



Statement of

The Honorable John R. Bolton

**Under Secretary of State for Arms Control
and International Security,
United States Department of State**

to the

**Fifth Review Conference of the
Biological Weapons Convention**

As prepared for delivery

Mr. President, the United States congratulates you on your election, and pledges its cooperation in the vital work before us. We are here to review the functioning of the Biological Weapons Convention under circumstances none of us would have wished and none of us foresaw. Suddenly, all of us are engaged in a war -- a war that ignores national boundaries and threatens the very fiber of our societies.

President Bush warned in his recent address to the UN General Assembly that: "the world faces the horrifying prospect of terrorists searching for weapons of mass destruction, the tools to turn their hatred into holocaust. They can be expected to use chemical, biological, and nuclear weapons the moment they are capable of doing so." This conference is therefore unfortunately timely.

We, the parties to the Biological Weapons Convention, must demonstrate an unwavering commitment to fighting this undeniable threat. We must overcome years of talking past each other, and address the real issues. Will we be courageous, unflinching, and timely in our actions to develop effective tools to deal with the threat as it exists today, or will we merely defer to slow-moving multilateral mechanisms that are oblivious to what is happening in the real world?

The United States has repeatedly made clear why the arms control approaches of the past will not resolve our current problems. This is why we rejected the flawed mechanisms of the draft Protocol previously under consideration by the Ad Hoc Group. Countries that joined the BWC and then

ignore their commitments and certain non-state actors would never have been hampered by the Protocol. They would not have declared their current covert offensive programs or the locations of their illegal work -- nor would the draft Protocol have required them to do so. By giving proliferators the BWC stamp of approval, the Protocol would have provided them with a "safe harbor" while lulling us into a false sense of security. Although the United States has been criticized publicly -- both in the media and by foreign governments -- for rejecting the draft Protocol, many of those same governments have told us privately that they shared America's reservations, describing the draft as "flawed" or "better than nothing." Do we really believe that a Protocol that would allow violators to conduct an offensive biological weapons program while publicly announcing their compliance with the agreement is "better than nothing?" We think not. We can -- and must -- do better.

Before we consider new ways to strengthen the Biological Weapons Convention, however, we must first confront the failure of many states to abide by that very document. Too many states are parties to the BWC but have not lived up to their commitments. Any nation ready to violate one agreement is perfectly capable of violating another, denying its actual behavior all the while. The United States will simply not enter into agreements that allow rogue states or others to develop and deploy biological weapons. We will continue to reject flawed texts like the draft BWC Protocol, recommended to us simply because they are the product of lengthy negotiations or arbitrary deadlines, if such texts are not in the best interests of the United States and many other countries represented here today.

Straight Talk About BWC Compliance

The most important reason we gather here is to assess compliance with the BWC provisions outlawing the development, production, acquisition, stockpiling, or retention of biological weapons and their delivery systems. While the vast majority of the BWC's parties have conscientiously met their commitments, the United States is extremely concerned that some states are engaged in biological weapons activities that violate the Convention. We also are concerned about potential use of biological weapons by terrorist groups, and states that support them. So I plan to name names. Prior to September 11, some would have avoided this approach. The world has changed, however, and so must our business-as-usual approach.

First, we are concerned by the stated intention of Usama bin Ladin and his al Qaeda terrorist organization to use biological weapons against the United States. While we do not yet know the source of the recent anthrax attacks against us, we do know that some of the September 11 terrorists made inquiries into renting crop dusters, almost certainly to attack our cities. We also know that Usama bin Ladin considers obtaining weapons of mass destruction to be a sacred duty, that he has claimed to possess such weapons, and that he has threatened to use them against us. We are concerned that he could have been trying to acquire a rudimentary biological weapons capability, possibly with support from a state. While the United States is not prepared, at this time, to comment on whether rogue states may have assisted a possible al Qaeda biological weapons program, rest assured that the United States will not rely alone on treaties or international organizations to deal

with such terrorist groups or the states that support them. Neither the Biological Weapons Convention nor the former draft BWC Protocol would stop biological terrorism by groups like al Qaeda or restrain their rogue-state patrons.

Beyond al Qaeda, the most serious concern is Iraq. Iraq's biological weapons program remains a serious threat to international security. After signing the BWC in 1972, Iraq developed, produced, and stockpiled biological warfare agents and weapons, and continued this activity even after ratifying the BWC in 1991. Despite the obligation to fully disclose and destroy its BW program, which the UN Security Council required to conclude the Gulf War, Iraq denied having a BW program and pursued a policy of obstruction, denial and evasion to conceal its program. Only under increased pressure from UNSCOM and the looming defection of one of Iraq's weapons directors did Baghdad admit the existence of its offensive BW program. Baghdad unilaterally ended UNSCOM weapons inspections and monitoring in Iraq in December 1998. Even with unprecedented intrusiveness, UNSCOM, when faced with a nation dedicated to deception and concealment, unfortunately could not fully dismantle Iraq's BW program. Its successor, UNMOVIC, is prepared to resume on-site activities in Iraq, but Saddam Hussein's continued belligerence prevents it from so doing. The United States strongly suspects that Iraq has taken advantage of three years of no UN inspections to improve all phases of its offensive BW program. The existence of Iraq's program is beyond dispute, in complete contravention of the BWC. The BWC Protocol would have neither hindered nor stopped it.

Also extremely disturbing is North Korea's BW program. The United States believes North Korea has a dedicated, national-level effort to achieve a BW capability and that it has developed and produced, and may have weaponized, BW agents in violation of the Convention. North Korea likely has the capability to produce sufficient quantities of biological agents for military purposes within weeks of a decision to do so. While we are hopeful that Pyongyang will come into compliance with the BWC and end its program, the fact remains that the BWC has been ineffective in restraining North Korea. The draft BWC Protocol would have done no better.

We are also quite concerned about Iran, which the United States believes probably has produced and weaponized BW agents in violation of the Convention. The United States believes that Libya has an offensive BW program in the research and development stage, and it may be capable of producing small quantities of agent. We believe that Syria (which has not ratified the BWC) has an offensive BW program in the research and development stage, and it may be capable of producing small quantities of agent. Finally, we are concerned about the growing interest of Sudan (a non-BWC party) in developing a BW program. The BWC has not succeeded in dissuading these states from pursuing BW programs and we believe the draft BWC Protocol would have likewise failed to do so.

This list is not meant to be exhaustive, but to demonstrate real challenges left unaddressed by the Biological Weapons Convention. There are other states I could have named which the United States will be contacting privately concerning our belief that they are pursuing an offensive BW program. The United States calls upon all BWC parties and signatories that have not done so to immediately

terminate their offensive biological weapons programs and comply fully with their obligations.

New Approaches to the BW Threat

In light of the September 11 terrorist attacks, widespread violations of the BWC, and the weaknesses of the draft BWC Protocol, which rendered it incapable of effectively addressing these serious threats, the United States has crafted alternative proposals. Just as we can no longer rely solely on traditional means to fight a war against terrorism, we need to look beyond traditional arms control measures to deal with the complex and dangerous threats posed by biological weapons. Countering these threats will require a full range of measures -- tightened export controls, an intensified non-proliferation dialogue, increased domestic preparedness and controls, enhanced biodefense and counter-bioterrorism capabilities, and innovative measures against disease outbreaks. Strict compliance by all Parties with the BWC is also critical.

The United States has a dedicated bio-defense program to ensure that Americans and our friends and allies are protected against bioweapons attacks. In light of the recent anthrax attacks, our efforts will increase. Robust biodefense efforts are necessary to combat known threats, and to ensure that we have the means to defeat those specific threats. U.S. bio-defense programs are a means to an end, to protect Americans and our friends and allies. An essential element in our strategy is to find agreement in this body on measures that countries can undertake immediately to strengthen the BWC. We strongly believe that the key is to broaden our understanding of the biological weapons threat and the types of measures that are potentially valuable in countering it.

U.S. Proposals for Strengthening the BWC

National Implementation (Article IV). Let me begin with measures to strengthen National Implementation. The United States proposes that Parties agree to enact national criminal legislation to enhance their bilateral extradition agreements with respect to BW offenses and to make it a criminal offense for any person to engage in activities prohibited by the BWC. While Article IV permits the adoption of such legislation, it does not explicitly require it. This body must make clear that doing so is essential.

Further, Parties should have strict standards for the security of pathogenic microorganisms and: (a) adopt and implement strict regulations for access to particularly dangerous micro-organisms, including regulations governing domestic and international transfers; and (b) report internationally any releases or adverse events that could affect other countries. Sensitizing scientists to the risks of genetic engineering, and exploring national oversight of high-risk experiments, is critical and timely, as is a professional code of conduct for scientists working with pathogenic micro-organisms.

Such measures, if adopted and implemented, will contribute significantly to doing what none of the measures in the draft BWC Protocol would do: control access to dangerous pathogens, deter their misuse, punish those who misuse them, and alert states to their risks. Individually and collectively, they would establish powerful new tools to strengthen the BWC by enhancing our ability to prevent

the development, production or acquisition of dangerous pathogens for illegal purposes. These benefits can be achieved quickly, since implementation does not depend on lengthy international negotiation.

Consultation and Cooperation (Article V). The United States seeks to establish a mechanism for international investigations of suspicious disease outbreaks and/or alleged BW incidents. It would require Parties to accept international inspectors upon determination by the UN Secretary General that an inspection should take place. This would make investigations of such events more certain and timely. It would also allow us to acquire internationally what is likely to be the first hard evidence of either accidental or deliberate use of biological warfare agents and help insure that any such event did not get covered up by the responsible parties.

We are also supportive of setting up a voluntary cooperative mechanism for clarifying and resolving compliance concerns by mutual consent, to include exchanges of information, voluntary visits, or other procedures to clarify and resolve doubts about compliance.

Assistance to Victims (Article VII) and Technical and Scientific Cooperation (Article X). Enhanced cooperation with the World Health Organization would be in everyone's interests. As we are aware, biosafety standards vary widely throughout the world. The United States strongly believes every country would benefit from adopting rigorous procedures, and therefore proposes that Parties adopt and implement strict biosafety procedures, based on WHO or equivalent national guidelines. Furthermore, we should enhance support of WHO's global disease surveillance and response capabilities. Parties could agree to provide rapid emergency medical and investigative assistance, if requested, in the event of a serious outbreak of infectious disease, and to indicate in advance what types of assistance they would be prepared to provide.

Restricting access and enhancing safety procedures for use of dangerous pathogens, strengthening international tools to detect serious illness and/or potential illegal use of biology and providing assurance of help in the event of a serious disease outbreak -- these measures all enhance collective security and collective well-being -- which is, after all, our ultimate objective. With the exception of the final measure, none of these measures was contemplated in the draft BWC Protocol.

The United States believes these proposals provide sound and effective ways to strengthen the Convention and the overall effort against biological weapons. These are measures State Parties can adopt now to make the world safer and proliferation more difficult. The choice is ours.

Review Conference Objectives

To preserve international unity in our efforts to fight against terrorism and WMD proliferation, we need to work together, and avoid procedural or tactical divisiveness during the Review Conference that may hinder reaching our mutual goal of combating the BW threat. We welcome all reactions to these ideas, and additional new ways to strengthen the BWC.

The time for "better than nothing" protocols is over. It is time for us to consider serious measures to address the BW threat. It is time to set aside years of diplomatic inertia. We will not be protected by a "Maginot treaty" approach to the BW threat. The United States asks the states assembled here to join us in forging a new and effective approach to combat the scourge of biological weapons. I have laid out serious proposals that the United States hopes will form the basis of this new approach. I ask that these proposals be endorsed in the Final Declaration.

By working together during this Review Conference, by exchanging ideas and proposals that will help us meet this critical challenge, I am confident this Convention can succeed in advancing the worldwide effort to reduce and ultimately eliminate the biological weapons threat.

Thank you, Mr. President.