

THE PROGRAM ON

PREVENTING DISEASE WEAPONIZATION

STRENGTHENING LAW ENFORCEMENT AND NATIONAL LEGISLATION

WITH SUPPORT FROM THE MACARTHUR AND SLOAN FOUNDATIONS

GENEVA WORKSHOP, APRIL 2003:

**SUMMARY REPORT
AND
LIST OF ATTENDEES**

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Workshop and Round Table Discussion
at the Palais des Nations, Geneva, Switzerland. 22-25 April, 2003
PREVENTING DISEASE WEAPONIZATION:
STRENGTHENING LAW ENFORCEMENT AND NATIONAL
LEGISLATION

DRAFT SUMMARY REPORT

The Workshop on Preventing Disease Weaponization was organized by Professor Barry Kellman of the DePaul University College of Law and Dr. Orley Lindgren of the Institute of Medical Risk Studies with support from the MacArthur Foundation and the Sloan Foundation. Reflecting a need for coordinated approaches involving a wealth of organizations, each with responsibility and expertise for addressing facets of the problem, the Workshop assembled diverse representatives of 8 United Nations departments and offices, 9 specialized international organizations, 7 regional organizations, and 12 international non-governmental organizations. Also attending were representatives of over 35 States' Geneva Missions. (*see* attached List of Attendees)

The purposes of the workshop were to:

- Exchange information concerning activities to address bio-weapons proliferation and terrorism so as to foster inter-organizational cooperation;
- Identify information resources and technical assistance available for international organizations as well as States as to the functional requirements of national legislation and information and training of national law enforcement and customs administrations; and
- Begin an assessment of relevant national penal and regulatory laws governing precursor agents, equipment and facilities for the manufacture and delivery of biological weapons.

AGENDA

22 APRIL, TUESDAY – Welcoming Banquet for Workshop Participants

23 APRIL, WEDNESDAY –

Keynote Address: Ron Noble, Director-General, Interpol

Session 1: Disease Weapons Threats and The Role of Law Enforcement

How should national police authority & capability focus on preventing disease weaponization? How to modify national laws to criminalize disease misuse? How can international organizations enhance communications for police effectiveness? What are appropriate/ effective detection and surveillance modalities? How can they be implemented?

Session 2: Disease Weapons Threats and The Role of Scientific Research

How to oversee pathogens and laboratories without impeding useful biological research? What measures are necessary to preserve confidential information? What can the scientific and pharmaceutical communities contribute to law enforcement to detect covert bio-terrorism?

24 APRIL, THURSDAY –

Address: Amb. Curtis Ward

Session 3: Information Sharing; Judicial and Customs Cooperation

How can international and regional organizations pursue multi-national law enforcement activities, including information-sharing as well as border and customs control? How can judicial and customs cooperation among States be harmonized and made effective to address disease smuggling? How to collect information without jeopardizing privacy and proprietary rights?

Session 4: Technical Assistance/Consequence Management

How can international and regional organizations as well as States provide assistance to States for developing law enforcement and public health capacities? How can protection of vulnerable resources and populations from bio-attack be augmented? How can different organizations cooperate without exceeding their mandate?

25 APRIL, FRIDAY A.M. – OPEN DISCUSSION: FUTURE STRATEGIES AND PLANS*DISCUSSION***Tuesday Evening, 22 April 2003**

Professor Kellman opened the workshop by focusing on the problem to be solved: How can the weaponization of disease be prevented? This challenge confronts our era, spanning disparate disciplines and cross national boundaries. This challenge, by its very nature, calls for coordinated approaches at the national, regional, and international levels. It is a tragic challenge, cast before so many responsible people and organizations by a despicable few who would pervert the brilliant progress of biological science to serve their twisted agenda.

This Workshop convenes in a uniquely troubling context: large international organizations with mandates to implement standards and policies address threatened misuses of nuclear science or chemistry, but biological threats face an organizational void. The Biological Weapons Convention propounds a taboo that prohibits States from producing weapons but reaches private conduct only in States that have enacted far-reaching national implementing legislation. No international instrument criminalizes the weaponization of disease; even if there were such an instrument, there is no organizational framework to enforce it; and even if there were such an organization, law enforcement lacks tools and capabilities to take meaningful action. Indeed, in most nations, development of a biological weapon is perfectly legal, denying police the authority to investigate or interdict disease weaponization before a catastrophic attack.

The Workshop's goal is to mature a strategy at both the international and national levels. At the international level, a wealth of organizations, each with responsibility and expertise for addressing a facet of the problem, should cooperate to strengthen their mutual efforts. At the national level, a broad set of legislative measures should ensure that biological laboratories are secure from diversion, that unauthorized preparations of bio-weapons are prohibited, that surveillance measures are empowered to detect covert activities. Clearly, improving cooperation among international organizations can enhance the efficacy of national legislation and vice versa.

This Workshop convenes under pressure to move concepts forward rapidly. No one can say if or when there will be a biological attack. But scientific progress makes the capabilities of launching an attack ever more available. And there is no question that a despicable few view the infliction of disease as an appropriate way to express their antagonism to civilization – the scourge of god to rid the world of evil. Anyone in law enforcement agrees that where there is opportunity and motive, it defies reason to rest on the faith that crime will not occur.

The measure of this Workshop's success, therefore, will be measured by the catastrophes that do not happen. Strategies should be set forth to prevent disease weaponization – to help ensure that generations hence will not bear the consequences of this generation's refusal, in the face of danger, to meet this challenge.

Fundamental to the Workshop's conception, organization, and success is the fact that Interpol, recognizing that too little has been done to protect against this threat and that police across the world are unprepared to prevent it, has actively assumed leadership responsibility to address the challenge of disease weaponization. Led by Ron Noble, Interpol Director-General, and Frank Spicka, Director of the Counter-Terrorism Sub-Directorate, Interpol invited representatives of many international organizations and served as hosts of the Workshop.

Morning Session, 23 April 2003

Ron Noble delivered the Workshop's Keynote Address. A bio-terror attack could cause thousands of casualties, civil disorder, and institutional breakdown.. He called upon the group to focus on the complexities of preventing bio-terrorism. Prevention measures should take the form of legislation including penal consequences, codes of conduct, law enforcement access to experts, and transparency of State activities. Most analysts are familiar with issues relevant to consequence management and to prosecution of perpetrators, but the implications of a biological attack are too devastating to focus exclusively on post-event law enforcement. He emphasized that many States have not outlawed development or possession of biological weapons.

He urged the group to consider what is needed for successful law enforcement, including legal authority for addressing the threat and mechanisms to facilitate greater cooperation. There are 4 key areas that should be tackled:

- Education regarding the dangers and effects of bioweapons
- Physical protection - governments should be candid concerning their legitimate use of biological agents and make comprehensive physical protection standards.
- Bio agents dispersal mechanisms
- What/when/how public informed of (potential) attack?

The ensuing discussion focused on diverse aspects of the disease weaponization problem. How can strengthened law enforcement reduce threats of national bio-weapons programs? Will the enhanced transparency that should result from better supervision of biological laboratories and improved surveillance contribute to identification of covert military programs?

Dr. Pascal of the BWPP noted that another problem concerns the different threats applicable to animal and plant disease. Dr. Schudel of the OIE explained that organization's strategies and modalities for addressing those threats including agreement on norms of handling agents. There are internationally agreed norms for handling pathogens in 3 classes (A-C). Economic and social factors and effects are included in the classifications.

Attention was devoted to the unique ability of disease to generate panic and the need for public education as well as better coordination of the media before and during a crisis. Dr. Barbeschi offered that there is an urgent need for public education. Mr. Tovish of the PMND stressed the need for efforts to calm people's irrational fears of disease and to put the threat in perspective. Mr. Schepe of the German Mission pointed out the dangers of publishing inflammatory information and suggested efforts to counter-balance the misleading messages from the popular media. Mr. Monblatt of the OAS replied that the media does not like to be managed and called for a central point of information. Amb. Kasim of Jordan explained how incorrect information about threats can have consequences that undermine the pursuit of security. For example, incorrect information about the pharmaceutical facility in the Sudan provoked a U.S. missile attack which lessened the credibility of the U.S. and increased frustration.

Dr. Robin Copeland of the ICRC explained that strengthened law enforcement is one dimension of a broader public health context that focuses on reducing the rise of disease. There is a need for sustained cooperation. Each possible measure is necessary but by itself is insufficient, *e.g* there can be no way to know that a criminal act has occurred without disease surveillance. Also, codes of conduct are easier to enforce if appropriate education is given - at many levels including universities. Ron Noble acknowledged the very diverse body of experts gathered at the Workshop, suggesting that this diversity grew from a recognition of the need for a broad context.

Ambassador Batsanov of the OPCW stressed the need for heightened international cooperation. Dr. Rauf of the IAEA emphasized the need for food safety; security of pathogens and pathogen protection; State control systems that limit the number of places where pathogen work is carried out; waste standards; personnel reliability and screening. He pointed out the implications of not having a global agency or international organization to develop standards for facilities and to maintain records of materials. The IAEA limits the number of locations where critical materials are present; both the IAEA and the OPCW coordinate national export controls, but there is no similar coordinating mechanism for pathogens.

Dr. Riveles of the U.S. State Department distinguished international systemization which requires formal agreement from international cooperation whereby nations work together informally to solve common problems. He suggested that information should be shared in a way that keeps it from wide dissemination – data should get to the people who need it. Mr. Simancas of Europol advised that information must be shared across nations. Mr. Angley of NATO asserted that NATO has tried to provide a common understanding of the threats of weapons of mass destruction, including biological weapons, and he recommended efforts to fix points of contact for all international organizations. All this argues for a new

approach to intelligence with integrated efforts by police, military, doctors etc. to reach a common understanding of BW problems.

Ron Noble emphasized first responders' need for accurate information. In this context, the expertise and experience of every country should be shared. He suggested that an immediate product of this Workshop should be to create and maintain a website that can facilitate information exchange and to provide a directory of who is doing what, or a bulletin. Both Mr. Noble and Mr. Angley pointed out the difficulties of sharing law enforcement information with intelligence sources and vice versa. Mr. el-Dawla of the CTC explained how, in response to questionnaires, most States identified Interpol as their principal source of information with regard to terrorist activity. He suggested that Interpol should enhance information exchange.

Mr. Monblatt of OAS noted that a focus on prevention, as distinct from prosecution, ties into the need to set up standards in the framework of a cohesive strategy. There is a need for a single contact stream and a way of keeping it flexible and communicating changes. He questioned whether there is any model law for nations to follow. Mr. Nott of the World Bank pointed out that in the field of international civil aviation, there is a strong regulatory mechanism with national legislation, security programs, and compliance checks. Harri Hummajola of the OSCE pointed out that regional organizations are providing mechanisms for information exchange and cooperation.

Amb. Tibor Toth of Hungary concluded the morning session by describing the paradigm shift in how the international community thinks about controlling biological weapons. In the past, there has been a focus on a unified, comprehensive approach, relying on the Biological Weapons Convention. In recent years, by contrast, States have opted to move forward with various incremental approaches. Although these approaches are not organized according to a grand plan, many of them offer important opportunities for enhancing security.

Last November, the BWC States Parties set forth an interim work program in anticipation of the 2006 Review Conference; specified issues will be discussed each year. The States Parties' new focus includes as the topics for this year – national penal measures and bio-security – which are directly relevant to the issues under consideration at this Workshop. In 2004, the topics will concern responses to disease outbreaks, whether natural or manmade. In 2005, the topic will be a code of conduct for biological research. These issues are new, but not new for those organizations that have been dealing with different approaches to them.

In the new paradigm, international organizations are increasingly at the center of discussions and States are observers. This change of paradigm means refocusing on areas which should belong to toolbox of preventing deliberate disease. This Workshop, by bringing together a diverse group of representatives of international organizations is a defining event for the new paradigm. It is reassuring that there are many IOs working on the different aspects of this field.

Afternoon Session, 23 April 2003

Professor Kellman reviewed the Template of National Measures To Prevent Disease Weaponization. National measures may be usefully divided into three broad categories:

prohibitions of bio-offenses, regulation of bio-research and pharmaceutical production activities, and surveillance and detection measures to uncover covert criminal preparations.

Prohibitions should apply to pre-use weaponization of pathogens. Tampering with a facility or interfering with pathogens in transport so as to cause their release should also be prohibited. To effectively prevent bio-weapons development, unauthorized activities involving regulated pathogens should be prohibited. Thus, possession, transfer, or export of pathogens without approval or unauthorized construction of a bio-research facility should be prohibited.

Implementation of prohibitions is potentially problematic, however, if legitimate bio-research activities are inadvertently criminalized. The key here is to permit such activities if they are properly registered. Registration serves various purposes. First, it is highly unlikely that terrorists will go through a registration process. Second, registration can be conditional on implementing high safety and security standards. Third, registration facilitates law enforcement: anyone engaged in regulated activities who is not properly registered is, by definition, a criminal; no further evidence of malevolent intent is necessary for enforcement. Regulations should also apply to transport of pathogens, import/export activities, and to oversee research.

Surveillance measures are designed to enable law enforcement to detect covert behavior. Legislation should provide modalities for gathering and analyzing information in order to detect anomalous behavior. This could include procedures for disease surveillance as well as more traditional law enforcement monitoring. In addition, measures to ensure effective performance of legal assistance and cooperation obligations should be implemented. Where appropriate, law enforcement officials should be authorized to conduct intrusive inspections.

In addition to the Template, Professor Kellman briefly pointed out the reports on 23 States, reviewing their legislation that is relevant to the issues raised in the Template. These reports are but an indication of the extensive work that needs to be done in anticipation of the BWC Experts Group discussions in August that will consider national penal measures.

Amb. Batsanov of the OPCW discussed the lessons learned from implementation of the Chemical Weapons Convention (CWC). Although that treaty was not envisioned to focus on threats of criminal or terrorist access to weapons, the OPCW has increasingly tried to address those concerns. A network of legal experts was put in place for the Caribbean and Latin American regions; current efforts are trying to expand that network. There must be strong national legislation; right now, the problem is implementation. Only ½ of states have appropriate legislation. Political pressure is needed, not just education. Moreover, there are serious discrepancies between various states in terms of legal punishment. Another important area for legislation to address is legal cooperation with other States.

Amb. Ward of the CTC responded that the Security Council is considering how to use political pressure. It's at its beginning stage and under the scrutiny of the CTC. He questioned the value of model laws, suggesting that one size does not fit all. More important is that many States lack resources; they need help as to where to begin. Mr. El Dawal of the CTC suggested that international criminalization does not eliminate criminal behavior. States have to implement national legislation, but many states will be reluctant to amend/ revise national laws because they view it as infringing on their sovereignty. The template is very valuable because it outlines what other states should do. It is consistent with what treaty is requiring, and it reinforces the taboo.

Dr. Zanders posed a series of key questions:

- 1: What is meant by weaponization?
- 2: There is a presumption of legitimate action based on government authority. Who provides the authority, what agency? Who will oversee government programs?
- 3: For international transfers, how are criteria for registration/ accreditation to be harmonized?
4. States with bio-weapons do not take actions to inform the public. To the contrary, government's try to legitimize those weapons. How do you want to deal with that?

Prof. Kellman responded:

1. There is no word in English that precisely covers any or all of the preliminary steps in preparing a dangerous device yet exclusive of legitimate research activities. As used here, "weaponization" means gathering, handling, and working with pathogens, as well as making, creating, developing ways to deploy and release pathogens. The term is not limited to the last step of putting dangerous agents in a military weapon.
2. What does are our discussion do for the problem of governments that weaponize disease? This question raises implications for how to extend these concepts to issues that apply to the BWC? This is very important; of course, law enforcement will not ensure against covert military programs. How do you detect a government? Yet, law enforcement that is directed to detecting and stopping bio-weapons development tends to produce transparency and that tends to counteract military programs.
3. Export control is a crucial element of strengthening national legislation. It is part of a comprehensive effort of preventing weapons segmentation whereby a sequence of activities takes place in various States. Exports must be regulated, but this will be ineffective if smugglers can move freely across borders.
4. The issue of legitimacy is critical. We are trying to strengthen the taboo against the misuse of biology. The strongest taboo is to call certain behavior a "crime." That said, strengthening law enforcement is not a comprehensive solution to all bio-threats; law enforcement should be part of a larger global response to these threats.

Dr. Copeland reported on the ICRC Initiative regarding the deliberate use of disease. It is the first such initiative since the 1918 Appeal that led to the 1925 Geneva Protocol. The Initiative calls for an overall framework that defines risks, rules, and responsibility. The risks are the dangers of disease weapons, the rules are the conventions and norms and the responsibilities are spread across the communities. Industry codes of conduct should be propounded; the U.K.'s medical codes could act as examples. States must make commitments, but State-level responses are insufficient. There is a problem of inter-State cooperation, and within governments there is inadequate coordination. He pointed out that there are four ways of harming the human body:

- Physical work upon it
- Change its chemistry
- Heat it
- Apply nuclear radiation

Weapons in the last three categories all have a taboo against them

Ms. Bader of the ILO reported on the proposed initiative concerning registration of seafarers and the use of bio-metrics to verify registration. There are port security codes of practice jointly made with the IMO and a “new safety and security culture.” This links to broader efforts to improve security and the implications of those efforts on workers.

The remainder of the afternoon discussion was devoted to an open discussion of the civil liberties implications of restricting who can gain access to pathogens. Should background analyses and/or intrusive tests on the bodies of scientists and technicians be required? Is there a need for rules to harmonize restrictions on personnel?

Professor Kellman asserted that States should not restrict access to biotechnology and research. Industry must be an ally. Benefits have to be given for activities that are benefiting human health. Moreover, bio-research should be engaged in identifying the indicators of illegal activity. Education should be provided about bio-safety and security to states and companies; companies have reasonable concerns about diversion (theft) of their research.

Dr. Bale of the IFPMA questioned what activities need to be regulated. Imposition of regulatory obligations on the private sector risks missing the most important threat: rogue States’ covert military programs. What about labs in the public sector? What is the penalty? You don’t want to inhibit research. How far should we go with registration of personnel?

Dr. Copeland of the ICRC responded that there are many models of licensing. What is so radical about registering biological scientists? Other professionals like pilots have to register too! Medical doctors objected to licensing, but they’ve gotten used to it. Most people who handle dangerous materials or are engaged in dangerous occupations are licensed. Why shouldn’t biological scientists be licensed? .

Mr. Jonathan Granoff of the Global Security Institute agreed, saying that it is anomalous that scientists are not required to register. The US has a very effective system. Science may need to be restrained. Shouldn’t there be a prohibition to create smallpox? Beauticians in Pennsylvania have to be licensed, but people who handle dangerous pathogens do not. This is absurd. Indeed, we have to consider how the government can ensure that biologists do not create, intentionally or not, the next weapon of mass destruction. What’s the most critical behavior? It might be innocent creation of immune resistant smallpox into a lethal virus. BWC and science is moving fast and innocent actors could create such weapons. What will be the mechanism to control research?

Morning Session, 24 April 2003

Amb. Ward of the CTC opened the morning session by describing the CTC’s authority, under Security Council resolution 1373 to monitor States’ measures to suppress terrorism. Under that resolution, States lacking capacity to implement such measures are requested to ask for assistance. Accordingly, the CTC is exploring ways to assist States unfamiliar with anti-terrorism conventions and national implementation laws. Paragraph 4 of Resolution 1373

establishes the connection between terrorism and NBC weapons. Res 1456: reaffirms serious growing dangers and access to many weapons. Accordingly, States are required to prevent access to biological weapons. However, most States lack laws to deal with such matters.

International organizations should enhance effective measures for preventing access to materials. IMF provides drafting assistance aimed at establishing minimum standards. The IAEA controls access to nuclear materials. WCO also strengthens cooperation. Capacity building is a long term commitment. States that lack resources to implement 1373 should ask for assistance to draft model laws.

Amb. Kalinde of the African Union explained how this organization is supporting, and can support, strengthened efforts to prevent disease weaponization. She suggested using civil society to create better awareness. There is a wealth of untapped intelligence in Africa at research institutes and universities. Dr. benKhadra of the League of Arab States discussed efforts in the Arab World to rid the region of weapons of mass destruction. The Arab Counter-Terrorism Convention seeks to harmonize regional and sub-regional structures for combating common problems, but there is a need for the U.N. to promote a framework. Drafting model laws is extremely important.

Ms. Wright of the Commonwealth Secretariat described the very active assistance given to help members to implement 1373. The Commonwealth has a database on anti-terrorism legislation. Yet, there are many capacities missing. Many countries are making effort to work on draft laws. The Commonwealth hopes to raise more funds for capacity building. Commonwealth consultants help members to do reports, follow-up and can offer technical assistance on legislative drafting. There are a series of workshops planned for the Caribbean, Asia Pacific, collaborating with Australia and the US. Workshops, such as the bi-yearly conferences on international criminal law fit into bigger counter-terrorism context.

Dr. Chunging of the Inter-Parliamentary Union explained that, with regard to technical assistance and capacity building for many States, it is important to look at all State actors like parliament. What is the CTC doing for parliaments and parliamentarians? Amb. Ward replied that the CTC encourages seminars and workshops; the CTC should be invited to the next IPU conference to make a presentation. Amb. Batsanov of the OPCW remarked that it would be useful for international organizations to have information about conferences, workshops, etc. that are organized by other organizations. Amb. Ward said that there is a website for that information and that the CTC will notify organizations in some sort of way. Mr. Monblatt of the OAS stated that, in OAS States, parliaments must ratify the anti-terrorism conventions.

Afternoon Session, 24 April 2003

Mr. Millett cautioned that regulators must focus on the unexpected. Biological research is moving fast; it is difficult to predict. In this regard, it may be more effective to reward transparency than to punish through law enforcement. Accordingly, we should consider how to create a mechanism to convince the private sector that compliance is in their best interest.

Dr. Cosivi of the WHO discussed how the WHO has worked on chem-bio weapons issues and has contributed to a book that the U.N. will publish. Its activities include a global

alert and response system to identify outbreak of diseases, whether natural or deliberate. Eleven agents have been identified for risk assessment. Each State must determine its own risks, but many have not done such a risk assessment; this would be important for information-sharing and thus for law enforcement. There is close collaboration with OIE and others (World Food Program). The lack of an international organization that could carry out law enforcement is essential. WHO will respond to any outbreak of diseases but WHO are doctors and not policemen. WHO is a public health organization. It is very important for WHO to maintain its independence. The international community is clear about what it wants WHO to do, but not clear who's going to do law enforcement -- it is a political decision.

Dr. Hyer of WHO pointed out that, since 1995, WHO has section for military health issues. WHO has a longstanding relation with Military Medical Association and is organizing a meeting in Washington D.C. in 2004. Dr. Cosivi explained that WHO can collaborate; it has a Memorandum of Understanding with FAO and with others. Questions exist as to who owns data? States must give permission to give data. Frank Spicka noted that Interpol can be partner without WHO changing its policy. Dr. Hyer asserted that there is no clear distinction of who owns the data. It's a technical partnership: detect disease. At the end it is really the State that owns the data.

The session closed with a brief wrap-up of what had been accomplished. Mr. Millett noted that by bringing together so many organizations, channels of communication have been opened; this should not be underestimated. Dr. Barbeschi urged that we find some ways to bridge organizations. Dr. Cosivi recommended similar events for the future. Dr. Chungong suggested that we examine the political framework of law enforcement. Political actors should be active; parliamentarians are an important lead in this scheme.

Frank Spicka of Interpol urged continuing efforts to recruit and attract diverse organizations that do not regularly interact. A most important accomplishment is the List of Attendees that can facilitate future contacts. Moreover, Interpol plans to:

1. Send questionnaires to determine national legislation;
2. Publish white papers focused on participant activity in the bio arena in order to broaden horizons and understanding of issues;
3. Establish a bulletin board on the web so that organizations can pool events, papers, etc. This is important as there are no overarching organizations in the bio-arena.

Professor Kellman concluded the session by asking the participants to consider: What did we know when we came? What have we learned? and What do we still not know? We know that disease weaponization is a serious threat. We do not know if there will ever be an attack or, if so, when it will occur, but we know that the threat is real and, if there is an attack, thousands could die. Thus, we all came here with a profound commitment to try and do something to reduce the risks. What we have learned is that many international and regional organizations as well as other experts have expertise and experience to dedicate to preventing disease weaponization and that only through a combination of this expertise will there be a chance for success. We have learned what each other's organizations are doing, and we have learned how to access more information. What we still do not know is the answer to the recurring problem of who is to take responsibility for addressing the threats of disease

weaponization. As has been so often stated, there is no biological equivalent of the large international organizations that are responsible for addressing chemical or nuclear threats. Interpol should be commended for taken a leadership role on the issues of disease weaponization, but how this effort will all come together remains ambiguous even as we conclude our discussions.

Morning Session, 25 April 2003

This session was explicitly devoted to ideas and initiatives for moving forward from this Workshop. Professor Kellman initiated discussion by asking participants to identify not only what should be done but also what could be done in the near-term. He suggested three items: an analysis of national legislation, more workshops, and the production of papers. With regard to national legislation, a staff of researchers has conducted a preliminary analysis of the laws of 23 selected States, and a draft Template has been prepared describing the functional requirements of such national legislation for preventing the possession, transport and manufacture of weapons grade disease, or biological weapons. This work should be expanded.

More nations should provide more legislation for analysis, and the depth of analysis should be increased. Currently, the work is limited to English language sources available on the Internet. Common definitions and approaches should be considered. Professor Kellman offered to provide, in cooperation with Interpol, a 'clearinghouse' for all such analyses, which would be incorporated into a uniform database, accessible via the Internet, for all interested parties. He pointed out that development of this database will be getting underway during the months of May and June, with initial results being published and disseminated electronically via email attachments in late June and early July to all persons and individuals invited to this workshop.

More workshops should be convened. Several States and many regional organizations have expressed an interest in organizing workshops. One idea is to hold a workshop in late August near Geneva that could beneficially contribute to the BWC Experts Group process. Future workshops should reach out to the scientific and pharmaceutical community. Additionally, legislators must be made aware of this issue; they must also reach out to congresses and parliaments. Ideally, several such regional or issue specific workshops or seminars would be held during late summer and early fall, 2003 where feasible, with additional workshops/seminars being planned for winter 2003 and throughout 2004.

Kellman noted that it would be valuable to produce additional papers about the issue. This would add to the limited amount of discussion about this topic. If every organization represented at this workshop were to prepare a paper on a relevant topic within the scope of its expertise, it would immeasurably expand the international community's understanding of how to prevent disease weaponization.

Mr. Granoff noted that there is a large nuclear disarmament movement, but almost none exist in regards to biological weapons; there is a need to create a biological weapons prevention movement. to serve as a focal point for a large number of civil society organizations and citizen groups. Its mission would be to create a large public movement that will raise public awareness of the problems of weaponization of disease, and to focus public attention on the need to support international, regional and national action programs for prevention. He suggested it would need to have a clear agenda to develop public awareness,

develop curriculum materials for a variety of public sectors, and achieve extensive political outreach. Granoff suggested this coalition would be a large collection of organizations.

Dr. Lindgren recommended working cooperatively with the BWPP project and recommended a public forum to explore the strengths and weaknesses of the current chemical and biological conventions. He said the public must be informed of these weaknesses, and suggested to the broadcast media interested. He also expressed a desire to educate students about biological and chemical threats. There are a number of specialized not-for-profit research and education organizations as well as UN research and education organization that had done research and have carried out educational projects relevant to prevention of disease weaponization there is a need for research to establish basic information about such matters as the extent of pharmaceutical research and development, healthcare laboratories, biological professional, transportation of biological agents and equipment, and the like, within and between nations and regions.

Ms. Pollack from Canada noted that Canada has implemented several measures after the 9-11 terrorist attacks to strengthen biological controls, but this legislation might be difficult for researchers to find. She agreed with the observation that there is a lack of civil society attention to this issue.

Ambassador Toth stated that this Workshop is the first meeting of its kind. It has successfully brought together a large number of important international, regional and academic organizations that are taking on the challenge of biological weapons. International and academic organizations are addressing the issue of natural and deliberate disease from various perspectives; these efforts might be overlapping and unharmonized, but that is not necessarily a problem. Various processes of enquiry and education should be encourage and supported. He noted that the BWC is a non-issue for many NGOs, so the issues must be re-packaged to increase their popularity. He emphasized that in 2004 the BWC process would be moving on to consider other issues. There is no mechanism within the BWC process for revising the issues raised during 2003; it is important for work on these issues to be continued during 2004 and beyond.

Amb. Kalinde of the African Union noted that the African Union (AU) has done a lot of work in international humanitarian law. There is no reason why this could not be directed to the topics of this workshop. She also noted that Africa has dealt with small arms problems and increased criminal activity; biological threats are another such problem. Africa Union member states have people who can help. They can do legal analysis and can write White Papers.

Dr. benKhadra of the League of Arab States noted that Arab States have shown that they have been active in the fight against terrorism by developing mechanisms to fight terrorism, including the submission of reports, and delegated commissions to analyze and give advice on U.N. resolution 1373. There is still a need for a comprehensive convention against terrorism. Twelve Arab States have ratified the BWC, and other States are considering it. The Arab League would like to clear the region of weapons of mass destruction. He requested a mid-August meeting in the region to bring together a wide range of efforts before the annual BWC meeting.

Ms. Wright of the Commonwealth Secretariat noted that many international, regional, and national meetings have a terrorism context, but few have a bio-terrorism context. That could easily be changed. She will talk with Amb. Ward about the CTC and how exchanges of information can help, especially in the area of national legislation. The Commonwealth can contribute in several ways. It can create a database of laws and can keep the issue alive by putting it in front of senior officials. The Commonwealth can help disseminate information, and can help member countries to develop and implement legislation. She explained that the Commonwealth works on demand- if States ask for it, the Commonwealth will do it.

Prof. Kellman urged consideration of what can be done this summer. There is an urgency to take whatever actions can be taken. He suggested that over the summer the group should produce papers, gather information about national legislation, and conduct more workshops. An event in mid-august would 1) widen the network, 2) deepen our knowledge of national legislation and 3) see if we can conduct a broad and powerful gathering. Dr. Lindgren said that a meeting in Japan is being planned as is an issue-based discussion involving NATO and Interpol.

Frank Spicka of Interpol concluded the Workshop by stressing the topic's urgency. Of all issues, bio-terrorism poses the worst mix of catastrophic damage with lack of knowledge and awareness. This Workshop has tried to raise the knowledge base but is only as valuable as our future actions. These should follow as soon as possible.

Workshop and Round Table Discussion

at the Palais des Nations, Geneva, Switzerland. 22-25 April, 2003

Preventing Disease Weaponization: Strengthening Law Enforcement and National Legislation

List of Participants and Observers (*Final Draft as of 28 April 2003*)

Participants

Note: Participants were invited by the workshop organizers from among a wide range of United Nations organizations, other International and Regional Organizations, and specialized academic institutions. Selection of Participants was made on the basis of those individuals and organizations with a special experience and potential information resources relevant to the above topic.

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