

Geneva, 20 November – 8 December 2006
Item 10 of the provisional agenda
**Review of the operation of the Convention
as provided for in its Article XII**

BIOTERRORISM

Submitted by Italy on behalf of the European Union¹

1. Bioterrorism poses a unique and serious threat to the security of all nations, and could endanger public health and disrupt economies. The threat of bioterrorism is largely attributable to the fact that terrorists have indicated their willingness to employ the most lethal means available, including biological weapons, to achieve their goals. Biological and toxin agents have become widely available throughout the world and could be open to diversion, theft or illicit sale. Rapid developments in the biological field and the spread of biotechnology and associated expertise may increase this risk.

2. Actual terrorist and criminal use of biological weapons has so far been rare. Two examples are the Aum Shinrikyo sect, which is believed to have developed bacterial agents prior to the release of chemical substances in the Tokyo subway in 1995, and in 2001, in the US, when letters containing anthrax infected 17 people and killed 5. The fact that the number of cases has been limited does not reduce the seriousness with which a threat should be treated.

3. Universal adherence to, and full implementation of, the Biological and Toxin Weapons Convention (BTWC) is an important contribution to the fight against bioterrorism. The Convention prohibits the transfer of biological agents, toxins, weapons, equipment and means of delivery “to any recipient whatsoever”. Moreover, Article IV requests States Parties to take the “necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere”.

¹ This is one of a series of complementary papers submitted by the EU Member States for the consideration of States Parties. The Acceding Countries Bulgaria and Romania, the Candidate Countries Turkey, Croatia and The former Yugoslav Republic of Macedonia, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Serbia, as well as Ukraine and Republic of Moldova align themselves with this paper.

This means that the BTWC prohibitions must be incorporated into domestic law and that all such activities, including by non-State actors, must be prohibited in the States' territories.

4. UNSC resolution 1373 of 2001 is the core resolution which requires States to put counter-terrorism measures in place while "noting with concern the close connection between international terrorism and illegal movement of nuclear, chemical, biological and other potentially deadly materials". Another legally binding instrument relevant for the non-proliferation of biological materials, equipment and technology to non-State actors, including terrorists, is United Nations Security Council Resolution 1540, which was adopted unanimously in 2004 and was followed by Resolution 1673 in April 2006. It affirms that "all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery". "

5. Thus support or assistance to bioterrorism is prohibited and all States must take the necessary measures to prevent such activities in areas under their jurisdiction. This should take place through appropriate controls of relevant materials, including physical protection measures, border controls, law enforcement efforts to detect and prevent illicit trafficking, and suitable export control measures.

6. The United Nations General Assembly has also recognised the need to act against the threat of bioterrorism and adopted Resolution A/RES/60/288 on 8 September 2006 setting out its Global Counter-Terrorism Strategy, the Plan of Action of which includes measures to prevent and combat biological terrorism. This Resolution endorses the United Nations Secretary-General's report entitled "Uniting against terrorism: recommendations for a global counter-terrorism strategy", which contains several references to the threat of bioterrorism and the ways to address it.

7. The European Union has submitted to the Sixth BTWC Review Conference a document entitled "The Intersessional Programme of Work" which proposes possible topics for future study by the States Parties. The text indicates inter alia that "Bioterrorism is indirectly linked to several Treaty Articles; an expert meeting about this topic could take stock of all actions undertaken in this field and complement Resolution 1540-related work". The European Commission is also preparing a Green Paper on protecting citizens from biological attacks, which should be issued in late spring 2007.

8. Bioterrorism is also referred to by other documents adopted by States or groups of States. A commitment to counter-terrorism is included in the G8 Global Partnership initiative against the spread of weapons and materials of mass destruction, which includes biological weapons. Moreover, in 2004, the G8 countries committed to concrete national and international steps to: "expand or, where necessary, initiate new biosurveillance capabilities to detect bioterror attacks against humans, animals, and crops; improve our prevention and response capabilities; increase protection of the global food supply; and respond to, investigate, and mitigate the effects of alleged uses of biological weapons or suspicious outbreaks of disease". At their 8th meeting on June 21 2006 in Yangon, the Health Ministers of the ASEAN countries pledged to make every effort necessary to ensure that their communities were prepared to address bioterrorism.

9. States or groups of States are not the only actors focusing on possible bioterrorist threats. Intergovernmental and non-governmental organisations are also involved: the World Health Organization (WHO), the Food and Agriculture Organization (FAO), the World Organisation for Animal Health (OIE), and the International Committee of the Red Cross (ICRC). These organisations have participated in the BTWC intersessional process, in particular in 2003 and 2004 and addressed, inter alia, the question of bioterrorism. Non-governmental organisations have produced policy recommendations and studies on related issues.

10. At the Sixth Review Conference the States Parties to the BTWC have the opportunity to address bioterrorism and to adopt a programme of work for the years 2007-2010. This programme should include bioterrorism, with the aim of reviewing all actions undertaken in this field and focussing on whether further measures are necessary to deal with it at the national and international levels, and in particular within the BTWC.
