

sites, the continuation of visits was formalised under a Joint Statement by the three governments in Moscow on 10 and 11 September 1992 (commonly referred to as the Trilateral Agreement). Described as a CBM rather than verification (with its implication of non-compliance), the agreement provided for reciprocal visits to each others' military biological facilities. The US and UK were first invited to observe a Russian Commission of Inquiry to assess whether work at the Institute of Ultrapure Preparations violated the BWC. Unsurprisingly, the Commission declared that it did not. Agreements were then adopted on protecting proprietary information before another US-UK team visited Russian facilities in May and October 1993 and January 1994. Again, the Russians restricted access to certain facilities. They also failed to provide credible explanations of evidence of large-scale production and of facilities indicative of offensive application, such as excessive containment levels for current operations and aerosol test chambers. A Russian team then visited US commercial facilities and a Department of Agriculture site in February 1994. Further discussions were held in 1994 to 1996 on procedures for future visits ('Rules of the Road'), although these were never concluded as Russia continually failed to cooperate in the discussions. A lack of political will in Russia and the US to continue the process resulted in its demise.

The Trilateral Agreement is the only example of a voluntarily agreed multilateral inspection process to verify BWC compliance. While it was not a success in verification terms, the process was important in demonstrating that even inspections under conditions of limited access and minimal cooperation can identify indicators of an offensive BW programme. When pieced together, such evidence can provide a compelling picture of non-compliance.

The BWC compliance mechanism

Article 5 of the BWC provides for bilateral and/or multilateral consultations between states parties should a non-compliance allegation occur. The procedure was fleshed out by understandings agreed at the treaty's third Review Conference in 1991. The procedure was invoked in 1997, following a Cuban allegation that US aircraft had caused a crop disease outbreak involving *thrips palmi*. Information was sought and received from both Cuba and the US and a two-day meeting was held in Geneva by states parties to hear each side's case. However, no attempt was made to initiate a fact-finding mission, conduct on-site activities, identify and collate open source information or to solicit information from NTM. The chair of the meeting noted that 'the technical complexity of the issue and the lack of further detailed information made it impossible to draw any definitive conclusions'.⁴³ Although under Article 6, states parties may refer compliance matters to the UN Security Council, Cuba made no attempt to do so on this occasion.

No other alleged violation of the BWC has been brought to the Councils' attention. Even outside the BWC compliance framework, any state may bring such a BW matter to the attention of the UN Security Council as a threat to international peace and security, but none has yet done so.

⁴³ Letter from Ambassador Ian Soutar, United Kingdom Permanent Representative to the Conference on Disarmament, dated 15 December 1997 to All States Parties to the Biological and Toxin Weapons Convention.