

First Meeting
Geneva, 10 – 14 November 2003

Meeting of Experts
Geneva, 18 – 29 August 2003
Items 5 and 6 of the provisional agenda

**U.S. STRATEGY FOR ACHIEVING MEANINGFUL PROGRESS
THROUGH ANNUAL MEETINGS OF BWC STATES PARTIES, 2003-2005**

Prepared by the United States of America

Conceptual Framework

1. The threat posed by biological weapons (BW) is real, growing, and evolving rapidly with the pace of technology. In the past year, significant progress has been made to combat the threat.

- The United States has enhanced controls on dangerous biological agents and toxins and has dedicated funding to upgrade the U.S. public health system's capability to counter bioterrorism.
- Several groups of nations have committed to improve their national export control measures and to better detect and defend against biological weapon attacks.
- Members of the World Health Organization (WHO) have agreed to strengthen health surveillance systems.

2. The United States remains convinced that traditional arms control measures, including routine declarations or facility investigations, cannot be effective against biological weapons. Biological agents and the facilities and equipment used to produce them for illicit purposes cannot be distinguished from their legitimate counterparts. Proving violations is nearly impossible as capability and intent must be known and acknowledged. Unlike chemical weapons or nuclear weapons material and equipment, disease-causing organisms are ubiquitous in nature and key equipment and agents suitable for BW production are housed in a variety of facilities around the world, including private companies and universities. The dual-use nature of biological weapons-capable facilities make it impossible to determine a reasonably bounded set of facilities that would be subject to declaration and visits. Even if inspectors visited a facility making offensive biological weapons, operators could claim their work is for peaceful purposes or easily clean up evidence of illicit activity by using no more sophisticated

means than household bleach. The mandate under which UNSCOM operated for over seven years was highly invasive, and yet the inspectors' visits uncovered no current biological weapons facilities or weaponized agents, despite evidence (including the admissions of people involved) that such a program had existed for many years in Iraq.

3. The biological weapons threat is most effectively addressed using approaches that are outside the realm of traditional arms control. Accordingly, States Parties to the Biological and Toxin Weapons Convention (BWC) should strengthen BWC implementation through enacting national legislation, or other national implementation measures, to prohibit illicit biological weapons activities; confronting non-compliance; improving global disease surveillance; coordinating assistance in the event of a suspicious disease outbreak or biological weapons attack; working with government and private institutions to urge expansion of biosecurity standards; recommending development of a code of conduct for scientists, and urging non-BWC members to join and adhere to the treaty.

4. The BWC forum can play a useful role in the global effort to combat biological weapons. The 1972 BWC and the 1925 Geneva Protocol establish the international prohibitions against biological weapons. Therefore, the BWC forum should be used to encourage and take note of efforts in other fora that help strengthen efforts to combat the biological weapons threat. The BWC forum can also promote the enactment of national measures to combat the biological weapons threat such as domestic implementing legislation and biosecurity standards.

5. Given the myriad international government organizations (IGOs) (approx. 25) that collectively play major roles in biosecurity, disease surveillance, disease outbreaks, or the development of biological industry/government standards, BWC States Parties can agree during scheduled Annual Meetings to seek specific activities in partnership with or modifications to ongoing efforts in these specialized agencies to ensure that their efforts will also help to combat the unique biological weapons threat. Subsequently, officials who have participated in BWC meetings should actively engage a full range of their counterparts within their own national governments. This ongoing interaction would allow for BWC States Parties to ensure that international efforts, in a variety of fora that relate in some way to biological weapons, are focused on or adopt measures that will enable them to combat the unique biological weapons threat. Relevant IGOs should be invited to either address States Parties during these Expert Group meetings or submit reports on their work.

Context of the Decision on BWC Work, 2003-2005

6. The Biological Weapons Convention "Resumed" Fifth Review Conference (RevCon) ended in Geneva on November 14, 2002 with a consensus decision on issues to be addressed at Annual Meetings of States Parties, preceded by meetings of Experts (details of agreement below). RevCon President Tibor Tóth of Hungary, with strong backing from a broad spectrum of delegations, convinced key players that his proposal, which formed the basis of the RevCon decision, was the only solution that would allow any regularized and productive BWC activity over the next three-year period.

7. In pursuit of these activities, this strategy is developed to identify concrete objectives (deliverables) that will combat the BW threat.

Details Regarding Upcoming Meetings

8. States Parties agreed to hold an Annual Meeting of one-week's duration each year commencing in 2003, with the last Annual Meeting in 2005. Each meeting of the States Parties will be prepared by a two-week meeting of experts. The topics selected for expert analysis during a two-week period each year and a one-week Annual Meeting of States Parties draw largely on proposals the Western Group made in November 2001. Each of three BWC regional groups will chair one year of the work. The following topics comprise the entire agenda for the agreed meetings:

- 2003 - 1) the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including enactment of penal legislation, and 2) national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins. (Fifth Review Conference President Tibor Tóth (Hungary) to chair for Eastern Group);
- 2004 - 1) 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, and 2) strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious disease affecting humans, animals, and plants. (Non-aligned Group to chair);
- 2005 - The content, promulgation and adoption of codes of conduct for scientists. (Western Group to chair).

9. The Depositaries have followed customary practice in announcing the dates and location of the 2003 Expert and Annual meetings via Diplomatic Note.

Desired Outcome of the Process

10. BWC States Parties have, by virtue of the Fifth Review Conference decisions, a well-focused and realistic agenda. In our view, in implementing the decision, Parties should seek solid results each year, "deliverables" that will have a concrete, positive impact on efforts to counter the growing biological weapons threat. The issues for 2003, national implementation measures and security of pathogens and toxins, are areas in urgent need of enhancement. All governments should be encouraged to review their national efforts and come to the 2003 meetings prepared to discuss before BWC States Parties their domestic implementation in each area and any improvements they are undertaking along with a notional timeline for implementation. The United States, for example, is providing the attached papers outlining its national efforts to improve national legislation and enhance biosecurity. It is critical that all States Parties ensure that BWC obligations are implemented to their full intended effect.

11. Rarely does a multilateral arms control effort significantly redirect its focus in a short period. BWC States Parties have a significant opportunity to now regroup within six months to tackle real-world measures in real time. The manner in which States Parties approach the 2003 work will set the stage for subsequent work. A productive approach will allow this body to be counted with the many that have reshaped themselves to play a

relevant part in the war against one of the most frightening weapons of mass destruction.

Potential “Deliverables”

12. The United States suggests the following “deliverables” to help ensure that BWC State Party efforts have real utility in countering the BW threat.

National Implementation Measures

13. This topic is intended to urge States Parties to adopt BWC implementation measures. While the BWC has been in force since 1975, too few States Parties appear to have enacted implementing measures. To date, BWC-related discussion has been about national implementation measures focused on Article IV of the 1972 Biological Weapons Convention.

14. This topic should be divided into three areas of activity:

- presentations/papers by States Parties outlining their implementation measures and challenges faced;
- presentation of suggested basic elements of national implementation measures, and;
- preparation of a list of experts who can provide assistance in developing national implementation measures (e.g., legislation, administrative/regulatory efforts).

15. These domestic measures should include criminal or other penal measures aimed at activities related to biological or toxin weapons in contravention of the provisions of the Convention. They may additionally include domestic measures such as national regulations on the security and oversight biological agents and toxins, the second topic to be discussed in 2003. They should also address transport of and export controls on biological agents and toxins.

16. “Deliverables” from the BWC Experts Group on the issue of implementation measures may include:

- a compilation of information on national implementation measures taken by individual States Parties;
- a list of suggested, basic domestic elements of measures that may, or should, be taken;
- a list of contacts in the form of multilateral organizations or national government legal experts that can assist individual States Parties in establishing national implementation measures.

Security of Dangerous Pathogens and Toxins

17. As in the field of national implementation measures, Western states, for the most part, have made commendable efforts in the past few years in focusing on the dangers of unauthorized access to dangerous pathogens and toxins and possible remedies. In

accordance with the U.S. Public Health Security and Bioterrorism Preparedness and Response Act of 2002, the U.S. Departments of Health and Human Services and Agriculture have promulgated regulations for implementation of biosecurity measures that apply to academic institutions and biomedical centers; commercial manufacturing facilities; government laboratories, including clinical and diagnostic laboratories; and research facilities.

18. It makes sense for BWC States Parties to support efforts by the WHO, the Food and Agriculture Organization (FAO) and the Office Internationale des Epizooties (OIE), on expanding guidelines. The United States' efforts on biosecurity might serve as useful background for review by the WHO, FAO and OIE and for other countries or organizations in establishing domestic biosecurity requirements.

19. National biosecurity measures should focus on ensuring the physical security of locations that house or use dangerous pathogens, and accountability with respect to storage, use, and transfer of such pathogens. They should identify facilities that possess, use, transfer, and/or receive from outside the country, or transfer within the country, these agents and toxins. National authorities should develop risk assessments and identify measures to ensure the security of the materials. Personnel and procedural requirements should include staff screening, evaluation, and annual training on the security requirements and a formal mechanism for reporting and investigating incidents of a security breach. Emphasis should remain on establishing and implementing guidelines for biosecurity and not the maintenance of a list of dangerous pathogens, which will inherently be changing.

20. This topic should be divided into the following areas of activity:

- presentation of a compilation of information on national measures;
- presentations/papers by States Parties outlining their efforts to establish national biosecurity measures;
- presentations by WHO, FAO, and/or OIE of current recommended biosecurity guidelines;
- drafting of a statement by BWC States Parties supporting efforts by the WHO, FAO and OIE to expand/develop guidelines on biosecurity.

21. Realistic "deliverables" from the BWC Experts Group on the issue of pathogen and toxin security could include:

- a compilation of information on domestic biosecurity measures presented by those individual States Parties;
- a statement by BWC States Parties supporting efforts by the WHO, in close association with FAO and OIE, to expand voluntary biosecurity guidelines (key WHO officials should be invited to attend the BWC Expert Group meetings);
- a list of contacts in the form of multilateral inter-governmental organizations and national government experts that may assist individual States Parties in establishing national biosecurity standards.

22. States Parties should channel their information on both national implementation and biosecurity through Chairperson, Ambassador Tóth. States Parties should expressly notify Ambassador Tóth if they would like to make presentation at the experts meeting on those efforts. It would be useful if information is provided early.
