27 February 2006, the European Union agreed on a Joint Action in respect of the BTWC with the objectives of promoting universality of the BTWC and supporting its implementation by States Parties in order to ensure that States Parties transpose the international obligations of the BTWC into their national legislation and administrative measures.

⁽¹⁾ OJ L 133, 28.5.1999, p. 3.

⁽²⁾ OJ L 168, 6.7.1996, p. 3.

⁽³⁾ OJ L 302, 20.11.2003, p. 34.

- (10) In parallel with the Joint Action, the European Union agreed on an Action Plan in respect of the BTWC in which Member States undertook to submit Confidence Building Measures returns to the United Nations in April 2006 and lists of relevant experts and laboratories to the United Nations Secretary-General to facilitate any investigation of alleged chemical and biological weapons use.
- (11) In the light of the forthcoming BTWC Review Conference during the period 20 November to 8 December 2006 and its Preparatory Committee 26 to 28 April 2006, it is appropriate to update the European Union position,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objective of the European Union shall be to strengthen further the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons Convention and on Their Destruction (BTWC). The European Union continues to work towards identifying effective mechanisms to strengthen and verify compliance with the BTWC. The European Union shall therefore promote a successful outcome of the Sixth Review Conference in 2006.

Article 2

For the purposes of the objective laid down in Article 1, the European Union shall:

- (a) contribute to a full review of the operation of the BTWC at the Sixth Review Conference, including the implementation of undertakings of the States Parties under the BTWC;
- (b) support a further intersessional work programme during the period between the Sixth and Seventh Review Conferences and identify specific areas and procedures for further progress under this work programme;
- (c) support a Seventh Review Conference of the BTWC, to be held no later than 2011;
- (d) help build a consensus for a successful outcome of the Sixth Review Conference, on the basis of the framework established by previous such Conferences, and shall promote, *inter alia*, the following essential issues:
 - (i) universal accession of all States to the BTWC, including calling on all States not party thereto to accede to the BTWC without further delay and to commit legally to the disarmament and non-proliferation of biological and toxin weapons; and, pending the accession of such States to the BTWC, encouraging such States to participate as observers in the meetings of the States Parties to the BTWC and to implement its provisions on a voluntary basis. Working towards the ban on biological and toxin weapons being declared universally binding rules of international law, including through universalisation of the BTWC;
 - (ii) full compliance with the obligations under the BTWC and effective implementation by all States Parties;
 - (iii) in relation to full compliance with all the provisions of the BTWC by all States Parties, strengthening, where necessary, national implementation measures, including penal legislation, and control over pathogenic micro-organisms and toxins in the framework of the BTWC. Working towards identifying effective mechanisms to strengthen and verify compliance within the BTWC;
 - (iv) efforts to enhance transparency through the increased exchange of information among States Parties, including through the annual information exchange among the States Parties to the Convention (Confidence Building Measures (CBM)), identifying measures to assess and enhance the country coverage and the usefulness of the CBM mechanism, and exploring the relevance of any possible enhancement of its scope;
 - (v) compliance with obligations under United Nations Security Council Resolution 1540 (2004), in particular to eliminate the risk of biological or toxin weapons being acquired or used for terrorist purposes, including possible terrorist access to materials, equipment, and knowledge that could be used in the development and production of biological and toxin weapons;
 - (vi) the G8 Global Partnership programmes targeted at support for disarmament, control and security of sensitive materials, facilities, and expertise;

(vii) consideration of, and decisions on further action on, the work undertaken to date under the intersessional programme during the period 2003 to 2005 and the efforts to discuss, and promote common understanding and effective action on: the adoption of necessary national measures to implement the prohibitions set forth in the BTWC, including the enactment of penal legislation; national mechanisms to establish and maintain the security and overseeing of pathogenic micro-organisms and toxins; 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; 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; the content, promulgation, and adoption of codes of conduct for scientists; noting that continued efforts on the abovementioned subjects will be required by all States Parties to enhance implementation of the BTWC.

Article 3

Action taken by the European Union for the purposes of Article 2 shall comprise:

(a) agreement by Member States on specific, practical and feasible proposals for the effective enhancement of the implementation of the BTWC for submission on behalf of the European Union for consideration by States Parties to the Convention at the Sixth Review Conference;

(b) where appropriate, approaches by the Presidency, pursuant to Article 18 of the Treaty on European Union

- (i) with a view to promoting universal accession to the BTWC;
 - (ii) to promote national implementation of the BTWC by States Parties;
 - (iii) to urge States Parties to support and participate in an effective and complete review of the BTWC and thereby reiterate their commitment to this fundamental international norm against biological weapons;
 - (iv) to promote the abovementioned proposals submitted by the European Union for States Parties' consideration which are aimed at further strengthening the BTWC;
- (c) statements by the European Union delivered by the Presidency in the run up to, and during, the Review Conference.

Article 4

This Common Position shall take effect on the day of its adoption.

Article 5

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 20 March 2006.

For the Council

The President

U. PLASSNIK

The Declaration of Mendoza

September 5, 1991

Mendoza, Argentina
September 5, 1991

The Government of the Federative Republic of Brazil, the Government of the Republic of Argentina, the Government of the Republic of Chile,

Convinced that total proscription of chemical and biological weapons will contribute to the strengthening of the security of all countries;

Determined to consolidate the region as an area of peace and cooperation, free from the scourge of these weapons of mass destruction;

Ratifying the respective unilateral declarations on non-possession of chemical weapons formulated by the three countries;

Agreeing with the need to prevent the dissemination of such weapons by means of a multilateral convention, being currently negotiated at the Conference on Disarmament, prohibiting completely chemical arms and their production facilities, urging all countries that manufacture and possess such weapons to be parties to the Convention;

Contributing to the confidence building measures agreed upon by the Party States of the 1972 Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) Weapons, and Toxin Weapons and on Their Destruction, which will hold its third Review Conference in Geneva from September 9 to 27;

Declare:

1. Their total commitment not to develop, produce or acquire in any way, stockpile or retain, transfer directly or indirectly, and not to use chemical or biological arms;
2. Until the future Convention on chemical arms enters into force, their commitment to study and analyze jointly all the necessary mechanisms for assuring the fulfillment of the agreement;
3. Until the Convention enters into force in accordance with international law, their intention of establishing in their respective countries appropriate inspection mechanisms for the substances defined as precursors of chemical warfare agents;
4. Their desire to cooperate closely to facilitate conclusion of a multilateral convention on the prohibition of chemical weapons and of subscribing simultaneously as original parties;
5. Their right to use all peaceful applications of chemistry and biology for economic and technological development and for the well being of their people;
6. Their conviction that the application of the Convention will create between the States Parties a sign of mutual trust that will allow substantial improvement of international cooperation in the exchange, among others, of chemical substances, related equipment and technology;
7. Their purpose of contributing decidedly to the success of the Third Review Conference of the Convention on the Prohibition of Biological Weapons and their readiness to examine ways of strengthening their verification mechanisms;
8. Their hope that other countries in the region will join this agreement.

Signed in the City of Mendoza, on 5 September 1991, in two originals, in Portuguese and Spanish, both texts being equally authentic.

Francisco Rezek
for the Government of the
Federative Republic of Brazil

Guido de Tella
for the Government of the
Republic of Argentina

Enrique Silva Cimma
for the Government of the
Republic of Chile

Cartagena Declaration On Renunciation Of Weapons Of Mass Destruction *4 December 1991*

The Presidents of the member countries of the Andean Group, meeting in the city of Cartagena de Indias,

Considering that the fundamental changes in international relations resulting from East-West détente and the end of the cold war are of major historical significance and offer new possibilities for strengthening international peace and security,

Aware that in the current global process of détente, international security and cooperation, particularly in Latin America and the Caribbean, must be approached in an all-round manner and linked to the strengthening of democracy, the fostering of a climate of peace between neighbours, the full realization of human rights and the promotion of the economic and social welfare of our peoples,

Determined to contribute to the global process of international détente that is currently under way,

Resolved to prevent the introduction of weapons of mass destruction in Latin American and the Caribbean, which would lead to a ruinous arms race and thereby limit the allocation and transfer of greater financial resources for the socio-economic development of the region,

Standing ready to strengthen the role of the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and its protocols, and to extend that ban to all categories of weapons of mass destruction, in order to transform this region into a zone free of such weapons,

Reaffirming their support for the Acapulco Commitment to Peace, Development and Democracy adopted at the first summit meeting of heads of State of the Mechanism for Consultation and Concerted Political Action, in which it is stated that the approach to security in our region must cover both the aspects of peace and stability and those relating to political, economic and financial vulnerability,

Endorsing the Guadalajara Declaration, which calls for the promotion of conventional disarmament and the banning of weapons of mass destruction and seeks to ensure that measures to control and reduce such weapons do not hinder legitimate access to advanced technologies for peaceful purposes that are essential for the socio-economic development of the peoples of the region,

Expressing their support for the subregional and multilateral undertakings in favour of disarmament, including the Treaty on the Non-Proliferation of Nuclear Weapons, the 1974 Declaration of Ayacucho, the Andean Agreement on Peace, Security and Cooperation and the Foz do Iguazú declaration on Argentine-Brazilian common nuclear policy, as well as the resolutions approved by the twenty-first General Assembly of OAS on cooperation for the security of the western hemisphere and limitation of the proliferation of instruments of war and weapons of mass destruction, the declaration on the exclusively peaceful uses of nuclear energy signed by the Presidents of Argentina and Brazil, and the Mendoza Accord,

Have agreed on the following Declaration:

1. They welcome the initiative of the Government of Peru concerning the prohibition of weapons of mass destruction in Latin America and the Caribbean as the beginning of a gradual process to strengthen security and mutual trust in the region:
2. They proclaim the commitment of their Governments to renounce the possession,

production, development, use, testing and transfer of all weapons of mass destruction, whether nuclear, bacteriological (biological), toxin or chemical weapons, and to refrain from storing, acquiring or holding such categories of weapons, in any circumstances;

3. They reaffirm the inalienable right of their peoples to benefit, through international cooperation, from scientific and technological developments for exclusively peaceful uses in the field of nuclear energy, biology and chemical industry, and also to have access to space technologies;
4. They call on the countries that possess technology for the production of weapons of mass destruction to strengthen in an effective manner systems to monitor the transfer of such technologies;
5. They request the countries possessing weapons of mass destruction to undertake not to use such weapons and not to threaten their use against the parties to the present Declaration;
6. They announce their intention to become original signatories of the convention on the complete and effective prohibition of the development, production, use and stockpiling of chemical weapons and on their destruction, and to that end express their support for the negotiations being conducted in the Conference on Disarmament for the adoption of a chemical weapons convention in 1992;
7. They express support for the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, as well as the negotiations aimed at strengthening its verification machinery;
8. They declare their determination to promote the transformation of Latin America and the Caribbean into the first inhabited area of the planet which is free of weapons of mass destruction;
9. They declare that responsibility for proscribing the proliferation of weapons of mass destruction and halting the arms race falls on the entire international community, but particularly on the militarily important States and especially those which possess nuclear weapons;
10. They consider that it is urgently necessary to halt nuclear tests, in all environments, as the best means of putting an end to the qualitative improvement of nuclear weapons and the development of new types of such weapons;
11. They appeal to the other Governments of the region to become parties to the present declaration, and appeal to the entire international community, in general, to support the objectives and purposes set out in it and refrain from any action which may undermine the spirit of the present Declaration.

Cartagena de Indias, 4 December 1991

(Signed) Jaime Paz Zamora
President of Bolivia

(Signed) Cesar Gaviria Trujillo
President of Colombia

(Signed) Rodrigo Borja
President of Ecuador

(Signed) Alberto Fujimori
President of Peru

(Signed) Carlos Andrés Pérez
President of Venezuela

[Source: Conference on Disarmament Document CD/1114, 9 January 1992]

NAM 2006/Doc.1/Rev.3
Original: English

**14th SUMMIT CONFERENCE OF HEADS OF STATE OR
GOVERNMENT OF THE NON-ALIGNED MOVEMENT
Havana, Cuba
11th to 16th of September, 2006**

FINAL DOCUMENT

**Havana, Cuba
16 September 2006**

TABLE OF CONTENTS

INTRODUCTION 3

CHAPTER I: GLOBAL ISSUES 3

Review of the International Situation 3

Non-Aligned Movement: Role and Methods of Work 5

International Law 8

Promotion and Preservation of Multilateralism 11

Peaceful Settlement of Disputes, and Non-Use or Threat of Use of
Force 12

Culture of Peace and Dialogue among Civilisations, Religions and
Cultures 14

Defamation of Religions 16

Right to Self-Determination and Decolonisation 16

United Nations: Follow-up to the 2005 World Summit Outcome, the
Millennium Declaration and the Outcome of Major United Nations
Summits and Conferences 18

United Nations: Institutional Reform 19

A. Reform of the United Nations 19

B. Relationship among the Principal Organs of the United Nations
23

C. Revitalisation of the Work of the General Assembly 24

D. Appointment of the Secretary-General of the United Nations 26

E. Question of Equitable Representation and Increase in the
Membership of the Security Council, and other Matters Related to
the Security Council 26

F. Strengthening of the Economic and Social Council (ECOSOC) 30

G. Operationalisation of the Human Rights Council 30

H. Post-Conflict Peacebuilding Activities and the Operationalisation
of the Peacebuilding Commission 31

I. Review of Mandates of United Nations Programmes and Activities
33

J. United Nations Secretariat and Management Reform 34

United Nations: Financial Situation and Arrangement 34

United Nations: Peacekeeping Operations 35

Disarmament and International Security 38

Terrorism 48

Democracy 52

North-South Dialogue and Cooperation 53

Role of Regional Organisations 53

CHAPTER II: 54

REGIONAL AND SUB-REGIONAL POLITICAL ISSUES 54

Middle East 54

Peace Process 54

Occupied Palestinian Territory, including East Jerusalem 55

Occupied Syrian Golan 58

Remaining Occupied Lands in Southern Lebanon and the Recent
Israeli Aggression against Lebanon 58

Africa 60

Angola 60

Chagos Archipelago 60

Libyan Arab Jamahiriya 60

Somalia 61

The Sudan 61

The Sudan 61
 The Great Lakes Region 62
 Western Sahara 62
 Asia 63
 Afghanistan 63
 Iraq and Kuwait 64
 Iraq 64
 Korean Peninsula 65
 Southeast Asia 66
 Syrian Arab Republic 66
 Latin America and the Caribbean 66
 Belize and Guatemala 66
 Cuba 67
 Panama 67
 Venezuela 67
 Guyana and Venezuela 68
 Honduras 68
 Bolivia 68
 CHAPTER III: 69
 DEVELOPMENT, SOCIAL AND HUMAN RIGHTS ISSUES 69
 Introduction 69
 Least Developed Countries, Landlocked Developing Countries, and
 Small Island Developing States. 70
 Middle Income Developing Countries 71
 Trade 71
 South-South Cooperation 72
 International Migration and Development 73
 Water 75
 The Dead Sea 75
 The Caribbean Sea 75
 Energy 76
 Human Rights and Fundamental Freedoms 76
 Racism and Racial Discrimination, Slavery and Trafficking in
 Persons 81
 International Humanitarian Law 82
 Humanitarian Assistance 83
 Information and Communication Technology 84
 Advancement of Women 85
 Indigenous People 86
 Illiteracy 87
 Health, HIV/AIDS, Malaria, Tuberculosis and other communicable
 diseases 87
 Transnational Organised Crime 88
 Drug Trafficking 89
 Corruption 89
 Annex I: Member Countries of the Non – Aligned Movement 90
 Annex II: The Founding Principles of the Non-Aligned Movement 91

INTRODUCTION

1. The Heads of State or Government of the Movement of Non-Aligned Countries, met under the Chairmanship of H.E. Dr. Fidel Castro Ruz, President of the Council of State and the Council of Ministers of the Republic of Cuba, in Havana, Cuba on 15 and 16 September 2006 to address the existing, new and emerging global issues of collective concern and interest to the Movement, with a view to generating the necessary responses and initiatives thereof. In this regard, they reaffirmed and underscored the Movement's abiding faith in and strong commitment to its Founding Principles, ideals and purposes, particularly in establishing a peaceful and prosperous world as well as a just and equitable world order.

2. The Heads of State or Government affirmed the continued relevance and validity of all principled positions and decisions of the Movement as contained in the substantive outcome documents of the XIII Conference of Heads of State or Government of the NAM held in Kuala Lumpur on 24 and 25 February 2003 and the preceding twelve Summit Conferences of the Movement, as well as all preceding Ministerial Conferences or Meetings of the Movement.

101. The Heads of State or Government stressed that the issue of proliferation should be resolved through political and diplomatic means, and that measures and initiatives taken in this regard should be within the framework of international law; relevant conventions; the UN Charter, and should contribute to the promotion of international peace, security and stability.

102. The Heads of State or Government of the States Parties to the Biological and Toxin Weapons Convention (BWC) reaffirmed that the possibility of any use of bacteriological (biological) agents and toxins as weapons should be completely excluded, and the conviction that such use would be repugnant to the conscience of humankind. They recognised the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention. They reiterated their call to promote international cooperation for peaceful purposes, including scientific-technical exchange. They underlined the need to coordinate among the NAM States Parties to the Convention and expressed their commitment to work towards a successful outcome of the forthcoming Sixth Review Conference, to be held in Geneva, from 20 November to 8 December 2006.

103. The Heads of State or Government of the States Parties to the Chemical Weapons Convention (CWC) invited all States that have not yet signed or ratified the Convention to do so as soon as possible with a view to its universality. They reiterated their call on the developed countries to promote international cooperation through the transfer of technology, material and equipment for peaceful purposes in the chemical field and the removal of all and any discriminatory restrictions that are contrary to the letter and spirit of the Convention. They recalled that the full, effective and non-discriminatory implementation of the provisions of international cooperation contribute to the universality of the Convention. They also called upon States having declared possession of chemical weapons to bring about the destruction of their chemical weapons at the earliest possible date. While recognizing the financial and technical challenges for some possessors, they called upon those States Parties in a position to do so, and where requested, to assist such possessor States in the achievement of the total elimination of chemical weapons.

104. The Heads of State or Government regretted unsubstantiated allegations of non-compliance with relevant instruments on weapons of mass destruction and called on States Parties to such instruments that make such allegations to follow procedures set out in those instruments and to provide necessary substantiation for their allegations. They called upon all States parties to the respective international instruments to implement fully and in a transparent manner all their obligations under these instruments.

105. The Heads of State or Government expressed their satisfaction with the consensus among States on measures to prevent terrorists from acquiring weapons of mass destruction. They welcomed the adoption by consensus of the General Assembly Resolution 60/78 entitled "Measures to prevent terrorists from acquiring weapons of mass destruction" and underlined the need for this threat to humanity to be addressed within the UN framework and through international co-operation. While stressing that the most effective way of preventing terrorists from acquiring weapons of mass destruction is through the total elimination of such weapons, they emphasized that progress was urgently needed in the area of disarmament and non-proliferation in order to help maintain international peace and security and to contribute to global efforts against terrorism. They called upon all Member States to support international efforts to prevent terrorists from acquiring weapons of mass destruction and their means of delivery. They also urged all Member States to take and strengthen national measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture.

106. While noting the adoption of resolution 1540 (2004) and

g p ()
resolution 1673 (2006) by the Security Council, the Heads of State or Government underlined the need to ensure that any action by the Security Council does not undermine the UN Charter and existing multilateral treaties on weapons of mass destruction and of international Organisations established in this regard, as well as the role of the General Assembly. They further cautioned against the continuing practice of the Security Council to utilize its authority to define the legislative requirements for Member States in implementing Security Council decisions. In this regard, the Heads of State or Government stressed the importance of the issue of non-state actors acquiring weapons of mass destruction to be addressed in an inclusive manner by the General Assembly, taking into account the views of all Member States.

AG/RES. 2000 (XXXIV-O/04): The Americas As A Biological- And Chemical-Weapons-Free Region

June 8, 2004

(Adopted at the fourth plenary session held on June 8, 2004)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Permanent Council, in particular the section related to hemispheric security issues (AG/doc.4265/04 add.5 corr. 1);

AWARE of the determination of the international community to eradicate the development, production, use, stockpiling, and transfer of biological and chemical weapons;

BEARING IN MIND the Declaration on Security in the Americas, adopted at the Special Conference on Security, held in Mexico City, Mexico, in October 2003, in which the States of the Hemisphere declare their objective "to make the Americas a region free of biological and chemical weapons", and in particular the paragraphs 4.m, 4.y, 12, 13, and 14;

RECALLING its resolution "Cooperation for Security and Development in the Hemisphere: Regional Contributions to Global Security" [AG/RES. 1236 (XXIII-O/93)] which recognized the efforts of the member states to contribute to regional and global security and which commended them for their accession to the principles of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

RECALLING ALSO its resolutions "Inter-American Support for the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction" [AG/RES. 1624 (XXIX-O/99)] and "The Americas a Biological- and Chemical-Weapons-Free Region" [AG/RES. 1966 (XXXIII-O/03)];

NOTING that twenty-six member states are States Parties to the Chemical Weapons Convention and thirty-one member states are States Parties to the Biological Weapons Convention;

UNDERSCORING the importance of universal participation by all member states in the Biological and Chemical Weapons Conventions and their full implementation, in accordance with the domestic legal framework of each member state;

MINDFUL of the fundamental importance of full implementation and strict observance by member states of arms limitation, disarmament and non-proliferation obligations and commitments; and

WELCOMING the activities of the Organization for the Prohibition of Chemical Weapons (OPCW), among them the establishment of a working group, that encourage universal adherence to and foster full implementation of the CWC and of the practical program of work undertaken by BWC States Parties aimed at strengthening the Convention and stemming the biological weapons threat,

RESOLVES:

1. To concretely fulfill the shared commitment of member states to make the Americas a region free of biological and chemical weapons.
2. To reaffirm member states' commitment to arms control, disarmament, and the non-proliferation of all weapons of mass destruction, and to the principles and norms of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention); the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention); and the 1925 Geneva Protocol.
3. To urge those member states which have not yet done so to consider adhering as soon as possible to the Chemical Weapons Convention and the Biological Weapons Convention, to consider subscribing to the International Code of Conduct against Ballistic Missile Proliferation (ICOC), and to promote the universalization of these Conventions and Arrangements.
4. To urge member states to adopt, at the national level, legal and administrative measures for the implementation of the Chemical Weapons Convention and the Biological Weapons Convention.
5. To welcome the specific steps taken by a number of member states to adhere to and implement said Conventions.
6. To urge member states' participation in upcoming regional meetings of the Organization for the Prohibition of Chemical Weapons (OPCW) which encourage the universalization of the Chemical Weapons Convention, legislative measures to implement it, and the establishment of National Authorities to the OPCW.
7. To urge member states which have not yet done so, to establish National Authorities responsible for liaising with the OPCW, in accordance with the Chemical Weapons Convention.
8. To welcome efforts of the States Parties to the Biological Weapons Convention to promote measures for national implementation and strengthen the Convention in order to stem the threat of biological weapons threat.

9. To carry the message of the importance of the implementation of, and compliance with, relevant international obligations outside the region.
10. To request that the Permanent Council discuss and review, in the framework of the Committee on Hemispheric Security, the efforts of member states to fulfill their commitment to a region free of biological and chemical weapons, in accordance with paragraph 13 of the Declaration on Security in the Americas.
11. To urge member states to implement the recommendations contained within the Declaration on Security in the Americas to prevent and eliminate the proliferation of weapons of mass destruction.
12. To request that the Secretary General transmit this resolution to the Secretary-General of the United Nations and to the Director General of the OPCW.
13. To request the Permanent Council to report to the General Assembly at its thirty-fifth regular session on the implementation of this resolution, which will be carried out with the resources allocated in the program-budget of the Organization and other resources.

CONCLUDING SESSION*

As was outlined during the overview of the Biological Weapons Convention Regional Workshop on Monday,¹ the objective of this Workshop has been for us to become engaged, as a group of regional countries which are States Parties to the Biological Weapons Convention (BWC), to ‘discuss, and promote common understanding and effective action’ on the five topics included in the Geneva-based three-year BWC program of work, as well as other BWC-related issues. Our aim in this concluding session has been to consider the extent to which we, as a group of participants from a number of regional countries, have developed common understandings on the various issues discussed during the Workshop, and to explore how we might undertake effective action to achieve the objectives of the BWC three-year program of work.

Initially Dr Bob Mathews briefly reviewed the outcomes of the various discussions that had taken place in the first four days, highlighting what he thought had been the ‘common understandings’ reached on the five specific topics in the BWC three-year program of work. Participants were also encouraged to provide their views on these issues. Bob also highlighted a number of other BWC-related issues which were discussed during the Workshop, including issues such as Confidence Building Measures (CBMs) and the range of views expressed by participants as to their value as a means of raising confidence in the compliance of States Parties with their obligations under the BWC.

Then, under the leadership of Hasan Kleib, Workshop participants developed and drafted a Summary of Deliberations, which contains factual aspects of the Workshop, and agreed common understandings reached in the course of the Workshop on the various issues including national legislation, enhanced security of pathogens and toxins, bio-defence and disease surveillance, and codes of conduct. Again, under Hasan’s leadership, participants developed a text associated with five agreed follow-up activities. The BWC Regional Workshop Summary of Deliberations, as agreed in the Concluding Session, is reproduced on the following pages.

© R Mathews and H Kleib 2005.

* This session was co-chaired by Dr Bob Mathews and Hasan Kleib. Dr Mathews is Head of NBC Arms Control, Defence Science and Technology Organisation, in the Australian Department of Defence, Melbourne; Hasan Kleib is Director for International Security and Disarmament, Indonesian Department of Foreign Affairs.

¹ See Dr Bob Mathews, ‘Workshop Convenor’s Address at the Opening Ceremony: Overview of the Biological Weapons Convention Regional Workshop’ in Chapter I of this volume.

BIOLOGICAL WEAPONS CONVENTION REGIONAL WORKSHOP SUMMARY OF DELIBERATIONS

The Biological Weapons Convention (BWC)² Regional Workshop, co-hosted by the Governments of Australia and Indonesia, was held at the Asia Pacific Centre for Military Law (APCML) at the University of Melbourne Law School in Australia, from 21–25 February 2005. The Workshop objectives were to promote regional engagement in the Geneva-based three-year program of work and to provide a forum for the exchange of views on regional efforts to reduce the risk of inadvertent support for the hostile use of biological agents or bio-terrorism.

The Workshop was officially opened by Senator the Hon Robert Hill, Australian Minister for Defence, and Mr M Wahid Supriyadi, Indonesian Consul General to Melbourne. Regional participants attended from New Zealand, Papua New Guinea, and all Member States of the Association of Southeast Asian Nations (ASEAN) (Burma excepted as a non-State Party to the BWC). Expert keynote addresses were given by representatives from World Health Organization (WHO), the International Committee of the Red Cross (ICRC), the Commonwealth Scientific and Industrial Research Organisation (CSIRO), and by Ambassador Les Luck, Australian Ambassador for Counter-Terrorism. Site visits were made to the Defence Science and Technology Organisation (DSTO) bio-defence facility at Fishermans Bend and to the CSIRO's Australian Animal Health Laboratory near Geelong.

The participants expressed their gratitude to the Governments of Australia and Indonesia for co-hosting the Workshop and noted the contribution of the University of Melbourne — particularly the APCML and its staff.

GENERAL OVERVIEW OF BWC

Participants noted with regret the failure to conclude negotiations on a legally binding instrument (the Protocol) to strengthen the BWC in 2001, but recognised that the Geneva-based three-year program of work constitutes a basis for collaboration as we work together as a region to strengthen the BWC in the absence of the Protocol.

Workshop participants recognised the ongoing importance of regional groups and bilateral efforts to support continuing efforts to conclude the Protocol negotiations as expeditiously as possible.

Discussions were held on the main articles of the BWC — particularly Articles I, II, III, IV and X — identifying and agreeing upon the obligations States Parties have under these provisions.

The benefits of having enhanced security of pathogens nationally and within the region to reduce the likelihood of bio-terrorism were also highlighted. Participants were in agreement on the desirability of further discussions on capacity building measures in the region to further this end.

² *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, opened for signature 10 April 1972, 1015 UNTS 163 (entered into force 26 March 1975).

On the issue of Confidence Building Measures (CBMs), some participants consider them useful — an encouragement to the full implementation of the BWC as well as enhancing transparency among States Parties. In this regard, participants welcomed Australia's commitment to distribute copies of its 2004 CBM Declaration to participants once the Declaration has been finalised in April 2005.³ Participants also expressed views on the need to explore further ways and means of enhancing the effectiveness of CBMs.

NATIONAL LEGISLATION

Participants agreed that both the development and the enactment of domestic legislation to translate international obligations and prohibitions under the BWC into domestic law are imperative. They affirmed efforts to ensure that such national laws are effective.

Participants expressed support for the proposed APCML model legislation which will be finalised and distributed as expeditiously as possible.⁴

A number of participants presented national reports on existing legal, scientific and technical implementation measures for the BWC. Participants recognised the efforts which have already been undertaken at the national level and acknowledged the value of sharing experiences. Participants expressed the desire for further information-sharing to facilitate effective reviews of existing national implementation measures to enable States Parties to identify and remedy any legislative or other gaps.

BIO-DEFENCE AND DISEASE SURVEILLANCE

In discussing the provisions of Article VII to the BWC, participants stressed the value of regional cooperation for managing a biological event, including a bio-terrorist incident. Such cooperation should be further explored.

Participants also acknowledged the valuable role of disease surveillance and other activities undertaken by the WHO in support of the BWC. In this context, participants encouraged countries in the region to take a greater role in WHO meetings and activities with support from the WHO to enhance regional bio-safety and bio-security.

CODES OF CONDUCT

Participants recognised the importance of engaging the scientific and technical community, both academic and industrial, in strengthening the BWC. The work of the ICRC's Biotechnology, Weapons and Humanity project was particularly appreciated and the ICRC was encouraged to continue to promote this initiative.⁵

There was general agreement on the value of codes of conduct in strengthening the implementation of the BWC and the 'web of prevention' against the hostile use of biological agents. Both legal responsibilities as well as ethical guidelines need to be

³ See Annex 9 to this volume.

⁴ See Treasa Dunworth, Dr Bob Mathews and Professor Tim McCormack, 'National Implementation of the Biological Weapons Convention' in Chapter III to this volume.

⁵ See Annex 11 to this volume.

explicitly recognised. Professional societies should be encouraged to contribute to the development of codes. The value of using local languages to express these codes was acknowledged.

FOLLOW-UP ACTIVITIES

In the final session, the participants expressed the desirability for follow-up activities including:

- the need to strengthen national coordination with all relevant agencies involved, assisted through regional information sharing on best practice models;
- encouraging bilateral sharing of information on national implementation measures and the provision of assistance with capacity building through government, academic and institutional links;
- the establishment of an Internet network of Workshop participants to facilitate the sharing of information and document distribution;
- further discussion of regional possibilities to revive discussions on the Protocol at the next BWC Review Conference;
- conducting further workshops, with the host and venue to be decided.

It was recognised that now that the foundations have been laid, further workshops should be more specific, focussing on issues such as: national implementation measures; and national capacity building to enhance bio-security, bio-safety and bio-defence, with implementing agencies and the biotechnology industry represented.

SUMMARY OF DELIBERATIONS

INTRODUCTION

Distinguished participants; in the last two days we have been discussing various aspects of the implementation of the Biological Weapons Convention (BWC).¹ As we all agreed, pending the establishment of a verification regime, we as States Parties need to work together to ensure that the Convention will remain as a vital and effective regime for the international community to respond to the threat of biological weapons. The lack of multilateral measures for monitoring compliance does not hamper States Parties from closely monitoring current developments in biotechnology.

It is the responsibility of individual States Parties to take appropriate measures to prevent the misuse of dual-use biological agents. For that purpose, on the very first day we discussed legislative requirements necessary for BWC implementation. The objective was to review the national implementation obligations of States Parties to the BWC, and to share information on the individual respective countries of the participants.

The participants have also discussed matters relating to national implementation, particularly national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins, including the means to identify which facilities should be subjected to enhanced security measures. We have learnt that there are several lists of pathogenic micro-organisms and toxins published by different parties; in this regard, the sharing of national experience during the Workshop is highly beneficial for others.

Various domestic agencies play an important role in supporting the implementation of the Convention and supporting measures relating to bio-security. We have learnt that having one governmental agency in each State Party in charge of coordinating other relevant agencies is needed to ensure effective implementation of the Convention. Similarly important is the role of scientific communities. In this regard, promoting outreach activities is deemed necessary to be conducted in States Parties. Other efforts that may help promote awareness include the development of codes of conduct for scientists.

It is the general view that each State Party needs to have national implementation mechanisms in place. Participants are also of the view that it is important to establish and maintain the security and oversight of pathogenic micro-organisms and toxins. During the discussions, it is clearly reflected that regulation on bio-safety so far has been enacted, for more effective implementation however, regulations on bio-security need to be part of States Parties' efforts in implementation of the Convention. In this regard, considering the current security situation, I believe specific measures would particularly enhance the security and oversight of the relevant facilities. We should

¹ *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, opened for signature 10 April 1972, 1015 UNTS 163 (entered into force 26 March 1975).

consider a type of comprehensive legislation that includes penal sanctions as well as codes of conduct for the scientists and regulate synergy among governmental agencies related to the implementation of the Convention.

That was actually the essence of what the co-chairs concluded during these two Workshops. On that basis, the two co-chairs have drafted the summary of deliberations of our Workshop. The summary also includes the follow-up activities of our Regional Workshop, in our effort to strengthen collectively the implementation of the BWC. Endorsed by all, this is the outcome of this Workshop.

SUMMARY OF DELIBERATIONS

The Second BWC Regional Workshop, co-hosted by the Governments of Indonesia and Australia, was held at the Intercontinental Hotel in Bali, Indonesia on 6–7 March 2006. As a follow-up to the First Workshop held in Melbourne on 21–25 February 2005, the objectives of the Workshop were to promote regional awareness of and engagement in the BWC; to discuss the importance of bio-security; to examine national mechanism on maintenance of the security and oversight of pathogenic micro-organisms and toxins; to facilitate the establishment of a forum for networking with a view to developing partnership in enhancing bio-security and bio-safety; and to provide a forum for sharing of information, based on the BWC three-year program of work.

The Workshop was officially opened by His Excellency Mr M Slamet Hidayat, Director-General for Multilateral Affairs of the Department of Foreign Affairs of the Republic of Indonesia, and Dr Bob Mathews, Head of NBC Arms Control, Defence Science and Technology Organisation (DSTO), Australia. Ambassador Hidayat hoped that the Workshop would enable the officials and scientists from various countries in the region to acquire a better understanding of the importance of implementation of the Convention. Similarly, Dr Bob Mathews stressed that the Workshop is a very important step in sharing experience among the participants with regard to the implementation of the BWC, with the objective of developing a range of implementation tools.

The Regional Workshop was attended by participants from Australia, Cambodia, Indonesia, Lao, Malaysia, New Zealand, Papua New Guinea, the Philippines, Thailand, and Vietnam.

The participants expressed their appreciation to the Governments of the Republic of Indonesia and Australia for their initiative and major efforts to co-host the Workshop. Special appreciation and gratitude were also addressed to the Government of the Republic of Indonesia for their hospitality.

LEGISLATIVE REQUIREMENTS NECESSARY FOR BWC IMPLEMENTATION

Participants discussed the need to encourage more effective and comprehensive national implementation of the BWC. Participants also highlighted legal obligations under the BWC to undertake national implementation measures. Against this backdrop, participants shared the view that national legislation requirements should include elements, such as the basic prohibition, jurisdiction, control mechanisms for peaceful uses of microbiological or other agents or toxins, bio-security and bio-safety, penal provisions, and international cooperation particularly in the field of legal enforcement. Participants discussed the benefits of national legislation to assist States

Parties with Confidence Building Measures and responding to any request under Article V and VI of the BWC.

Participants underscored the importance of fostering further the cooperation between States Parties to the BWC with differing legal and constitutional arrangements. In this connection, participants called upon States Parties in a position to do so, to positively respond to any request from other States Parties in the region for technical assistance which may include the area of framing and/or expanding their own legislation and controls in the areas of national implementation and bio-security.

NATIONAL MEASURES TO ENHANCE BIO-SECURITY

Participants exchanged views on national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins, including the means to identify facilities that are subject to enhanced security measures. Participants acknowledged that development of comprehensive and concrete measures to ensure bio-security require a complex integration of regulatory and policy considerations.

Participants recognised the need for centralised action at the national level to promote bio-security. In this regard, participants underscored the role of various domestic agencies and international organisations in supporting measures related to enhanced bio-security. Participants also underlined the necessity of establishing a national authority as a coordinator among various domestic agencies, a focal point for effective implementation of the BWC at the national level and a liaison with other States Parties.

Participants also noted the importance of 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.

ESTABLISHMENT OF A FORUM FOR NETWORKING IN SEEKING POSSIBILITIES FOR DEVELOPING PARTNERSHIPS IN ENHANCING BIO-SECURITY & BIO-SAFETY

Participants stressed the importance of establishing a forum which could facilitate the promotion of contact among national agencies, officials and scientists involved in the national efforts related to the implementation of the BWC. Participants also welcomed the idea of establishing a partnership on enhancement of bio-security and bio-safety among related agencies based on mutual agreement.

Participants stressed the need to revitalise the internet network of Workshop participants to facilitate the sharing of information and document distribution.

MEASURES FOR PROMOTING AWARENESS AMONG THE SCIENTIFIC COMMUNITY

Participants considered further practical aspects to promote awareness among scientific community. Participants stressed that engaging the biological sciences community is a crucial component of minimising the inadvertent proliferation of pathogenic micro-organisms and toxins. Participants shared the view that there should

be a standard mechanism for promoting the awareness of the potential for misuse. Participants also emphasised that awareness should be guided by practical and ethical guidelines. In this respect, participants were of the view that codes of conduct could serve as a reference for such guidelines.

CODES OF CONDUCT FOR THE SCIENTIFIC COMMUNITY

Participants discussed the development of comprehensive codes of conduct for scientists as a means to enhance cooperation among scientific communities in supporting effective national implementation of the BWC.

Participants recognised that it is useful to think of codes as occurring in a number of layers, including:

- Guiding Principles
- Scientific Society Codes
- Institutional or Workplace Codes

Participants are of the view that codes may include some of the following elements:

- that biological scientists should be aware of the potential misuse of materials, equipment and know-how for biological weapons and/or bio-terrorism purposes;
- that biological scientists should be aware of, respect and fully comply with all national laws and international obligations related to avoiding the hostile use of the biological sciences and biotechnology;
- that biological scientists should recognise that penalties will be applied to individuals.

Participants also noted that codes of conduct should lead to a responsible and ethical culture developing in the workplace within the scientific community.

FOLLOW-UP ACTIVITIES

In the final session, the participants expressed the value of some activities that may promote common understanding and effective actions of states in the region in further developing and sharing a range of implementation tools to cover: legislative requirements; enhanced security of pathogens; outreach; awareness-raising; codes of conduct for scientist; and related activities.

Those activities include:

- encouraging bilateral and regional sharing information on national implementation measures and the provision of technical assistance focusing on the capacity building of States Parties in framing or expanding national legislation and control.
- establishing regional partnership on enhancement of bio-security among related agencies based on mutual agreement.
- strengthening national and international efforts and broadening existing mechanism for surveillance, detection, diagnosis, and combating infectious diseases affecting human, animals, and plants.
- exploring the possibilities of adopting regional code of conduct for scientists.
- exploring the possibilities of taking regional concerted action to promote awareness among scientists.

- revitalising internet network of Workshop participants to facilitate the sharing of information and document distribution.
- submitting the outcome of the First and Second Workshop to the Sixth Review Conference of the BWC at the end of 2006.
- holding further Workshop.

Participants referred to the various implementation tools which were discussed during the Workshop, and considered how the actual development and sharing of these tools might occur.

Four particular tools were highlighted. The first was the checklist of legislation and drafting elements to cover the legislative requirements. With the cooperation and assistance of all participants, it is intended that this work-in-progress will be further developed into a comprehensive checklist. The drafting elements are at this stage incomplete because insufficient detail. What is required is that our neighbours participating in the Workshop provide additional information on their existing legislation, and perhaps on their current drafting. It is intended that a revised set of drafting elements and the checklist will be available by the end of June.

The second and third implementation tools agreed upon were the development of guidelines, taking into account the various presentations from this Workshop. The aim is to have a revised draft of guidelines relating to the identification of facilities and types of measures for those facilities by the end of June, to be shared among the participants. It is intended that such sharing will occur through the internet process.

The fourth implementation tool is guidelines on outreach to relevant scientific communities (including drafting various codes of conduct). Dr Bob Mathews requested feedback from participants on the universal code or the guiding principles, the codes for societies, and workplace codes. It was also intended that a revised draft of elements for the various types of codes would be And then I would again intend to have a revised draft setting elements out for the various types of codes by the end of June.

Finally, it was hoped that more information might be made available on Australia's process of awareness-raising and developing education modules for various institutions — academic and workplaces. It was emphasised that these follow-up activities rely on the input of participants in order to further enhance the current works-in-progress on improved implementation tools. It was hoped that the tools could be shared in Geneva at the November Review Conference with other States Parties.

