

REPORT FROM GENEVA -- FRIDAY 23 NOVEMBER 2001

1. The Fifth Review Conference of the Biological and Toxin Weapons Convention commenced in Geneva on Monday 19 November 2001 with the election of **Ambassador Tibor Toth of Hungary** as President. After being elected, the Ambassador Toth made some opening remarks in which he expressed his thanks for being elected President. He started by saying that although any review conference was a crucial event *interpreting the past and projecting the future within a timeframe of a decade* was not an easy task even under normal circumstances. *"This time... the Fifth Review Conference will have to penetrate much deeper into [the] past and future than any of its predecessors."* Ambassador Toth noted that the negotiations on the compliance protocol came to an abrupt halt in August and that the Fifth Review Conference *"will have to chart the course for future action that will determine the state of the whole of the biological weapons prohibition regime for a much longer period of time than just the next five years ahead. That time scale altogether is close to a generation; the potential ramifications could transcend even further into the future."*

2. He went on to note that another challenge is posed by the recent use of biological weapons in the incidents using anthrax as a weapon of terror which was forcing us to live with the notion that the use of these weapons is becoming a *de facto* part of our everyday life. He said that *"Such a notion is slowly eroding all the prohibition layers, both politically and legally binding, as contained in the consensus final declarations of all the previous Review Conferences and in the Biological Weapons Convention itself. The Convention is facing perhaps the greatest challenges in its 26-year history. All of this is puts us in a situation profoundly different to that faced by previous Review Conferences."* He concluded by calling on all delegations to participate in a constructive spirit, to stay realistic and *"at the same time live up to the requirements of preserving the integrity of the regime in accordance with the expectations of the international community. Action or lack of action will shape the future of the biological weapons prohibition regime much beyond the Fifth Review Conference. We will have to reconfirm at the Conference the importance the international community attaches to the integrity of each and every prohibition norm.... We must not accept the slow erosion of the norms that served us for decades, if not longer. We must comprehend that in the light of political and public expectations we have no other viable choice but to overcome these challenges."*

3. **Jayanatha Dhanapala**, Under Secretary-General for Disarmament Affairs then presented a statement from United Nations Secretary-General Kofi Annan which said that *"Preventing the use or threat of use of biological agents and toxins is more important than ever the horrific attacks of 11 Septemeber in the United States could have been far worse if weapons of mass destruction had been used. The challenge for the international community is clear: to implement, to the fullest extent possible, the prohibition regime offered by the Convention."* The statement went on to note that *"in recent weeks the world has seen the use of biological agents to create chaos and terror, violating the international norm."* Consequently, *"Full implementation of the Biological Weapons Convention must be given higher priority. Relevant national legislation needs to be tightened, and the acquisition or use of these weapons needs to be criminalized. The international community also has to be prepared to assist Member States should prevention fail. The United Nations, for its part, stands ready to play a coordination role in this regard."* The statement concluded by saying that *"The renewed global focus on terrorism has brought concerns about biological and toxin weapons to the fore. Missing this opportunity, given difficulties in negotiations on other weapons of mass destruction, would only exacerbate the current crisis in multilateral disarmament"*

diplomacy in general. I urge you to come together, overcome your differences, and take these next crucial steps in the history of this landmark Convention."

4. After completing the procedural work, which included adoption of the agenda of the Conference, the rules of procedure and election of Ambassador Markku Reimaa of Finland as Chairman of the Committee of the Whole and Ambassador Munir Akram of Pakistan as Chairman of the Drafting Committee, the Review Conference started on its substantive work to review the operation of the Convention by a general debate.

General Debate, Morning, Monday 19 November 2001

5. **Ambassador Jean Lint** of Belgium opened the general debate with a statement on behalf of the EU and the Central and Eastern European countries associated with the EU -- Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania, Slovakia, and Slovenia -- and the associated countries, Cyprus, Malta and Turkey. The statement was thus on behalf of 27 States Parties. He started by noting that particularly in the last year, *important events had taken place which are directly relevant to the BTWC*. Referring to the 11 September, as well as the anthrax attacks, the statement said that the EU *believes that disarmament and non-proliferation on a general and multilateral basis are today more than ever essential in order to deny terrorists and terrorist organisations any access to more powerful means to implement their abominable activities*. He went on to say that *The international community is entitled to expect that States taking part in this Conference will spare no effort to prevent biological weapons from being used by terrorists*.

6. The EU statement continued to say that *The EU also appeals to States Parties to adopt, during this Conference, concrete measures in the fight against biological weapons*. After deeply regretting the failure to agree an instrument to reinforce the Convention, the statement urged that the Review Conference must be the opportunity to give a new impulse to our work by defining a series of commitments and additional measures that States Parties should adopt in order *to strengthen the implementation of the Convention in all of its provisions: compliance with the fundamental norm in Article I, non-proliferation and export controls, measures in case of concerns over compliance with the Convention (e.g. investigation measures), technical assistance and international cooperation*. In respect of the agreed confidence-building measures, the EU appeals to all States Parties to cooperate fully and regularly in the exchange of information. It was noted that modifications could be made to some CBMs to ease their implementation from a technical point of view. In addition, the EU proposed *that some of the confidence-building measures be made legally-binding*. The statement notes, however, that *these confidence-building measures will only prove fully useful in the wider context of legally binding measures aimed at strengthening the Convention in a multilateral framework*. The statement concluded by saying that *"It is essential that the Conference agree to a regular follow-up to the work to enable the States Parties to strengthen the Convention comprehensively."*

7. **John Bolton**, Under Secretary of State for Arms Control and International Security, then made a statement on behalf of the United States in which he referred to President Bush's warning in his address to the UN General Assembly that *"the world faces the horrifying prospect of terrorists searching for weapons of mass destruction, the tools to turn their hatred into holocaust."* and went on to say that *"We, the parties to the Biological Weapons Convention, must demonstrate an unwavering commitment to fighting this undeniable threat. We must overcome years of talking past each other, and address the real issues. Will we be*

courageous, unflinching, and timely in our actions to develop effective tools to deal with the threat as it exists today, or will we merely defer to slow-moving multilateral mechanisms that are oblivious to what is happening in the real world?"

8. He went on to say that *"Before we consider new ways to strengthen the Biological Weapons Convention, however, we must first confront the failure of many States to abide by that very document. Too many States are Parties to the BWC but have not lived up to their commitments. Any nation ready to violate one agreement is perfectly capable of violating another, denying its actual behavior all the while. The United States will simply not enter into agreements that allow rogue states or others to develop and deploy biological weapons. We will continue to reject flawed texts like the BWC draft Protocol, recommended to us simply because they are the product of lengthy negotiations or arbitrary deadlines, if such texts are not in the best interests of the United States and many other countries represented here today."*

He then went on to stress that *"While the vast majority of the BWC's parties have conscientiously met their commitments, the United States is extremely concerned that some states are engaged in biological weapons activities that violate the Convention. We also are concerned about potential use of biological weapons by terrorist groups, and states that support them."*

9. Insofar as Usama bin Ladin and his al Qaeda terrorist organization is concerned, *"rest assured that the United States will not rely alone on treaties or international organizations to deal with such terrorist groups or the states that support them. Neither the Biological Weapons Convention nor the former draft BWC Protocol would stop biological terrorism by groups like al Qaeda or restrain their rogue-state patrons."* The statement then said that *beyond al Qaeda, the most serious concern is Iraq.* and went on to say that *"The United States strongly suspects that Iraq has taken advantage of three years of no UN inspections to improve all phases of its offensive BW program. The existence of Iraq's program is beyond dispute, in complete contravention of the BWC. The BWC Protocol would have neither hindered nor stopped it."* Next, the statement addressed North Korea saying that *"Also extremely disturbing is North Korea's BW program. The United States believes North Korea has a dedicated, national-level effort to achieve a BW capability and that it has developed and produced, and may have weaponized, BW agents in violation of the Convention."* The statement went on to name some other countries saying that the United States believes *Iran probably has produced and weaponized BW agents in violation of the Convention, that Libya has an offensive BW program in the research and development stage, and it may be capable of producing small quantities of agent and that Syria (which has not ratified the BWC) has an offensive BW program in the research and development stage, and it may be capable of producing small quantities of agent.* Finally, the US is concerned about the growing interest of Sudan, a non State Party) in developing a BW program.

10. John Bolton then went on to say that *"we need to look beyond traditional arms control measures to deal with the complex and dangerous threats posed by biological weapons. Countering these threats will require a full range of measures -- tightened export controls, an intensified non-proliferation dialogue, increased domestic preparedness and controls, enhanced biodefense and counter-bioterrorism capabilities, and innovative measures against disease outbreaks. Strict compliance by all Parties with the BWC is also critical."* and added that *"An essential element in our strategy is to find agreement in this body on measures that countries can undertake immediately to strengthen the BWC."* Specific proposals in the US statement included the following:

- *Parties agree to enact national criminal legislation to enhance their bilateral extradition agreements with respect to BW offenses and to make it a criminal offense for any person to engage in activities prohibited by the BWC.*
- *Parties should have strict standards for the security of pathogenic microorganisms and: (a) adopt and implement strict regulations for access to particularly dangerous micro-organisms, including regulations governing domestic and international transfers; and (b) report internationally any releases or adverse events that could affect other countries.*
- *Sensitizing scientists to the risks of genetic engineering, and exploring national oversight of high-risk experiments, is critical and timely, as is a professional code of conduct for scientists working with pathogenic micro-organisms.*
- *Establish a mechanism for international investigations of suspicious disease outbreaks and/or alleged BW incidents.*
- *Setting up a voluntary cooperative mechanism for clarifying and resolving compliance concerns by mutual consent, to include exchanges of information, voluntary visits, or other procedures to clarify and resolve doubts about compliance.*
- *Parties adopt and implement strict biosafety procedures, based on WHO or equivalent national guidelines.*
- *Enhance support of WHO's global disease surveillance and response capabilities.*
- *Parties could agree to provide rapid emergency medical and investigative assistance, if requested, in the event of a serious outbreak of infectious disease, and to indicate in advance what types of assistance they would be prepared to provide.*
- *Restricting access and enhancing safety procedures for use of dangerous pathogens.*

Although, John Bolton throughout his statement was highly critical of the Protocol and stated that none of these measures, apart from the one providing the assurance of help in the event of a serious disease outbreak, was contemplated in the Protocol, all were actually in the Chairman's composite text.

11. Following the statement by the United States, the representatives of Iran, Iraq and Libya requested the right to reply under Rule 19 of the Rules of Procedure under which "*the President may accord the right of reply to a representative of any State participating in the Conference. Such statements shall be as brief as possible and shall, as a general rule, be delivered at the end of the last meeting of the day.*"

12. **Peter Goosen**, Chief Director, Peace and Security of the Department of Foreign Affairs, South Africa said that *the Fifth Review Conference ... comes at a particularly important -- if not critical -- juncture in the Convention's history.* He noted that the 24th session of the Ad Hoc Group had not only been unable to reach agreement on the draft Protocol, it had not even been able to reach an agreement on its report to the States Parties. He went on to say that "*On 11 September 2001, the world was confronted by the horrendous terrorist attacks in the United States, which have subsequently been followed by the most widespread use of biological weapons as an instrument of terror in recent history. The use of disease -- in this*

case anthrax -- as a weapon of terror should not only be condemned in the strongest possible terms, but should also have been instrumental in underlining the importance of the work that had been undertaken to negotiate a legally binding protocol to strengthen the implementation of the Convention. These attacks made a clear statement to the entire international community, and particularly to the BWC States Parties. The threat of disease as a weapon of war and terror -- the threat of biological weapons -- is not speculative, it is a threat that is a "clear and present danger", which makes the Ad Hoc Group's failure all the more regrettable."

13. The South African statement continued to state that *"if our opposition to biological weapons is to be sustained in the long term, it is necessary that the members of the international community -- as a whole -- take action and commit themselves to strengthening the norm against the development, production, stockpiling and use of these reprehensible weapons. South Africa continues to see the strengthening of the implementation of the BWC as a core element of the international security architecture."* The failure to agree the Protocol *"was extremely unfortunate, and in our view sent the incorrect message out into the world."* He concluded by saying that *"The necessity at this Review Conference is therefore for all States Parties to approach our work in a constructive way and to co-operate so as to accomplish our common goal and for us to satisfy the aspiration of the international community -- as a whole -- to do all in our power to prevent the use of disease as weapons of war and terror."*

14. **Toshio Sano** of Japan noting the events of 11 September and the subsequent anthrax attacks said that *"These incidents have vividly demonstrated that the threat of biological weapons is real and imminent in our current world."* and went on to say that *"First and foremost, we should note that it is against this backdrop that this 5th Review Conference is being held today. The international community is more than ever attentive to this Review Conference and to how the States Parties to the BWC will eventually manifest ways to respond to the threat of biological weapons. In response, we should be clear about demonstrating to the international community our full and united political will to fight against the threat of biological weapons."* Japan regretted the failure of the Ad Hoc Group to complete its negotiations and considers that *"a multilateral legally-binding instrument which involves all the States Parties to the Convention is necessary for international efforts to strengthen the Convention."* He concluded by saying that *"Finally, in the light of the growing concerns of the international community about the threat of biological weapons and the increasing need for the strengthening of the Convention, the States Parties need to meet frequently during the intersessional period for close cooperation and taking further actions. Therefore, Japan supports the idea of setting up a strong follow-up mechanism after this Review Conference by meeting in whatever format including a preparatory meeting for the next Review Conference or an annual meeting of the States Parties."*

15. **Abdul Basit**, Acting Permanent Representative of Pakistan noted that the September 11 events in the US, followed by the continuing anthrax scare, are *a grim reminder of our vulnerabilities.* He went on to say that *"ever more vigorous and concerted efforts are required today in order to counter the old and new threats comprehensively and effectively. In our view, the multilateral approach, with full participation of all concerned States, offers the best hope for attaining genuine security at all levels."* He went on to say that Pakistan *"could not agree to an interpretation of Article III that is in any manner at variance with the provisions of Article X...This Conference must consider the subject of technical and scientific cooperation thoroughly, reaffirming the importance of full implementation of Article X. In*

this regard, the Chinese proposals, contained in document BWC/Ad Hoc Group/WP.453, dated May 8, 2001, provide a solid basis for evolving suitable recommendations." He called for resumption of the work of the Ad Hoc Group with an organisational meeting as soon as possible, said that the States Parties have come a long way from the "Rolling Text" to the Chairman's Composite Text" and hoped that this Review Conference would take the right decision with regard to the Ad Hoc group, enabling it to wrap up its work on a positive note to the satisfaction of all the States Parties. He concluded by "underlining once again that it would be enormously disappointing if this Conference ended without moving the BWC process forward. A simple review ... cannot suffice. This Conference must come up with concrete recommendations for strengthening the BWC. New proposals should be welcomed and reflected upon thoroughly. But at the same time, we should not hasten to discard old ones, which remain relevant and need to be materialised."

16. Ambassador **Sha Zujang** of China contrasted his statement to the Fourth Review Conference in which he had surveyed the substantive progress made in arms control and disarmament and the current situation in which the question of *"How to maintain and promote disarmament process has become a matter of concern to all countries."* He noted that *"considerable progress had been achieved in the negotiations for a protocol for the purpose of the strengthening of the Convention. Still, we were let down eventually. Why did it happen? What can we do about it? These are the questions that must be answered at this Review Conference. In the wake of the September 11 event and a series of anthrax contaminations, at a time when the real threat of bioterrorism looms large, the last thing we should do is to evade these questions. In this sense, the results of this Review Conference will undoubtedly have long-term impact on the effectiveness of the Convention."*

17. In considering the implementation of the Convention, China had noticed that *"in fulfilling the obligations under and enhancing the effectiveness of the Convention, a few States Parties are more often than not, either wittingly or unwittingly, pose themselves as lecturers. They are always suspicious of the normal scientific research and production activities under the Convention carried out by other States Parties in the area of biology, while frequently lecturing others. They remain silent about their own relevant activities and facilities."* It was important to follow a single standard -- the provisions of the Convention. The statement went on to address unilateralism vs. multilateralism, noting that *"a certain country, relying on the strength of its enormous economic and military capabilities, often takes a utilitarian and unilateral approach towards efforts in the implementation of obligations and the enhancement of the effectiveness of the Convention. History has proved and will continue to prove that in an interdependent world, the complete prohibition of all biological weapons, the elimination of the threat of biological warfare and the prevention of related proliferation require the participation and efforts of all members of the international community. Unilateralism will never succeed, on the contrary, it will aggravate the problems."* In regard to bioterrorism, the statement said that *"With bioterrorism already becoming a real threat, one of the most effective ways to combat it is to work within the multilateral framework and conclude through negotiations a reasonable, feasible and effective protocol on the basis of the existing mandate to strengthen the effectiveness of the Convention and enhance international cooperation."*

General Debate, Afternoon, Monday 19 November 2001

18. Ambassador **Carlos Amat Fores** of Cuba opened the afternoon session of the general debate by saying that *"The United States has in actual fact forced us to move ten years back"*

and went on to say that *"It is a paradox that the Ad Hoc Group negotiations were suddenly interrupted as a result of the action of a depository of the Convention. ... The United States' rejection of the Protocol was completely inconsistent with that delegation's strong previous demands to ease several of its clauses, only to reject it afterward invoking, among other reasons, its weakness. It is difficult to believe that during all these years 143 States Parties to the Convention had been mistaken and did not understand that the Convention was unverifiable, according to the arguments wielded at the last minute by the United States."* The statement continued to recall *"some concrete cases of a long list of biological aggressions"* against Cuba adding that *"In many cases, the deliberate nature of these aggressions has been documented; in others, those who perpetrated them have explicitly acknowledged their responsibility."* The statement concluded by saying that *"The Fifth Review Conference faces a challenge: it either effectively moves forward toward the strengthening of the Convention or irreversibly sanctions its death."*

19. Ambassador **Clive Pearson** of New Zealand then spoke saying that "we find ourselves in more uncertain and more difficult times than we did in 1996 at the last Review Conference." and went on to say that "The Biological Weapons Convention is, therefore, as relevant and crucial as ever. Its provisions need to be strengthened, both horizontally and vertically, to meet these new challenges." In respect of the work of the Ad Hoc Group to strengthen the Convention, he said "There are some who have argued that the measures in the draft Protocol text were too maximalist, and are unworkable. We have heard such criticism most loudly from some in the pharmaceutical and biotechnology sectors. We do not accept that "dual-use" industries can be exempt from the special responsibility to ensure the Convention's prohibitions are upheld." The statement continued by saying that "this is a defining moment for the Convention. The near universal calls to strengthen its compliance provisions must manifest themselves in action if we, as States Parties, are to maintain credibility. Arguing fruitlessly over the past will not take us forward and it would be a recipe for failure. The international community should not be left empty-handed at a time when anthrax is delivered anonymously in the post;" He concluded by saying that *"As a minimum, this Conference should: send an unequivocal signal that we will engage in a new push for the universalisation of this treaty; ... signal that we are seized of the changed security and proliferation environment; ... establish an enhanced process of accountability through annual meetings of State Parties; identify other means by which we might work further on compliance options, including the possibility of subsidiary bodies or an Oversight Committee."*

20. Ambassador **Celina M. Assumpcao do Valle Pereira** of Brazil then spoke saying that *"the States Parties to the BWC are meeting again in a rather critical juncture."* and that the Fifth Review Conference was meeting at a somber juncture following the failure of the Ad Hoc Group to conclude the Protocol, the grievous terrorist attacks of September 11 and *"the cases of use of anthrax with clear lethal purposes"* which *"show that this Conference will have a challenging task to accomplish."* She went on to say that *"Notwithstanding the paralysis of the Ad Hoc Group, a reinforced BWC seems more necessary than ever. We should engage all our efforts to strengthen the Convention."* In respect of the Chairman's composite text, Brazil regarded this as *"a good basis for negotiating a Protocol that could aspire to universality."* and went on to say that *"The bulk of the provisions contained therein would doubtless contribute to strengthening international security in the biological field. We should do our utmost not to squander this asset."*

21. She continued by saying that *"In the aftermath of the recent incidents of anthrax use, we should consider the serious issue of the violation of the non-use norm, as addressed in the Convention's preamble."* In regard to Article IV she noted that *"Considering the new challenges posed to the international community, the Brazilian Government recently decided ... to oblige all laboratories in Brazil -- State-owned or private -- to notify all possible existences of Bacillus anthracis. All installations will be subjected to inspections and specific measures of bio-security will be defined for each of them."* In respect of Article X, Brazil noted that *"Having reached a high degree of consensus, Article 14 of the draft Protocol contains provisions that could guide States Parties in future actions regarding the full operation of Article X" of the Convention.* She concluded by recalling the UN Secretary-General's words to the General Assembly on 1 October 2001 pointing out the need to ensure *"the universality, verification and full implementation of key treaties relating to weapons of mass destruction, including those outlawing chemical and biological weapons and the nuclear non-proliferation treaty."* and emphasised that *"In our view, there is no alternative to multilateralism when it comes to countering the risks presented by the proliferation of weapons of mass destruction and of biological weapons in particular."*

22. Ambassador **Spomenka Cek** of Croatia in speaking about the Ad Hoc Group said that *"We must remind ourselves ... that we are not negotiating a new Treaty. What we are attempting to do is to strengthen existing obligations already in place so as to hopefully prevent human beings from being subject to the wilful infliction of disease."* and continued to say that while some further work may be needed in some some areas of the composite text, *"it nevertheless provides an excellent opportunity to move forward toward bring the negotiations to their desired result: the adoption of a new Protocol whose primary goal is to ensure that biological agents are not used to the detriment of human kind."* She concluded by saying that *"Croatia would like to see an immediate recommencement of the work of the Ad Hoc group, in whatever form delegations see fit, with the ultimate aim of shoring up disagreement between delegations and adding the necessary political momentum for the successful completion of our work. One has only to witness the panic and uncertainty created by the recent uses of anthrax by terrorist elements in the United States and Europe to understand the gravity of our task and what failure in our work may lead to."*

23. Ambassador **Chris Westdal** of Canada then spoke noting that *"Since we States Parties were last gathered, the catastrophic dangers in weapons of mass destruction have been exposed anew, with their threat of blows far harsher than the attacks which have rocked our global civilization this fall. We need to make sure they are never used. In our technologies are threats of unimaginable horrors"* and went on to say that *"The stakes are rising sharply lately, but our struggle with the evil of deliberate disease is in fact ancient."* In referring to the Ad Hoc Group, he said that *"we didn't quite make it, but we came close, as close as we've ever come to a consensus on legal enforcement."* and continued by saying that *"It is said that we can "not return to the protocol", but need to "move on". ... we are anxious to move on, but we do so with full access to our memories, our files, our papers, our conference records and all the research and creative policy development of the AHG. ... all these elements are still available for our review and our consideration, re-calibration and re-balancing in new effort. No discrete element in any of these sources is banished, ultra vires. In sum, we have an ample box of tools in mind, should we choose to make and use them."*

24. He continued by saying that *"recent bio-terrorism has underscored the vulnerabilities of basic infrastructure and the critical importance of public health capability, but above all it has displayed the enormous cost of fear itself -- and the corresponding value we should invest*

in confidence." In respect of the confidence-building measures, he said that *"It has been made quite clear meanwhile that political commitment is not sufficient without the force of law."* pointing out that only 31 of the 144 States Parties have submitted CBM reports this year. He then went on to set out Canadian objectives for the Review Conference which included *"The first imperative for the health of our regime is credible action. We want words to reaffirm but we need action to reinforce this ban. We want a final product that will bear anxious public scrutiny."* Another objective is *"open-ended inter-sessional institutions to oversee the work of implementation. National implementation efforts do not take place in isolation. They would benefit from a regular forum that would provide at least an annual opportunity for States Parties to convene, with oversight supplemented by scientific and legal expert study groups, as appropriate. We would gain a very valuable means to advance our work and enrich our cooperation."* The final objective is for *"this Conference to build public confidence that national governments are capable of effective multilateral action. ... If we are going to gain any confidence that we are up to the hard challenge of making this Convention work, we need norms with teeth, we need vigilance and resources -- and we need binding law, compliance and enforcement. Essential elements of what we need are only available multilaterally. It's the way the world works."*

25. Ambassador **Ali-Ashgar Soltanieh** of the Islamic Republic of Iran then spoke saying that *"In the light of recent developments and the potential threats of biological agents to be used by terrorists, urgent need for an international legally binding instrument, for strengthening the Convention to be followed by establishment of an organisation in order to implement its provisions is felt even more than ever."* and after outlining the elements of the instrument continued *"All these follow up measures after the conclusion of a multilateral approach adopting a legally-binding instrument would, to a great extent, limit the access of bio-terrorists."* He said that *"The development and adoption of a Protocol would in itself demonstrate the determination of the international community to raise further legal, political and moral barriers against biological weapons and non-compliance with the Biological Weapons Convention."* Referring to the Ad Hoc Group negotiations he said that *"By 24th session of the Ad Hoc Group we were within decisive juncture for reaching of a Protocol. A sudden shock by unjustified position of the United States led the 24th session to a total failure."* and went on to say that *"any proposal on opening new avenue and announcing the active fruitful cooperation of all States Parties during past seven years in the Ad Hoc Group as meaningless, and time wasting process is a humiliation and an insult to all States Parties involved in a multilateral negotiation with a good intention of strengthening the Convention."* The statement continued by saying that *"We believe that a comprehensive, universal, balanced Protocol containing both regular and promotional aspects shall be instrumental in monitoring the effective implementation of the Biological Weapons Convention (BWC)."* and concluded by noting that *"Finally, at this critical juncture that the world public opinion is focused on our historical endeavour in bringing peace and security."*

26. Ambassador **Leonid A. Skotnikov** of the Russian Federation, one of the three co-Depositaries of the Convention, then spoke saying that *"The recent tragic events in the United States and the danger of terrorists using weapons of mass destruction are convincing us even more of the need of strengthening the Convention regime by adopting a multilateral legally binding document which the Ad Hoc Group ... has been working on during the last years."* He continued *"regretfully, due to events at the last round of negotiations well known to everybody present here they have not been completed in the due time. The Russian Federation is deeply concerned with this fact. We are of the opinion that the resulting situation with the Protocol may lead to a greater threat of spreading of biological weapons,*

and this means that there is the possibility that they may end up in the hands of terrorists." and added that *"We are prepared to consider in the Ad Hoc Group any additional measures designed to strengthen the Convention."* He went on to say that *"We consider to be important that States with the most developed biotechnological industry should participate in such negotiations."* and concluded by saying that *"In our view the whole set of measures which have been discussed earlier, as well as new ideas designed to strengthen the Convention could become the subject for the Ad Hoc Group meeting which in our opinion should be planned for as early as the first half of 2002."*

27. The afternoon session of the general debate then concluded with Mr. **Tajouri Shradi Tajouri of Libya** saying that Libya historically has complied with the spirit of the Biological Weapons Convention. However, Libya was concerned about the lack of an international commitment to pursue the aims of peaceful technology transfer laid down in Article X and called for the completion of the Ad Hoc Group mandate and reiterated its dedication to this end. In conclusion, Libya called upon Israel and other non-States parties to accede to the Biological Weapons Convention.

Rights of Reply

28. In accordance with their earlier requests under Rule 19 of the Rules of Procedure, the representatives of Iraq, Iran and Libya exercised their rights of reply to the statement made by the United States in the morning meeting.

29. Ambassador **Samir K. K. Al-Nima** of Iraq, speaking in a right of reply, accused the United States of using double standards in naming countries that had allegedly violated the provisions of the Convention. The United States had only mentioned Arab Muslim countries and had disregarded the violations of some other countries, namely Israel. Mr. Al-Nima clarified that Iraq had fulfilled its obligations under Section C, Resolution 987, not to acquire weapons of mass destruction. He also stated that Iraq had destroyed all weapons of mass destruction. Iraq further elaborated on its compliance with UNSCOM measures. UNSCOM had withdrawn on the advice of the United States before bombing attacks on Iraq in 1998. Iraq, therefore, denied the allegations made by the United States.

30. Ambassador **Ali-Ashgar Soltanieh** of the Islamic Republic of Iran, exercising his right of reply, categorically rejected allegations by the United States that Iran had violated the Convention. He described the accusations of the United States as "baseless". Iran had adhered to all treaties related to weapons of mass destruction. The United States was not in favour of multilateralism and was to blame for the failure of the 24th session of the Ad Hoc Group, and the unfortunate fate of the Comprehensive Nuclear Test Ban Treaty, the Anti-Ballistic Missiles Treaty and the Kyoto Protocol. Iran also accused the United States of violating the provisions of the Convention by transferring deadly biological agents to Israel and other allies as well as by conducting research and development in the area of biological weapons. Iran regretted that the accusations made by the United States might jeopardize the successful outcome of the Conference. At the same time, Iran urged the United States to put pressure on non-States parties to join the Convention.

31. Mr **Tajouri Shradi Tajouri** of Libya, speaking in a right of reply, stated that Libya had no biological weapon programme of any kind. Libya was used to the kind of selective and double standards approach exercised by the United States. Libya cautioned, however, that the Conference should not be used as a platform for making accusations.

General Debate, Morning, Tuesday 20 November 2001

32. The General Debate continued on the morning of Tuesday 20 November 2001 with further statements. **Ihor Kharchenko**, Deputy Secretary of State of the Ministry of Foreign Affairs of the Ukraine said that *"Ukraine is deeply concerned by the recent events in the USA and other countries of the world connected with the intensification of the terrorist's groups activities and use of biological agents with the aim of intimidation of population and its physical destruction. All this, in our opinion, requires fundamental reconsideration of efficiency of protection against these new threats."* and went on to add *"The fear of possible terrorist attacks with the use of biological agents can reach such a scale it can turn into the same effective instrument of terrorists as a real use of these agents. The recent developments in the United States of America, connected with the cases of anthrax contamination, confirm that. Ukraine is not an exception for we have got more than two hundred registered cases of mailing white powder to various addresses."* In regard to the negotiations in the Ad Hoc Group, he said that *"Unfortunately, we have to regret those negotiations were not fruitful. However, we believe that the situation at the negotiations on the elaboration of the BWC Protocol should not result in the suspension of the BWC verification mechanism development."* and went on to say that *"At the same time we do not see principal contradictions which would not allow to take into account the proposals put forward by the US representative in further work over the draft Protocol. Neither do we see principal contradictions which would not allow to accommodate both the results of the draft Protocol development and the proposals of the US delegation, as well as other delegation's proposals in a single BWC compliance control instrument."* In addition, he said that *"In this connection special attention could be paid to the proposals concerning the possibility of granting to the Conference the role of managing the process of improvement of the regime established by the Convention as well as the most complete discovering of the Convention potential with the use of experience and procedures, which were elaborated since the beginning of the Convention review processes, for this Conference is the only existing mechanism providing the representation of the States Parties interests."*

33. Ambassador **Rakeesh Sood** of India then spoke noting that the tragic events of September 11 have been compounded by *"a heightened vulnerability in the face of the discovery of letters and envelopes containing anthrax. BW proliferation and bio-terrorism have become a fact of life. What was hypothetical yesterday is now real."* In respect of the negotiations in the Ad Hoc group, he said that *"The outright rejection by a key delegation of both the Rolling Text and the Chairman's Composite Text as well as the entire "approach" underlying the Protocol effectively stalled the negotiation exercise. The solution that we had believed was the real solution to the risks of BW proliferation seems to have vanished, just when its relevance was greatest."* and went on to say that *"There is no doubt in our mind that the need for strengthening the Convention has increased rather than diminished."*

34. The Indian statement continued to note that *"Additionally, just as the threat of BW proliferation is now indelibly linked with prospects of bio-terrorism by non-state-actors, we need to modify our strategy to deal with it. We believe that it is necessary to strengthen both the moral and legal norms, nationally and multilaterally."* In respect of the Protocol, *"a cherry picking approach focusing on elements of the Rolling Text or the Composite Text is unworkable, as also attempts to focus on some elements of the Convention to the exclusion of others. Such an approach is akin to doing away with the lifeboat and seeking to rely on lifejackets. What we need is both: the multilaterally negotiated legally binding instrument"*

that constitutes the lifeboat as well as individual lifejackets in the form of national level measures involving cooperation between the biotechindustries and law enforcement agencies." Insofar as new proposals are concerned, India remained ready "to listen to all new ideas, study these carefully and make an assessment as to their feasibility, practicality, and acceptability. ... Proposals cannot be made on a "take it or leave it" basis but have to be subject to the give-and-take of negotiations." In respect of transfer of dual-use materials, India believed that these should be regulated on the basis of guidelines to be negotiated and accepted by all States Parties and added that "Such guidelines should, we further believe, prohibit transfers to non-State actors." He concluded by saying that "No BW Review Conference has ever faced a bigger challenge." and that "This Review Conference cannot end on a note of passivity; it has to issue a call galvanising the international community into action."

35. Ambassador Gustavo Albin of Mexico then spoke noting the events of 11 September and saying that *"The Fifth Review Conference begins in a critical moment characterized by the emergence of new actors and non-conventional threats to international security and by the need to establish measures to impede the development, production, stockpiling and use of biological and toxin agents for purposes contrary to the Convention."* He continued saying that *"We reiterate our conviction that multilateral negotiations in the framework of the Convention are the most effective way to preserve and strengthen all of the provisions of the Convention."* and went on to say that in this spirit, Mexico was open to consider additional measures. He concluded by saying that *"This Conference must reiterate our commitment with the responsible use of biotechnology and with the establishment of necessary measures to impede the use of biological and toxin agents with offensive, criminal or terrorist purposes."*

36. Ambassador Sverre Bergh Johansen of Norway then spoke noting that *"Today's realities underline how urgent it is that all States should work together to strengthen the implementation of the Biological Weapons Convention by establishing universal and multilaterally negotiated verification and compliance mechanisms."* Norway regretted the lack of results from the Ad Hoc Group so far in the form of an agreed Protocol text but *"We must, however, concentrate on the tasks ahead and address our challenges in a constructive manner. We therefore welcome new proposals for combatting the threat of biological weapons and further strengthening the Convention through a multilateral process."* He went on to say that *"A multilateral, legally binding instrument is needed now more than ever to fill the gap in the non-proliferation regime."* The statement continued to say that *"There is also a clear need to strengthen the support functions of the Convention. The Convention has been in operation for nearly 30 years, yet it still lacks an organization to support its activities. ... We are therefore ready to support proposals to strengthen the framework of the Convention with the aim of ensuring more regular meetings of the States Parties and other types of intersessional work. There can be no doubt that the present situation calls for a mechanism and a structure that will enable us to meet and exchange views on the Convention more often than every fifth year."* He concluded by saying that *"we believe that a **comprehensive**, multilaterally negotiated universal agreement that includes a broad range of confidence-building measures, and that strengthens verification and compliance with the Convention, represents the best way forward."*

37. Ambassador Chung Eui-Yong of the Republic of Korea then spoke saying that *"This Review Conference is taking place at a critical juncture when the international community is confronting the new challenges posed by the threat of weapons of mass destruction, as the recent acts of terrorism epitomize."* He regretted that the expectations evident at the Fourth

Review Conference had not materialised and said that *"Under these circumstances, the September 11th terrorist attacks and ongoing acts of bioterrorism through the use of anthrax in the United States have served as a wake-up call and brought home the urgency to take effective action against the growing threat of biological weapons, within and across borders. The anthrax attacks in particular have fueled the fear of sub-State proliferation and biological terrorism the threat of biological weapons is now a clear and present danger."* He went on to say that *"the global fight against terrorism has underscored the renewed importance of a collective and multilateral approach to threats to international peace and security. We should carry this positive momentum forward in the areas of disarmament and non-proliferation, particularly in our efforts to strengthen the BWC."* In respect to the Review Conference, he said *"Given such daunting challenges, we cannot afford to be complacent with a business as usual approach."* and went on to identify a number of issues for in-depth discussion at the Review Conference: *"How various provisions in the Convention can be further elaborated to strengthen the prohibition regime for biological and toxin weapons through shared extension of understandings...; How States Parties' activities during the intersessional period can be reinvigorated. In this regard, the idea of establishing some kind of intersessional mechanism to strengthen the follow-up process deserves serious consideration by States Parties....; How various approaches, both political and legal, to combat the proliferation of biological weapons and bioterrorism can complement and reinforce each other to achieve our common objective...."*

38. Ambassador **David Boucher** of the United Kingdom, one of the three co-Depositary states, then spoke saying that at this Review Conference *"We had hoped to see and endorse an agreed Protocol. That we are not in a position to do so at this juncture in the history of biological disarmament is a deep disappointment to my government."* He then went on to say that *"We are all only too well aware that we are meeting in the shadow of the appalling events of September 11th and the continuing alarm created globally by the anthrax attacks in the United States and countless hoax attacks there and elsewhere. We now face a qualitatively new situation in which biological weapons are actually being used, even if not very effectively, by terrorists. The challenges before us at this Conference are therefore much greater. A heavy responsibility lies on our shoulders."* He noted that the *"As a depositary power for the Convention, the United Kingdom recognises a special responsibility to try to ensure the success of this Review Conference."*

39. In addressing the three issues of relevant scientific and technological developments, compliance questions and future measures, he said that *"given the accelerating pace in science and technology, the United Kingdom wonders whether it is prudent to maintain a five-year gap between assessments under the Convention. The UK suggests that the Review Conference establish a mechanism for States parties to work together on a more frequent basis to conduct such scientific and technical reviews and to consider any implications at the necessary level of expertise."* In regard to compliance questions and the failure of the 24th session of the Ad Hoc Group to agree a report, he said that *"It reflects ill on States parties that we cannot even agree on how to characterise our work. However, we must now set aside the disappointment and frustration and look to the future."* As for future measures, *"The United Kingdom believes that we shall still need to take forward a multilateral negotiating body and that we must continue to seek measures, which are legally binding rather than voluntary or bidden by declaratory exhortations....If the Convention is being flouted, that is surely an argument for redoubling our efforts, not for giving up on the job. Legally-binding international norms increase the chances that governments will take the right decisions while helping to isolate potential wrong-doers. In an imperfect world, they can never give a complete assurance, and they should never be allowed to create a false sense of security. But*

they are the best tool we have, and we should not stop striving to increase their scope and strength."

40. He continued to suggest some measures: *"A revived and expanded mechanism for investigations into alleged use and to include facility investigations for alleged violations of the Convention; Additional confidence building measures....Making some of the existing measures mandatory might also be worth considering. A consultation process might also be established whereby States parties could engage in dialogue on the annual returns submitted by others; ...how we might make the assistance elements for Article VII more specific; increased levels of spending and co-ordination on disease surveillance, detection and diagnosis; A Scientific Advisory Panel could be created to monitor scientific and technological developments relevant to the Convention. This might meet annually (or more frequently) and report to States Parties..."* He concluded by saying that *"The United Kingdom believes that we cannot afford to ignore the real and pressing need to find ways to strengthen the Convention. World public opinion will have reason to be critical if this Conference fails to show the necessary leadership to produce a clear and constructive course of action to meet the needs of international security.... Work to strengthen the Convention is not an abstract exercise; the threat is real, as the anthrax attacks in the US show all too clearly. All of us must have the vision to see beyond our narrow interests and forge a genuinely multilateral and co-operative effort to combat the threat to global security posed by the perversion to science that is biological warfare."*

41. Ambassador **Toufiq Ali** of Bangladesh stressed that the coverage of the prohibition in Article I of the Biological Weapons Convention should be comprehensive and applicable to any new scientific and technological development relevant to the Convention. Emphasizing the importance of universal adherence, he urged non-States parties to join the Convention and expressed Bangladesh's belief that there was a need to develop a protocol to implement the Convention and to strengthen it. He also reiterated the need to strengthen confidence building measures. He called upon the Member States to strengthen Article X of the Convention, encouraging the exchange of bacteriological information and materials for peaceful purposes. Bangladesh was dismayed that the Ad Hoc Group had been unable to achieve consensus on a draft Protocol at its twenty-fourth session. Nevertheless, he stated that the recent anthrax attacks in the United States had further demonstrated the urgent need to strengthen the Convention.

42. Ambassador **Krzysztof Jakubowski** of Poland then spoke noting that *"The tragic events two months ago shook the core of our civilization, putting into a question many aspects relevant to the present state of arms control and nonproliferation regimes. Last terrorist attacks on the United States of America have introduced new forms of warfare, where the possibility of using lethal biological agents -- as deadly as nuclear but much less expensive and much simpler to us -- might play one of the key roles."* He continued by saying that *"The means of strengthening the BWC has become a key priority of recent times. Poland agrees that indeed this is a challenge from both political and security points of view. We need to focus on the forms of achieving this goal in order to create an effective mechanism to strengthen the Convention as soon as possible."* In respect of the work of the Ad Hoc Group, he said *"we hope that the failings of yesterday can be lessons for tomorrow. Today, on the basis achieved by the Ad Hoc Group, we need to move forward, looking for a framework which would help to accomplish our goals."* He concluded by saying that *"Each and everyone of us should contribute to this dialog and goal, specially now vis-a-vis growing threat of bioterrorism."*

43. Ambassador **Horacio Solari** of Argentina then spoke indicating that, while it continued to be relevant in today's international political system, the Convention required specific and additional actions to be strengthened. At the same time, Argentina made reference to the Mendoza Commitment of a number of South American States not to develop, transfer, stockpile or use biological weapons as a signal of the political will of these States in the area to support measures to fight the threat of biological weapons. He described the work of the Ad Hoc Group as a useful exercise in which, he said, many potentially useful measures for combating biological weapons were identified. He indicated that the Fifth Review Conference should revalidate the mandate of the Ad Hoc Group so that States parties could complete the political task of developing a verification regime to be considered at the Sixth Review Conference or at a special conference. Argentina expressed support for increased coordination of the control of the transfer of sensitive and dual-use technologies and increased transparency among Member States. He also expressed the desire of Argentina to see the adoption of common parameters for identifying weapons-applicable dual-use materials.

General Debate, Afternoon, Tuesday 20 November 2001

44. The General Debate was concluded by further statements made in the afternoon session. Ambassador **Les Luck** of Australia spoke saying that *"This Review Conference takes place at a time when the threat posed by biological weapons is more starkly evident than ever before. This threat makes the Biological Weapons Convention even more salient to the security of all people around the world."* and went on to say that *"...while the origins of the anthrax attacks over the past weeks in the United States are as yet unknown, they have shown the potential of biological weapons not only to inflict injury but to cause widespread fear and disrupt normal patterns of life. This threat does not come only from terrorists and non-state groups intent on inflicting indiscriminate injury and death. The main threat still comes from covert state programs for the development of biological weapons capabilities and the stockpiling of agents."* He continued by saying that *"As the legal instrument which bans, without exception, the development, production and stockpiling of biological weapons, the BWC is the centrepiece of any international response. ... in the case of the BWC, there remains a clear need for us to devise an effective mechanism to reinforce compliance."* In regard to the work of the Ad Hoc group, he said that *"We were deeply disappointed that the Ad Hoc Group did not agree to conclude a compliance Protocol."* and went on *"...given the failure of the Ad Hoc Group to reach a consensus on the Protocol, we believe this Conference has no option but to be forward looking, and that dwelling on the past would only guarantee failure. We face some immediate problems and there is a clear need to act now. We should not allow our differences concerning the Protocol to prevent us from agreeing to some new, practical measures to strengthen the Convention in the short-term."* He added that *"Australia would like to join others in suggesting that States parties agree to hold annual meetings. Such meetings could focus on the implementation of Review Conference commitments, continue to encourage universality, and work to preserve the vitality of the BWC regime between Review Conferences. They could share information about relevant issues such as the latest trends in biotechnology. Annual meetings would ensure that the international community continues to work together to fight the threat of biological weapons."* He concluded by saying that the Convention *"embodies an invaluable norm"* and that there were two paths -- *"to wring our hands over the most recent efforts"* or *"we can work together to develop ways to make our Convention more effective and more valuable to an international community that deserves*

such an instrument -- now more than ever. Only the latter path will do justice to both the Convention itself, and our utter rejection of biological weapons."

45. Ambassador **Samir K. K. Al-Nima** of Iraq said that the threat of biological weapons against humanity was now greater than at any time before. Iraq hoped that the United States would reconsider its position after having rejected the draft Protocol at the twenty-fourth session of the Ad Hoc Group. He went on to say that the new proposals made by the United States reinforced the fact that the United States took actions whenever its interests were at stake. Iraq urged all States parties to study carefully the United States proposals and to treat all proposals on an equal basis. He continued by saying that the United States was violating the Non-Proliferation Treaty and other international disarmament regimes by providing assistance to Israel in building its arsenals of weapons of mass destruction. He concluded by affirming the wish of Iraq to strengthen the Biological Weapons Convention by preserving the mandate of the Ad Hoc Group and continuing its work.

46. Ambassador **Nugroho Wisnumurti** of Indonesia then spoke saying that *"It was a source of deep concern to my delegation that the Ad Hoc group at its last meeting failed to complete negotiations on a verification protocol before this Fifth Review Conference."* He went on to say that *"The terrorist attacks of the 11th of September against the United States and the recent use of biological agents as a means of terror have taken the appalling threat of bacteriological warfare out of the realm of the abstract and into everyday reality. Indeed, we are now faced with the need to react rapidly in the face of a danger of potentially global proportions with dire psychological as well as pathological consequences. Consequently, we more than ever have to put every effort into achieving the prohibition of the development, production and stockpiling of biological weapons and their elimination. Thus, the Convention is essential to the preservation of world peace and security."* He continued by saying that *"My delegation believes that the absence of a workable verification regime weakens the Convention by making it ineffective and hence represents an incitement for either under-motivated or ill-intentioned States Parties to breach their obligations. Indeed, it is regrettable that, in the face of the very real threat of biological attack, this pivotal issue remains unresolved. In this regard, my delegation is of the view that confidence-building and transparency measures, provided they are carried out in a non-discriminatory manner, are still the best way forward."* He concluded by saying that *"...in order to reassure the international community in the present state of the world, this Review Conference needs to send a clear and positive signal to indicate our commitment to strengthening multilateral disarmament and the non-proliferation regime."*

47. Ambassador **Christian Faessler** of Switzerland then spoke noting that *"The circumstances, which surround the beginning of the 5th Review Conference are truly extraordinary. The events of these last weeks have clearly shown that the threat of biological weapons is real and not theoretical. They have also shown how much international security and the means to assure it concerns us all and is a matter for all of us."* He went on to say that *"Switzerland regrets that the Ad Hoc group was not in a position to accomplish its work within the time fixed by the Fourth Review Conference."* and added that the recent events resulted in Switzerland considering that *"our Conference should, without delay, put in motion a process to deepen our understanding of the follow-up of our work and of the direction of our future efforts to strengthen the Convention."* He concluded by reiterating that *"Switzerland remains attached to the idea of multilateral and legally binding instruments to strengthen the Convention."*

48. Ambassador **Dr. Rajmah Hussain** of Malaysia then spoke saying that *"The potential threat from biological and chemical agents is now greater in the wake of the incident following the 11 September attacks. It is clear that biological weapons can cause terrible effects on its victims and it is therefore imperative that international attention is focussed on countering these weapons. There is no doubt that biological weapons present a great danger as they are easiest to acquire, with the weakest regime and yet have horrendous effects."* He went on to say that *"The Fifth Review Conference is considered a crucial and an important one following the failure of the Ad Hoc Group to conclude a Protocol. It is also being held against the backdrop of growing concern of the international community on the potential threat of the deliberate use of biological agents to cause harm by terrorist."* He concluded by saying that *"we urge all States parties to demonstrate their political will and work together to conclude the Protocol as soon as possible. Otherwise, the Biological Weapons Convention will remain as the only treaty dealing with weapons of mass destruction that has no verification regime."*

49. Ambassador **Vladimir Korolev** of Belarus said that Belarus met all the provisions of the Convention and submitted information annually to the United Nations on work done on biological agents and toxins. The events of 11 September and outbreaks of anthrax in the United States had added urgency to the problem of the use of biological weapons. In view of such threats, Belarus believed that differences among States Parties could be overcome and urged all States to consider new proposals to strengthen the Convention. In this regard, Belarus favoured a multilateral non-discriminatory approach in strengthening the Convention.

50. Ambassador **Juan Enrique Vega** of Chile then spoke on behalf of the Rio Group, comprising Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, Uruguay, Venezuela and Guyana, representing the Caribbean States. He recalled that the group of Rio had made a statement on 8th October to the First Committee of the General Assembly in which they had said that *"we do regret that no progress has been achieved towards the conclusions of a Protocol on verification of the Convention of the Prohibition of Biological Weapons and hope that in the following Review Conference of the Convention the mandate of the "Ad Hoc" Working Group will be reiterated, in order to continue the negotiations for finalisation of the said international legal instrument."* He went on to say that *"today we wish to reaffirm these convictions, while insisting on the fact that only the multilateral format will provide a true reinforcement of the Convention that satisfies both the requirements of efficiency and legitimacy..."*. He concluded by saying that *"The terrorist attacks perpetrated against the United States on last September 11th -- that have deserved the most vigorous condemnation from our Governments and also our solidarity with the aggrieved nation -- have brought the necessity of materialising global actions against international terrorism..."*

51. Ambassador **Virasakdi Futrakul** of Thailand then spoke noting that *"We are gathered here in the shadow of the tragedy of the globalization of terrorism that exploded on September 11, 2001, and the subsequent acts of bioterrorism. ...These events have underlined the importance of the BWC as an instrument to safeguard international peace and security and to prevent the exploitation of biotechnological advances for non-peaceful purposes."* He went on to say that *"The recent events also serve to reinforce Thailand's conviction that there is still an urgent need to strengthen the implementation of the Convention with the legally binding instrument. We regret therefore that negotiations in the Ad Hoc Group ... have not reached a successful conclusion. We do hope that this Conference would be able to find*

ways for States Parties to continue our common unfinished work towards ensuring effective verification and compliance, and hence strengthen implementation of the Convention."

52. Ambassador **Nassima Baghli** of Algeria noted that Algeria had recently become a State party of the Biological Weapons Convention. In order to deal with the challenges of new threats such as 'asymmetrical war', Algeria emphasized the need for specific measures and actions. Ms. Baghli expressed regret that the Ad Hoc Group had failed to achieve consensus on the draft Protocol. Nevertheless, she underlined that multilateral approach in strengthening the Convention was indispensable.

53. Ambassador **Alexander Slaby** of the Czech Republic laid out a series of major steps, comprising both regulatory and legislative nature, that the Czech Republic had undertaken to prevent the use of biological agents for hostile purposes over the past years. The Czech Republic regretted that the twenty-fourth Ad Hoc Group session had failed to reach a successful conclusion, but at the same time, he stressed that the positive results of the past six years should not go to waste. Mr. Slaby believed that the mandate of the Ad Hoc Group, approved at the Special Conference in 1994, was still valid and that the elements of the proposed verification and compliance regime, such as the international system of mandatory declarations, on-site inspections and investigations, were essential to strengthen the Convention.

54. Mr **Murat S. Esenli** of Turkey then spoke noting that Turkey aligned itself with the EU statement presented earlier in the general debate. He said that *"The recent bioterrorism which emerged in the form of anthrax attacks at a wide geography are clear indications of need for resolute action against biological weapons. There is no doubt that we have to approach to the BWC with a new vigour and a renewed sense of urgency. The international community has high expectations from the 5th Review Conference in the light of these horrific events. I think it is high time to address the issues of great concern with courage."* He went on to say that *"We think the best way to respond to the recent developments and expectations would be to demonstrate beyond any doubt our determination to strengthen the BWC" and that "The final declaration of the Conference should incorporate all elements necessary for prevailing over the new challenges that lay ahead of us."* He concluded by saying that *"We have to turn every stone, explore every avenue to find new ways and means to reinforce and re-invigorate the Convention so that we would be ready for the future challenges."*

55. Mr **Mohamed Tawfik** of Egypt then spoke as a Signatory State. Condemning the terrorist acts on 11 September, he affirmed the importance of international efforts in curbing bio-terrorism. Having signed the Convention in 1972, he said Egypt had always participated as a Signatory State in the work of the Ad Hoc Group and had followed the review process of the Convention. Egypt recalled the efforts of President Mubarak in 1990 to establish a zone free of weapons of mass destruction in the Middle East. He continued by saying that Israel had nuclear capability and this was a great source of concern in the region. Such concern, Egypt argued, must be addressed within the context of various non-proliferation regimes. According to Egypt, a strengthened Biological Weapons Convention would attract further adherents to the Convention. To strengthen the Convention, Egypt underscored three essential aspects: the need to fill gaps in prohibition of the use of biological weapons as provided in the Final Declaration of the Fourth Review Conference; the need for a compliance mechanism; and implementation of all provisions of the Convention for use of biology for peaceful purposes.

56. Finally, a statement was made by **Francois Bugnion**, Director for International Law and Communication of the International Committee of the Red Cross, speaking as an Observer Agency, in which he said that *"Despite the existence of well established norms there are ample reasons for vigilance. developments in microbiology, genetic engineering and biotechnology and the spread of knowledge in these fields are proceeding at a rapid pace. Many believe the the twenty-first century will be the century of "biotechnological revolution". The recent use of anthrax to spread terror has validated the concern that long-standing restraints on the use of these weapons may be ignored or eroded. Confirmed reports of State biological weapon programs are further reasons for concern."* He went on to say that *"The ICRC is disturbed that nearly a decade of efforts to develop an effective and legally binding compliance monitoring regime have not yet born fruit and we urge States Parties to resume efforts in the Ad Hoc group towards this end. To leave this task unfinished raises disturbing questions about the international community's willingness to uphold the long-standing prohibition of a hideous form of warfare."* In considering the future he said that *"We also believe that the time has come to equip the Convention with at least a modest structure capable of monitoring relevant technological and other developments, encouraging universalisation, promoting implementation of already agreed confidence-building measures and preparing future Review Conferences. In this regard we commend proposals to establish a Committee composed of States Parties which would meet on a regular basis between the Fifth and the Sixth Review Conferences."* In addition, he said that *"The ICRC is aware of interest in the development of certain allegedly "non-lethal" biological agents. We are concerned that development in this direction could erode the existing comprehensive prohibition of biological weapons. We urge States Parties to carefully examine proposals in this field from a multidisciplinary perspective taking into account legality, possible effects on health and the environment and the military necessity for such weapons. We would also take this opportunity to remind States Parties of their obligation under Article 36 of Protocol I Additional to the Geneva Conventions of 1949 to review all new means and methods of warfare to ensure their legality under international law."*

57. Following the general debate, the Review Conference moved on to meet on Wednesday 21 November 2001 as the Committee of the Whole under the chairmanship of Ambassador Markku Reimaa of Finland.

Graham S. Pearson
30 November 2001