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## **URUGUAY**

### **URUGUAY'S INITIAL CONTRIBUTION: INTERACTION IN THE IMPLEMENTATION OF THE CONVENTIONS ON BIOLOGICAL WEAPONS (1972) AND CHEMICAL WEAPONS (1992)**

The international community's strong, growing support for the work of the OPCW led recently to the award of the Nobel Peace Prize for 2013. This recognition was based not only on the current participation of that organisation in the process of eliminating the chemical weapons in Syria, but also on the fact that this same organisation has been establishing unrivalled parameters for other multilateral mechanisms working in the fields of disarmament and the non-proliferation of weapons of mass destruction.

The OPCW's contribution here has been highly significant, perhaps unique, on an international scene characterised by the lack of substantial progress on the nuclear and bacteriological levels. In this context, it is worth recalling that the 1992 Convention is still the only multilateral instrument to prohibit, for all countries without distinction, and under strict international control, an entire category of weapons of mass destruction.

Therefore, priority attention must be devoted to the convergence of biology and chemistry; this convergence requires major interaction between the implementation of the Chemical Weapons Convention and the Convention on Biological Weapons of 1972, since, amongst other reasons, chemical weapons use the toxic properties of substances to kill, injure or incapacitate the enemy.

It is well known that the main cause of the destructive effects of chemical weapons is not the force of an explosion, but the offensive use of living organisms – such as *Bacillus anthracis*, the agent responsible for anthrax, which has been generally characterised as more a biological than a chemical weapon. Even the toxins produced by living organisms (for instance, toxins like botulinum, ricin or saxitoxin) are classified as chemical weapons. Moreover, under the 1992 Convention, any toxic chemical substance is deemed to be a chemical weapon, irrespective of its origin, excepting those which are used for purposes not prohibited by the said treaty.

When the Convention on the Prohibition of Bacteriological and Toxic Weapons was negotiated in the 1970s, it was thought that it would be a key element of the structure of the international regime of non-proliferation and disarmament, but, several decades later, this Convention is still one of the weakest points in that regime, because it does not offer, beyond the legal obligations assumed by the States Parties, the necessary tools to prevent risk.



However, continuous advances in the fields of biotechnology genetics allow the possibility that, from a technical point of view, these weapons might be developed, which throws down a gauntlet to the international community to re-examine and strengthen the 1972 Convention in various ways: for example, enhancing the investigative mechanism of the United Nations Secretary General, which was consolidated in 2006, defining responsibilities in scientific research and the transfer of biological agents, and redefining the spectrum of risks and the control of same by adopting new measures. This mechanism, by virtue of which the Secretary General must keep up-to-date the list of available experts and laboratories, was developed precisely as a response to the use of chemical weapons during the Iran-Iraq war of the 1980s.

Technological development in this area makes it necessary, therefore, to hold an in-depth debate on the system of governance, in which governments, industry, science and society should become involved, with a view to deepening and widening the basis of compliance with responsible conduct in the use of scientific research. In this sense, the convergence of biology and chemistry in the field of arms control is tangible.

Biology and genetics have assimilated the methods of chemistry which have led to the synthesis of bio-molecular compounds; this has serious implications not only for the practical applications derived from the human genome project, but also for the development of future scientific procedures with evident risks.

The indiscriminate, unpredictable effects of biological weapons, such as those which may be, as is believed, produced today, make them a force multiplier, the effectiveness of which is difficult to determine. There is, therefore, a growing concern regarding the possible use for terrorist purposes of biological agents by non-State actors, for whom the indiscriminate, unpredictable effect would present no obstacle.

To make the 1972 Convention more effective, it would be necessary to prioritise the achievement of realistic goals, such as the adoption of a universal standard of minimal physical defence of national resources and sensitive facilities with biological agents, defined in accordance with an international typology to render it more difficult to gain unauthorised access to these materials. One could also aspire to reinforcing the controls on the export of biological agents and associated technologies, including laboratory equipment and dual-use material. In commercial transfers, due attention should be given to the safeguards which the end-user could offer, thus ensuring peaceful uses under strict national control and avoiding the risk of diversion.

As a result, the success achieved by the OPCW in implementing the Chemical Weapons Convention of 1992 could serve, in large measure, as a stimulus or indicator axis to revitalise the implementation of the Biological Weapons Convention of 1972, emphasising the impact – currently marginal – of that instrument in the international non-proliferation regime, as well as contributing to its necessary adaptation to present circumstances and to the new challenges presented by the twenty-first century.

If we consider that international cooperation under Article X of the Biological Weapons Convention of 1972 is a focus of attention on the agenda of the States Parties, several of the measures or courses of action that have been proposed find a corollary or correspondence in the spectrum of measures designed to enhance international cooperation under Articles VIII and XI of the Chemical Weapons Convention. In this sense, certain of the key institutional

competencies of the OPCW could serve as a reference or impulse basis for the implementation of the Biological Weapons Convention. Examples are:

- a) assistance to authorities in establishing and applying effective national controls to ensure that trade in dual-use materials be conducted for legitimate purposes,
- b) technical monitoring and assessing to evaluate the risks associated with new compounds and technologies,
- c) the ability to propose improvements in existing verification methods and in the adoption of new kinds and methods of inspection in the light of technological advances which are already being recorded.

In the set of ideas and proposals put forward recently by a group of experts regarding the Biological Weapons Convention of 1972, the importance was stressed of advancing a process designed to achieve greater interaction in the implementation of both it and the Chemical Weapons Convention. The institutional structure of the OPCW, the experience it has accumulated and its consolidated technological capacity could be beneficial in ensuring that the convergence of biology and chemistry is truly operational. Without prejudice to the possible contributions of other organs of the OPCW, its Scientific Advisory Board (SAB) could play a key role in that process.

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