

Biological and Toxin Weapons Convention

European Parliament resolution on the Convention on the Prohibition of Biological and Toxin Weapons (BTWC), cluster bombs and conventional arms

The European Parliament,

- having regard to the Third Review Conference on the 1980 Convention on Certain Conventional Weapons (CCW), taking place in Geneva from 7 to 17 November 2006,
 - having regard to the Sixth Review Conference on the 1972 Biological and Toxin Weapons Convention (BTWC) to be held in Geneva from 20 November to 8 December 2006,
 - having regard to Council Joint Action 2006/184/CFSP of 27 February 2006 in support of the Biological and Toxin Weapons Convention, in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction¹, the objectives of which are to promote the universality of the BTWC and support its implementation by State Parties in order to ensure that State Parties transpose the international obligations of the BTWC into their national legislation and administrative measures,
 - having regard to the EU Action Plan in respect of the BTWC, which was agreed in parallel with the Joint Action and in which Member States undertook to submit confidence-building measures returns to the United Nations and lists of relevant experts and laboratories to the United Nations Secretary-General to facilitate any investigation into alleged chemical and biological weapons use,
 - having regard to Council Common Position 2006/242/CFSP of 20 March 2006 relating to the 2006 Review Conference of the Biological and Toxin Weapons Convention (BTWC)², the objectives which are to strengthen further the BTWC and promote a successful outcome to the Sixth Review Conference,
 - having regard to the European Security Strategy and the EU Strategy against the Proliferation of Weapons of Mass Destruction, adopted at the Brussels European Council of 12 to 13 December 2003, and its resolution of 17 November 2005 on non-proliferation of weapons of mass destruction: a role for the European Parliament³,
 - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas the BTWC, which was opened for signature in 1972 and entered into force in 1975, is the first multilateral disarmament treaty banning an entire category of weapons, and whereas it currently has 155 States Parties, with a further 16 having signed but not yet ratified the Convention,
- B. whereas the Sixth Review Conference, which will take place in Geneva from 20

¹ OJ L 65 7.3.2006, p. 51.

² OJ L 88 25.3.2006, p. 65.

³ *Texts Adopted*, P6_TA(2005)0439.

November to 8 December 2006, will be the first opportunity for States Parties to examine the operation of the Convention since the Fifth Review Conference ended in 2002, and whereas it will provide the States Parties with the opportunity to reconfirm their commitment to the complete prohibition of biological weapons and to address any problems or shortcomings in the operation of the Convention,

- C. whereas the first part of the Fifth Review Conference ended in failure, largely owing to the US Administration's withdrawal from the negotiations on devising a legally-binding compliance-strengthening mechanism,
- D. whereas, although the number of signatories is steadily growing (100 to the introductory framework agreement in January 2006), the CCW is far from universal and whereas the number of signatories is substantially lower for its five protocols which contain the practical implementing provisions of the Convention,
 1. Stresses that the objective of the European Union should be to build on the success of the BTWC regime, to further strengthen the BTWC and to promote a successful outcome to the Sixth Review Conference;
 2. Welcomes the Council and Commission's continuous diplomatic action to keep alive international efforts to strengthen the BTWC and recognises the EU's role in promoting the exploration of voluntary non-binding inspections as 'confidence-building measures' and the strengthening of national legislation in the run-up to the Review Conference;
 3. Attaches, therefore, great importance to a thorough and full review of the operation of the BTWC in order to identify, discuss and agree on the measures to be taken to further strengthen the Convention;
 4. Calls on the Council and Member States to promote the accession of all States to the BTWC, including by calling on all States not party thereto to accede to the BTWC without further delay and working towards a declaration that the ban on biological and toxin weapons is a universally binding rule of international law;
 5. Encourages the EU, therefore, to take up this issue in the transatlantic fora, in particular NATO, and to persuade the US administration to move away from its unilateral point of view and to contribute to the relaunch and enhancement of the multilateral framework;
 6. Calls on the Council and Commission to promote full compliance with the obligations under the BTWC and, where necessary, the strengthening of national implementation measures, including penal legislation and control over pathogenic micro-organisms and toxins in the framework of the BTWC;
 7. Calls on the Council and Member States to contribute to the improvement of the mechanisms for verifying compliance by the States Parties by promoting efforts to enhance transparency through increased exchange of information among States Parties, including identifying measures to assess and enhance the country coverage and the usefulness of the Confidence Building Measures mechanism;
 8. Calls on the Council and Member States to promote compliance with obligations under UN Security Council Resolution 1540, in particular to eliminate the risk of biological or toxin weapons being acquired or used for terrorist purposes, including possible terrorist

access to materials, equipment and knowledge that could be used in the development and production of biological and toxin weapons;

9. Calls on the Council and Member States to promote consideration of, and decisions on further action on, the work undertaken to date under the intersessional programme during the period 2003 to 2005 and the efforts to discuss and promote common understanding and effective action in particular on: enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease; strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals and plants; the content, promulgation and adoption of codes of conduct for scientists in the field relevant to the BTWC in order to raise awareness of the BTWC and to help relevant actors to comply with their legal, regulatory and professional obligations and ethical principles;
10. Calls on the Council and Member States to support a further intersessional work programme during the period between the Sixth and Seventh Review Conferences, to identify specific areas and procedures for further progress under this work programme and to promote the convening of a Seventh Review Conference of the BTWC to be held no later than 2011;
11. Calls upon the EU and its Member States to work hard to ensure that the scope of Protocol III to the CCW on Incendiary Weapons is expanded in order to prevent the further use of white phosphorus shells against military and civilian targets and to stop the use of (depleted) uranium warheads;
12. Welcomes the fact that Protocol V to the CCW on Explosive Remnants of War entered into force on 12 November 2006 and has therefore become binding international law; stresses that this means that States must clear their territories of unexploded ordnance to reduce the number of civilian casualties following conflicts; also stresses that this Protocol obliges those parties responsible for the remnants to assist in their clearance, even if the territory concerned is not under their control; insists that this Protocol applies to all types of unexploded ordnance, including cluster munitions;
13. Is nevertheless convinced that many more States should sign and ratify the CCW and its five Protocols, and calls upon the Council and the Commission to do everything possible to ensure that all Member States duly sign and ratify Protocol V and that all countries receiving disarmament assistance sign and ratify the protocol as well, even if so far they have not acceded to the CCW (e.g. Lebanon);
14. Calls upon the EU and the Member States to demand – in the spirit of the CCW's aim of establishing protocols on relevant weapon-systems when the need arises and pending a specific Convention on this issue – the creation of a specific Protocol VI to unambiguously ban the production, stockpiling, transfer and use of all types of cluster munitions (fragmentation bombs);
15. In this light, welcomes in particular the positive response by a coalition of more than 30 States (amongst them many Member States, including Belgium, Sweden, Germany, France, Austria, Denmark, Spain and the Czech Republic) to the call made by both Kofi Annan and Jan Egeland at the beginning of the CCW Review Conference for negotiations to start without delay to establish a comprehensive and effective convention to ban cluster

munitions worldwide, in the same way as has been done for anti-personnel mines; calls on the EU and all Member States to support this initiative as actively as possible;

16. Calls upon all Member States, the Council and the Commission to work hard to ensure that, within the foreseeable future, both the BTWC and the CCW are equipped with a permanent secretariat to oversee their successful implementation, along the lines of the Organisation for the Prohibition of Chemical Weapons, which was created for that purpose under the Chemical Weapons Convention;
17. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and governments of the Member States, the parliaments and governments of the States Parties to the BTWC and CCW and the appropriate specialised NGOs.