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The President
The White House
Washington, DC 20500

Dear Mr. President:

Recently, you proclaimed that members of Al Qaeda, who operate in more than 60 nations, "are seeking chemical, biological and nuclear weapons."¹ In response to this threat, you said, "We will not wait for the authors of mass murder to gain the weapons of mass destruction. We act now because we must lift this dark threat from our age and save generations to come."²

We wholeheartedly agree that the United States and the international community must use all tools at our disposal to prevent the production and proliferation of weapons of mass destruction. We also strongly agree that we should not wait for terrorists to obtain these weapons before taking preventative action.

For these reasons, we are writing to urge you to reconsider your Administration's decision to oppose international negotiations for mandatory inspections under the Biological Weapons Convention. International inspections of facilities capable of producing biological weapons are a significant tool in deterring the use of biological weapons. In light of the events of September 11 — and especially in the context of the recent anthrax attacks — we believe this tool should not simply be discarded.

The 1972 Biological Weapons Convention banned the production, possession, and use of biological weapons. One problem with the treaty, however, was that it included no provisions for verifying that its terms were being met. As a result, countries such as the Soviet Union were able to continue producing biological weapons in violation of the treaty.

¹*Bin Laden Seeks to Gain Nuclear Arms, Bush Says; Terrorists Also Want Chemical and Germ Weapons, President Warns*, Los Angeles Times (Nov. 7, 2001).

²*Id.*

To address this problem, the previous Administration began negotiating with other signatories on a protocol, or amendment, to the treaty that would enhance transparency and encourage compliance. State Department officials explained that although mandatory inspections might not detect every violator, they would deter proliferators by making their operations more difficult. Last year, your current chief negotiator described these benefits as follows:

Actually talking to scientists and production workers on the ground, as well as observing the atmospherics at a facility, are ways for experienced observers to detect anomalies. One can never discount either the “whistleblower” prospect of an employee or the ineptitude of a cover-up of an illicit activity. While there is no way to judge the likelihood of such an outcome, the deterrence component is useful since it complicates the life of a potential proliferator.³

This spring, however, your Administration concluded that the benefits of mandatory inspections were outweighed by the potential expense and inconvenience inspections might cause domestic pharmaceutical companies.⁴ As a result, the State Department decided to oppose further negotiations on mandatory inspections.

In light of the September 11 attack and the more recent anthrax attacks, we hoped the State Department would drop its opposition to inspections. Unfortunately, news reports indicate that the Administration currently intends to continue to oppose this essential verification mechanism.⁵ We believe this is a serious mistake with potentially grave consequences for national security.

In the aftermath of the events of the past two months, we believe the Administration should reevaluate its opposition to mandatory inspections. The current State Department position would forego a valuable tool in the fight against bioterrorism. Without inspections, we will be forced to wait until an attack or an outbreak of suspicious disease before any investigations can be initiated. Just as United Nations inspectors have been shut out of Iraq, we too will be left with “serious doubts” that terrorists or rogue states have terminated their biological weapons programs.⁶

³Testimony of Ambassador Donald A. Mahley, Subcommittee on National Security, Veterans Affairs, and International Relations, *Hearing on The Biological Weapons Convention: Status and Implications*, 107th Cong. (Sept. 13, 2000).

⁴*U.S. Germ Warfare Review Faults Plan on Enforcement*, New York Times (May 20, 2001).

⁵*U.S. Seeks Changes in Germ War Pact*, New York Times (Nov. 1, 2001); *Bush Would Update Germ Warfare Pact*, Washington Post (Nov. 2, 2001).

⁶*U.S. Seems to Ease Rhetoric on Iraq*, Washington Post (Oct. 24, 2001) (describing 1999 UNSCOM findings that without continued inspections, “the commission has no confidence that all bulk agents have been destroyed; that no BW munitions or weapons remain in Iraq; and that a BW capability does not still exist in Iraq”).

There is a meeting scheduled later this month in Geneva in which signatories of the Biological Weapons Convention may decide the fate of these negotiations. You and Secretary of State Colin Powell have worked to assemble a wide-ranging and diverse coalition against terrorism. Supported by strong U.S. leadership, this coalition could reinvigorate the negotiations. For the security of our entire nation, we hope you will change course and use the upcoming session in Geneva to issue a strong call for mandatory inspections.

Sincerely,

Angela Merkel

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