



COMITÉ INTERNATIONAL DE LA CROIX-ROUGE

**Fifth Review Conference of States Parties
to the
Convention on the Prohibition of the Development, Production and
Stockpiling of
Bacteriological (Biological) and Toxin Weapons
and on their Destruction**

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Statement of

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For more than two thousand years prohibitions on the use of poison have been enshrined in the codes of warfare of diverse ethical systems and cultures. Ancient Greeks and Romans customarily observed a prohibition on the use of poison and poison weapons. By 500 BC the Manu Law of War in India banned the use of such arms. A millennium later, regulations on the conduct of war drawn from the Koran by the Saracens forbade poisoning. In more recent times this prohibition was codified in the 1899 Hague Declaration (2) and 1907 Hague Convention (IV) and has become an element of customary international law - binding on all parties to all armed conflicts.

The immediate precursor of the Biological Weapons Convention, the 1925 Geneva Protocol, not only reaffirmed the ban on the use of poison gas but extended it to cover bacteriological weapons. An impassioned appeal by the ICRC in February 1918 concluded that if warfare by poison were accepted "we can only see ahead a struggle which will exceed in barbarity anything which history has known so far". This appeal is no less valid today.

Despite the existence of well established norms there are ample reasons for vigilance. Developments in microbiology, genetic engineering and biotechnology and the spread of knowledge in these fields are proceeding at a rapid pace. Many believe the twenty-first century will be the century of "biotechnological revolution". The recent use of anthrax to spread terror has validated the concern that long-standing restraints on the use of these weapons may be ignored or eroded. Confirmed reports of State biological weapon programs are further reasons for concern.

The International Committee of the Red Cross (ICRC) considers any use of biological agents to cause illness, death or terror to be utterly repugnant and abhorrent acts. Indeed we consider that any efforts to use knowledge in the biological field to destroy rather than to improve human lives to be a particularly perverse form of inhumanity which deserves universal condemnation. We consider the 1925 Geneva Protocol and the 1972 Biological Weapons Convention to be bulwarks against this form of barbarity.

Clearly there is a need for increased vigilance and much greater openness in research and development on biological agents which may have military applications. The ICRC is disturbed that nearly a decade of efforts to develop an effective and legally binding compliance monitoring regime have not yet born fruit and we urge States Parties to resume efforts in the Ad Hoc Group towards this end. To leave this task unfinished raises disturbing questions about the international community's willingness to uphold the long-standing prohibition of a hideous form of warfare.

In addition, this Conference can strengthen the biological disarmament regime in many other ways. Important elements of a response by this meeting could include:

- A strong reaffirmation in the Final Declaration of the norms contained 1925 Geneva Protocol and the 1972 Biological Weapons Convention;

- A call upon all States Parties which have not yet done so to adopt stringent national legislation to prevent and repress acts prohibited either by the Convention or the 1925 Protocol and to better monitor the development and trade in biological agents;
- An appeal to States Parties that have maintained reservations to the 1925 Geneva Protocol to withdraw them;
- The encouragement of much more vigorous implementation of confidence and transparency measures agreed at previous Review Conferences; and
- Support for major improvements in the capacity of national health structures to respond to the use or threat of use of biological weapons and to suspicious outbreaks of disease and commitments to increase international cooperation and assistance in this field.

We also believe that the time has come to equip the Convention with at least a modest structure capable of monitoring relevant technological and other developments, encouraging universalisation, promoting implementation of already agreed confidence building measures and preparing future Review Conferences. In this regard we commend proposals to establish a Committee composed of States Parties which would meet on a regular basis between the fifth and sixth Review Conferences.

The ICRC is aware of interest in the development of certain allegedly "non-lethal" biological agents. We are concerned that development in this direction could erode the existing comprehensive prohibition of biological weapons. We urge States to carefully examine proposals for work in this field from a multidisciplinary perspective taking into account legality, possible effects on health and the environment and the military necessity of such weapons. We would also take this opportunity to remind States of their obligation under Article 36 of Protocol I Additional to the Geneva Conventions of 1949 to review all new means and methods of warfare to ensure their legality under international law. In this regard it is important to highlight the prohibitions on the use of means or methods of warfare which may cause unnecessary suffering, amount to indiscriminate attacks or cause severe and long-lasting damage to the natural environment.

In closing we would like to call on all States which have not yet done so to join in this historic effort of humanity, passed down through generations, to prevent the hostile use of poison in warfare by adhering to the Biological and Chemical Weapons Conventions. We urge all States to reaffirm their commitment to the biological disarmament regime, to fully participate in agreed confidence-building measures and to support efforts in this Conference to significantly reinforce the Convention. In so doing you will be making a lasting contribution to age-old efforts to protect humanity from the effects of a perverse and frightening form of warfare which must never be unleashed.