US Statement at MSP on MX5

The United States would like to express its appreciation to Mr. Gorgol for the CRP in which he presented his reflections on the deliberations of MX5 and on the way ahead. This was a difficult task. He presided over a meeting devoted to issues on which there are longstanding and deep divisions among States Parties. His effort to capture those debates and suggest a way forward was predestined to be criticized from all quarters.

There are certainly elements of this paper that the United States does not agree with, but wishes to make three fundamental points:

- First, that many States Parties share a strong desire to strengthen the Biological Weapons Convention. We differ, as Mr. Gorgol put it, over ways and means – not over the desire to strengthen the Convention.

- Second, that these disagreements over ways and means – and particularly over whether or not to return to negotiations on a new, legally binding protocol – are deeply held. There is no realistic prospect of agreement on returning to negotiations, and no realistic prospect of agreement to foreclose this option.

- Third, that we do not have to accept paralysis. If we are prepared to accept and live with this difference of views – and I do not see an alternative – then we may be able to take a number of practical steps to strengthen the Convention without prejudice to what sort of framework might exist in the future.

The United States’ view is clear: not only is there no prospect of agreement on returning to negotiations on a new, legally binding protocol, but even if there were, negotiations would take years – a time-consuming, costly process with little chance of success that would likely preclude all other efforts to strengthen the Convention. But we were, and remain, willing to discuss the full range of options for strengthening the Convention. Let’s continue to discuss, but let us also see what steps we can take in the near term.

Despite the Convention lacking a legally binding protocol, progress has been made over the years. Decisions on policies to interpret or implement provisions of the Convention have taken place and without a doubt this will continue.

- There are now over one hundred States Parties taking part in the inter-sessional (ISP) process itself, as opposed to the limited numbers of BWC States Parties that participated in the initial VEREX meetings on the Protocol years ago.

- In recent years, there have been a number of transparency initiatives that have presented potential for more insights into representative activities. We should work to assess and explore such ideas.
• Efforts have been made to develop and implement the consultative provisions of Article V, and recourse to the UN Security Council under Article VI, as appropriate.

• The UN Secretary General’s Mechanism is a promising tool for investigation of biological weapons use; it should be further operationalized. Some assert that we “need an instrument of our own.” We say BWC States Parties should first work together to make sure the tools already available will work if called upon.

• The dire financial situation is unacceptable. Responsible States desperately need to develop financial measures that provide stability and support for BWC implementation.

While there is no prospect for agreement on pursuing negotiations on a legally binding protocol, it is clear that other meaningful outcomes on institutional aspects of the BWC can strengthen the Convention. We need to focus on them in future MX 5 discussions.