

DRAFT

22 January 1996

Summary of Conference Call Discussion and Decisions

This memo presents the highlights of our discussion this morning, and the decisions and assignments that were made. It is not an exact rendering of our conversation; I have grouped relevant material together rather than follow chronological order.

1) **Export Controls.** Josh commented that the urge to restrict exports of biological materials in the name of preventing proliferation or terrorism remained a vexing issue and asked about current developments. John noted that a new, export control agreement to replace COCOM, which includes the states of Eastern Europe and the FSU, was signed in December, but he was not aware of specific provisions directed against the BW threat. The key issues are electronics: computers and encryption software. In addition, these arrangements do not include China and there is considerable U.S. government attention at the moment to how to draw the Chinese into some international framework. Alex commented that the Federation of American Scientists is working on a white paper on strengthening the BWC, with special attention to industry attitudes, but he was not aware of any special activities or recommendations on export controls. Jo had not talked about the issue with Kyle Olson and promised to do so.

[NOTE: I spoke with Kyle Olson and he said he was not aware of any new efforts to increase the export controls already in place on BW-relevant materials. He has a large amount of information on specific cases in which the current controls are a problem, but that would be a different study. I also attended a lunch at which Under Secretary of State Lynn Davis spoke about the successor to COCOM, the Wassenaar Arrangement, that governs dual-use technology and conventional arms transfers. The lists of technologies covered will be published in the next few weeks, but there is no sign that it will relate to BW. That appears to remain the province of the Australia Group.]

Josh said that the American Type Cultures Collection is having a specific problem. It would like to provide information about its activities to law enforcement agencies, but is constrained by privacy/proprietary considerations. He suggested contacting Ray Sypess at ATCC to explore whether an Academy study might be of interest to them.

John Steinbruner concluded the discussion by commenting that any effort to address BW export issues satisfactorily will require new arrangements for transparency and disclosure, since denial cannot be effective. BW is in fact the prototype case of a new approach to export controls, which the U.S. government is slowly acknowledging, but which has not gained wide acceptance.

Decisions/Tasks: Jo will talk with Ray Sypess at ATCC. She will keep tracking the release of information about the new post-COCOM regime and whether it has any particular components related to BW.

2) Sustaining an International Consensus on the Unacceptability of BW Use. Josh said that he had not talked with Bruce Alberts about the possibility of getting the new Inter-Academy Panel on International Issues interested in a statement on the responsibilities of scientists in sustaining the international consensus that the use of BW is taboo. Jo commented that the IAP was meeting this week, but that she believed the meeting was devoted to working on a statement on the problems of "megacities" for the UN Habitat II conference. Josh wants to call Bruce Alberts to raise the issue and she agreed to find out more about the IAP agenda before he did so.

Decisions/Tasks: [NOTE: After the conference call, Josh sent Bruce an email on the subject, but it was too late to add it to the IAP agenda for this meeting. Jo will raise it informally, in particular with Anne McClaren from the Royal Society. The next IAP meeting will probably be September 28th, so we have time to prepare the ground for a discussion.]

Matt reported that he is working on a manuscript that explores how international humanitarian law might be brought to bear on the BW problem. In particular, there is the concept of a "crime against international law," which provided the base for the Bosnia and Rwanda war crimes tribunals. This concept could be a way to establish individual responsibility for compliance with the BWC and any supporting agreements, and hence could be a means to get at the problem of subnational groups and terrorism. A UN General Assembly resolution could be the mechanism for establishing such responsibility. Josh added that he was also concerned with the creation of strong national laws against individuals involved in BW activities.

3) BW Conversion. [NOTE: See cover memo] John Steinbruner is to have lunch with Harold Smith on January 23rd, and there are some signs that this will result in a formal request to the Academy for a joint study with the Russians to design a systematic conversion assistance program. He had had a meeting in November with Gen. Lajoie, who works for Smith; Col. Franz, the head of USAMRIID; Susan Koch, DASD for Threat Reduction Policy under Ash Carter; Laura Holgate, who manages CTR for Ash (she took Gloria Duffy's place); and several people from the intelligence community. John argued strongly that involving these scientists and facilities in continuing collaborative projects with the West is one of the best ways to increase our confidence that the Russians have stopped offensive BW research. John came away from that meeting with the impression that we are making progress in getting our ideas accepted, but that there was still considerable inertia and some outright resistance to be overcome.

Alex Shelokov reported that, based on his recent travels and conversations with emigre scientists, there is strong feeling among the Russians that the people still in charge of

the former BW facilities are not to be trusted. In many cases, the old guard has simply changed its surface coloration, but remains the same underneath. Bob commented that Sandakhchiev's recent interview in Science, in which he said he was still doing some highly classified work, would not help matters. Josh responded that Sandakhchiev has been saying all along that he is still doing some sensitive work, but agreed with Alex's point that such suspicions make the continued presence of Western experts who can assess the substantive content of the work taking place essential. Everyone agreed and noted that finding Western scientists to participate will be key to a successful program. John commented that this is one major reason why you want a network of strong institutional arrangements, so that people can be recruited into an important enterprise.

Bob recounted a conversation with Col. Franz, the head of USAMRIID, who is eager to bring Russian scientists to USAMRIID to work on research projects. So far, he has only been able to bring one person for a short stay because there is a fear that the Russians would learn what areas are considered deficiencies in our defensive capabilities through a knowledge of our research program. In addition, he has not been able to find any U.S. military scientists to go to Russia to work in facilities, which illustrates the difficulties of finding personnel. Matt commented that the universities had not been tapped yet and that these represented a significant potential resource.

One issue that came up in John's meeting in November was the scientific merit of the "paleo-pathology" project. Bob Chanock suggested switching the focus to finding the virus that caused the 1918 flue pandemic and this was immediately accepted as an important and very worthwhile idea. Bob will contact Ron Webster, who along with John Scayhill has been trying unsuccessfully to isolate the virus using U.S. Army samples, to get a written endorsement of the project. Josh will then call Susan Koch and Laura Holgate to make the case for the project.

Bob commented and others agreed that any project will have to be designed so that the Russians are full partners and gain something tangible from the collaboration. John agreed that genuine reciprocity will be needed to ensure that we achieve the kind of access and sustained collaboration we want.

John thought there would be real interest in the flu project since one of the concerns he heard was for finding "safe" collaborations, that is, to avoid working with the Russians on agents of particular BW concern. Jo reported that a similar concern emerged in a meeting that Anne Harrington organized for people around the federal government who are engaged in joint biotechnology or biomedical projects with Russia or the other FSU republics. There is a strong urge to find projects unrelated to potential BW agents (such as "oil-eating" bacteria) rather than to make use of the Russian expertise for public health research. Josh noted that this is an issue we will have to be prepared to tackle if we are asked to undertake a joint study.

Jo reported that Anne Harrington's meeting had shown that, in spite of the nervousness about "waking up to find you're on the front page of the Washington Times," there were a number of people who could be tapped for any project we do. For example, there is increasing communication among the DOE and DOD labs interested in working with the Russians. John agreed that this could be an important resource and that DOE's "lab-to-lab" program on increasing the security of fissile materials in the FSU could be a model for us. It is also one of the few areas of U.S.-Russian security cooperation that is working well at the moment. Anne Harrington would be interested in further work with us as she tries to develop her network, and we need to keep in touch. She has energy and good ideas, but is stretched thin trying to cover the full range of ISTC projects.

Jo commented that, if we are given the internal planning funds we have requested, they could be used either: (1) to jump start our work while the DOD contracting process grinds on if Harold Smith is ready to ask for our help; or (2) to hold a workshop or meeting that could drum up support for the kind of project we want to do if DOD is not ready to act.

Decisions/Tasks: Bob will contact Ron Webster to get a written endorsement of the flu project. Josh will then call Susan Koch and Laura Holgate to make the case for the project.

4) **BW Terrorism.** Bob commented that the lack of a budget for HHS has made Frank Young's efforts problematic. The situation at USAMRIID, where Col Franz is interested in Bob's ideas, is also difficult. Their lab budget has been cut by 20% at the same time that they have been given 18 new projects.

Josh replied that the one good piece of news is that ARPA will be allocating a few million dollars to defensive research and that he thought everyone would be pleased with APRA's choice of a project leader. Josh expressed skepticism that there is much our Group or the Academy can do on this issue at the moment.