

The 'new process'

Ultimately the AHG membership was unwilling to proceed with a BW protocol in the absence of the US. Instead they acceded to US wishes and effectively abandoned the negotiations. This suited many other states, such as China, Iran and Russia, which, while unhappy with the protocol, would not have opposed its adoption outright had the US supported it. For their part, many developing countries see the BW problem as irrelevant to them, or at least of low priority, and had been attempting to use their agreement to improved verification as a bargaining chip to obtain increased assistance from the West in biotechnology.

Although the AHG was never been officially terminated, the fifth BW Review Conference in November 2002 agreed on a 'new process' of discussions by annual expert meetings, followed by meetings of states parties to consider their outcome. This process aims to promote 'common understanding and effective action' on five issues. The sixth Review Conference in 2006 is to assess the product of this intersessional work programme and decide on further action. The issues are:

- adoption of necessary national measures to implement the prohibitions set forth in the convention, including enactment of penal legislation;
- national mechanisms to establish and maintain security and oversight of pathogenic micro-organisms and toxins;
- enhancing international capabilities to respond to, investigate and mitigate the effects of alleged use of biological or toxin weapons or suspicious outbreaks of disease;
- strengthening and broadening national and international institutional efforts and existing mechanisms to survey, detect, diagnose and combat infectious diseases that affect humans, animals and plants; and
- the content, promulgation and adoption of codes of conduct for scientists.

The Bush administration is now so averse to any multilateral effort to improve the BWC that it has exerted strong influence over the new process to ensure that discussions do not stray into negotiations and that no substantive outcome materializes.

This was tested in the first of the Expert Meetings, held in Geneva from 18–29 August 2003, which discussed national implementation legislation³⁹ and bio-safety and security. Although the US is strongly in favour of both relatively benign measures, it wishes to pursue even these outside of a multilateral framework, dealing instead with states bilaterally and within groupings of 'likeminded' nations. The first annual Meeting of States Parties to consider the work of an Expert Meeting, held in November 2003, was thus anodyne in its conclusions, simply providing a factual account and no recommendations for future work. The second annual round of Experts Meetings, held in July 2004, saw a better working atmosphere, although the US maintained its previous attitude.⁴⁰

Just how the remaining topics on the list will fare is unclear, but even if all the discussions result in agreed and workable initiatives, collectively they will come nowhere near to effective verification of the BWC. They will increase transparency somewhat, improve national implementation and possibly establish some form of multilateral cooperative endeavour, but it will be a far cry from the CWC

³⁹ See *Time to Lay Down the Law: National Legislation to Enforce the BWC*, VERTIC, London, October 2003.

⁴⁰ See Jez Littlewood, 'Back to basics: verification and the Biological Weapons Convention', in *Verification Yearbook 2003*, VERTIC, London, 2003.