

## **Declarations and Reservations to the Biological and Toxin Weapons Convention**

### **Austria**

Reservation (translation):

'Considering the obligations resulting from its status as a permanently neutral state, the Republic of Austria declares a reservation to the effect that its co-operation within the framework of this Convention cannot exceed the limits determined by the status of permanent neutrality and membership with the United Nations. This reservation refers in particular to Article VII of this Convention as well as to any similar provision replacing or supplementing this Article.'

### **Bahrain**

Reservation

'The accession by the State of Bahrain to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 1972, shall in no way constitute recognition of Israel or be a cause for the establishment of any relations of any kind therewith.'

### **China**

Statement:

'1. The basic spirit of the Convention on the Prohibition of Biological Weapons conforms to China's consistent position and is conducive to the efforts of the world's peace-loving countries and peoples in fighting against aggression and maintaining world peace. China once was one of the victims of biological (bacteriological) weapons. China has not produced or possessed such weapons and will never do so in future. However, the Chinese Government considers that the Convention has its defects. For instance, it fails to provide in explicit terms for the 'prohibition of the use of' biological weapons and the concrete and effective measures for supervision and verification; it lacks forceful measures of sanctions in the procedure of complaint against instances of violation of the Convention. It is the hope of the Chinese Government that these defects may be made up or corrected at an appropriate time.

2. It is also the hope of the Chinese Government that a convention on complete prohibition and thorough destruction of chemical weapons will soon be concluded.

3. The signature and ratification of the Convention by the Taiwan authorities in the name of China on 10 April 1972 and 9 February 1973 are illegal and null and void.'

### **Czech Republic**

In a Note dated 24 March 1993, received on 5 April 1993 the Minister of Foreign Affairs for the Czech Republic notified the Secretary of State for Foreign and Commonwealth Affairs of the following:

'Upon the instruction of the Government of the Czech Republic and referring to the Declaration of the Czech National Council to All Parliaments and Nations of the World of 17 December 1992, I have the honour to communicate to Your Excellency the following:

In conformity with the valid principles of international law and to the extent defined by it, the Czech Republic, as a successor State to the Czech and Slovak Federal Republic, considers itself bound, as of 1 January 1993, i.e. the date of the dissolution of the Czech and Slovak Federal Republic, by multilateral international treaties to which the Czech and Slovak Federal Republic was a party on that date, including reservations and declarations to their provisions made earlier by the Czech and Slovak Federal Republic.

From among the treaties deposited with the Government of the United Kingdom of Great Britain and Northern Ireland this applies also to the following:

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, done at London, Washington and Moscow on 10 April 1972.'

### **India**

Statement on signature:

'India has stood for the elimination of both chemical and bacteriological (biological) weapons. However, in view of the situation that developed in regard to the discussions concerning biological and chemical weapons, it became possible to reach agreement at the present moment on a Convention on the elimination of biological and toxin weapons only. Negotiations would need to be continued for the elimination of chemical weapons also. It has been recognised that, both in regard to the Convention on biological and toxin weapons and in respect of future negotiations concerning chemical weapons, the Geneva Protocol of 1925 should be safeguarded and the inseparable link between prohibition of biological and chemical weapons should be maintained.

India's position on the Convention on biological and toxin weapons has been outlined in the statements of the representative of India before the Conference of the Committee on Disarmament (CCD) and the First Committee of the General Assembly.

The Government of India would like to reiterate in particular 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. Also, any assistance which might be furnished under the terms of the Convention would be of medical or humanitarian nature and in conformity with the Charter of the United Nations.

India's support of the Convention on biological and toxin weapons is based on these main considerations. It is India's earnest hope that the Convention will be adhered to by all States, including all the major Powers, at a very early date.' This statement was reiterated on ratification.

## **Ireland**

Declaration:

'The accession on 29th August 1930 of the Government of the Irish Free State to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, opened for signature at Geneva on 17 June 1925, was subject to the reservations that they did not intend to assume by this accession any obligation except towards States which had signed and ratified this Protocol or which would have finally acceded thereto, and that in the event of the armed forces of any enemy State or of any ally of such State failing to respect the said Protocol, the Government of the Irish Free State would cease to be bound by the said Protocol towards any such State.'

The Government of Ireland recognise that the value of the Convention on the Prohibition of the Development Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction which has been signed on their behalf today, could be undermined if reservations made by Parties to the 1925 Geneva Protocol were allowed to stand as the prohibition of possession is incompatible with the right to retaliate. As this Convention purports to strengthen the Geneva Protocol, there should be an absolute and universal prohibition of the use of the weapons in question. The Government of Ireland, accordingly, have notified the depository Government for the 1925 Geneva Protocol of their withdrawal of their reservations to the Protocol. The withdrawal of these reservations applies to chemical as well as to bacteriological (biological) and toxin agents of warfare.'

## **Korea, Republic of (South Korea)**

Statement;

'The signing by the Government of the Republic of Korea of the present Convention does not in any way mean or imply the recognition of any territory or regime which has not been recognized by the Government of the Republic of Korea as a state or government.'

## **Kuwait**

Understanding:

'In ratifying the Convention on the Prohibition of Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and their Destruction, 1972, the Government of the State of Kuwait takes the view that its ratification does not in any way imply its recognition of Israel, nor does it oblige it to apply the provisions of the aforementioned Convention in respect of the said country.'

In tendering this 'Understanding' the Government of the State of Kuwait reaffirms its position its accepting the obligations it has undertaken to assume by virtue of its ratification of the said Convention. It also confirms that the last clause of the 'Understanding' does not prejudice the said indivisible obligations.

## **Malaysia**

Reservation:

'Malaysia's ratification of this Convention does not in any way constitute recognition of the

States of Israel and South Africa nor does it consider itself duty bound by Article VII to provide assistance to those two States.'

### **Mexico**

Statement (translation):

On signing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, the Government of Mexico wishes to record that it:

- 1) Continues to be convinced that the same reasons which made it advisable to prohibit biological and chemical weapons jointly in the Geneva Protocol of 1925 exist now to strive to pursue identical methods with respect to the prohibition of the development, production and stockpiling of the said weapons, as well as their elimination from the arsenals of all States.
- 2) Considers that the fact that the Convention now open for signature applies solely to biological and toxin weapons should be understood, as Resolution 2826 (XXVI) of the United Nations General Assembly, to which the Convention is annexed, explicitly indicates, to be merely a first step - the only one which it has proved possible to take for the time being - towards an agreement prohibiting also the development, production and stockpiling of all chemical weapons.
- 3) Makes a note of the fact that the Convention contains an express commitment to continue negotiations in good faith with the aim of arriving at any early agreement on the prohibition of the development, production and stockpiling of chemical weapons and their destruction.
- 4) Makes a note, furthermore, that the General Assembly, through its Resolution 2827 (XXVI), has requested the Conference of the Disarmament Committee to continue, as a high priority item, negotiations aimed at promptly reaching the agreement relative to chemical weapons which is being sought; and that, in Resolution 2827 B (XXVI), the General Assembly has urged all States to commit themselves, while the said agreement is being reached, to abstain from all additional development, production and stock-piling of those chemical substances capable of being used as weapons which, on account of their degree of toxicity, have the highest lethal effect and are not useable for peaceful purposes.
- 5) Is convinced that the success of the Convention relative to biological weapons will depend, in the last resort, on the manner in which the commitments under reference are honoured.

### **Slovakia**

In a Note dated 17 May 1993, received on 17 May 1993 the Ministry of Foreign Affairs of the Slovak Republic notified the Foreign and Commonwealth Office of the following:

'In conformity with the valid principles of international law and to the extent defined by it, the Slovak Republic as one of the successor States to the Czech and Slovak Federal Republic, considers itself bound, as of 1st January 1993, i.e. the date of the dissolution of the Czech and Slovak Federal Republic, by multilateral international treaties to which the Czech and Slovak

Federal Republic was a party on that date, including reservations and declarations to their provisions made earlier by the Czech and Slovak Federal Republic.

From among the treaties deposited with the Government of the United Kingdom of Great Britain and Northern Ireland this applies to the following:

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, done at London, Moscow and Washington on 10 April 1972.'

### **Switzerland**

Declarations on signature:

'1. En Suisse, la Convention ne sera pas soumise à la procédure parlementaire d'approbation précédant la ratification avant qu'elle ait atteint le degré d'universalité jugé nécessaire par le Gouvernement suisse.

2. Du fait que la Convention s'applique aussi aux armes, à l'équipement ou aux vecteurs destinés à l'emploi des agents biologiques ou des toxines, la délimitation de son champ d'application peut donner lieu à des difficultés, vu qu'il n'y a guère d'armes, d'équipement ou de vecteurs typiques à cet emploi. La Suisse se réserve dès lors de décider elle-même quels moyens auxiliaires tombent sous cette définition.

3. En raison des obligations résultant de son status d'Etat perpétuellement neutre, la Suisse est tenue de faire la réserve de portée générale que sa collaboration dans le cadre de cette Convention ne peut aller au-delà de ce que ce status lui impose. Cette réserve vise spécialement l'article VII de la Convention ainsi que toute clause analogue qui pourrait remplacer ou compléter cette disposition dans la Convention (ou dans un autre arrangement).' Ratification was accompanied by reservations as at 2 and 3 above.

### **United Kingdom**

In a statement dated 27 April 1972, communicated to all States recognised by the United Kingdom, Her Majesty's Government recalled their view that if a regime is not recognised as the Government of a State, neither signature nor the deposit of any instrument by it, nor notification of any of those acts will bring about recognition of that regime by any other State.

On depositing their instrument of ratification the Government of the United Kingdom made the following declaration: '..that the provisions of the Convention shall not apply in regard to Southern Rhodesia unless and until the Government of the United Kingdom informs the other Depositary Governments that it is in a position to ensure that the obligations imposed by the Convention in respect of that territory can be fully implemented'