

ARTICLE XIII: DURATION AND WITHDRAWAL

by Graham S Pearson

Consideration of Article XIII at the Fourth Review Conference

1. Article XIII of the Convention states that:

(1) This Convention shall be of unlimited duration.

(2) Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. At the Fourth Review Conference of the BTWC held on 25 November to 6 December 1996, the Final Declaration¹ in respect of Article XIII stated that:

1. The Conference notes the provisions of Article XIII and, while emphasizing that the Convention is of unlimited duration and applies at all times, expresses its satisfaction that no State Party to the Convention has exercised its right to withdraw from the Convention.

This represented a slight extension of the language adopted at the Third Review Conference of the BTWC held on 9-27 September 1991, when the Final Declaration² stated that:

The Conference notes the provisions of Article XIII and expresses its satisfaction that no State Party to the Convention has exercised its right to withdraw from the Convention.

Developments since the Fourth Review Conference

2. Since the Fourth Review Conference the provisions of Article XIII have not been invoked and it is therefore suggested that the Fifth Review Conference should adopt the same language as that in the Final Declaration of the Fourth Review Conference:

¹United Nations, *The Fourth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, Geneva, 25 November - 6 December 1996, BWC/CONF.IV/9, Geneva 1996.

² United Nations, *The Third Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, Geneva, 9-27 September 1991, BWC/CONF.III/23, Geneva 1992.

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