



## **POLICY BRIEF**

### **BIO-TERRORISM POLICY STATEMENT**

By: Professor Barry Kellman

The security of America is threatened by terrorists using a biological weapon. The anthrax attacks of 2001 proved that even a small release can cause mass panic. Terrorists could be capable of a far more devastating catastrophe. What would have been the implications had the perpetrators of the Madrid subway attack used a pathogen instead of explosives? Would people who have such little regard for human life have any compunctions against using disease? If terrorists get smallpox, the death toll and ensuing social chaos exceed calculation.

Crucially, security from bio-threats can be achieved only through global commitment and cooperation. Bio-terror threats are inherently trans-national and therefore demand internationally coordinated responses. A contagious disease, e.g. plague, will have no respect for borders. Criminal networks can covertly transport lethal agents through any airport or customs checkpoint in the world. A suicide terrorist could infect himself, becoming a human biological weapon.

If a terrorist releases a contagious disease at O'Hare airport, most experts believe that it would circumnavigate the globe within days – far before its effects begin to be appreciated. Of course, if terrorists release a contagious disease at any international airport in the world, it will arrive at O'Hare just as quickly.

Yet, the fundamental condition impeding efforts to improve security from bio-terrorism is that there is no international authority with expertise to pursue relevant strategies. In contrast to virtually every other major threat to international security, international alarms of biological terrorism ring nowhere! No one knows what laboratories may possess dangerous diseases. There is no database of pathogens. There is no system whatsoever to detect undeclared laboratories that evade supervision. There are no records of bio-science experts who have worked with lethal pathogens, or any system to track potentially dangerous bio-research.

In response to this vacuum, in recognition of the threat to American security, the last four years have witnessed no meaningful progress! Indeed, current policies actively and deliberately undermine the international system that should be the foundation for cooperation. In early 2001, the U.S. flatly rejected a Protocol to enhance verification of the Biological Weapons Convention. Despite being the product of ten years of American-led negotiations, the rejection was unaccompanied by any replacement or alternative proposal.

After the 9/11 attacks, when the opportunities for global consensus and for strengthening international law were at their peak, attempts were made to mortally wound the Convention. At the 5<sup>th</sup> Review Conference in Geneva in December, a senior Administration official deeply offended the entire international community, including all of

our closest allies, by making a mockery of diplomacy and seeking the termination of any efforts to even discuss making the world safe from bio-weapons.

But the real story is not what current policies have done; the real story is what has not been done.

- Despite widespread agreement of the need to organize the international community to address bio-threats, current policies steadfastly oppose any organizational progress
- Despite widespread appreciation of the need to make bio-laboratories more secure so as to prevent terrorists from gaining access to lethal diseases or the equipment to weaponize them, only now is there the beginning of support for the World Health Organization to propound those standards.
- Despite widespread agreement that law enforcement worldwide must be better trained and equipped to meet emerging bio-threats, efforts to do so have been ignored or even overtly resisted. Only in late April of this year was there any recognition of the role that law enforcement could have in global bio-terror prevention efforts.

Instead of fostering global cooperation that can prevent the creation of bio-weapons and their delivery systems, current policies have thrown billions toward vaccine development. These resources have enormously benefited the pharmaceutical industry, but progress has been negligible. More profoundly, the galaxy of potential bio-terror agents is so vast and the opportunities for modifying an attack so varied, it is essentially impossible to develop vaccines against all possible threats. Indeed, terrorists could easily outwit the vaccine preparers by using a different disease.

Countering bio-terrorism must be a facet of a broad international commitment to prevent the spread of disease (*e.g.* public health), to enhance protection against and cures for disease (*e.g.* vaccination and drug therapies), to supervise the conduct of biological science, and to criminalize unauthorized or improper use of pathogens. The pursuit of bio-security is a shared human endeavor, demanding a shared human response through shared institutions.

Current policies must change rapidly to meet this growing danger. America must take the lead in encouraging cooperation with the international community as well as the private and research sectors to increase the security for us all. A regime that is internationally verifiable, that coordinates law enforcement, export controls, public health efforts and scientific research oversight and that is backed by national legal tools as well as international agreements is vital to the security of the United States.

### **About the Author**

Barry Kellman, a member of the Bipartisan Security Group, is a professor at DePaul University College of Law and the Co-Director of the International Criminal Justice and Weapons Control Center. He has been a consultant to the U.S. Department of Defense Special Weapons Agency, the Organization for the Prevention of Chemical Weapons, the U.S. Department of Energy, and the U.S. Department of Commerce.