

# NEW ZEALAND

Statement by the  
New Zealand Ambassador for Disarmament  
Mr Clive Pearson  
before the Review Conference of States Parties  
to the Biological Weapons Convention.

Geneva

19 November 2001

Mr Chairman,

Let me assure you at the outset that you have New Zealand's full support in the pursuit of what we hope will be a productive and forward-looking Review Conference, and one that conveys a strong sense of the need to reinvigorate the process of strengthening the Biological Weapons Convention.

Mr Chairman, we find ourselves in more uncertain and more difficult times than we did in 1996 at the last Review Conference. There was the hope at that time that Cold War mentalities could be set to rest, allowing the international community to move ahead to a safer world by pushing the disarmament, arms control and non-proliferation agenda forward. There was a clear expectation that strengthening our multilateral structures would underpin this progress and deliver enhanced security benefits.

^ Despite several years of intensive efforts to develop a compliance protocol, regrettably we have not been able to agree on a strengthening of the Convention.

Mr Chairman, weapons, once they are developed, all too often tend to be used. Until recently, we have been fortunate that biological warfare attacks have been rare. As the techniques and technology available to those who wish to develop germ weapons becomes rapidly more sophisticated and more accessible, this will almost certainly change.

The Biological Weapons Convention is, therefore, as relevant and as crucial as ever. Its provisions need to be strengthened, both horizontally and vertically, to meet these new challenges. Horizontally, the membership of the BWC needs to widen. Almost thirty years after it was opened for signature, the Convention is still fifty States parties short of being universal.

That any country should consider the development, manufacture and stockpiling, let alone use, of these repugnant and perverse weapons is totally unacceptable. Mr Chairman, this Review Conference, first and foremost should convey, in the strongest terms, a commitment to engage those remaining outside the Convention to come onboard without conditions, and without further delay.

Mr Chairman, the 1972 Convention laid the foundation for preventing the fashioning and proliferation of biological weapons. But, it needs to be built upon if it is to keep pace with the very real threat of proliferation. The Convention's credibility as a deterrent can not be taken for granted.

Efforts to strengthen it so far have been difficult and controversial. There are some who have argued that the measures in the draft protocol text were too maximalist, and are unworkable. We have heard such criticism most loudly from some in the pharmaceutical and biotechnology sectors. We do not accept that "dual-use" industries can be exempt from the special responsibility to ensure the Convention's prohibitions are upheld.

On the other side of the debate, there are those who consider the draft protocol did not go far enough in establishing robust, equitable and future-proof methods to ensure States parties are upholding the Convention. New Zealand, like others, has been realistic enough to recognise the protocol's strengths as well as its weaknesses. We have been ready to join a consensus on the Protocol since it would have, nevertheless, provided tangible security benefits.

Mr Chairman, this is a defining moment for the Convention. The near universal calls to strengthen its compliance provisions must manifest themselves in action if we, as States parties, are to maintain credibility. Arguing fruitlessly over the past will not take us forward and it would be a recipe for failure. The international community should not be left empty-handed at a time when anthrax is delivered anonymously in the post; when countries betray evidence they are conducting activities in violation of the treaty; and non-state actors display a gruesome new capacity for the mass killing of innocent people, by whatever means at their disposal.

Our response to these various threats needs to be carefully balanced, Mr Chairman. There is no doubt that the world has changed since 11 September. The danger of terrorist destruction on a massive scale is more clear and present. Unilateral and plurilateral measures to deal with these types of threats, such as biodefence programmes, are essential and are consistent with the implementation of the Convention.

But, the proliferation threat also requires a broad, collective response and collective engagement from all who subscribe to the norm. By focusing on its possible use by non-state actors, the global community can not step back from upholding fully all aspects of the prohibition of biological weapons. This includes their possession - in any form by anybody - whether a State or non-state actor.

It is not acceptable for any State to possess biological weapons, even if they promise not to use or outfit non-state actors with them. Promises of non-use are not a credible, or legal, substitute for abolition and elimination. Nor should they obscure the fact that previously existing concerns about state-sponsored proliferation have yet to be allayed or dealt with.

Mr Chairman, We believe this is a time for fresh thinking "outside the box" to address non-compliance concerns in an effective manner. New Zealand is ready to consider new proposals alongside existing ones, and we will engage positively if they will materially advance compliance. We would support the introduction of the draft Protocol (CRP.8) as an official document of this Review Conference so that it can be a resource to stimulate thinking in this regard.

Mr Chairman, This Review Conference must provide a blueprint to take us forward. We are not prepared to abandon the pursuit of our mandate. We need to develop a new platform to deliver compliance and accountability. There are some interesting options before us.

It is no less critical that we ensure the challenges before us on compliance are dealt with transparently and effectively.

Mr Chairman, we hope that this Conference can agree on a forward-looking plan of action, which establishes the means for us to translate political imperatives into collective action as well as the means to determine the priorities for compliance. As a minimum, this Conference should:

- send an unequivocal signal that we will engage in a new push for the
- universalisation of this treaty;
- reaffirm the political imperative and urgency of strengthening the Biological Weapons Convention;
- take forward our mandate, as confirmed by the 1996 Review Conference;
- signal that we are seized of the changed security and proliferation environment;
- reaffirm our determination to enhance confidence-building measures;
- stress that we will explore other options for work on declarations and
- cooperation assistance, for example;
- establish an enhanced process of accountability through annual meetings of
- States parties;
- identify other means by which we might work further on compliance options, including the possibility of subsidiary bodies or an Oversight Committee;

Mr Chairman, evidence of non-compliance with the Convention's prohibitions in the past, or difficulties with the parameters of the subject, should not lead ipso facto to the conclusion that new compliance measures would be of restricted value. We must focus our attention clearly on the real need: effective compliance machinery that will make it harder - much harder - for proliferators to cheat, or terrorists to go undetected and unchecked.

Mr Chairman, addressing today's changing circumstances and consolidating our existing multilateral structures need not and should not be mutually exclusive options.

I thank you Mr Chairman.