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## NEWS RELEASE

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### Two Fisted Assault on Biological Weapons Control Will the Bioweapons Convention be Left Standing?

*(Austin and Hamburg, 22 October 2001)* - Even as its citizens suffer through the greatest biological weapons scare of modern times, and perhaps ever, the United States is promoting a plan to undermine international controls on biological weapons. The proposals come four weeks before a major UN meeting to review international efforts to prevent biological weapons from being used.

The plan was announced on October 10th and is currently being presented to the US's European allies. It is a direct attack on the core article of the Biological and Toxin Weapons Convention, proposing a shift in the focus of arms control that will remove barriers on the development, acquisition, and stockpiling of biological weapons. If governments, including indecisive Europe, do not move to counter these proposals, a green light will be given to potential developers of offensive biological weapons.

**Assault on the Bioweapons Convention:** The proposals were first unveiled on October 10th in a UN speech by Assistant Secretary of State Avis Bohlen, a US arms control chief. Other US officials are currently on a round of shuttle diplomacy, trying to sell their ideas to allies. What the US wants is to redesign Article I of the Biological and Toxin Weapons Convention, a unique achievement of international law that prohibits an entire class of weapons, all biological agents and toxins used for hostile purposes. (For a copy of Bohlen's statement and related links, please see the Sunshine Project website at [www.sunshine-project.org](http://www.sunshine-project.org).)

The United States purpose in destroying this valuable cornerstone is to permit a stratification of biological weapons into "good" and "bad" ones. This would permit the United States (and other countries) to continue work on a number of biological weapons under development, including anti-crop fungi ("Agent Green"), Pentagon work on so-called "non-lethal weapons" to control (in the US military's words) "potentially hostile civilians", and the US Navy's genetically-modified superbugs that consume materials, such as plastics, jet fuel, rubber, and asphalt.

**Perversion of International Law:** In addition to the dismantling Article I of the BTWC, the US attack on bioweapons control includes another dangerous proposal to shift the arms control focus away from prevention of biological weapons development. Instead of stopping development of these weapons in the first place, the United States is promoting a perverted form of extraterritorial jurisdiction that focuses international efforts on criminal punishment of use of some kinds of biological weapons. The result would be abrogation of domestic jurisprudence in favor of application of America's law abroad, with attendant extradition conflicts (or kidnapping), and possible show trials as the US seeks to avenge terrorist attacks.

International criminalization of biological weapons is a good idea that has been promoted by non-profits for years; but it must be applied fairly and evenly, to all persons, regardless of official position, who order, direct or knowingly give substantial assistance to development or use of biological weapons. In the US conception, however, penalties only apply to "lethal intent", meaning only to those people that use (or threaten to use) biological weapons, and only for weapons that kill humans. The proposal ignores many other types of bioweapons that target plants, animals, materials, and crops, such as Agent Green (or hoof and mouth disease), which can result in human suffering and death through starvation and poisoning of the environment. In the US conception, even some bioweapons used against people wouldn't be punishable, for example, the US "non-lethal" weapons under development.

**A New Biological Arms Race and Old Pretexts:** Apart from relaxing controls on many kinds of biological weapons, the US emphasis on use (as opposed to prevention) is a paradigm shift in international efforts that paves the way for countries to embark on massive programs to develop biological - and, especially, biotechnological - weapons. Why? Because by focusing on use, the teeth of international law will not apply until after biological weapons are used, instead of while they are being developed or stockpiled.

Thus, countries with bad intentions will be given a green light to proceed with bioweapons research because they will have little to fear from the international community.

That situation amounts to a 75 year legal setback to the 1925 Geneva Protocol, which prohibited use; but not development of biological (and chemical) weapons. That Protocol was augmented by the BTWC in large part because it had only very limited success. Many countries made reservations upon ratifying the Geneva Protocol. European powers ratified; but several then prepared and used chemical weapons against in their colonial possessions in Africa and Asia. Fascist Italy, a Protocol party, invaded Ethiopia in 1935 and used more than 300 tons of chemical weapons against another sovereign state. The League of Nations did nothing. Prohibitions on use, in other words, have proven malleable and their enforcement depends on who is the victim. This phenomena did not end with decolonization. With a logic similar to that of European colonial powers, the US is presently using the Drug War as a pretext to deploy biological weapons in Latin America and Asia. (See the Sunshine Project website for a list of examples of major power violation of use restrictions on chemical and biological weapons.)

**Is the BTWC Dying?** The attack on Article I has transformed the upcoming 5th Review Conference of the BTWC (beginning November 19th) into a do or die situation for biological arms control. If the world fails to emphatically and unequivocally reaffirm the Article I prohibition on all forms of biological weapons, the Convention's utility in preventing biological weapons development will be severely reduced. Future meetings, if any, would have to focus on arguments over which kinds of biological weapons are "acceptable" and which are not, a grave setback. The spirit of the convention would be dead.

Europe, so far, has signaled that it is happy to roll over and play dead, tucked in the poisonous embrace of the Bush administration. Instead of criticizing the recently revealed US projects "Clear Vision" and "Bacchus" to develop biological weapons production facilities in Nevada, to genetically-engineer anthrax, and to test biological bombs, Germany has endorsed the efforts. According to the German Foreign Ministry's chief Bioweapons Convention negotiator "With regard to the research in the USA, the US government stated through a spokesperson of the Department of Defense that the projects aimed solely at the development of protection measures. The German government does not have any hints to the contrary." In other words, Germany has indicated agreement with the US proposal to open the floodgates on biological weapons research and development. With Europe so weak, the South may play the critical role in stopping the US proposals.

**Other Options:** Stopping the US must be the first priority for civil society and diplomats; but with arms control agreements on the verge of failure to control biological weapons - especially biotechnological weapons - alternative means of prevention must be found. Among the options for civil society and supporting governments is taking verification of the BTWC into their own hands by developing a non-profit network that uses open sources and information freedom laws to promote transparency - and denounce violations of - the Biological and Toxin Weapons Convention.

In government, it is often the case that officials in agriculture, public health, and environment ministries have a strong understanding of the dangers of biological weapons and the authority to take steps to improve environmental and health security. In fact, the political South has already promoted addressing the dangers of hostile abuse of biotechnology in the UN's Cartagena Protocol on genetically modified organisms. Sadly, its efforts were beaten back by a short sighted and commerce-obsessed North.

Efforts by agriculture, public health, and environment ministries do reduce the biological weapons threat. For example, led by environmental and agriculture officials from over 30 countries, the African Union recently endorsed a continent-wide Model Law on Safety in Biotechnology that criminalizes all hostile use of genetic engineering. In the Philippines, health and environment officials quashed a proposal to use biological weapons to eradicate cannabis (marijuana). Even Colombia's Environment Ministry, which was initially receptive, decided to reject anti-coca biological weapons after protests from civil society highlighted the environmental and human dangers.

**Geneva Showdown:** Governments should urgently pursue non-arms control means to protect against the development of biological weapons. But in the coming weeks, all eyes turn to Geneva, where the BTWC will be tested as never before at its 5th Review Conference, which begins on November 19th. It is critical the Article I be upheld in its entirety, and that US proposals to create a system that is permissive of biological weapons development be emphatically rejected; but will governments have the will to stand up?