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Trade Trumps Peace in Bioweapons Negotiations

US Scuttles Others' Security in the Interest of Biotech Hegemony

(Hamburg and Austin, 16 July 2001) - The Verification Protocol to the Biological and Toxin Weapons Convention was dealt yet another blow last week. Key US diplomats indicated that trade secrets take priority over weapons control, and that the US is unwilling to develop a fair and transparent export control system to prevent biological weapons technology from passing into the wrong hands.

Trading peace. Negotiations have been ongoing to develop a Verification Protocol to the BTWC for more than six years. In US Congressional testimony last week, Ambassador Don Mahley, chief US negotiator on biological weapons, piously declared that *"The United States does not view the negotiations about a Protocol to the Biological Weapons Convention to be a discussion of trade access."*

But only seconds later, Mahley's halo of arms control purpose was dirtied when he added that the US sees the draft protocol as a threat to its biotech hegemony: *"The United States is the world leader in biotechnology. The cost of early research and development ... is enormous. Providing others with the means to avoid such sunk costs or to obtain process information for unfair competition would endanger not only the industry, but the benefits that industry provides to the entire world."*

As Mahley testified, across the world in Bangkok the US and its OECD partners were trying to force open reluctant Asian markets to US bioengineered products. Farmers outside the OECD meeting in Bangkok clearly rejected the "benefits" of the US biotech industry.

But, in other words, what Mahley said is that the US cannot accept inspections because UN teams will be infiltrated by commercial spies. *"That's a red herring,"* counters the Sunshine Project's Jan van Aken, *"A UN inspection system that protects trade secrets can be done. Mock inspections in several European countries demonstrated that industry would have little to fear from commercial espionage. Even the hyper-secretive multinational pharmaceutical industry has tentatively signaled acceptance of visits by UN inspectors."*

What's really at stake is the US desire to be completely unencumbered in imposing unilateral trade sanctions. Currently, a biotech elite of the US and developed country allies use a secretive club called the Australia Group to prohibit shipments of equipment and know-how to countries suspected of developing biological weapons. The basis of export denials is unpublished, so countries denied equipment never even find out why. Developing countries say that the system is arbitrary and unfair.

"While there is agreement that situations arise in which some countries should be prohibited access to certain biotechnology like advanced fermenters," says Susana Pimiento, a Colombian lawyer with Sunshine Project, *"developing countries argue that the Australia Group's export controls are a selective, unfair trade and political tool, hindering technological development in their countries."* The Non Aligned Movement says that if it submits to mandatory inspections of biotechnology

facilities under the Verification Protocol, then export control systems should give all countries equal rights.

A fair and transparent system for imposing export controls isn't even under consideration. Says the Sunshine Project's Edward Hammond, *"This US policy is a biotech trade wolf disguised as a peaceful sheep, and it has the unmistakable odor of the Department of Commerce. The same free trade evangelists that force biotech products on the world want to use arms control as a back door to impose barriers to technology transfer and inhibit competition. Even though everybody agrees that export controls are necessary, the US has decided that its commercial interests dictate that it won't work with the UN to make export controls transparent and fair."*

Work to be Done: Since the outset of negotiations, all sides have acknowledged that monitoring compliance with the BTWC is difficult. Parties agree in principle that situations may arise in which access to particular technologies should be restricted. One multilateral solution is a broad export notification system for items that have both peaceful and hostile uses. Compilation of an international database on dual use exports could be instrumental in identifying secret bioweapons programs. Negotiators in Geneva should push to agree on a notification system that will build true multilateral and North-South cooperation on restricting some countries' access to potentially abused technology.

A strong multilateral monitoring agreement, even if imperfect, would have the credibility, expertise, and access that individual countries don't. *"If the US insists on a trade-arms control link and unilaterally enforcing its interpretations rather than working on export control in a UN framework, it precludes cooperation and damages the BTWC."* says Pimiento, *"Who nominated the US to be the global cop of monitoring anyway? The erroneous US bombing of a pharmaceutical plant in Sudan shows the danger. The world would be better off with a UN system of export controls and not leaving it to the Department of Commerce and trigger happy US military and intelligence agencies."*