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WASHINGTON AND THE BWC PROTOCOL NEGOTIATION

In the aftermath of the February session of the BWC Ad Hoc Group, on which Graham Pearson reports in this issue, it is far from clear that the BWC Protocol will be completed before the commencement of the Fifth BWC Review Conference in November 2001.

What is clear, however, is that decisions taken between now and the April Preparatory Committee for the Review Conference will be critical in determining whether that deadline — agreed by states parties at their Fourth Review Conference, in 1996 — is met.

The first and potentially most important decision is to be made in the United States, where the new administration of President George W Bush has launched what is reported to be a broad review of US policy toward the BWC Protocol.

Readers of the *Bulletin* will recall that, in what was said to be one of the most hotly contested non-proliferation decisions of the new Clinton Administration, the White House announced in September 1993 that the United States would support the negotiation of new measures to deter violation of the Convention and to strengthen compliance with it. Now, with the Protocol negotiation still underway, figures from earlier administrations are re-entering office, bringing with them their well known scepticism towards multilateral arms control agreements such as the BWC.

Participants in the Washington BWC Protocol review, some of whom have served on the US Ad Hoc Group delegation, will weigh the potential costs of the Protocol to US biodefence and antiterrorism programmes and to the US pharmaceutical and biotechnology industries against the potential benefits. It is not clear whether value is seen in the norm-setting function of the BWC itself, a function that may be weakened in regard to potential violators, both state and sub-state, if after all there is no Protocol. Furthermore, members of the US delegation have made no secret in Geneva of their desire for a change in the mandate for the negotiation.

The final decision on US policy is to be made at a more senior political level, where presumably there will be some sensitivity to the long-term security and foreign-policy implications of simply walking away from the negotiations. As a consequence, Washington observers expect a more nuanced approach — but one which may accomplish essentially the same end.

One possibility is that the new Bush administration will try to persuade AHG Chairman Tibor Tóth not to publish his long-awaited composite text in April. If this is indeed his

decision, the deadline for completion will not be met, as there will not be time enough to address the outstanding substantive and procedural issues between then and November.

If, on the other hand, Ambassador Tóth goes forward with the composite text, the Protocol's prospects in 2001 may well depend upon decisions taken by key Non-Aligned Movement (NAM) and other countries.

Nowhere is this more true than on the issue of export controls, which has pitted Iran and some other NAM countries against the USA and others in the West. Iran has heretofore argued that existing multilateral export controls on biological materials are discriminatory and that, if it is to support the Protocol, safeguards against their improper application must be incorporated. Continued adherence to this position would provide the Bush Administration with opportunity to shift the blame for the Protocol's failure away from Washington and on to the NAM.

However, a willingness to compromise — by Iran and the NAM on export controls, by Russia on definitions and thresholds, by China on declared information, by the West on BWC Article X measures, and, within the Western and the other main negotiating groups, on criteria for declarations — could provide Ambassador Tóth with the ability to fashion a final Protocol text that, while not 100 per cent acceptable to any single delegation, could command the support of the AHG as a whole.

Under such circumstances, the decision would again be Washington's to make: whether to take the lead with such a text, as an earlier Bush Administration had done for the CWC, thus strengthening the regime against bioweapons at state and sub-state levels, or to be responsible for the failure of the Protocol negotiations in 2001.

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