

**Statement to the 1540 Committee by Ambassador Georgi Avramchev,
Chairman of the 2008 meetings of the Biological Weapons Convention**

New York, 16 October 2008

Mr. Chairman, distinguished members of the Committee,

Thank you for giving me this opportunity to speak to you today. I would like to speak to you about our shared goals, about the activities that are taking place under the Biological Weapons Convention in pursuit of those goals, and about opportunities for greater cooperation and coordination between the respective activities of the Convention and the 1540 Committee. I will then address some of the emerging and future challenges that lie before us in ensuring the non-proliferation of biological weapons. Following my statement, with your permission, I will ask the Head of the Biological Weapons Convention Implementation Support Unit, Mr. Richard Lennane, to briefly outline the mandate and work of the Unit. Then I hope we will have time to discuss any questions or comments you may have.

As you are all aware, the Biological Weapons Convention and Resolution 1540 share common goals. Both seek to strengthen national regimes to proscribe and prevent biological resources being used for terrorism or other purposes contrary to international law. Both also seek to protect and encourage the development of the peaceful applications of the life sciences, and to ensure that the life sciences are used in a safe and secure manner, solely for the benefit of humanity.

This common interest is recognised explicitly by both regimes. In its preamble, Resolution 1540 affirms "support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability". It goes on to welcome the non-proliferation commitments and efforts made under these treaties, in particular in securing sensitive materials, and it calls on states to promote the universal adoption and full implementation of the treaties.

The States Parties to the Biological Weapons Convention have also formally recognised the link. In the preamble to the Final Declaration of the Sixth Review Conference held in 2006, BWC States Parties declared their concern about terrorism and "their recognition of the contribution of full and effective implementation of United Nations Security Council Resolution 1540 by all states to assist in achieving the objectives of this Convention". The part of the Final Declaration dealing with Article IV of the BWC (which concerns national implementation) also explicitly refers to Resolution 1540, and notes that information provided by states in accordance with Resolution 1540 may provide a useful resource for fulfilling their Article IV obligations.

It is clear, therefore, that the basis for cooperation and a fully coordinated approach is properly established. But in practice, coordination between the BWC and 1540 has developed rather unevenly. This is probably for two reasons: the fact that the Biological Weapons Convention has had no dedicated international organization charged with overseeing its implementation, unlike its nuclear and chemical counterparts (the NPT and

CWC); and the fact that at the time Resolution 1540 was being developed, the BWC was only starting to recover from a serious crisis of deadlock and paralysis.

For much of the Convention's 35-year history, States Parties and others have fretted over its lack of both verification machinery and an implementing organization. Negotiations to address this shortcoming began in the early 1990s and continued until 2001, when they collapsed amid acrimony and recrimination, in the face of fundamental differences among States Parties over the feasibility and desirability of a multilaterally-negotiated legally-binding verification instrument. This was a dark and difficult time for the BWC: for a while it seemed possible that multilateral efforts against biological weapons could come to a permanent halt. Yet this did not happen. Thanks to the resourcefulness and determination of the States Parties, the BWC embarked on a new course: one that is arguably better suited to the unique challenges posed by biological weapons in today's world.

First came a period of damage control and resuscitation. In 2002, States Parties succeeded in putting their differences to one side in order to establish a work programme for 2003 to 2005, at which they would work on several specific topics related to better implementation of the Convention. There would be no attempt to negotiate or agree on binding measures, or even recommendations. Expectations were correspondingly low. And yet, to the surprise of many, the process was a success. Experts from all around the world gathered to share experiences and ideas on how to deal with the threat posed by biological weapons. Officials from health, science and agriculture ministries made connections with their counterparts in defence, justice, foreign affairs and security agencies. In the period after the terrorist atrocities of September 2001, there was great interest in cooperating against the possibility of bioterrorism, and this gave a further boost to the project – as well as providing the impetus that led to the adoption of Resolution 1540 in 2004.

Just as importantly, the expert meetings provided an opportunity for the world's scientific community and medical professionals to become directly engaged in developing a response to a threat that, in a sense, had become too widespread and all-pervasive for governments to tackle alone. The extraordinary advances achieved in biosciences meant that biological weapons were - in theory - within reach of the smallest laboratory and most modest budget. No government, no international organization, could hope to monitor effectively the tens of thousands of small biotechnology facilities in operation worldwide. Clearly, this was a problem that needed a collective, multifaceted and multidimensional approach. The work programme of 2003 to 2005 showed that such an approach could work, and started to develop the necessary network of collaboration and coordination: a network that must weave international, regional and domestic strands into a flexible and resilient fabric of oversight and prevention.

The Sixth Review Conference in 2006 was a turning point for the BWC, resolving many of the bitter divisions among States Parties and consolidating the approach developed in the 2003-2005 intersessional process. Ending a ten-year hiatus, the Conference agreed on a Final Declaration embodying a common vision for the Convention and its implementation. This contained a number of new provisions that are highly relevant to Resolution 1540 and the work of the 1540 Committee, including calls upon States Parties to:

- implement appropriate measures, including effective national export controls, to control and monitor direct and indirect transfers of relevant biological materials and equipment to any recipient;

- take measures to ensure that relevant biological agents and toxins are protected and safeguarded, including through measures to control access to and handling of such agents and toxins;
- promote the development of training and education programmes for those working with relevant biological agents and toxins, and include information on the BWC in medical, scientific and military educational materials;
- support and encourage the development, promulgation and adoption of codes of conduct and self-regulatory mechanisms, and promote awareness among relevant professionals of the need to report suspicious activities.

The Conference also agreed on many practical measures, including:

- A detailed new intersessional work programme to help ensure effective implementation of the Convention until the Seventh Review Conference in 2011;
- Specific measures to obtain universal adherence to the Convention;
- An update of the mechanism for the Convention's confidence-building measures, and foreshadowing a more thorough review in 2011;
- Requiring States Parties to nominate a national point of contact to better coordinate various aspects of national implementation and universalization; and
- Various measures to improve national implementation, including of Article X of the Convention dealing with the peaceful uses of biological science and technology.

Perhaps most significantly, the Conference decided to establish an Implementation Support Unit (ISU) for the Convention, addressing a long-standing need for institutional support for the efforts of States Parties in implementing the Convention itself and the decisions of the review conferences.

We are now in the second year of the new four-year intersessional work programme mandated by the Review Conference. As with the previous programme, each year is devoted to one or two specific topics related to improving implementation of the Convention. Most of these topics are also closely related to the work of the 1540 Committee. Two meetings are held each year. A meeting of experts, held in August, brings together a wide range of experts from States Parties, international and regional organisations, and relevant professional, scientific and civil society bodies. The material, ideas and proposals raised and discussed at the meeting of experts are then distilled and refined by the Chairman, and developed into a more politically-oriented set of conclusions at the meeting of States Parties held in December.

The aim of these meetings, and the intersessional process overall, is not to negotiate binding agreements or recommendations, but to "discuss, and promote common understanding and effective action" on the specific topics being considered. Although no binding commitments emerge, in practice the meetings produce considerable benefit, both through the exchange of information and experience, and through the collection of ideas and proposals into a cohesive package that serves as a common point of reference, even if it is not formally adopted as a set of recommendations.

Last year, the two topics considered were:

1. Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions; and
2. Regional and sub-regional cooperation on implementation of the Convention.

Both topics are, of course, closely related to the work of this Committee. Following broad discussions involving States Parties, Interpol, the World Health Organization and the World Organisation for Animal Health (OIE), the Meeting of States Parties agreed on the value of a range of specific guidelines relating to States Parties' enacting suitable penal laws, promoting cooperation and coordination among domestic agencies, ensuring effective enforcement of their legislative and regulatory measures, and regularly reviewing such measures.

This year, under my chairmanship, the BWC States Parties are considering:

1. National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins; and
2. Oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim of preventing misuse in the context of advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention.

Given that both these topics are, once again, closely aligned with the work of the 1540 Committee, I wrote to you, Mr. Chairman, inviting the Committee to participate in the Meeting of Experts that was held in Geneva from 18 to 22 August. I was delighted that the Committee decided to accept the invitation, and that Dr. Olivia Bosch was able to travel to Geneva and make two detailed presentations on the activities of the 1540 Committee related to these two topics. Dr. Bosch's presentations helped experts and officials from a range of agencies in BWC States Parties to better understand the links, overlaps and mutually reinforcing activities of the BWC and the 1540 Committee, and to see how their own national approaches could benefit from coordinating input and assistance from these two sources.

The Meeting of Experts produced a wealth of material that we are still processing. The nature of the topics was such that many participants were from outside the usual sphere of multilateral arms control and non-proliferation. Improving biosafety and biosecurity requires input from the WHO, OIE, OECD, from the various regional biosafety associations and professional societies, and from commercial industry. Representatives of all these participated in the meeting. Similarly, progress on oversight, education, awareness-raising and codes of conduct requires the involvement and support of international, regional and national scientific bodies, professional associations, academia, commercial industry, and organizations such as UNESCO and the World Commission on the Ethics of Scientific Knowledge and Technology (COMEST). Again, these were among the participants at the August meeting.

Among the many ideas and proposals that were discussed at the meeting, some common threads emerged. One clear theme that ran through both topics was that of balance: we heard repeatedly of the need for proportional measures, for carefully assessing risks, for balancing security concerns against the need for nurturing research and ensuring the peaceful

development of biological science and technology. Another central theme was that of "no one size fits all": no matter whether we are talking about standards for biosafety and biosecurity, or codes of conduct, it is clear that States Parties and other actors recognize that individual and local circumstances must be taken into account when addressing these issues. Other common threads included, on biosafety and biosecurity:

- A clear statement of what is meant by biosafety and biosecurity in the context of the BWC (and, by extension, in 1540-related activity);
- The importance of basing national efforts on existing guidance and standards, such as those provided by WHO, OIE, OECD and the regional biosafety associations;
- The need to involve all relevant stakeholders, including government, the scientific community, commercial industry and academia;
- The importance of aspects other than physical security, such as risk management, training, oversight, accreditation and licensing, accountability and information security;
- The need for building capacity of national public health, veterinary and agricultural services, including through strengthening laboratory infrastructure and technology, harmonizing regimes dealing with natural and deliberate threats, and providing necessary assistance; and
- The importance of actively engaging the private sector.

And on oversight, education, awareness-raising and codes of conduct, some of the major common threads were:

- Recognition that oversight should be a balanced combination of "top-down" government or institutional controls and "bottom-up" oversight by scientists themselves;
- The need to involve all relevant stakeholders in developing education and awareness-raising programmes;
- The importance of clearly explaining the risks involved, and providing practical guidance on the types of activities which could be misused in ways contrary to the BWC;
- The possibility of establishing formal requirements for non-proliferation education in relevant scientific and engineering training programmes;
- The need to encourage those working the biological sciences and related areas to take a more active role in addressing the threats posed by biological weapons, including by developing and adopting codes of conduct.

These common themes will be refined and developed over the next few weeks, and considered by the Meeting of States Parties to be held in Geneva from 1 to 5 December.

Next year, we will turn to capacity building in the fields of surveillance, detection, diagnosis, and containment of infectious diseases, and 2010 to the provision of assistance in the case of alleged use of biological or toxin weapons. Both those topics will again require coordination and integration with a range of different actors and agencies, and are areas in which coordination with the work of the 1540 Committee would be valuable.

I would now like to turn another of the major outcomes of the Sixth Review Conference, the establishment of the Implementation Support Unit (ISU). The Head of the ISU will shortly speak in more detail about the mandate and work of the Unit, but I would like to highlight the significance of the Unit's creation, and its relevance to the work of the 1540 Committee.

The ISU is a small entity of only three full-time staff. It is housed within the Geneva Branch of the Office for Disarmament Affairs, but is fully funded directly by the States Parties to the BWC. Evidently, such a small operation cannot be compared to the OPCW or the IAEA. Indeed, the purpose of the ISU is, as its name suggests, to **support** and coordinate the implementation efforts of the States Parties – to "help States Parties help themselves" – rather than to carry out implementation tasks itself. In the first two years of operation, this has proved to be a successful model. States Parties have benefited from a source of advice, coordination and communication, from greater cohesion to their activities, and from less reinventing of wheels. Other organizations and activities have benefited from the BWC at last having an institutional focus: a central point of communication and interaction.

This is where the 1540 Committee comes in. While it has been relatively straightforward to incorporate the OPCW and IAEA into your activities, until the creation of the ISU there was no obvious way to coordinate with and integrate the BWC, despite our common goals and overlapping tasks. That problem has now been solved, and I strongly recommend that the Committee make every use of the ISU as a means of coordination with BWC activities, in order to magnify and concentrate the effects of our collective efforts, and more efficiently pursue our common objectives.

In particular, I invite you to explore the possibilities for involving the ISU in your workshops, seminars, and assistance and awareness-raising programmes; for undertaking joint activities with the ISU; and for working with member states to help them understand and make the most of the relationship and common goals of the BWC and Resolution 1540. For example, member states should be encouraged to develop legislation that addresses both BWC and 1540 requirements. They could also be encouraged to coordinate their national reports to the 1540 Committee with their annual BWC confidence-building measures submission, basing both on the same information, and avoiding the need to gather data twice. There may be yet other avenues for cooperation between the ISU and this Committee, and I encourage you to be creative in making the most of the important new resource that the ISU represents.

Allow me to conclude this briefing by looking at some of the challenges that lie before us. An immediate concern is universality: although the international norm against biological weapons is well-established, and no state would claim that such weapons can ever have a legitimate place in national defence, a total of 33 states have not yet ratified or acceded to the BWC. Some progress has been made, with seven new States Parties joining since the Sixth Review Conference reinvigorated universality efforts. But with only 162 States Parties, the BWC still lags some distance behind the CWC and NPT. I am working with States Parties to pursue additional ratifications, but we need all the help we can get. Resolution 1540 calls on all states to promote the universal adoption of the BWC and other treaties, and I urge the

Committee to do whatever it can in its contacts with states not party to the BWC to encourage them to join.

A longer-term concern is the evolution of the biological weapons threat. In my time as BWC Chairman, I have had the privilege of participating in many seminars and workshops dealing with developments in biological science and technology. I have learned a great deal – but the most important lesson has been that there is far too much to learn, or even to keep up with. Biology and biotechnology are advancing at a tremendous rate. Capabilities are spreading rapidly around the world. Technology is getting cheaper, smaller and easier to operate. The new field of synthetic biology is opening vast new horizons. All of this offers great promise, in public health, in agriculture, for the environment, and in a diverse and growing range of fields. But, as we know, this rapid development also carries risks. Dealing with these risks is a challenge to which the often cumbersome machinery of traditional multilateral diplomacy is not always well-suited.

We will need to move faster, and be flexible, nimble, innovative and creative if we are to rise to the challenge. The work done by the 1540 Committee and the BWC States Parties on national legislation and enforcement, on biosecurity, on education and awareness-raising, has made a valuable contribution, and should be continued and strengthened. The ISU is a positive and practical innovation that is already paying dividends. But we need to start looking at possibilities for new measures, for additional steps to confront the risk. The Meeting of States Parties this December will mark the half-way point of the BWC intersessional work programme. States Parties will need to start thinking about what the Seventh Review Conference should do. I hope members of this Committee will also start thinking of new measures and innovations that we might jointly apply to this pressing challenge.

In the meantime, I urge you to seek every opportunity for coordination and cooperation, for pooling resources and expertise, and for sharing information and ideas. Together, I am confident that we can effectively reduce the risks of biological weapons being developed, acquired or used.

Thank you once more for this opportunity to speak to you. If you will allow me, Mr. Chairman, I would now like to introduce the Head of the Implementation Support Unit, Mr. Richard Lennane.
