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Statement by the Brazilian
Delegation at the 2005 Meeting of the
States Parties to the BTWC

5 December 2005

Mr. Chairman,

At the outset, allow me to congratulate you, Ambassador John Freeman, on your assumption as Chairman of the 2005 Meeting of States Parties to the Biological Weapons Convention. I am confident that, under your able and wise guidance, this meeting will be most fruitful. In this regard, I assure you that the Delegation of Brazil will work constructively towards achieving common substantive results at this meeting, which should in turn contribute to the advancement of the goals of the Convention.

The Biological Weapons Convention is the first multilateral non-discriminatory disarmament Treaty, and to this day it remains the cornerstone of international efforts aimed at combating the proliferation of biological weapons. It is therefore essential that the credibility of the BWC as a functional disarmament and non-proliferation regime is reaffirmed and reinforced.

In this regard, Brazil strongly believes that States-Parties to this Convention must not repeat the deadlocks of the past, and again miss the chance to address and overcome the obstacles on the way to the goal of an effective, verifiable and equitable system for ensuring compliance with the BWC.

Mr. Chairman,

As we all know, in 2002, the resumed session of the Fifth Review Conference of the States Parties approved a programme of work for the intersessional meetings to be held between 2003 and 2005, based on a list of

five topics for discussion. Brazil regrets the fact that such a limited and restrictive mandate has not allowed for proper consideration of all issues related to the implementation of the BWC, in a comprehensive and balanced manner, and express our hope that these shortcomings may not be extended or repeated in the future.

All States-Parties signed and ratified the BWC in the understanding that it is constituted by an integrated group of fifteen articles, all of them equally valid as parts of the whole. These articles include, inter alia, obligations related to disarmament, non-proliferation and biodefense, as well as the right to develop biotechnology for peaceful uses, to scientific and technological cooperation, and to humanitarian assistance in cases of violation of the Convention.

These considerations are of particular relevance as we approach the 2006 Review Conference, when States-Parties will once more have a chance to consider the ways and means of advancing the goals of the Convention in a comprehensive manner, and to adopt measures aimed at filling the institutional gap that has hitherto prevented full implementation of its terms, in particular in the realm of verification of compliance.

Mr. Chairman,

I now turn to the specific subject that was placed under the consideration of the 2005 Meeting of Experts and of this Meeting of States Parties, which is the “content, promulgation and adoption of codes of conduct for scientists”.

Brazil considers that the creation of codes of conduct for scientists, as well as the strengthening of existing ones, may contribute to the common goal of promoting the full implementation of the Convention.

However, it should be clear that the introduction of new or reinforced Codes of Conduct related to the BWC must not entail the creation of obstacles for the advancement of life sciences. Special attention must also be paid to preventing such codes from introducing unjustifiable restrictions to the free development and exchange of science and technology for peaceful purposes in the field of biology.

In order to ensure a necessary balance between efficacy and feasibility, discussions on Codes of Conduct on a global level should not focus on attempts to create a universal set of detailed prescriptions, but instead on the discussion and adoption of general guidelines that should be taken into account by States in necessary action at the national level. This need is also reinforced by the fact that the mandate of the BTWC is circumscribed to the realm of States, and falls short of regulating individual behavior. Article IV clearly establishes that each State-Party is responsible for ensuring compliance with the terms of the Convention within its territory.

Concerning the possible content of such codes of conduct or guidelines, Brazil believes that their substantive prescriptions should be strictly tied to the terms and obligations contained in the Convention, thus avoiding subjectivity and possible misinterpretations of their terms, which in turn may lead to excessive restrictions. In general terms, it is necessary to ensure the involvement of the academic and scientific community in the discussion of the contents of possible guidelines to regulate their conduct. These codes must also recognize the possibility of accidental or unexpected results, for which each State should establish adequate handling and notification

procedures. It should also be said that sanctions for misconduct shall be determined by each State-Party, in accordance with its constitutional and penal systems.

With regard to the promulgation of such codes, the experience attained by Brazil in the implementation of its Sensitive Goods Control Policy, especially through the National Program for State-Industry Collaboration on Sensitive Items (PRONABENS) shows that, instead of purely punitive measures, States should strive to build appropriate channels for communication and exchange of information on the implementation of relevant regulations between the industry and scientific community, on one side, and relevant governmental agencies, on the other.

Before concluding, Mr. Chairman, allow me to thank you for your effort in producing the document which summarizes proposals and recommendations made during the Meeting of Experts held last June. That document shall provide a useful basis for our discussions. It is necessary to note, however, that it should not determine or limit the scope of our debate on our subject matter, whether during this Meeting of States Parties or hereafter.

Thank you.