

Dr. Yleem D.S. Poblete, Assistant Secretary
Remarks at the USG side event: BWC Compliance: Is Verification
Feasible?
at the Fifth BWC Meeting of Experts (MX5)
August 16, 2018, 9am to 10am
Palace of Nations, United Nations Geneva

Talking Points:

- I am pleased to welcome you to our event and spend some time this morning reviewing the realities of treaty compliance and verification with the Biological Weapons Convention (BWC), by providing you with a U.S. perspective.
- To do so, I invited other U.S. colleagues from Washington to this session. Together, we intend to preview with you our present-day understanding of the U.S. assessment regarding legally binding measures for BWC verification.
- Before turning to my colleagues, at the outset, I will point out that the United States recognizes there are differences of opinions on BWC verification and compliance; and
- In addition, we acknowledge there are some who believe that a negotiation of a legally binding verification regime is both feasible and necessary.
- As the Assistant Secretary for Arms Control, Verification and Compliance, my core responsibility is the overall supervision within the Department of State of all matters relating to verification and compliance with international arms control, nonproliferation, and disarmament agreements and commitments, including reports on these matters to the Congress;
- In preparation for this event and today's Meeting of Experts – MX5 -- where legal measures for verification, among other topics of discussion related to the strengthening of the Convention will be addressed, I want to report to you that the United States has carefully reexamined previous effort at negotiating a verification protocol. The

United States has determined such a regime would not provide an effective means to assure compliance or improve U.S. national security or, for that matter, global security.

- There may be States willing to accept a package of measures that may provide limited benefits. We also support practical measures, but not legally binding measures that enhance transparency and confidence in compliance.
- However, the bar for a legally binding verification regime is and must be set higher. In our view, any agreed verification measures must provide assurance with reasonable confidence that other States are abiding by their core commitments set out in Articles I and II of the BWC.
- Making a compliance judgment requires a high degree of confidence in the ability to distinguish between the prohibited from permissible (i.e. **verification**). To suggest that the BWC can be strengthened by provisions or a regime to verify compliance assumes that one can construct an effective and reliable verification mechanism. Absent the presence of certain things – for example, stockpiles of specialized munitions, filling lines for those munitions, or bulk stocks of agent, this often centers on intent. Moreover, a State pursuing biological weapons does not necessarily need any of those things to have a meaningful capability.
- While the United States considers the BWC to be the key instrument for strengthening international security against the threat of biological weapons, thus far, the United States is not aware of any formal mechanism or set of agreed procedures that would enable Parties to verify compliance with core prohibitions set out in Articles I and II of the BWC.
- I'll now turn the floor over to our invited experts— Dr. Seth Carus of National Defense University, Dr. George Korch of the Department of Health and Human Services and Dr. Doug Brown from the Department of Commerce—who will further address U.S. concerns with verifying compliance under the BWC, as a results of evolving bio-threats, inherently dual-use nature of bio-technologies, along with

a perspective of industry risk associated with an international mechanism.