

Seventh 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

STATEMENT BY AMBASADOR RODOLFO BENÍTEZ VERNON, REPRESENTATIVE OF CUBA, ON BEHALF OF THE GROUP OF THE NON-ALIGNED MOVEMENT AND OTHER STATES PARTIES TO THE BWC

Geneva, 5 December 2011

Mr. President,

1. I have the honour to take the floor to speak on behalf of the Group of Non Aligned Movement and other States Parties to the Biological Weapons Convention (BWC).
2. At the outset, on behalf of the Group allow me to congratulate you on your election as the President of this Conference. Our Group is confident that with your knowledge and diplomatic skills you will be able to guide the work of this Conference at successful conclusion. The Group stands ready to work and engage constructively with you and other States Parties in meeting our common goal.

Mr. President,

3. Referring to the BWC during the XVI NAM Ministerial Conference held in Bali in May 2011 NAM Ministers reaffirmed and I quote:

"The possibility of any use of bacteriological (biological) agents and toxins as weapons should be completely excluded, and ... such use would be repugnant to the conscience of humankind. They recognized the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention. They reiterated their call to promote international cooperation for peaceful purposes, including scientific-technical exchange, and to adopt concrete actions in this regard such as those contained in the Plan of Action to implement the Article X submitted by the NAM States Parties at the Sixth Review Conference, and the additional NAM States Parties' proposal on a mechanism for the full implementation of Article X of the Convention presented more recently. They...highlighted that the Convention on Biological and Toxin Weapons forms a whole and that, although it is possible to consider certain aspects separately, it is critical to deal with all of the issues interrelated to this Convention in a balanced and comprehensive manner."

End of quote.

4. These views expressed by the NAM Ministers are of utmost importance and primary concern for our countries in the BWC. We come to this meeting ready to discuss any issues related to the implementation of the Convention as well as its current and future development.
5. The Group would like to reiterate its deep concern about the potential use and/or threat of use of biological agents and toxins as an instrument of war and terror. In this regard, the Group feels that there is a great necessity and urgency for the States Parties of the BWC to work towards strengthening and improving the effectiveness and implementation of this Convention so that together we can fully address this concern.

6. The Group stresses the particular importance of all States Parties pursuing the objectives that were set forth by the Fourth Review Conference in 1996, as we strongly believe that the only sustainable method of strengthening the Convention is through multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement, dealing with all the Articles of the Convention in a balanced and comprehensive manner. In this context, the Group recalls that the Ad Hoc Group met between 1995 and 2001 to “consider appropriate measures, including possible verification measures and draft proposals to strengthen the Convention, to be included, as appropriate, in a legally binding instrument”. However, in 2001 one delegation rejected the entire approach underlying the Protocol which regrettably stalled the negotiation exercise that had reached an advanced stage.
7. The BWC, the first multilateral disarmament treaty banning a whole category of weapons of mass destruction, constitutes an impressive expression of international cooperation and multilateral negotiations in response to the challenges facing humankind. We believe that the effective contribution of the Convention to international and regional peace and security would be enhanced through universal adherence to the Convention.
8. We are of the view that the universality of the Convention is of high importance, and the foremost priority should be towards the non-signatory States who have yet to display the basic political will to adhere to the Convention. The group is convinced that practical steps should be taken to achieve this goal. This Review Conference should seriously address this issue and discuss concrete measures to promote the universality of the Convention. We strongly believe that the universal adherence to and further strengthening of the Convention will make a significant contribution to advancing further in the field of arms regulation, non-proliferation and disarmament on the basis of universal, multilateral, non-discriminatory and transparent negotiations with the goal of reaching general and complete disarmament under strict international control.
9. Non-Aligned Movement and Other States Parties express their hope for a successful conference in 2012, to be attended by all states of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region.

Mr. President,

10. I shall now convey some of the NAM's expectations from the Seventh Review Conference. The mandate that we should fulfill during the Conference is given by the Article XII of the Convention. The Group is of the view that the general thrust of the Review Conference should be the review of the operation and implementation of all the Articles of the Convention and its preamble, including consideration of the work of the meetings held during the inter-sessional period.
11. **Article X:** The importance of international cooperation in the field of peaceful use of bacteriological (biological) agents and toxins for the effective and comprehensive implementation of the Convention has been recognized since the inception of the BWC. Our Group believes that full, effective and non discriminatory implementation of Article X is essential for the realization of the objective and purpose of the Convention and there is a legal obligation under Article X to promote fullest possible exchange of equipment, materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes and not to hamper the economic and technological development of States Parties. We would like to recall that, at previous Review Conferences, States Parties decided to take actions for the full and effective implementation of Article X.

12. We believe that in the framework of the Convention, developed countries bear special responsibility to promote international cooperation in the framework of the Convention for the benefit of developing countries and to remove and avoid all restrictions that are contrary to the letter and spirit of the Convention. The NAM and Other States Parties also attach importance to promoting South-South cooperation.
13. NAM and Other States Parties has presented to this Conference a Working Paper on the establishment of a mechanism to promote the full, effective and non-discriminatory implementation of Article X. Our Group is ready to engage in discussion in order to establish a mechanism on Article X open to participation of all States Parties which performs inter alia the tasks outlined in our Working Paper. We believe that a mechanism under Article X should provide an opportunity for States Parties to BWC to submit offers of assistance and requests for assistance in different areas under the scope of Article X through the establishment of a database to be administered by the ISU and detailed procedures to deal with the settlement of disputes arising from the lack of implementation of Article X. We underline the importance of a non discriminatory and universally acceptable approach to transfer of biological items and technology for peaceful purposes, including possible guidelines and redressal measures.
14. We believe that the Review Conference must reach an understanding that all States Parties will actively seek the full and non-discriminatory implementation of the decisions adopted in previous Review Conferences regarding Article X. We would like Article X implementation to be regularly on the agenda of the inter-sessional period. Under this agenda item, States Parties would be able to inform and discuss successes and difficulties experienced in the implementation of Article X.
15. **Verification and Compliance:** A central element of the operation of any multilateral treaty is compliance by all State parties with their obligations. It is critically important for States parties to be collectively reassured that the provisions of the Convention are being realized. The BWC was established with the main objective of the total elimination of bacteriological and toxin weapons but it has yet to ascertain the achievement of this goal. This is an issue that we must revisit.
16. We understand that the BWC forms a composite whole. We believe we should deal with all the inter-linked elements of the Convention – whether they relate to regulation, compliance or promotion. That is why, Mr. President, the NAM and Other States Parties advocate that only a multilaterally agreed mechanism for verification of compliance can provide the assurance of compliance with treaty obligations and deter against non-compliance. The Final Declaration of this Review Conference should, hence, underscore the importance of negotiations of a legally binding mechanism to comprehensively strengthen the implementation of the Convention, including verification provisions. This is essential to strengthen the Convention and addressing compliance concerns.
17. **CBMs:** Mr. President, the 2nd Review Conference introduced the CBMs "in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions and in order to improve international co-operation in the field of peaceful biological activities". The 3rd Review Conference reaffirmed and improved the measures with a view to promoting increased participation and strengthening the exchange of information. NAM and Other States Parties believe that CBMs are a tool of transparency and building trust and confidence among States Parties in the implementation of the Convention. They cannot be a tool to assess compliance for which the only method is a legally binding mechanism with verification provisions.

18. Only a limited number of States Parties make annual CBM submissions. We therefore encourage the State Parties to take necessary measures to promote universal participation in CBMs. We are ready to carefully examine any appropriate proposal that deals with this issue based on its real weight and merit, including through the provision of more meaningful information and by increasing comprehensibility. We are hopeful that this issue will not be overemphasized in a manner that complicates the continuation of the whole process. NAM believes that any amendment to CBMs should be aimed at achieving the objectives set for them at the Review Conferences. They should also aim at increasing participation in the CBMs while not increasing the reporting burden on States Parties. We support finding a common ground on any amendments to CBM formats.
19. **Inter-sessional Period:** NAM highlights that the ISP is important in the absence of detailed treaty provisions for implementation. At the same time, we believe the ISP cannot be a permanent substitute for such provisions. The last ISP provided an appropriate framework for discussing and promoting common understanding and effective action on various aspects of the Convention. We believe that the next ISP should be aimed at achieving further progress in the implementation of the Convention in a balanced and consensus based approach, while providing continuity to the positive aspects of the last ISP.
20. **ISU:** The ISU was set up within the ODA at the Sixth Review Conference. It is responsible to the BWC States Parties and its work is directed exclusively by them. The Group agrees that the ISU should continue to provide the necessary administrative support for the implementation of aspects of the Convention mandated to it. We believe that all States Parties should contribute to funding of the ISU and reliance on trust funds and voluntary funding should be avoided. The ISU should be responsive to the needs of States Parties, especially developing countries. In this regard, we emphasize the importance of an equitable geographical representation, along with principles such as rotation and neutrality. The Group considers that any decision on the future of the ISU as well as its structure, size and budget, should be commensurate with the tasks assigned to it by this Review Conference.
21. **S&T developments:** Our last point regards the rapid pace of developments in biological science and technology and their implications for the implementation of the BWC. The Group believes there may be benefit in reviewing such developments in a regular and systematic manner. The review of S&T developments is mandated by Article XII of the BWC. The regular and systematic review of S&T developments in the next ISP could be through an agenda item at the annual Meetings of Experts and Meetings of States Parties.
22. The Review Conference will also be an opportunity to deliberate on other issues, some of which have been discussed in the last inter sessional period. For instance, the Review Conference would be a good opportunity to further discuss timely provision of assistance upon request by any State Party in the case of alleged use of biological or toxin weapons.
23. Mr. President, let me conclude by reaffirming to you the full cooperation of the Group of NAM and other States Parties for the success of this meeting.

I thank you, Mr. President.