

**Permanent Mission of India to the Conference on Disarmament
Geneva, 20th November 2001 Statement By Ambassador Rakesh
Sood Head of Delegation to 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.
New Delhi - November 20, 2001**

Mr. President

Please accept my congratulations on your assumption of the Presidency of the 5th Review Conference of the Biological and Toxin Weapons Convention. Your expertise, commitment to this field and many years of experience as the Chairman of the Ad Hoc Group qualify you for the challenging task of steering this crucial Review Conference. Let me also congratulate, through you, all the other distinguished members of the Bureau who will be assisting you in your task. On behalf of my delegation, I assure you of our fullest cooperation in seeking a successful outcome for this Conference.

The tragic events on September 11, which claimed the lives of nearly 6000 innocent men, women and children, have stunned the international community. It highlighted the phenomenon of globalization of terror and showed that a suicidal terrorist can cause thousands of casualties, literally in a moment. The tragedy of this searing realization has 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.

Mr. President, this therefore, is the ground reality against which the 5th Review Conference is taking place. 144 countries, parties to the BWC, are pledged never to "develop, produce, stockpile or otherwise acquire or retain" biological weapons. Through successive Review Conferences, we have felt that the comprehensive legal norm against biological weapons, embodied by the Biological and Toxin Weapons Convention, needs to be strengthened. Since 1995, we have sought to strengthen it by negotiating a Protocol in an Ad Hoc Group, tasked 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, to be submitted for the consideration of the States Parties". Ironically, 24 negotiating sessions later, spread over six-and-half years, we are back at square one. The outright rejection by a key delegation of both the Rolling Text and the Chairman's Composite Text as well as entire "approach" underlying the Protocol effectively stalled the negotiating 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. Therefore, it is doubly important to acknowledge that the critical role of the multilateral negotiating process, inherent in the 1994 mandate as the inevitable method for a problem solving approach, remains undiminished.

Mr. President, how do we go forward from here? How do we demonstrate that the BWC still remains effective? How do we reflect the relevance of the States Parties to this Convention acting together, in face of the new challenge? There is no doubt in our mind that the need for strengthening the Convention has increased rather than diminished. We believe that the State Parties to this Convention mandate of the Ad Hoc Group, adopted in 1994, remain valid. 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. Let me elaborate. First, the norm of prohibition of BW, embodied in the BWC, needs to be strengthened and this is where the Protocol, in accordance with the 1994 mandate, becomes a crucial input. Secondly, recent incidents have also highlighted the need for enhanced national controls on production, acquisition, storage, handling, transfer

and use of dangerous pathogens. Some of these controls already exist in the form of international guidelines; what is needed is sensitization and widespread adherence. Finally, international cooperation and assistance is not only necessary for dealing with use or threat of use of biological weapons, but reflects the political commitment of the international community to deal with such threat in a collective fashion. In fact, cooperation between States should become all the more networked to prevent non-States actors from exploiting gaps in it. In our views, therefore, Mr. Chairman, we need a three-fold strategy that has national and multilateral components.

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 life-jackets in the form of national level measures involving cooperation between bio-tech industries and law enforcement agencies.

Certainly, events of recent weeks would have forced delegations to reflect on the agenda of this Conference as well as what its outcome should be. Many delegations will have fresh ideas and proposals. We remain ready to listen to all new ideas, study these carefully and make an assessment as to their feasibility, practically and acceptability. In our view, this does not involve jettisoning the 1994 mandate, but strengthening it through additional measures. Naturally, any arrangement and agreements need to be multilateral and transparent. Proposals cannot be made on "take it or leave it" basis but have to be subject to the give-and-take of negotiations.

Turning to the Convention itself, we believe that the provisions of Article I should be interpreted in the widest possible manner, to take into account any further developments in science and technology which can be seen to be in violation of the general prohibition contained in the article. Verification of this article should mean verification of all its aspects-development, production, stockpiling, acquisition, retention and use. We attach equal importance to the strengthening of both Articles III and X, which provide the two mutually inseparable aspects of any disarmament agreement that deals with a dual-use technology. We believe that transfer of dual-use materials for medical, diagnostic and treatment purposes should be regulated on the basis of guidelines to be negotiated and accepted by all States Parties. Such guidelines should, we further believe, prohibit transfers to non-State actors. The promotional aspects of Article X are, we believe, a crucial element in strengthening the Convention and even perhaps in achieving universal adherences.

Mr. President, this Review Conference has a lot riding on it. We cannot permit it to end the same way as the 24th Session of the Ad hoc Group i.e. without even a Procedural Report. The consequences of such a failure are immense not just for the Convention, which we are committed to strengthen, but also for the concept of multilateralism in the field of disarmament which has been under threat. No BW Review conference has ever faced a bigger challenge. We need to adopt a Declaration that will reaffirm the mandate, enable us to resume our stalled negotiations and add to it new measures that will help us deal with new threats to which we have been exposed. This Review Conference cannot end and on a note of passivity; it has to issue a call galvanizing the international community into action.

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