



## Remarks to the Sixth Biological Weapons Convention Review Conference

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*(As delivered remarks)*

Mr. President, it is a pleasure to be here in Geneva at the opening of the Sixth Review Conference of the Biological Weapons Convention (BWC). Mr. President, the United States congratulates you on your election, and we look forward to working with you and the distinguished delegates here today to make this Review Conference a success.

Over thirty years ago, the Biological Weapons Convention entered into force as the key legal and normative barrier to the spread of biological weapons. The Convention's condemnation of biological weapons "as repugnant to the conscience of mankind" holds as true today as it did when the BWC was signed in 1972.

The United States believes that the BWC today is strong. We reaffirm our commitment to the Convention and underscore that it continues to serve as an important international norm against the use of biology as a weapon.

Yet the world is a very different place today than in 1972. During the Cold War, countries were concerned mostly about state-run programs. Now we also must recognize the grim prospect of terrorist organizations using biology as a weapon of terror and mass destruction, and we must gird ourselves to respond to new and evolving threats.

When States Parties to the Biological Weapons Convention gathered at the resumed Fifth Review Conference in November 2002, the international effort to combat the biological weapons threat took a pragmatic and measurable step forward. States Parties recognized the necessity of a three-pronged strategy of national, bilateral and multilateral measures and unanimously adopted a tailored program of work to confront the biological weapons threat in today's strategic environment -- in which threats come from rogue states and terrorists.

It is with these threats in mind, that we must continue to strengthen our efforts and adapt our nonproliferation and counterproliferation tools to stop the development and transfer of biological weapons.

Of the three major multilateral nonproliferation treaties -- the Nuclear NonProliferation Treaty (NPT) and the Chemical Weapons Convention (CWC) are the other two -- the BWC is the first to conduct a second review in the post-9/11 world.

BWC States Parties are uniquely situated to evaluate the impact of a program of work that was conceived recognizing that both the object and purpose of the Convention and the strategic reality that innovative, multifaceted, and comprehensive approaches to contend with the proliferation of weapons of mass destruction are essential.

While the United States believes we are making significant strides, much work remains to be done. As we review the operation of the BWC over the next three weeks, it is essential that each State Party thoroughly examine the actions it is taking now, and the actions it needs to take in the future to exclude the possibility of biological agents and toxins being used as weapons.

The United States looks forward to discussing constructive and practical measures to combat the biological weapons threat. We seek to reinforce and thereby strengthen the BWC. We welcome a healthy and vigorous exchange of practical ideas.

We urge states to recognize the changes that have occurred in the global strategic environment and to avoid bringing up tired, old debates from the past and raising divisive ideological debates.

With regard to Compliance, fundamental to the success of the BWC and its goal of ridding the world of biological weapons is full and effective compliance by all States Parties. Noncompliance with the central obligation of the BWC poses a direct threat to international peace and security, and compliance concerns must be pursued vigorously. For this reason, such concerns must be raised not only at Review Conferences every five years, but addressed by States Parties with urgency as they arise. For our part, since the last review conference, the United States has engaged several states through diplomatic channels on issues of possible non-compliance with Article I and other BWC obligations.

Noncompliance with the fundamental requirement not to develop biological weapons is of paramount concern. It would be irresponsible to strengthen the superstructure of the Convention and yet turn a blind eye to problems with the foundation itself. The U.S. has concerns with the actions of a number of states and we publicly detail our compliance concerns in an annual report to the U.S. Congress.

The activities of North Korea, Iran, and Syria are of particular concern given their support for terrorism and lack of compliance with their international obligations. Each of these countries was identified in the most recent edition of the U.S. noncompliance report published in August 2005.

We believe that the regime in Iran probably has an offensive biological weapons program in violation of the BWC. Similarly, we also believe North Korea has a biological warfare capability and may have developed, produced, and weaponized for use biological weapons, also in violation of the BWC. Finally, we remain seriously concerned that Syria -- a signatory but not a party to the BWC -- has conducted research and development for an offensive BW program.

The U.S. understands that the problem of noncompliance with the BWC is difficult but it must be faced head-on. The international community must always remain vigilant and steadfast, and root out violators that undermine the integrity of the Convention.

### **National Implementation**

As the agreements reached during the 2003-2005 BWC Work Program reinforced, each State Party must do its individual part by implementing national measures at home.

When there are suspicions of illicit BW activities, the Convention requires each State Party be more than just watchful and determined. States Parties are obligated to undertake national measures to implement the Convention. Specifically, Article III prohibits States Parties from providing sensitive technologies -- either directly or indirectly -- to any person, group, or country that might seek to acquire biological weapons. Furthermore, Article IV requires that State Parties vigilantly regulate and monitor biological activities within their own country or in areas under their jurisdiction or control, and aggressively pursue and prosecute those who would seek to use disease as a weapon of terror, destruction, or death. These obligations necessitate that States Parties implement effective export controls.

There is a clear international consensus that national measures are critical, particularly in our efforts to prevent the proliferation of WMD and their related materials. In 2004, the United Nations Security Council recognized the importance of the adoption and enforcement of effective export controls

by requiring all states to criminalize proliferation under UN Security Council Resolution 1540. Resolution 1540 mandates that all states take and enforce effective measures to establish domestic controls that will prevent the proliferation of biological weapons and other weapons of mass destruction and their means of delivery.

The United States has taken several measures to implement its obligations under the BWC and Resolution 1540, and we reiterate our willingness to provide assistance to States Parties to adopt national measures.

#### **Universality**

While it is critical that we undertake a dedicated effort under the BWC umbrella to ensure that all BWC States Parties fully implement their obligations, we must also undertake steps to bring into the community of nations forswearing biological weapons those states that remain outside of the Convention.

#### **Review Conference Objectives**

The United States believes that BWC States Parties can and should continue to build upon the constructive Work Program of 2003-2005 and further strengthen implementation of the Convention.

The recent Work Program made important strides in underscoring the unfinished business of national implementation of the Convention. While many states have taken some steps to meet this obligation, few have comprehensive measures in place, judging from submissions to the TiN 1540 Committee, the 2003 BWC Experts Meeting, and other publicly available information.

In many respects, the situation is similar to that of the Chemical Weapons Convention prior to the adoption in 2003 of an Action Plan on national implementation. The significant progress that has been made under this CWC initiative can be replicated in the BWC context. The United States believes this Review Conference in its final declaration should endorse an "Action Plan on National Implementation" consisting of specific steps to be taken by States Parties, with progress reviewed periodically during the intersessional period before the Seventh Review Conference in 2011.

A second imperative wanting a dedicated Action Plan is the lack of universal membership in the Biological Weapons Convention. With 155 States Parties, membership in the BWC ranks substantially behind that of other multinational nonproliferation treaties. The Nuclear Non-proliferation Treaty has 188 States Parties, while the Chemical Weapons Convention has 180 States Parties. Although the UN General Assembly annually calls upon states to join the BWC, there has been no concerted universality effort and little expansion of BWC membership for many years. Given the increased international concerns about the threat of biological weapons, the United States believes that at this Review Conference, States Parties to the BWC should seize the opportunity to launch a strong universality campaign embodied in an agreed Action Plan.

In addition, we hope that during the Article-by-Article review performed over the coming weeks and in our final declaration, that BWC States Parties will explicitly endorse the importance of national export control measures in fulfilling the obligations under the Convention and fully commit to complying with UN Security Council Resolution 1540.

#### **The Next Intersessional Work Program**

I will now turn to our proposals with respect to the intersessional work program leading up to the Seventh Review Conference. The United States believes that the 2003-2005 Work Program was constructive. The upcoming intersessional period provides an opportunity to build upon the previous Work Program and further strengthen implementation of the Convention. The United States thus supports a robust intersessional effort building on the proven formula of the 2003-2005 Work Program.

The United States will support meetings of technical experts in Geneva for key implementation areas. We believe that two of the topics addressed between 2003 and 2005 are clearly worthy of further consideration and progress, with a special emphasis on promoting cooperation in these areas. The first is disease surveillance. This was one of the most productive and well-attended meetings of the intersessional period. Subsequent emergence of the avian influenza threat has underscored the importance of national and international efforts to address infectious disease. The United States strongly favors continued effort in this area.

A second area worthy of follow-up effort is biosecurity, that is, the challenge of keeping dual-use equipment and biological materials secure from theft and misuse, especially with regard to terrorism. To enhance progress in this area, we would propose that special emphasis be placed on international cooperation and the closely linked issue of biosafety.

The United States has also identified two new areas for intersessional focus. With respect to national legislation to outlaw illicit BW activities, we believe that enforcement needs to be squarely addressed. Parties to the BWC have a shared interest in ensuring that non-state actors who might engage in BWC-prohibited activities are apprehended and prosecuted. We would therefore propose a session where experts would share experiences related to investigation and prosecution of BW-related crimes, particularly those involving international cooperation, and discuss possibilities of further future collaboration.

Another issue we believe should be addressed concerns codes of conduct related to national activities to prevent misuse of biological research. In the life sciences, the same techniques used to gain insight and understanding for the benefit of human health and welfare may also be used to create a new generation of BW agents. In this proposed session, states would report on steps that have been taken at the national level since the discussions in 2005 and discuss possibilities for international cooperation and coordination.

The second element of the 2003-2005 intersessional effort was meetings of States Parties. In this regard, the United States proposes that one-week meetings of States Parties be convened annually from 2007 to 2010 to consider progress and follow up for the respective Action Plans on Universality and National Implementation. Political-level discussions could also be held at these annual meetings in connection with the experts' meetings convened that year.

#### **Conclusion**

In conclusion, Mr. President, let me again encourage those attending this Review Conference to begin work in earnest on a robust, practical and focused program that advances the operation and national implementation of the BWC. The United States has identified proposals for consideration which we believe will garner significant support, and we look forward to discussions of other useful and constructive ideas for advancing work under the BWC umbrella.

We must not allow this Review Conference to be sidetracked into ideological debates or hijacked by the destructive agenda of proliferators. There are many practical and positive steps that we can take to strengthen the BWC on all levels, and it is imperative that we continue to cooperate to achieve this goal.

Thank you again, Mr. President, for the opportunity to address this Conference.

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