MEETING 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

Geneva, 4 - 7 December 2018

General Statement on behalf of the Non-Aligned Movement and other States Parties to the Biological and Toxin Weapon Convention delivered by H.E. Mr. Jorge Valero, Ambassador, Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations Office in Geneva

Geneva, 4 December 2018

Mr. Chairman,

1. I have the honor to speak on behalf of the States Parties of the Non-Aligned Movement (NAM) and other States Parties to the Biological and Toxin Weapons Convention (BTWC).

2. NAM Group congratulates His Excellency, Ambassador Amandeep Singh Gill, Mr. Ljupčo Jivan Gjorgjiinski of the Former Yugoslav Republic of Macedonia, on his election as Chairman of the 2018 Meeting of States Parties to the Biological and Toxin Weapons Convention (BTWC).

3. Our Group is confident that with your knowledge, experience and diplomatic skills you will be able to guide our work effectively towards achieving a consensus outcome. The Group stands ready to engage constructively with you and other States Parties to bring this meeting to a successful conclusion.

Mr. Chairman,

4. The Group would like to re-emphasize NAM position as reflected in the Final Document during the Seventeenth Summit of the NAM, which took place in 2016, in Margarita Island, Venezuela.

5. The Group would further recall NAM position affirmed at the NAM Ministerial meeting held in Baku, Republic of Azerbaijan, in April 2018.
6. The Heads of State or Government of NAM States Parties to the BTWC reaffirmed that the possibility of any use of bacteriological (biological) agents and toxins as weapons, should be completely excluded, and the conviction that such use would be repugnant to the conscience of humankind. They recognized the particular importance of strengthening the Convention through the resumption of the multilateral negotiations for a legally binding Protocol dealing with all Articles of the Convention, in a balanced and comprehensive manner, including through verification measures bearing in mind that the lack of such verification regime poses a challenge to the effectiveness of the Convention, and urged the party rejecting negotiations to reconsider its policy.

7. They also stressed the importance of universal adherence to the Convention. They reiterated their call to promote international cooperation for peaceful purposes, including scientific-technical exchange. They highlighted that the BTWC 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.

8. The Heads of State or Government of NAM States Parties to the BTWC welcomed the NAM positions on this Convention, particularly their key role in the adoption of the important decisions related to the implementation of Article X of the BTWC, especially by emphasizing the need for enhancing international cooperation, assistance and exchanges in toxins, biological agents equipment and technology for peaceful purposes, bearing in mind the Action Plan on the implementation of 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.

9. The Heads of State or Government of NAM States Parties to the BTWC welcomed the decision of the Seventh Review Conference to include cooperation and assistance as one of the Standing Agenda Items, with a particular focus on strengthening cooperation and assistance under Article X, as well as the Conference’s decision to establish a database system to facilitate requests for and offers of exchange of assistance and cooperation among States Parties, and the establishment of a Sponsorship Programme, funded by voluntary contributions from States Parties, in order to support and increase the participation of developing States Parties in the meetings of the inter-sessional programme in the framework of the BTWC.

10. The Heads of State or Government of NAM States Parties to the BTWC emphasized the importance of the BTWC role in the international legal architecture related to WMD and in particular in the total prohibition on all biological and toxin weapons. They further emphasized the need for enhancing, without restrictions, international cooperation and
assistance and exchanges in toxic biological agents equipment and technology for peaceful purposes without any discrimination, in conformity with the Convention. They reaffirmed that the respective mandates of this Convention and other international organizations should be respected, while utilizing the experiences of the relevant multilateral organizations dealing with human and animal health on issues that are of direct relevance to the Convention, and that no actions should be taken to undermine the convention and/or interfere with its mandate.

Mr. Chairman,

11. These elements expressed by our leaders are of utmost importance for our Group and represent subjects or primary concern for our countries in BTWC.

12. 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 BTWC to work towards strengthening and improving the effectiveness and implementation of this Convention so that together we can fully address this concern.

13. NAM and other States Parties to the BTWC remains concerned at the continuous erosion of multilateralism in the field of disarmament, non-proliferation, and arms control. The Movement is determined to continue promoting multilateralism as the core principle of negotiations in these areas and as the only sustainable approach to address these issues, in accordance with the UN Charter.

14. NAM States Parties to BWC welcome the accession to the Convention of the State of Palestine and Niue, and the recent ratification of BTWC by Central African Republic as the 182nd State Party to the Convention. In this context, we emphasize the need for States that are not signatories to the Convention to display political will by joining the BWC. We call upon non-parties particularly those with advanced biotechnology to accede to the Convention without further delay.

15. 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 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.
Mr. Chairman,

16. The NAM Group acknowledges the Report of the 2017 Meeting of States Parties. The Group was engaged and worked in a constructive and positive manner on the basis of its principled positions as reflected in the NAM Working Papers, in order to promote and build common ground on important issues.

17. The Group of NAM and Other States Parties to the BTWC highlights that the Inter-sessional Period (ISP) is important in the absence of detailed treaty provisions for implementation. We believe that the ISP should aim at achieving progress in the implementation of all articles of the Convention in a balanced, comprehensive and consensus based approach.

18. NAM believes that all provisions of the Convention and the obligations under those provisions are equally important so that in the ISP process, this issue should be fully taken into account in dealing with all the topics under discussion.

19. The NAM Group participated actively in the five Meetings of Experts held in August and made substantive contributions through statements and working papers. The Group wishes to recall the agreement reflected in the report of the 2017 MSP that, I quote, the “Ninth Review Conference will consider the work and outcomes it receives from the Meetings of States Parties and the Meetings of Experts and decide by consensus on any inputs from the intersessional programme and on any further action.” End of quote.

20. The same report specified that the MSP will only be, I quote, “responsible for managing the intersessional programme, including taking necessary measures with respect to budgetary and financial matters by consensus with a view to ensuring the proper implementation of the intersessional programme”. End of quote. The MSP along with the mandate with the ISP is to discuss, common understating and effective action on issues identify in the MSP in December 2017.

21. NAM States parties stress that deliberations at the expert meeting held in August 2018 on various agenda items as agreed in the 2017 MSP, shall be the basis for our current deliberations and help to reach a balanced and comprehensive consensual outcome. To that end, an approach inconsistence with the agreed topics in 2017 to be discussed under various agenda items in each expert group meeting shall be strictly avoided.

22. Pending a consensus on a comprehensive legally binding instrument on the balanced and non-discriminatory implementation of all provisions of the Convention, the Group reaffirms that the Review Conference, as the forum to make substantive and procedural decisions, constitutes as the only authority for reviewing the operation of the Convention
with a view to ensuring that the purposes of the Preamble and provisions of the Convention are being realized.

23. The Group of NAM and Other States Parties to the BTWC attaches great importance to the issue of international cooperation as the first priority of the Group. We continue to believe that there is need for an effective mechanism to ensure the full, effective and non-discriminatory implementation of Article X. In this regard, the Group submitted at the Eighth Review Conference a Working Paper on compliance mechanism for the full, effective and non-discriminatory implementation of Article X, contained in document BWC/CONF.VIII/23.

24. The enhancement of international cooperation for the use of biological agents for peaceful purposes is an essential part of compliance with the Convention and is crucial for the realization of the purpose and objective of the Convention.

25. There should be no hindrance to peaceful activities, such as vaccine development, which are important for developing countries for meeting their public health needs. There is need for equitable benefits from international cooperation in this area, keeping in mind the need for ensuring appropriate and affordable support for developing countries. We also are of the view that the developing countries need to meet their needs for cost-effective, affordable and quality assured medicines and vaccines including through which may include the consideration of provisions such as compulsory licensing or price controls amongst others.

26. Any measures identified within the framework of the Convention to mitigate biological risks should be implemented in a manner to ensure that legitimate peaceful activities including international cooperation would not be hampered.

Mr. Chairman,

27. While the Group recalls its position on proposals related to compliance assessments, it reiterates that such proposals should not distract the attention of States Parties away from strengthening the Convention in all its aspects including the need for a verification mechanism. Effective international action against biological threats needs to be universal, legally binding, and non-discriminatory. In addition, this cannot be achieved without strengthening national capacity.

28. We also believe that the need to prevent harmful activities should never hamper scientific evolution for peaceful purposes and life-saving achievements like vaccine development. Developing countries, in particular, could benefit from advances in
technologies that make vaccine production simpler, faster, cheaper and more efficient. Imposing and/or maintaining unjustified restrictions contrary to the obligations under the Convention on the development of dual-use technology, materials and equipment needed to promote capacity building in the fields of sanitary control, detection, diagnosis and control of infectious diseases, including the production of some vaccines and other biological materials, should be considered a violation of Article X.

29. NAM notes that there have been recent advances demonstrating the increasing sophistication of synthetic biology, together with other enabling technologies, which have benefits, together with the potential for uses contrary to the provisions of the Convention. All states must conduct such activities in a transparent manner, in order to build the confidence of other States Parties.

30. These recent developments once again highlight the need to conclude a legally binding instrument to strengthen the Convention in all its aspects. In the past, useful work has been done in this regard under the BWC in the Ad hoc Group and NAM continues to attach high importance to preserving and eventually resuming that work.

31. NAM stresses that the national implementation under Article IV of the Convention requires commitments towards the implementation of all provisions of the Convention. In this regard, NAM is of the firm view that the full, effective and non-discriminatory implementation of Article X is of high importance.

32. It is imperative that any export control measures adopted by States Parties at a national level should be in full conformity with Convention obligations and create an environment conducive to the full, effective and non-discriminatory implementation of all Convention provisions, and should not in any way adversely affect the rights and obligations of States Parties under the Convention. Non-proliferation efforts through maintaining export controls are best addressed through multilaterally, non-discriminatory negotiated guidelines to preserve the integrity and the delicate balance that exists in the Convention.

33. It is crucial to note that the Convention has established a system with equal rights and obligations based on the principle of equal treatment of all States Parties. Therefore, national implementation measures should not create undue restrictions among States Parties which would hinder the full, effective and non-discriminatory implementation of Article X.

34. NAM reaffirms that providing and/or supporting timely assistance in accordance with Article VII is a legal obligation of States Parties. While noting that States Parties' national preparedness contributes to international capabilities for response,
investigation and mitigation of outbreaks of disease, NAM reaffirms that this should not be imposed as a precondition for either provision or receipt of assistance. To this end, while welcoming the establishment of a database open to all States Parties to facilitate assistance under the framework of Article VII, a detailed procedure and mechanism for a timely, effective and adequate response needs to be developed. NAM further believes that the lack of a comprehensive Protocol to strengthen implementation of all aspects of the Convention has created a gap in the provision of prompt and effective assistance under Article VII to States Parties to the BWC.

Mr. Chairman,

35. The Group of NAM and Other States Parties to the BTWC believe that CBMs are a voluntary provisional tool of transparency 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.

36. Therefore, the Group notes that until the momentum for negotiating a legally binding instrument comes, any measures by the States Parties would have the value of merely being as voluntary measures in nature as agreed by the Fifth Review Conference.

37. While underlining that the intersessional programme has been agreed to discuss and promote common understanding and effective actions, and with the view to make progress on issues of substance and procedure for the period before the Ninth Review Conference (2018-2020), NAM emphasizes that the Meetings of States Parties should include in their Agendas the consideration of appropriate measures for strengthening the effectiveness and improving the implementation of the Convention with the view to reinitiate discussions on verification measures to be included in a legally binding instrument. NAM also emphasizes that any meeting within the intersessional programme will examine the appropriate measures for strengthening the effectiveness and improving the implementation of the Convention with the view to reinitiate discussions on verification measures to be included in a legally binding instrument as well as NAM proposals related to Article X.

38. NAM reiterates its position stated during the Group’s opening statement to the Sixth Review Conference that:

“Although the Group of States of the Non-Aligned Movement and other States Parties to the BWC maintains its conviction that the multilateral negotiations aimed at concluding a non-discriminatory, legally binding
agreement is the only sustainable method of strengthening the Convention, it recognizes however the value of the inter-sessional ad hoc mechanism for promoting the objectives of the Convention.”

39. The Group of NAM recalls that the ISU established to provide the necessary administrative support for the implementation of some aspects of the Convention mandated to it. The Group welcomes the decision of the Eighth Review Conference to renew the mandate of the Implementation Support Unit agreed to at the Seventh Review Conference, *mutatis mutandis*, for the period from 2017 to 2021. The annual meetings will consider the annual reports of the ISU and progress on universality.

40. Also, the Group of NAM welcomes the decision of the Eighth Review Conference to continue the cooperation database established by the Seventh Review Conference. The ISU, with inputs to be provided by States Parties, will seek to improve the database to ensure that it is more user-friendly and comprehensive, and ensure that specific, timely and concrete offers of and requests for cooperation be provided by States Parties in the database.

**Mr. Chairman,**

41. The Group of NAM and Other States Parties to the BTWC look forward to engage constructively to consider and review proposals along with its principle positions during the negotiations with a view to reach a consensual outcome. NAM urges to all States Parties to the BTWC to show the necessary flexibility and political will to strengthen the Convention and to hold of a successful Meeting of States Parties.

I thank you.