

# CANADA

The Permanent Mission of Canada  
to the United Nations  
at Geneva

La Mission permanente du Canada  
aupres des Nations Unies  
à Genève

Statement by  
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Ambassador and Permanent Representative  
to the Conference on Disarmament

Fifth Review Conference 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  
November 19, 2001

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They are beyond our control. We need to make sure they are never used. In our technologies are threats of unimaginable horrors. Mr. President, the story of our efforts to make this Convention work better is well known. At the Third and Fourth Review Conferences and in our Ad Hoc Group we have expressed in depth the state of our mind on biological weapons. You are right to be served to our prohibitions. We've made promises, and political commitments, to build confidence and mutual benefit through transparent states, to our profession, to multilateral disarmament, and to you personally. Our sustained confidence is testimony to your commitment and your skill. We have seen, and long had, vast access to the latest and highest of the mind, political, and scientific and technological developments. Disease was a danger as severe as any other, and its use, when present, that was a greater one. We prohibited biological weapons, and through the Convention we've had a review. We felt, were we certain, that category of arms reassured there as a prominent to the source of legal and moral obligations of nature to be abjured.

We were very careful, though our Ad Hoc Group failed to report, to keep the format intact with its broad mandate accessible. It is said we can "not return to the protocol," but need to "move on." Mr. President, we are anxious to move on, but we do so with full access to our memories, our files, our

papers, our conference records and all the research and creative policy development of the AHG. For some, your Composite Text, Mr. President, was and is not an acceptable balance of elements chosen from the diverse raw materials in the Rolling Text. But all of those elements are still available for our review and our consideration, re-calibration and re-balancing in new effort. No discrete element in any of these sources is banished, ultra vires, in sum, we have an ample box of tools in mind, should we choose to make and use them.

But all that work I've described was before September 11th, before we learned just how dire these straits are, just how clear and present the dangers in our means of mass destruction. We're here to try again, try hard - to keep this evil at bay, to make this prohibition stick. We have fresh energy now, fresh resolution. Canada will not relent. We will agree here, because we must, to act. We will prejudge no proposal by its origins. We bring crystallized determination and open minds to any and all proposals to exorcise the spectre of deliberate disease.

Mr. President, recent bio-terrorism has underscored the vulnerabilities of basic infrastructure and the critical importance of public health capability, but above all it has displayed the enormous cost of fear itself - and the corresponding value we should invest in confidence. Truth and worthy action he will help foster public trust and confidence in our governments' multilateral capacities for effective action.

Any survey of the story of our Convention is dominated by occasional non-compliance, actual and alleged, and by the failure of our negotiations of means to counter it. The story is dominated as well, Mr. President, by all the unkept promises in the political commitments and confidence building measures of the previous Review Conferences. It's not that the Convention has failed us. We failed it; we've never given it a fair chance. We've neither kept the promises we've made within it nor provided any means for its verification and enforcement. It has been made quite clear meanwhile that political commitment is not sufficient without the force of law. Real experience with the voluntary Confidence Building Measures (CBMs) highlights the shortcomings of a voluntary approach. Overall participation in these and other measures we've agreed to build confidence has been disappointing, and far from universal; only 31 (among them Canada) of 144 States Parties to the BTWC submitted CBM reports this year, for example. There is a role for political declarations and commitments, of course, but given this dismal track-record on an important existing politically-binding provision, Canada is not convinced that another tranche of such measures is any substitute for legal action. We need to keep the promises we made five, ten and fifteen years ago, of course, but we also need to get some law on our side.

In this context, Mr. President, it is true that terrorists don't sign treaties. But that doesn't mean we don't need treaties. It means we need to enforce them. In the binding multilateralism we need, there is no party of any kind above the law - and there is no party of any kind beyond its enforcement.

Mr. President, my brief survey and our Review need to take note of some positive dimensions in our experience of these last five years. The Chemical Weapons Convention has entered into force,

We are all of us reviewing and improving national action. In Canada, we are toughening our existing export controls with "catch-all" regulations. To supplement already strict standards for storing and handling pathogenic microorganisms, we are adding capability in regulating domestically-acquired pathogens. In enforcing our bio-safety standards, we rely heavily on declarations and on-site inspections

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demonstrating the successful functioning of a stringent, binding verification regime, composed of declarations and on-site inspections, and also leading to the destruction of chemical weapons stockpiles and destruction or conversion of production facilities. The implementation of the CWC will go on offering useful examples in our work toward verification.

Another positive sign is the large amount of international cooperation that has been taking place multilaterally and bilaterally, between individuals, governments, and scientific bodies, to foster peaceful common benefits. Canada takes its Article X obligations to heart. We contribute in many ways bilaterally and multilaterally, to economic and technological development programmes consistent with the Article X provisions of the Convention. A summary of these contributions is contained in the compliance report that Canada has prepared for this Review Conference. In our detailed review of course, we will need as always to find the right balance between Article X obligations to facilitate exchanges and Article HI's obligation not to transfer materials which could be used to develop biological weapons. Canada's view is that strong national export controls and effective multilateral coordination are essential for Article IH implementation.

Mr. President, against this background, Canadian objectives for this Conference are straightforward.

The first imperative for the health of our regime is credible action. We want words to reaffirm but we need action to reinforce this ban. We want a final product that will bear anxious public scrutiny, a Final Document which responds to our experience with action where it counts, action to enhance compliance, keeping the promises we've made and working together on stronger, legal means of enforcement.

We thus want to activate and animate the host of measures already agreed in past Review Conferences and as many of the complementary proposals before us as might find general favour. We are interested in the full range of voluntary measures of national implementation of criminal legislation, standards, oversight and codes of conduct. We look forward to our review of consultation and cooperation, our treatment of suspicious outbreaks and compliance concerns. We want to consider assistance to victims and technical and scientific cooperation. More still, we want to look at far-reaching preventative measures. We want an outcome which provides a renewed undertaking for multilateral negotiations.

and have gained confidence in and through these techniques.

We are also working closely with international organizations. To improve global infectious disease surveillance and control systems, Canada pioneered and shared with the WHO an early-warning, real-time, Internet-based system, GPHIN, that continuously monitors international sources of information to detect outbreaks of infectious disease of international public health importance.

Another key objective, Mr. President, is open-ended inter-sessional institutions to oversee the work of implementation. National implementation efforts do not take place in isolation. They would benefit from a regular forum that would provide at least an annual opportunity for States Parties to convene, with oversight supplemented by scientific and legal expert study groups, as appropriate. We would gain a very valuable means to advance our work and enrich our cooperation.

Mr. President, a natural objective is universality. Perhaps the most obvious way to strengthen this Convention is to make it universal. In this regard, we have witnessed some progress since the last Review Conference. The number of states remaining outside the Convention has been reduced by six. However, nearly fifty states have yet to ratify or accede. Most of those, 31 in all, some in regions of tension, have yet even to sign. We want this Conference to help persuade them to join. For all of us, not just States Parties, biological weapons are too dangerous to make, have or hold. They cannot even be weapons of last resort, for their very preparation is banned.

The last of our objectives I describe is the most general. We want this Conference to build public confidence that national governments are capable of effective multilateral action. Collective commitment, one law for all, with shared obligations and benefits, is the way forward. It requires reciprocity, flexibility and honourable compromise. It is based on concern for the common good. It involves give and take, often in that order. If we are going to gain any confidence that we are up to the hard challenge of making this Convention work, we need norms with teeth, we need vigilance and resources - and we need binding law, compliance and enforcement. Essential elements of what we need are only available multilaterally. It's the way the world works.

I close, Mr. President. Evil endures. Our struggle for light and life is eternal. We knew we had to make the promises in this Convention. And now we know we have to keep them.

Thank you, Mr. President.