FIRST COMMITTEE
INTRODUCTION OF DRAFT DECISION L.22
ON THE BIOLOGICAL WEAPONS CONVENTION
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In the course of the last year or so a new realism have been emerging about deliberate disease. The anthrax incidents, against the tragic background of 9/11, clearly demonstrated all the potential consequences for any society if, notwithstanding the norm, prevention or deterrence, the genie of misuse of biotechnology or bio-defence gets out of the bottle.

There is a much wider public awareness of the threat by now:

1. The destructive potential of deliberate disease, as a weapon, or as a weapon of terror, is second to none: minuscule quantities of biological agents, used in an efficient way, could cause massive destruction of life, widespread terror and critical disruption of basic societal activities.

2. How stealthy and treacherous biological weapons are. Once prevention fails and these weapons are used, it is difficult to ascertain timely the exact scope of their use, to identify victims, to find the perpetrator, and to spot the place or the infrastructure where the substances were developed and produced.

3. The challenge is not just hype, existing merely in fiction. Deliberate disease is a real and present danger.

As a result of serious setbacks encountered in the last 18 months, there is a new realism emerging about the BWC regime as well: a less ambitious, but still meaningful role to be assigned to the regime. We should be candid with ourselves and with the outside world: this potential new role is different than building in a holistic way an all-encompassing compliance system. But it is becoming more and more evident that even in a more realistic role the BWC regime can provide a unique framework for measures to benchmark and enhance implementation and to decrease the likelihood of deliberate, accidental or naturally occurring diseases occurring and taking a high toll. It can be done through successive steps, through measures, which would not necessarily be legally binding, and through efforts undertaken both nationally and internationally. Such an incremental advance is not just a pseudo action, just to make ourselves busy. To the contrary: as the encouraging example of the regulatory and safety activities of the IAEA historically proves, such an incremental advance is feasible and meaningful.

This is not a silver bullet function for the BWC regime, but a task to work together synergistically with other tools. But to reach the critical mass of decision for such a complementary role, some basic question will have to be answered:

1. Beyond norm setting, is there any real-life, functional requirement for the BWC regime?
2. Could all the other containment and mitigation means, such as export-controls, non-proliferation, defence, civilian defence, preparedness, vaccination, disease control, individually or collectively, handle the whole spectrum of the threat without any margin of error, thus making complementary tools, like the BWC regime, redundant?
3. Is there a premium on preventive measures, such identifying and rectifying implementation deficiencies, compared to those measures, which are to mitigate the consequences of deliberate or accidental disease?
In the wake of 9/11 and the anthrax incident there has been a significant increase of attention and investment in export-control, non-proliferation, defence, civilian defence, preparedness, vaccination, disease surveillance, control and management efforts all around the world. The dilemma is whether any country, or any authority can claim with the necessary degree of reassurance that all these means, with all the additional investments will ensure not just a mere quantitative increase of safety compared to all the bottlenecks of the pre-anthrax incidents security world, but they would guarantee a new quality of biosecurity, i.e. those means will leave “no margin of error”, under no circumstances in the future. If the slightest doubt exists that notwithstanding all the resolve, efforts and investments, there still might be a future margin of error, writing off the BWC regime or declaring it redundant is an unaffordable luxury.

Compared to other means, the potential contribution of the BWC regime is relatively cost effective, both politically and in terms of resources. Politically it could be cost effective because it can provide timely warning about implementation deficiencies early enough thus problems can be rectified or addressed in a preventive way, inside or outside the BWC regime. As for the resource allocation these measures are cost effective as well, because they have a combined price tag, which is several orders of magnitude lower than the cost and resource implications of other equally useful, but more expensive means, like those, which are to mitigate the consequences of deliberate or accidental disease.

We should turn the present challenges into an opportunity. The Fifth Review Conference of the States Parties to the BWC, to be reconvened on 11 November, will provide a chance to unfold in a realistic and incremental manner the unused potentials of the BWC regime. Nearly a year ago, in Fifth Review Conference, though we were close to it, we could not reach such an agreement. The three rounds of informal presidential consultations I carried out in the spring, summer and autumn of this year revealed, hopefully not just to me, but to all the participants, that a forward-looking, modest, but meaningful agreement on the follow-up to the review conference is within a reach.

Since the summer round of those consultations there is a widening support for focusing in the resumed review conference specifically on the follow-up and wrap up its work swiftly. The follow-up mechanism would enable States Parties to meet annually and consider measures to strengthen the BWC. Such annual meetings could be supplemented by experts meetings for enhancing the implementation of the measures forwarded by consensus. Both the annual meetings of States Parties and the expert meetings will have to concentrate on a relatively limited number of issues to ensure that a focused and result-oriented work is taking place in the limited time available annually for those meetings. A programme of work for a couple of years ahead should outline how to carry forward the work in a way that by the beginning of the next review conference the mechanism indeed produce concrete and effective measures.

Compared to all the previous review conferences such a follow-up mechanism would represent a qualitatively new product: an agreement on both the ways and the means of enhancing the implementation of measures to strengthen the BWC.

By now we know too well on what we differ. The emerging new realism about the threat and the BWC regime’s role should be based on what is a shared aspiration for all of us: joining efforts in countering deliberate disease. Once that goal is taken seriously, we cannot afford being bogged down on the methodological differences of how to attain that goal. Let us concentrate on what we can agree now, let us do it, and as a result of measurable progress, let us create new ground for further joint action.