

Ambassador Laura Kennedy
The Evolution of U.S. BWC Policy
International Conference on Health and Security
Washington, DC
September 5, 2012

Good afternoon.

I've been asked to discuss the evolution of United States policy toward the Biological Weapons Convention. That's a daunting task, since I have only fifteen minutes. It's challenging not because our policies have evolved substantially, but because the world has changed radically. The United States, the international community, and the BWC have had to adapt to new circumstances and new challenges, and that adaptation is still in progress.

The central aim of the Biological Weapons Convention is best summed up in its Preamble, which says that the States Parties to the BWC are "determined, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons." The United States supported this goal when we participated in the negotiation, we supported it when we ratified the Convention, and that support has never wavered. It is a goal that is at least as relevant and important now as it ever was – but this is not the world that existed in 1975 when the BWC entered into force. Not everything has changed, but quite a lot has:

- **The nature of the field has changed:** advances in our understanding, and in the technologies we bring to bear, have profoundly changed the art of the possible in the life sciences. We can do things we couldn't back then – and we can do them faster and cheaper, with less infrastructure, than we could have imagined.
- And as technology and knowledge have advanced, they've also spread both among and within countries. Far more people, in far more places, are now capable of applying powerful microbiological techniques.
- These are overwhelmingly positive developments – but they are not without risks. And as the nature of the field has changed,
- **The nature of the threat has changed:** We still have to worry about state-level biological weapons programs – but it is now much clearer that we also have to think in terms of a much wider range of threats than the strategic and

battlefield applications that were the primary focus of the negotiators of the BWC.

- In particular, today we need to address the threat posed by non-state actors – terrorist groups, criminals, even disaffected individuals – empowered by today’s technology and a more interdependent, globalized world. The BW activities would be smaller, with fewer signatures, than large-scale state programs, and that makes them even harder to detect, harder to prevent, and harder to deter. The anthrax attacks the United States endured in 2001 drove home the seriousness of this threat – but they were not the first bioterrorism attacks, and may well not be the last that the international community must confront.

If we fail to adapt to these changes, we face unnecessary risks. If we fail to adapt the BWC to these changes, it faces steadily eroding relevance. Fortunately, we have been moving in the right direction in both cases.

So what are the implications of the changes I’ve just described? I can’t cover all of them in the time available, but let me outline a few:

- Today, it is simply not enough for any country to refrain from developing biological weapons or helping others to do so. It is also essential to take steps to ensure that non-state actors do not misuse our technologies, our materials, our expertise, or our markets to acquire biological weapons. I mentioned a minute ago that the negotiators of the BWC focused on large-scale, state BW programs. That’s true, but they included important provisions in the Convention that require States Parties to prevent ANYONE on their territory from developing or acquiring biological weapons, and not to assist ANYONE, IN ANY WAY, in doing so – provisions that are very, very relevant to this newer threat.
- There are more trained life scientists than at any time in history, many of whom have access to pathogens, equipment, and training that could be misused. We need their help. So efforts to promote responsible conduct and security awareness are increasingly important.
- A greater range of actors with BW potential means that while we should take every reasonable step to prevent the acquisition and use of biological weapons from happening, we also need to be prepared should those efforts fail. That means working to strengthen capabilities to detect, investigate, and respond to infectious disease outbreaks anywhere in the world. We may not know whether a disease outbreak is natural, the result of an accident, or

deliberate – but we need these capabilities for both public health AND international security.

- These challenges go beyond traditional intra-governmental ways of thinking about nonproliferation and require close collaboration with other sectors of government and civil society. It's the need for that collaboration that has brought us all together in this room – diplomats, nonproliferation and disarmament experts, public health professionals, and law enforcement – to work on our common problem.

United States policies and efforts have evolved in response. Our efforts to combat the threat of biological weapons still include traditional tools – export controls, sanctions, UN Security Council Resolutions, and negotiations, but as dual-use capabilities spread and non-state actors seek ever-growing destructive potential, we've had to adopt a wider range of tools, and work much more closely with colleagues in the public health, law enforcement, and life sciences communities. Raising awareness, building capacity, and influencing attitudes and intentions—both within governments and at the level of laboratories and individual scientists—is increasingly central to our work.

These changes are at the heart of President Obama's National Strategy for Countering Biological Threats, which focuses on preventing the misuse of the life sciences while recognizing and supporting their positive transformative contributions. The Strategy seeks to reduce biological threats by:

- Improving access to the life sciences to combat infectious disease globally;
- Establishing and reinforcing norms against misuse; and
- Identifying, influencing, inhibiting, and where necessary, interdicting those that seek to misuse biology.

U.S. thinking about the threat, and the role of the BWC, was evolving well before it was crystallized in the National Strategy, however, and reflected the same transition from a traditional arms control focus on state-level programs to a much broader, more nuanced approach to a changing threat. Beginning in 2003, BWC States Parties have conducted an innovative program of information sharing and exchange on topics relevant to the Convention, first proposed by the United States. The objective of this process has been to “develop common understandings and promote effective action” on such topics. Elements of civil society and the

scientific community, as well as private industry, have increasingly become partners in efforts to support the Convention's goals.

The dialogue in Geneva generated heightened awareness, convergence of views, and substantial activity at the national and regional levels in areas ranging from biosafety and pathogen security, to the development of implementing legislation, to cooperation in disease surveillance and response. But we also recognized the need to be more ambitious. So after more than a year of preparation and extensive consultation, we went to the BWC Review Conference last year with an ambitious agenda that built on the work of the last several years. We proposed a focus on three key issues:

- Global health security—in particular, international cooperation and assistance in building capacity to combat outbreaks of infectious disease;
- Strengthening BWC implementation, including exploring practical ways of increasing confidence and addressing concerns regarding treaty compliance;
- Developments in science and technology – not only identifying trends and developments relevant to the Convention, but also looking at ways to engage the scientific community and industry, and support the responsible conduct of science.

These are much broader than the topics we'd addressed in the past – deliberately so. We also proposed expanded meeting time, more flexible structures, and more decision-making power for the intersessional period, so that the BWC could make more substantive contributions in these areas.

We didn't get everything we wanted. But overall, we were pleased with the outcome of the Review Conference. The Conference agreed on a workplan for the next five years that addressed the three focus areas I just noted, which also were set out by Secretary Clinton in her address to the RevCon. For the first time, the new work program will allow all three topics to be addressed every year. That means we will keep coming back these topics each year, which we will create more momentum and pave the way for an even more productive Eighth RevCon in 2016. The first expert-level meeting of the new process was held this past July, and got us off to an excellent start under the effective leadership of our current President, Algerian Ambassador Delmi.

In conclusion, the United States believes that the BWC has made important contributions to international security; with the new workplan, we believe it has the

potential to do much more. But it will require hard work and cooperation from all of us. We look forward to working with you in that effort.