

House of Commons
Foreign Affairs Committee

**THE BIOLOGICAL
WEAPONS GREEN PAPER**

Fifth Report of Session 2002–03

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**THE BIOLOGICAL
WEAPONS GREEN PAPER**

Fifth Report of Session 2002–03

*Report, together with
Proceedings of the Committee,
and an Appendix*

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FIFTH REPORT

The Foreign Affairs Committee has agreed to the following Report:

THE BIOLOGICAL WEAPONS GREEN PAPER

Introduction

1. The Government published its Green Paper, *Strengthening the Biological and Toxin Weapons Convention*, (BTWC) in April 2002.¹ On 10 December, just one day before we produced our Report² on the Green Paper, the Foreign Secretary issued a written ministerial statement on the Fifth Review Conference of the Convention. The full text of the Foreign Secretary's written ministerial statement is set out in the Appendix to this Report.³ The Government's formal Response to our Report was published on 25 February 2003.⁴

2. In general, we are pleased with the tone and content of the Response. We particularly welcome the Government's review of the Voluntary Vetting Scheme, and its commitment to keep the Committee informed of the review's progress.⁵ The decision of our colleagues on the Science and Technology Committee to inquire into the Scientific Response to Terrorism⁶ builds on our own work in this area; we hope that with their expertise they will produce further recommendations for action by the responsible Government Departments.

The draft verification protocol

3. We are less satisfied with one aspect of the Response, and of the written ministerial statement which preceded both it and our own Report. As we noted in our Report, efforts in 2001 to agree a verification protocol to the Convention failed—largely because the measures proposed were unacceptable to the United States.⁷ In its Response, the Government reiterated its position that:

“this was one of the major losses when the Protocol negotiations ended in failure. Unfortunately, the Protocol could not command international consensus when it came up for consideration in 2001. Nothing has changed since then regarding the international acceptability of the Protocol, or this particular element of it. However, if as a result of the work undertaken in the Review Conference follow-up meetings over the next two to three years, it became apparent that such a proposal had the necessary support, then HMG would wish to explore with other States Parties the option of more permanent institutional arrangements as a practical proposition.”⁸

4. We were surprised, therefore, that in his December statement the Secretary of State announced “a successful outcome to the recent 5th Review Conference.” The basis for this assertion by the Secretary of State was that unanimous agreement had been reached at the Review Conference on a programme of work on strengthening the Convention. Over the next few years, discussions will take place on: penal legislation; regulations on the handling of dangerous pathogens; investigations into use of biological weapons; improving

¹ Foreign and Commonwealth Office, *Strengthening the Biological and Toxin Weapons Convention: Countering the Threat from Biological Weapons*, Cm 5484, April 2002, para 8.

² Foreign Affairs Committee, First Report of Session 2003-03, *The Biological Weapons Green Paper*, HC 150.

³ See also HC Deb, 10 Dec 2002, cols 10–11WS.

⁴ Foreign and Commonwealth Office, *First Report of the Foreign Affairs Committee, Session 2002–03, The Biological Weapons Green Paper: Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm 5713.

⁵ Cm 5713, p 2.

⁶ “New inquiry: the scientific response to terrorism”, Science and Technology Committee press release no. 8 (Session 2002–03), 19 December 2002.

⁷ HC 150, paras 2 and 10.

⁸ Cm 5713, p 2.

surveillance of disease; and a code of conduct for scientists.⁹ However, this work is not expected to lead to agreement on a verification protocol. In so far as the Review Conference did not produce agreement on a protocol, we regard it as a failure, not as a success.

5. No list has been published of those States Parties which supported the draft verification protocol. In its Green Paper the Government stated that when the debate on the protocol took place at the 24th Ad Hoc Group session in July 2001, “some fifty States Parties indicated that, on balance, they were prepared to accept the text or see it as a basis for the final compromise.”¹⁰ **We recommend that in its response to this Report the Government list the “some 50” countries to which it was referring and state clearly whether or not those countries included the United Kingdom.**

6. The Government has concluded that the draft protocol “could not command international consensus” in 2001, but it apparently believes that over the next few years it might be possible for a similar proposal to attract “the necessary support”. It is not clear whether the Government believes that a consensus can be achieved only if it includes the United States, or whether the necessary support could be gathered among other parties, notwithstanding US opposition. **We recommend that the Government in its response to this Report clarifies whether or not it will support the addition of a verification protocol to the Biological and Toxin Weapons Convention only if the protocol in question is agreed by the US.**

7. In its Green Paper the Government stated: “Compliance with the BTWC is an issue the international community cannot avoid; if the Convention is to remain credible, there needs to be concerted determination to deal with the problem of non-compliance in an effective and sustainable manner. The UK and other BTWC States Parties cannot shirk their responsibilities on this matter.”¹¹ The Committee entirely agrees. However, it is unclear to the Committee why the Government believes it is better to have no verification protocol to the BTWC at all than one agreed by at least a sizeable number of BTWC States Parties even if those States Parties do not include the USA. After all, in other important international agreements, for example the Land Mines Convention and the International Criminal Court (ICC), the Government has given its strong support to their implementation notwithstanding US opposition. Moreover, if a verification protocol to the BTWC was put in place, it would provide a valuable internationally-agreed benchmark against which compliance with the BTWC could be assessed, and to which states suspected of having biological weapons programme could be kept under pressure to become party.

8. Though the Foreign Secretary said in his written statement of 10 December 2002 that “It was of crucial importance that there should be unanimous agreement on the way ahead in meeting the pervasive threat from biological warfare, particularly in the light of the growing menace of international terrorism”, he failed to explain the reasons why the Government regard unanimity as paramount. **We recommend that the Government sets out fully in its response to this Report why the Government believes that no verification protocol to the BTWC is better than having one in place and agreed by a significant number of States Parties to the Convention.**

9. **We conclude that, welcome though the measures agreed at the Fifth BTWC Review Conference are, they fall well short of the measures which would have been implemented, had the draft verification protocol been agreed. We further conclude that the absence of a verification protocol will perpetuate the highly dangerous position which has existed now for many years whereby biological weapons**

⁹ See Appendix.

¹⁰ Cm 5484, para 40.

¹¹ Cm 5484, para 15.

programmes continue to be developed in certain countries, and may leave regime change as the only certain means of ending such programmes. We recommend that the Government redouble its efforts to secure the international consensus necessary to allow a verification protocol to be agreed, with or without the support of the United States.

APPENDIX

**Written ministerial statement made on 10 December 2002
by the Secretary of State for Foreign and Commonwealth Affairs***Biological Weapons Convention*

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Jack Straw): There was a successful outcome to the recent 5th Review Conference of the Biological Weapons Convention in Geneva. The agreement that was reached there on a set of practical measures will now be the focus for active consideration by the international community. It was of crucial importance that there should be unanimous agreement on the way ahead in meeting the pervasive threat from biological warfare, particularly in light of the growing menace of international terrorism.

The Green Paper on the threat from biological weapons, which I laid before the House in April this year, set out a range of practical measures that could be adopted for dealing with this issue. I was particularly glad to see that a number of the proposals in that Paper have been incorporated into the international programme of work that has been agreed for the next three years.

The first round of meetings in 2003 will see discussion of penal legislation to bolster the prohibitions of the Convention and also of stricter regulations on the handling of dangerous pathogens. In 2004 States Parties will study ways of better responding to and investigating cases of alleged use of biological weapons, and suspicious outbreaks of disease. There will also be an examination of ways to strengthen the world-wide surveillance of disease as it affects humans, animals and plants. Finally, in 2005 there will be discussion, and I hope adoption, of a code of conduct for scientists working in this area.

I believe it was vital that agreement on this programme should be reached by consensus among all States Parties to the Biological Weapons Convention. It was for this reason that we conducted extensive consultations throughout 2002 to try and establish a basis for compromise. Those efforts clearly bore fruit.

The seriousness and immediacy with which all countries view the BW threat is evident from this outcome. The programme of work won unanimous approval from the United States, our EU Partners and other Western countries as well as Russia, China and members of the Non-Aligned Movement. This broad support is vital and will help ensure that the international community brings its full authority to promoting and taking effective action on the potential dangers posed by the proliferation of biological weapons.

The United Kingdom has played a leading role in the search for ways of reinforcing the Biological Weapons Convention. So this positive outcome to the Review Conference is all the more welcome. We will remain fully committed to seeing practical results emerge from this process which will help address an ever present threat both to international stability and the well being of humankind.

PROCEEDINGS OF THE COMMITTEE RELATING TO THE REPORT

TUESDAY 29 APRIL 2003

Members present:

Mr Donald Anderson, in the Chair

Sir Patrick Cormack
Mr Fabian Hamilton
Mr Eric Ilsley
Andrew Mackinlay

Mr John Maples
Mr Bill Olnier
Mr Greg Pope
Sir John Stanley

Draft Report (*The Biological Weapons Green Paper*), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraph 1 read, amended and agreed to.

Paragraph 2 read and agreed to.

Paragraph 3 read, amended and agreed to.

Paragraph 4 read and agreed to.

Paragraph 5 read, amended, divided and agreed to (now paragraphs 5 and 6).

Paragraphs—(*Sir John Stanley*)—brought up, read the first and second time and inserted (now paragraphs 7 and 8).

Paragraph 6 (now paragraph 9) read, amended and agreed to.

Ordered, That the following paper be appended to the Report: Written ministerial statement made on 10 December 2002 by the Secretary of State for Foreign and Commonwealth Affairs.—(*The Chairman.*)

Resolved, That the Report, as amended, be the Fifth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

[Adjourned until Tuesday 7 May at Seven o'clock.

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