
Geneva, 19 - 30 September 1994

STATEMENT OF U.S. REPRESENTATIVE
DONALD A. MAHLEY
TO THE COMMITTEE OF THE WHOLE
September 22, 1994

The United States has been an active participant in the development of many treaties, and in the effort to verify them. The task before us should not be underestimated. Building confidence in compliance with a Convention is a task that we firmly believe must be tailored in each instance to the unique features of the weapons being prohibited or controlled. Procedures or standards crafted for different conditions and different weapons--would both ignore some of the unique characteristics of biological weapons and would provide a potentially damaging false confidence in compliance in that states would be claiming compliance on the basis of adherence to incomplete or misleading criteria that may not ensure such compliance. There is a common point of departure for BWC: a shared belief that the BWC needs strengthening.

The U.S. believes that the term "effective verification" in the specialized context of formal arms control, refers to a set of measures designed to verify compliance with the provisions of a treaty with sufficient confidence to detect any militarily significant violation in time for other state parties to take appropriate countermeasures. In addition, an effective verification regime should safeguard non-relevant national security and industrial proprietary information and provide a net benefit to states parties' national security. In the case of the BWC, it should further the nonproliferation goals set forth by the international community.

This definition further assumes that measures are developed with an ability to distinguish between treaty prohibited and permitted activities with a minimum of ambiguity. The Ad Hoc Group of Experts recognized the great difficulty in meeting this condition but "concluded that potential measures as identified and evaluated could be useful to varying degrees in enhancing confidence, through increased transparency, that

states parties were fulfilling their obligations under the BWC." Further, "The group considered, from the scientific and technical standpoint, that some of the verification measures would contribute to strengthening the effectiveness and improve the implementation of the Convention."

Even under this relaxed definition of verification; i.e., compliance enhancement, it is an extremely complex task to define as well as distinguish between "treaty prohibited" and "permitted activities" with regard to the unique prohibitions of the BWC with a reasonable level of confidence. Determination of whether a violation of the BWC has occurred is not a straightforward analytical task, and is dependent on intent as well as physical evidence. This statement does not imply that we are against strengthening the Biological Weapons Convention but the Protocol must reflect what is both technically and politically feasible.