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HIGHLIGHTS OF PRESS CONFERENCE HELD AFTER THE OPENING OF THE
FIFTH REVIEW CONFERENCE OF STATES PARTIES TO THE BIOLOGICAL
WEAPONS CONVENTION ON 19 NOVEMBER 2001

Ambassador Tibor Toth of Hungary, President of the Fifth 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, and Jayantha Dhanapala Under-Secretary-General for Disarmament Affairs, briefed journalists following the opening of the three-week Fifth Review Conference of the States Parties to the Biological Weapons Convention at the Palais des Nations on 19 November 2001.

Mr. Toth said he preferred not to go into details about country statements, because he preferred that those "are explained and interpreted by those countries who are delivering the statements". The Fifth Review Conference had started today with the general debate which was preceded by the adoption of a series of procedural decisions which were important for the launching of the Conference. One issue among these procedural decisions, the final shape of the agenda, would have to be returned to because there was a question on the order of some of the agenda items. But this did not stop the Conference from the timely launching of its work, agreeing on the nomination of officers, adoption of a programme of work, and the question of observers. In terms of statistical data, there were 72 delegations attending the opening of the Review Conference, this was half the States Parties to the Convention. Out of the 18 signatories of the Convention, five signatories were present. Two States participated as observers. And there were 18 non-governmental organizations participating as well.

Mr. Toth said the General Debate was scheduled for two days after which the Conference would proceed to a more focused and structured discussion. Starting Wednesday, 21 November, and for a week, the Committee of the Whole would be held. It was a forum to put forward proposals to be considered, and to structure and consolidate the proposals. From the middle of the second week until the middle of the third week, there would be a so-called Drafting Committee which would draft and consolidate further the proposals and those elements which would find their way in the final declaration of the Review Conference. These meetings would not be held in public, but he would brief journalists as each part concluded.

A journalist asked if he could explain whether the United States proposal, which would allow the United Nations Secretary-General to initiate inspections, fitted in with the treaty. **Mr. Dhanapala** said that in the past, where there had been allegations of

biological or chemical weapons use, the Security Council had usually considered the matter and had requested the Secretary-General to undertake investigations. "I would anticipate a similar scenario with regard to this. It would be difficult for the Secretary-General to initiate an inspection of alleged use of biological weapons independently unless the Security Council mandated him to do that or unless the States parties had, through a decision-making mechanism of their own, requested him to do that", he added.

A reporter said that one State party to the Convention had claimed that four other State parties to the Convention had violated it, as well as two non-States parties, and asked if the Review Conference would try to find out if these allegations were true and if so what should be done about them? **Ambassador Toth** said that under the Convention, there was a mechanism to take up issues which indicated breaches of the Convention. "In case any countries would like to pursue any of these elements further, such a consultative meeting is the right setting to sort out these types of issues. We will have to see if this is the intention or not".

A journalist asked if they could understand from the United States statement today that the draft protocol was "dead" and if it would be possible to engage in negotiations to incorporate some of the measures that were suggested by the United States? **Mr. Toth** said that "in diplomacy, never say never". At the same time, it was clear from the statement of the United States that it considered that the whole approach of the draft protocol was flawed. The basic rule for negotiations was consensus, and in its absence, it was very difficult to move forward. There were other proposals, many of the proposals were put forward today in a concrete form, and he was sure that there would be other ideas proposed this afternoon and tomorrow. Some of them were not totally new, but could be emerging in a more concrete form. Some of them took up the safety of biological materials, the safety of facilities, safety of procedures, how to interact in cases of potential breaches and others. "We will have to see how we can accommodate in these three weeks an approach which is a more ambitious approach by many delegations who are putting a strong emphasis on the continuation in the multilateral framework of negotiations". **Mr. Toth** said he could only speculate whether an everything or nothing attitude would prevail, or whether they might be able to combine and consolidate different expectations.

A reporter said that the 1993 Chemical Weapons Convention which was negotiated in Geneva contained very strong positions on routine inspections and challenge inspections. Had these provisions not worked in order to investigate alleged breaches? **Mr. Toth** said that his understanding was that no challenge inspection took place in the framework of the Chemical Weapons Convention. As for the routine inspections, his understanding was that the organization charged with implementation was carrying out those visits in accordance to the programme and budget which were adopted on an annual basis by the States parties.

In response to another question, **Mr. Toth** said that "it is extremely important in my judgement to bring forward some elements from this Review Conference which will demonstrate that business is not as usual, so I think we will have to practically symbolize

with concrete achievements by this Review Conference that States parties to the Convention are taking seriously the challenges, and the challenges are definitely there. I myself mentioned in my introductory statement that though we do not know whether the recent Anthrax incidents are domestic or international incidents, practically we are forced to live in a de facto way with the every day occurrence of biological agents in use as weapons which is eroding the foundations ... which are inscribed in the Biological Weapons Convention. ... So we have a real challenge here to address". In response to a second question, he said it would be very difficult to go back to the details of the composite text without an overall consensus that this was the way to proceed. In light of the statement of the United States, his understanding was that the United States was not favouring the resumption of those negotiations on the protocol. Without that consensus, it was very difficult to see what kind of improvements could be foreseen on details.

A journalist asked how the Review Conference could proceed with negotiations with only half the States parties being present. **Mr. Toth** said that no one was preventing States parties from participating in the work of the Review Conference. He wondered if the absence of the States parties was a lack of financial means, as suggested by Pakistan today. He wondered if it was lack of democratic or political attention, and hoped it was not the case. However, the numbers spoke for themselves, and he hoped that the number of States parties participating would increase in the forthcoming days.

Further asked about the Anthrax events, **Mr. Dhanapala** said that he did not think that these incidents had made things more difficult, if anything they made it more urgent that the States parties should reach agreement with regard to strengthening the Biological Weapons Convention so that incidents of this nature did not occur. **Mr. Toth** added that his own feeling was that "We are too close to the events. It is not clear exactly what was at the source of those events, whether they are dealing with a domestic event or whether we are dealing with an international event. Without knowing additional details like what kind of logistical and other support is behind these incidents, it is very difficult even to contemplate what kind of treatment might be applied to the disease itself My own feeling is that the incident in itself as I mentioned is challenging some of the existing legal and other prohibition norms.". He said that despite its consequences, this was "a very low scale incident" of using biological weapons, but even such an incident was creating serious difficulties for a country which was probably the best prepared globally to handle such an incident. There was a conclusion that efforts would have to be pooled, especially in such areas as collective response to such a situation.

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