

STATEMENT BY H.E. AMBASSADOR DR. RAJMAH HUSSAIN
PERMANENT REPRESENTATIVE OF MALAYSIA
TO THE UNITED NATIONS IN GENEVA
TO THE 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 19 NOVEMBER - 7 DECEMBER 2001
GENEVA

Mr. President,

Allow me at the outset to congratulate you on your assumption as the President of the Fifth Review Conference and assure you of our full support and cooperation. We are confident that with your diplomatic skills, experience and perseverance, you will steer our work to a successful conclusion. We wish to also congratulate the other members of the Bureau.

2. The proliferation of all weapons of mass destruction constitute a threat to international peace and security. The potential threat from biological and chemical agents is now greater in the wake of the incident following the 11 September attacks. It is clear that biological weapons can cause terrible effects on its victims and it is therefore imperative that international attention is focussed on countering these weapons. There is no doubt that biological weapons present a great danger as they are the easiest to acquire, with the weakest regime and yet have horrendous effects.
3. Malaysia believes that only through multilateral negotiations undertaken in the framework of the Convention that the prohibition of biological weapons will be preserved and strengthened. It has always been Malaysia's position to support the establishment of multilateral regimes in the field of disarmament and the strengthening of these regimes. Malaysia is fully committed to the goal of strengthening the Biological Weapons Convention. In

this regard, the Malaysian delegation had been involved in the work of the Ad Hoc Group for the last six years.

Mr. President,

4. The Fifth Review Conference is considered a crucial and an important one following the failure of the Ad Hoc Group to conclude a Protocol. It is also being held against the backdrop of growing concern of the international community on the potential threat of the deliberate use of biological agents to cause harm by terrorist.

5. It is with regret that we noted that the work of the Ad Hoc Group has not led to a consensus on a Protocol and that the Ad Hoc Group was not able to complete its work. We are disappointed that the Ad Hoc Group could not even reach an agreement on the procedural report. In fact, no substantive negotiations took place during the Twenty Fourth Session of the Ad Hoc Group held from 23 July - 17 August 2001. All the efforts and resources invested by the international community for more than six years have not produced the desired results. The announcement made by a major negotiating State Party on 25 July 2001, that the Ad Hoc Group's efforts have simply not yielded an outcome that would be acceptable even after further modification of the text was regretted by the majority of the States Parties.

Mr. President,

6. For the Protocol to be an effective instrument, all parties including the advanced countries in the field of biology and countries with large bio-industry and bio-defence facilities in the world should participate fully in the negotiations of the Protocol. Only then, the Protocol would be a meaningful and effective instrument. Malaysia is of the view that enhancing the effectiveness of the Biological Weapons Convention in a comprehensive manner should be of high priority for the international community.

7. The objective of the Ad Hoc Group as defined in the mandate is to consider appropriate measures including possible verification measures and draft proposals to strengthen the Convention. The continuation of the work of the Ad Hoc Group beyond the Fifth Review Conference remains valid and continues to be the best means to achieve this objective. Malaysia shares the view that a balanced and effective Protocol, acceptable to all States Parties, should be concluded as provided for in the 1994 mandate.

8. Concern about the possible use of biological agents by terrorist, following the Aum Shinrikyo use of Sarin in Tokyo's underground station in 1995 and the subsequent indication that they had also been seeking biological weapons, has received much attention from the international community and as a result large resources have been invested by many countries in combating terrorism.

9. In so far as the danger from bioterrorism is concerned, the Protocol provides a useful tool that helps to address this problem. The requirements in Article 17 "National Implementation Measures" for the enactment of national legislation makes it an offence for any individual within a State Party to develop, produce, acquire, stockpile biological agents or toxins for other than in types and quantities that have justification for peaceful purposes.

10. Malaysia also welcomes the draft resolution on Biological Weapons Convention, adopted by consensus on 31 October 2001 by the First Committee at the ongoing 56th Session of the United Nations General Assembly. Among others, the Assembly would decide to request the Secretary-General to continue to render the necessary assistance to the depository Governments of the Convention and provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences and the 1994 Special Conference.

Mr. President,

11. My delegation would also like to commend you for your untiring efforts and patience in steering the work of the Ad Hoc Group for the past several years. Despite the setback faced by the Ad Hoc Group, it is no secret that an overwhelming majority of delegations viewed your text (Chairman's Composite Text) positively.

12. The Fifth Review Conference will have to determine the next course of action. The options left are very limited. To abandon efforts to strengthen the Biological Weapons Convention through a Protocol will not be the likely choice of the majority of the delegations. The next option available which is to suspend negotiations for a certain period of time, will result in unravelling of the Protocol text and will have the same effect as the first option. The final option which will bring benefits to all States Parties, both developed and developing countries is for the Ad Hoc Group to continue its work using the Chairman's Composite Text as the basis for future negotiations.

13. To this end, we urge all States Parties to demonstrate their political will and work together to conclude the Protocol as soon as possible. Otherwise, the Biological Weapons Convention will remain as the only treaty dealing with weapons of mass destruction that has no verification regime.

Thank you, Mr. President.