

**Statement by Ambassador Rakesh Sood, Permanent Representative of India to the Conference on Disarmament at the 24th Session of Ad-hoc Group of States Parties to the Biological Weapons Convention, Geneva, July 25, 2001**

Mr. Chairman,

My delegation has, during earlier sessions stretching over six years, participated actively and constructively in the deliberations of this Ad Hoc Group. As we begin our work in this crucial 24<sup>th</sup> Session, let me reiterate our assurances of cooperation and support to you. I do so in the confidence that our able Chairmanship, and the collective efforts of delegations present, will enable us to conclude a Protocol, in keeping with our 1994 mandate.

As States Parties to the Biological and Toxin Weapons Convention, we set up this Ad Hoc Group with the objective of strengthening that multilateral agreement which enjoys the distinction of being the first disarmament agreement to ban an entire category of weapons of mass destruction. At the time of signing the convention on 15<sup>th</sup> July 1973, and subsequently, while ratifying it on 15<sup>th</sup> July 1974, my government reiterated its understanding that 'the objective of the Convention is to eliminate biological and toxin weapons, thereby excluding completely the possibility of their use, and that the exemption in regard to biological agents or toxins, which would be permitted for prophylactic, protective or other peaceful purposes, would not, in any way, create a loophole in regard to the production or retention of biological and toxin weapons.' Since then, there have been many new developments that created the potential of becoming unintended "loopholes". Hence these negotiations, that are preceded by the history of periodic review conferences, of voluntary confidence building measures and VEREX: all efforts to ensure that the BWC retains contemporary validity and these unintended loopholes can be effectively plugged. Our challenge during these negotiations is to reach a shared understanding of new developments, relevant to the Convention, and transform it into a legally binding instrument, that maintains a balance between transparency, non-intrusiveness, non-discrimination and effectiveness.

It is difficult task because different countries perceive threats from BW proliferation and assess the potential of bio-technology differently. Your Composite Text, Mr. Chairman, has been a timely initiative seeking to bridge gaps, reflected in the 1400 brackets contained in the Rolling Text. Your text has brought us close to what could well be the final solution. Therefore, at this stage, what is needed is limited adjustments and not large scale revisions. To conclude our exercise successfully and iron out some of the anomalies, we need to keep our sights fixed on the basic principles that I have identified – transparency, non-intrusiveness, non-discrimination and effectiveness.

Declarations, visits and investigations form the verification core of the Protocol. Let me briefly take up each of these in turn:

a) Everybody agrees that all 'relevant' facilities and activities must be declared. Accordingly, we have developed a set of definitions, linked in turn, to criteria for voluntary declarations. However, in order to reduce the reporting obligations for some countries, we have introduced 'carve outs'. These affect declarations relating to biological defence programmes, high biological containment facilities

and production facilities, introducing an imbalance which will only become more acute with future technological developments. Such provisions are discriminatory and do not contribute to transparency and need to be rectified.

b) We have been innovative in developing the concepts of randomly selected transparency visits, voluntary assistance visits and voluntary clarification visits, as part of declaration clarification procedures. Yet, what is described as 'voluntary' appears, on closer examination, to be more a case of "persuasion" in certain instances. At the same time, the mandate for randomly selected transparency visits appears to be getting more and more diluted. Such an approach does not help in the "effectiveness" of the instrument being negotiated, and a balance ought to be restored.

c) Calling for an 'investigation' is a political act. Similar provisions were included in the Chemical Weapons Convention and the CTBT. Our negotiating experience provides an indicator as to how we should proceed in this Protocol. Clearly, visits to the territory of the State requesting for an investigation need to be treated differently than where the State is requesting for a visit to another State. This is a simple guideline which would enjoy transparency and, therefore, greater acceptability, rather than more complex formulations.

Our mandate requires us to develop not merely a verification Protocol – but a Protocol that would strengthen the convention. Just as technological developments highlight the need for developing verification provisions, they also make us aware of the need to find a balance between the regulatory and promotional aspects of this technology in terms of Articles III and X of the Convention. If the Protocol has to strengthen the Convention, then not only should all parties to the Convention be ready to embrace the Protocol, but a strengthened Convention should attract new adherents. Therefore, we need to address the issues relating to export controls which, in the past, may not have been considered as relevant to a disarmament agreement. Today, given the peaceful applications of biotechnology in vital areas of food and health, developing countries need to be certain that they will enjoy access to these technologies as State Parties. In other words, all parties, large or small, developed or a multilaterally negotiated disarmament agreement that seeks to be universal.

Mr. Chairman, we are all aware that we have reached a decisive point in our work. This has already been highlighted by other speakers. Therefore, I have deliberately chosen to focus on specifics for two reasons. First, to emphasise that there are only limited issues that need to be 'fixed' and secondly, that the 'fix' can be found within the overall framework and thrust of the Composite Text.

We have to make a choice regarding our future course of action and we have to make this choice now, in this Session. If we choose wisely, we will have the satisfaction, Mr. Chairman, of having fulfilled the responsibility of the mandate assigned to us. My delegation remains ready to work with you and other like-minded delegations in discharging this mandate.