

Second Meeting
Geneva, 6-10 December 2004

Meeting of Experts
Geneva, 19-30 July 2004
Items 5 and 6 of the agenda

Investigation

Submitted by the Islamic Republic of Iran

1. The Biological Weapons Convention as part of international arms control system has played an important role in prohibitions, destruction and non-proliferation of biological weapons. After failure and suspension of seven years negotiations on the Protocol to the Convention, the world has faced rapid development of biotechnology and escalation of bio-terrorism threats thus it has become more imperative and important to discuss, within a multilateral legally binding frameworks, the concrete measures to strengthen the effectiveness of the Convention.
2. The preference of a certain country for unilateral actions to combat weapons of mass destruction including biological weapons cannot obliterate the primacy of the principles and rules of multilateralism on this matter. The lack of multilateral coordination will result in the failure of the regime established by the BTWC. Legitimate action in the area of international security must be founded on multilateral agreements.
3. The Expert Meeting is entrusted to work on the issue of alleged use of biological or toxic weapons. However, it should be recalled that the Convention does not address the prohibition of the “**use**” of these horrifying weapons. Even though according to the Geneva Protocol of 1925, the “Use” is prohibited, but regrettably some States Parties have still kept their reservations to that effect, that is keeping the right of retaliation for any case of use against them. This issue was, for the first time, brought to the attention of the States Parties by the Islamic Republic of Iran during the Fourth Review Conference and a proposal for the amendment of the Convention was made.
4. There is no internationally recognized definition on the terms “suspicious outbreaks of diseases” or “alleged use”.

5. The States Parties of the BTWC have not as yet negotiated and adopted any text on technical guidelines or procedures for investigation. The investigation mechanism for cases of alleged use of “chemical and bacteriological (biological) or toxin weapons”, established on the basis of 1989 UN Report of Qualified Experts pursuant to the General Assembly Resolution 42/37C of 30 November 1987, is not an appropriate one since it has been set out on the basis of the international political and security environment of the 1980s, when the Chemical Weapons Convention had not been finalized and entered into force and the Ad Hoc Group negotiation on the Protocol strengthening the implementation of the BTWC had not come into being. The text of these guidelines and technical procedures for investigation has not been negotiated by States Parties to the BTWC and therefore do not fully reflect their legitimate and immediate concerns.

6. The regulatory and the promotional pillars of the Convention are interdependent. The Special Conference of States Parties held in 1994 established the Ad Hoc Group to negotiate a protocol to strengthen the implementation of the Convention in its totality.

7. As the result of seven years of intensive negotiation on all provisions of the Convention, including the issue of investigation, a comprehensive composite text, which needed final tuning and improvement, was ready for the adoption by Conference of States Parties. Had such a historical event occurred, the anticipated OPBW could have been established and a well organized visit and investigation mechanism based on the Protocol would have been established by now.

8. The Islamic Republic of Iran is of the belief that the most effective universally acceptable investigation mechanism could only be established on the basis of a multilaterally negotiated legally binding instrument based on the BTWC.
