MEASURES FOR CONSIDERATION AT THE THIRD BIOLOGICAL WEAPONS REVIEW CONFERENCE

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I Criteria for measures to be adopted. Each proposed measure should be critically evaluated against agreed criteria. In particular, does the proposed measure:

1. substantially reduce or eliminate unfounded existing or possible future suspicions of non-compliance?

2. significantly deter non-compliance?

3. acceptably safeguard proprietary and sensitive information?

4. fulfill the above criteria with minimal cost and complexity?

5. meet appropriate standards of clarity of definitions and procedures?

6. have political acceptability to a broad range of States Parties to the Biological Weapons Convention?

II Declaration of national biological defense programs.

1. Each State Party shall declare whether it has or does not have a national program for experimentation, development, testing, or production for purposes of prophylaxis or protection against the possible hostile use of microbial and/or other biological agents or toxins. If a State Party has such a program ("biological defense program"), it shall further declare:

2. The names and addresses of the specific government organizations and principal officials responsible for activities under the program.

3. The principal projects on which work is being carried out under the program and the approximate funding level of each such project during the previous year.

III Declaration of facilities. Each State Party shall declare each research center, laboratory, or other installation ("facility") on its territory or within its jurisdiction or control that meets any one or more of the following criteria:

1. conducts experimentation, development, testing, or production for purposes of prophylaxis or protection against possible hostile use of microbial and/or other biological agents or toxins under the direction of or with funding from the biological defense program of the declaring State Party, if it has such a program; or

2. has maximum containment unit(s) meeting the criteria for a "maximum containment laboratory" as specified in the 1983 WHO Laboratory Biosafety Manual, such as those designated as Biosafety Level 4 (BL4), or P4 or equivalent or higher standard; or

3. has containment unit(s) meeting the criteria for Biosafety Level 3 (BL3), or P3 or equivalent or higher standard and conducts any experimentation, development, testing, or production for prophylactic or protective purposes against possible hostile use of microbial and/or other biological agents or toxins, regardless of whether it specializes in such work; or

4 conducts or participates in open-air or chamber experimentation or testing involving the generation of aerosols of biological agents or toxins for purposes of prophylaxis or protection against possible hostile use of microbial and/or other biological agents or toxins.

IV Information regarding declared facilities. The following information shall be provided for each declared facility:

1. Name of facility.

2. Responsible organization.

3. Exact location (degrees, minutes, seconds) and postal address.

4. Source(s) of financing.

5. Number, containment level, and size of each containment unit at or above P3 or BL3, or equivalent.

6. If no containment unit at or above P3 or BL3, highest level of protection.

7. General description of activities, including the principal projects underway and also including a list of the categories of agents, as listed in Annex A, and any of the specific agents listed in Annex B with which experimentation, development, testing, or production was done during the previous year.

8. Description of any open-air aerosol releases conducted within the previous year at the facility, or under its direction, or with the participation of any of its staff, for purposes of prophylaxis or protection against possible hostile use of microbial and/or other biological agents or toxins. Such description shall include the date, location, and purpose of such releases and the nature and approximate quantity of the substance released.

9. Titles and references to all articles published in the open literature during the previous year authored or co-authored by any staff member.

10. Description of any collaborative, educational, or training opportunities for visiting personnel from foriegn countries, including description of any such activities during the previous year.

V No facilities to declare. States Parties having no facilities to declare shall nevertheless submit annual declarations to that effect.

VI Procedural modalities for declarations. Declarations shall be provided in one of the authentic languages of the Convention and be sent to [ ] and be promptly forwarded, in the form received, to all States Parties. Annual declarations covering the previous calendar year shall be provided not later than 15 April of the following year.

VII Visits to declared facilities. Each State Party undertakes to give favorable consideration to requests from other States Parties for confidence-building exchange visits to declared facilities.

1. The purpose of a visit is to enhance confidence that the general nature of the facility is consistent with the declared description of its activities and to gain experience in the conduct of such visits for use in the design of possible future confidence-building and verification measures in support of the Biological Weapons Convention.

2. The modalities, procedures, safeguards, and timing of exchange visits are left to the determination of the States Parties involved.

3. Upon agreement of the States Parties involved, experts or observers from other States Parties may be included in a visit.

4. Subject to agreed modalities, the State Party hosting a visit will give favorable consideration to allowing members of the visiting group access to any part of the declared facility they may designate.

5. Subject to agreed provisions for protection of proprietary information and other legitimately confidential matters, the State Party hosting a visit will give favorable consideration to allowing members of the visiting group to engage in discussion with any member of the staff of the declared facility.

6. Subject to agreement by the States Parties involved in a visit, a joint summary description of the visit will be prepared and a copy provided to [ ] which shall then promptly forward, in the form received, the summary to each State Party.

VIII Council of the Review Conference.

IX Translation of declarations and reports.

X Financing.

XI Universal adherence. Each State Party agrees to:

1. Use its good offices, where appropriate in its judgement, to encourage States not party to the Biological Weapons Convention to become parties;

2. Refrain from collaborating or contracting with states not party to the Biological Weapons Convention or with citizens or commercial organizations of such states in any experimentation, development, or testing for purposes of prophylaxis or protection against the possible hostile use of microbial and/or other biological agents or toxins.

XII Assistance and protection against biological and toxin weapons.

XIII Measures to ensure or restore compliance.

XIV National legislation. Each State Party that has not already done so shall incorporate into its domestic law provisions making it unlawful for any citizen or person under its jurisdiction knowingly to participate in the development, testing, production, maintenance, or transfer of any microbial and/or other biological agent or toxin or delivery system for such agents or toxins for hostile purposes or knowingly to assist a foreign state or any organization to do so. Each State Party shall include in its annual declaration the text of any such legal prohibition(s) in force.

notes:

1) Square brackets [ ] designate matters to be determined.

2) An important concept for confidence-building and verification measures is that of openness. Since prohibited activities are not compatible with openness, the verification of openness can itself be a strong and relatively simple indicator of compliance. Items VII-4 and VII-5 above are particularly intended to take this into account.