

**Convention on the Prohibition of the Development,
Production and Stockpiling of Bacteriological
(Biological) and Toxin Weapons and
on their Destruction (1972)**

*Statement of the ICRC at the Review Conference of States Parties,
Geneva, 25 November-6 December 1996*

The International Committee of the Red Cross is privileged to address this conference which has the task of strengthening one of the earliest prohibitions of international humanitarian law: the proscription against the use of poison as a means of warfare. This norm has its basis not only in the 1899 Hague Declaration (2) and 1907 Hague Convention (IV) but also in the rules of warfare of diverse moral and cultural systems. 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 had banned the use of such arms. A millennium later regulations on the conduct of war drawn from the Koran by the Saracens forbade poisoning.

The immediate precursor of the 1972 Biological Weapons Convention, the 1925 Geneva Protocol, was negotiated in the context of public revulsion at the use of poison. This 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 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”. Those who negotiated the 1925 Protocol did so, in the words of one rapporteur, on the basis that while “from a military point of view the advisability of prohibiting gas or microbes as a means of defence ...is open to question...we take the view that humanitarian considerations should override military considerations and that all forms of cruelty should be abolished.” Since its adoption the ICRC has called upon States to adhere to and abide by the Geneva Protocol.

The norms which your predecessors so carefully constructed have now become elements of customary international humanitarian law. With few exceptions, they have been respected even in times of armed conflict. However, developments in microbiology, genetic engineering and biotechnology and the spread of knowledge in these fields are proceeding at a pace which would have been unimaginable when the Biological Weapons Convention was negotiated. Confirmed reports, since 1990, of biological weapon programmes are further reasons for concern.

Clearly there is a need for increased vigilance and much greater openness in the pursuit of biological research and development. The ICRC strongly urges States Parties to take this opportunity to decide to equip the Convention with an effective and legally binding compliance-monitoring regime which would include regular declarations of relevant activities, on-site visits and investigations of alleged use. We hope that work on such a regime can be completed by the Ad Hoc Group of Experts at an early date and adopted by a Special Conference of States Parties even before the next BWC Review Conference.

We urge full participation by States in existing arrangements for the voluntary deposit of declarations with the UN Secretary-General, the enactment of national legislation to punish violations of the Convention's provisions and increased cooperation in the use of biological knowledge for health and humanitarian purposes, as provided for under article X.

We also call upon those States which have not yet done so to adhere to the BWC and actively to participate in its existing confidence-building mechanisms. We encourage current States Parties which have maintained reservations to the 1925 Geneva Protocol to consider withdrawing them.

Biological warfare, in whatever form and by whatever party, is rightly considered abhorrent by the public conscience and by the world's most ancient cultures. This Conference's most important task will be to reaffirm, in both word and action, that no party should even think of using biological knowledge to inflict harm and to assure anyone who does that this will not be tolerated by the international community.