

REVIEW CONFERENCE OF THE PARTIES TO THE
CONVENTION ON THE PROHIBITION OF THE
DEVELOPMENT, PRODUCTION AND STOCKPILING
OF BACTERIOLOGICAL (BIOLOGICAL) AND
TOXIN WEAPONS AND ON THEIR DESTRUCTION

Distr.
GENERAL
BWC/CONF.I/C/SR.2
12 March 1980
Original: ENGLISH

COMMITTEE OF THE WHOLE

SUMMARY RECORD OF THE SECOND MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 March 1980, at 3.30 p.m.

Chairman:

Mr. VOUTOV

(Bulgaria)

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The meeting was called to order at 4 p.m.

ORGANIZATION OF WORK (continued)

1. The CHAIRMAN outlined a proposed time-table for the Committee's work, suggesting that the articles of the Convention and the preambular paragraphs might be dealt with in three broad groups. The proposed time-table was completely flexible and any delegation would be free at any time to address itself to any article as it considered appropriate.
2. After a brief discussion, the proposed time-table was adopted.
3. In reply to a question by Mr. THEOLIN (Sweden), the CHAIRMAN said that the report by the depositary Governments on new scientific and technological developments relevant to the Convention (BWC/CONF.I/5) would be considered in connexion with article XII during the discussion of the group of articles X - XV.
4. Mr. TAYLHARDAT (Venezuela) observed that the report by the depositary Governments was relevant to many articles and not merely to article XII, so representatives should be able to refer to it in connexion with other articles also.
5. The CHAIRMAN reiterated that any delegation would be free at any time to speak on any subject it considered appropriate.

REVIEW OF THE OPERATION OF THE CONVENTION AS PROVIDED FOR IN ITS ARTICLE XII
(agenda item 10)

(b) ARTICLES I - XV

Articles I - IV

6. Mr. KÖMIVES (Hungary) said that article I was the most important article of the Convention in that it defined the tasks and aims of that important international legal instrument. He associated himself with those representatives who, in the general debate, had expressed the view that the Convention had been and continued to be a valid and well-functioning treaty. It covered all aspects of the problem effectively, as was indicated in documents BWC/CONF.I/4 and 5. He drew attention to his Government's report in document BWC/CONF.I/4, paragraph 40, which stated that his Government had never been in possession of any of the agents, toxins, weapons and so on specified in article I and that it had always complied fully with that article.

7. His delegation was of the opinion that since no complaints had been submitted regarding violations of the letter or spirit of the Convention and since article I was its most important article, the Committee could speedily conclude its review. The fact that the Convention had always functioned efficiently should be reflected in the Conference's final document.

8. Mr. THEOLIN (Sweden), commenting on article I, said that experts of the Swedish National Defence Institute had examined the scientific and technological developments achieved during the past 10 years in various fields of relevance to the Convention. After consideration of their analysis, it was his delegation's view that no development had occurred that jeopardized the coverage of the Convention. New possibilities of developing harmful agents were, in its view, also covered by the language of the Convention. The experts' analysis, which had covered many fields, including biosciences such as genetics, biochemistry and microbiology, had formed the basis of his Government's report to the Secretary-General of the United Nations.

9. During the past decade there had been a tremendous development of new genetic techniques such as genetic engineering. Because scientists in the mid-1970s had feared that the molecules and organisms created by those new techniques might involve dangers to mankind, a world-wide voluntary moratorium on that type of research had been instituted. It had later been shown, however, that the dangers were exaggerated and the moratorium had been removed. Thus it could be seen that scientists today considered themselves socially responsible for the results of their scientific activities.
10. Another development of great importance had been the invention of methods of using cells or parts of cells to make possible alternative production of pharmaceuticals, fuels and food components.
11. The background paper prepared by the depositary Governments (BWC/CONF.I/5) covered more or less the same fields as the analyses conducted by the Swedish experts and the conclusions were largely the same. Of special interest had been the discussions concerning new infectious diseases such as Marburg disease, Ebola, Lassa fever and legionnaire's disease. In his delegation's opinion, there was a continuing need to develop vaccines against new infectious diseases and the recent proposal for the use of genetic manipulation techniques for large-scale production of such vaccines appeared promising. Some of the new developments which, it had been feared, might constitute means for the production of new diseases for military purposes might thus be used for protective purposes for the benefit of mankind, provided the Convention was duly observed.
12. Mr. FRANCIS (United Kingdom), referring to article II of the Convention, welcomed the assurances which States parties had given during the general debate to the effect that they had never possessed biological or toxin weapons. Those assurances reinforced article II of the Convention in so far as they reduced, by a process of elimination, the number of States parties which might have possessed biological or toxin weapons and would therefore have been under an obligation to destroy them or divert them to peaceful purposes. In that connexion, he drew attention to his Government's official communication on its compliance with the provisions of the Convention and, in particular, article I thereof (BWC/CONF.I/4, p. 27). His delegation agreed with those delegations, particularly the delegations of Australia and Canada, which had described such assurances as confidence-building measures. The same could not be said of declarations couched in more qualified terms, such as one which stated that the State concerned did not at present possess the prohibited objects, but made no reference either to the past or to destruction of stocks. Confidence in the Convention would be increased if a clear and unqualified statement were made to the effect that the State in question had either never possessed any of the objects prohibited under the Convention or had once possessed them but had now destroyed them. The extract from the United Kingdom's official communication to the Secretary-General, which he had quoted, was an example of the former type of statement; the United States statement of 4 March 1975 was an example of the latter.
13. Mr. ANTONOV (Union of Soviet Socialist Republics) noted with satisfaction that speakers in the general debate had reaffirmed the importance and effectiveness of the Convention by expressing support for its provisions and by reiterating their Government's undertaking to abide strictly by those provisions. In particular, participants in the Conference had endorsed the provisions of article I, which determined the scope of the prohibition imposed by the Convention, and had associated themselves with the finding contained in document BWC/CONF.I/5 to the effect that the language of article I fully covered all agents which could result from the application of new scientific and technological developments and that such developments had not created new possibilities which could be exploited to violate covertly or bypass the Convention. His delegation shared the view that the provisions of article I were sufficiently comprehensive to cover all known technical

factors and all possible new scientific and technological developments. To modify article I or to spell it out in greater detail would therefore be unnecessary.

14. Participants in the Conference had made declarations to the effect that their countries did not possess bacteriological (biological) or toxin weapons and did not intend to acquire such weapons. As far back as in 1975, the Soviet Union had stated in the Conference of the Committee on Disarmament that it did not possess any bacteriological (biological) agents or toxins, weapons, equipment or means of delivery as specified in article I.

15. It was gratifying to note that all speakers had reaffirmed their support for article II, which imposed upon all new parties to the Convention the obligation to implement its provisions and, in doing so, to observe all necessary safety precautions to protect populations and the environment. The effectiveness of the Convention's operation also manifested itself in the fact that in the five years since the Convention's entry into force no breach of article III had occurred. He hoped that the Conference would reaffirm its endorsement of the provisions of that article.

16. During the general debate no criticism had been levelled against the provisions of article IV. In that connexion, he observed that, in accordance with Soviet jurisdiction and practice, implementation of the Convention, which had been ratified by a decree of the Presidium of the Supreme Soviet of the USSR in February 1975, was guaranteed by the appropriate State institutions. The final document of the Conference should contain an appeal to those States parties which had not yet taken the necessary measures under article IV to do so without delay.

17. In conclusion, he appealed to participants in the Conference to express their support for the provisions of articles I - IV in the form in which they appeared in the Convention.

18. Mr. TAYLHARDAT (Venezuela) said that articles I - III were entirely satisfactory to his delegation. As far as article IV was concerned, however, he wished to point out that the background paper submitted by the depositary Governments on new technological and scientific developments relevant to the Convention (BWC/CONF.I/5) sounded two important notes of warning: section 1, paragraph 10 (b), of that paper referred to the possible intentional manipulation of genetic material, while section II, paragraph 17, referred to the implications of the eradication of certain diseases. It would therefore be advisable to expand article IV to provide that States parties should also be required to prohibit, in accordance with their constitutional processes, the improper use of the materials specified in article I. In addition, in the final document of the Conference, attention should be drawn to the need to take measures to prevent the unlawful use, first, of the knowledge gained from advances made in regard to the manipulation of genetic material and, secondly, of bacteriological agents isolated as a result of the eradication of certain infectious diseases.

19. Mr. FLOWERREE (United States of America) said that his delegation had made known its views on articles I - III in its statement in the general debate. He assumed that the Committee would take account of the views expressed in such statements as well of those submitted in the Secretariat's background paper (BWC/CONF.I/4). With regard to article IV, he would refer the Committee to the relevant part of the excerpt from the United States official communication regarding compliance with its obligations under the Convention (BWC/CONF.I/4, p. 29).

20. His Government had already declared its compliance with the obligation under article II to destroy all existing biological agents, toxins, weapons, equipment and means of delivery prohibited under article I. It trusted that other parties would likewise declare their compliance with article II.

21. Mr. MULONGAIDUSU (Zaire) said that, although his delegation was generally satisfied with articles I - IV, it considered that article II could be interpreted in one of two ways: either in the manner in which most States parties interpreted it, which would mean that the provisions of the Convention were being faithfully observed, or in a manner which could mean that certain biological weapons fell outside its purview. He therefore considered that article II called for closer examination, in order to determine whether some more effective form of control was required.

22. Mr. CHELBI (Tunisia), referring to article II, said he noted that, since the start of the Conference, there had been no mention by any State of the destruction or diversion to peaceful purposes of the agents, toxins, weapons, equipment and means of delivery which were the subject of the Convention. It seemed as though no one had ever possessed them. His delegation would be very pleased if that were so.

23. Like the representative of Zaire, he considered that article II lent itself to two possible interpretations. In his view, therefore, the Conference should decide, in a clear statement, which of the two was valid. Moreover, implicit in article II was the notion of transfer. In the circumstances, and bearing in mind that five years had elapsed since the entry into force of the Convention, the time had perhaps come to reconsider the wording of that article.

24. Mr. BRANKOVIC (Yugoslavia), speaking with reference to article III, said that the very existence of biological agents and similar products, even when used for peaceful purposes, inevitably opened the door to possible abuse. His delegation therefore considered that an additional obligation rested on States parties to prevent the acquisition and use, by individuals, groups or organizations within their respective jurisdiction, of such agents and products for the purpose of inflicting harm on other countries. States parties should also have an obligation to co-operate closely in the prevention of such possible misuse, failing which there could be no proper implementation of the Convention.

25. Mr. AL-MUSSA (Kuwait) said that his country's position regarding compliance with its obligations under articles I - IV was stated in the first four paragraphs of the excerpt from his Government's official communication (BWC/CONF.I/4, p. 22).

26. Mr. OLUMOKO (Nigeria) said that, in his delegation's view, article II should be strengthened to provide for verification of the destruction of stockpiles or of their diversion to peaceful uses. The terms of that article should not be confined to a requirement to make a declaration to that effect.

27. Mr. FRANCIS (United Kingdom) said that, pursuant to article IV and in order to enable the United Kingdom to fulfil its obligations under the Convention, the United Kingdom Parliament had enacted the Biological Weapons Act, which had entered into force on 8 February 1974. In that connexion, his delegation had been interested to learn of the domestic legislation or comparable non-legislative or regulatory measures introduced by certain States parties, and considered that it would be useful if parties were to share more widely their experience in that area. It would therefore suggest that the Conference should invite the States parties in question to co-operate with the United Nations Centre for Disarmament, on an entirely voluntary basis, in furnishing the relevant texts so that they could be made available for consultation at the Centre's Research and Reference Collection in Geneva. He hoped that his delegation's suggestion would be reflected in the Committee's report to the Conference.

