

OUTLINE OF A PRESENTATION ON BEHALF OF THE SCIENTISTS' WORKING GROUP ON BIOLOGICAL AND CHEMICAL WEAPONS BEFORE THE HOUSE COMMITTEE ON FOREIGN AFFAIRS, 3/5/2010

NATIONAL POLICY ISSUES

1. We do not accept as realistic the BW terrorism threat pronouncements that have been by far the most common in the nation's political and bureaucratic communities. Overstatement of the threat, i.e. the alleged ease with which people with low skill level operating under less than ideal conditions could achieve catastrophic impacts using BW, only glorifies BW in the eyes of would-be terrorists and makes it more attractive. This increases the chance that we might in fact face a small-scale attack from such groups.

Recent statements by the most senior US intelligence officials have dramatically reversed the portrayal of the BW threat that was prevalent in the first years after October/November 2001:

- Charles Allen, Chief Intelligence Officer, Department of Homeland Security, testimony to the House Committee on Homeland Security, May 4, 2006.
- Dennis Blair, DNI Threat Assessment, February 2009

These views were even accepted by the WMD Commission in December 2008:

“We accept the validity of intelligence estimates about the current rudimentary nature of terrorist capabilities in the area of biological weapons.”

However a very small number of political actors, but by far the noisiest and most successful in capturing media attention, continue to predict fanciful catastrophic scenarios devoid of any factual evidence.

In contrast, the greatest immediate threat as evidenced by the “Amerithrax” events probably derives from the massive expansion of infrastructure and scientists working with select agents as a result of the post-2002 expansion of the US biodefense program.

2. The sum of US expenditure for biodefense since 2002 has been approximately \$64 billion. It rose from around \$900 million in FY 2000 to a current rate of approximately \$7 billion per year in recent years.

3. Only about \$15 billion of that can clearly be considered applicable to “dual purpose” US public-health needs.

4. The priority in US public-health expenditure and effort should be for dual-use benefits, and not for select-agent specific R&D programs. Programs focused on select agents generally provide only the smallest of dual-use benefits, because agent-specific countermeasures are rarely applicable to other pathogens.

- Rifampicin as an example

- 15% (23,000 positions) of local US public-health department positions were lost between 2007 and 2009 due to \$392 million reduction in state public-health expenditure over those three years. [New York Times, 3/1/2010]. \$392 million is a fraction of the US biodefense R&D budget. (BARDA's *increase* for FY2011 alone is roughly half that amount.)

A colleague in a major municipal public-health agency commented that “We always have made the point that it makes no sense to have smoke detectors without fire fighters who can be sent to investigate alarms. Similarly, it’s not logical to develop high-tech biodetection gadgets if there aren’t public health professionals in place to investigate any alarms generated by them.”

5. The Obama administration’s November 2009 National Strategy for Countering Biological Threats recognizes the need to balance the assessment of threat and emphasizes the importance of Global Health.

INTERNATIONAL POLICY ISSUES: US WMD REGIME DIPLOMACY REGARDING BW; THE BWC

1. The US should expand its efforts to strengthen the BWC in a serious way. The BWC is the cornerstone of the BW nonproliferation regime, and the administration should upgrade its approach to the treaty from its rhetorical reference to it as the “premier forum” for addressing BW proliferation issues. It is not the language that US governments use in reference to the comparable NPT and CWC treaties.

The United States has historically been the one country since the mid-1970s that emphasized treaty compliance by States Parties to the BWC. Nevertheless, in the 23 pages of the National Strategy there is only one single line, on page 19, which refers to “enhanced transparency about activities and pursuing compliance diplomacy.” The same line also appears in Under Secretary of State Tauscher’s presentation in Geneva.

In contrast, Ambassador Magnus Hellgren, representing the 27-nation European Union, stated in Geneva in December 2009 that: “Our long-term goal is to develop mechanisms to verify compliance with this convention.”

And a diplomat from a major US ally who heard Under Secretary Tauscher wrote in a message that “It is not only my position, but the position of all the EU member states, that we need a new discussion about how to improve compliance control. A revision of the existing confidence-building mechanism at the 2011 review conference, which may get sufficient support, may not solve the problem.”

The US government should devise new ways, or support those proposals that have already been made by our allies, to enhance BWC compliance by establishing an accountability

framework for the treaty [in the absence of a verification mechanism such as exists for the Chemical Weapons Convention].

For example, at the Sixth BWC Review Conference in 2006, the Canadian government proposed that States Parties submit “compliance reports” to the Review Conference. This suggestion was repeated in the paper presented by the JACKSNNZ group of nations [Japan, Australia, Canada, Republic of Korea, Switzerland, Norway, New Zealand] at the BWC Annual meeting in December 2009. The paper includes substantial discussion of BWC compliance. It proposed that “Each State party should submit a comprehensive compliance report to the review conference in 2011. A comprehensive report would require states parties to consider in detail how they achieve compliance nationally and, through the submission of the report, demonstrate to other states parties implementation of the Convention. The report should be precise and provide full details of implementation mechanisms and activities.”

This suggestion bears substantial overlap with the conclusions arrived at independently by the Meeting Report that the Scientists’ Working Group released in 2009 regarding the development and implementation of national BWC compliance review mechanisms. The US should both share information about its own compliance review mechanisms and promote the development of such mechanisms by other countries.

2. The US should suggest proposals for updating the CBMs that exist under the BWC. We have made such suggestions in the memorandum submitted to the BWC Annual Meeting in December 2009, and others are to be found in Policy Recommendations for the Obama administration produced by the CACNP Working Group published in January 2009.

One of the most important new CBMs that could be established is a CBM for providing information on national oversight of biodefense programs, which reinforces the suggestion made above.

3. The US should support a substantial increase in the institutional capacity of the BWC through the expansion of the Implementation Support Unit (ISU). No administrative structure comparable to the OPCW, which exists for the CWC, is available for the BWC. It took nearly 30 years to obtain the current very small and inadequate staff of three persons to facilitate the observance of the BWC.

One should expect the ISU staff to at least be tripled in size. These individuals could then

- provide greater implementation support to states parties vis-à-vis national implementation, CBMs, and universalization;
- strengthen the ability of the ISU to help coordinate cooperation AND assistance between States Parties;
- provide a standing legal advisor function;
- provide support that strengthens the ability of States Parties to consider scientific and technical issues between review conference; and

- provide the greater level of support needed to conduct the more robust series of inter-Review Conference Meetings of States Parties that the US should promote at the next Review Conference.

BASIC SOURCES

National and International

1. National Strategy for Countering Biological Threats, National Security Council, November 2009.
2. Under Secretary of State Ellen O. Tauscher, Address to the Annual Meeting of the States Parties to the Biological Weapons Convention, December 9, 2009.

International

1. Statement to the State Parties / BWC re Treaty Compliance, Scientists' Working Group (Center for Arms Control and Non-Proliferation, CACNP), December 2009.
2. Rethinking Confidence Building Measures (CBMs) for the biological Weapons Convention, Scientists' Working Group (CACNP), December 4, 2009.
3. Policy Issues for the Seventh Review Conference, Submitted by Canada for the JACKSONZ group [Japan, Australia, Canada, Republic of Korea, Switzerland, Norway, New Zealand], BWC/MSP/2009/WP.4, December 7, 2009.
4. Ensuring Compliance with the Biological Weapons Convention, Meeting Report, 2009, Scientists' Working Group (CACNP), and three other collaborating organizations: NDU, AAAS, and University of Maryland/CISSM.
5. Reducing Biological Risks to Security: International Policy Recommendations for the Obama Administration, January 2009, Working Group convened by the CACNP

National

1. Biological Threats: A Matter of Balance, Scientists' Working Group (CACNP) Statement, January 26, 2010.
2. Milton Leitenberg, "Assessing the Threat of Bioterrorism," (book chapter, May 2010).