

2. The Present Situation

The Political Environment

The process that we've followed over these past seven years with the Ad Hoc Group has led us into a ditch and it's time to recognize that and to start thinking about other ways of moving ahead...We're not going to proceed with the draft protocol.

John Bolton, U.S. Undersecretary of State for Arms Control and International Security, 11 January 2002⁴

The current impasse in negotiations surrounding the strengthening of the 1972 Biological and Toxin Weapons Convention (BTWC) stems from a fundamental disagreement over the utility of the so-called Ad Hoc Group (AHG) process, which was mandated in 1994 to draft a legally binding document to strengthen the BTWC. Over six years of detailed discussions culminated in March 2001 when the Chairman of the AHG, Ambassador Tibor Toth, circulated a draft Protocol text to encourage conclusion of the negotiations. This was comprehensively rejected by the new Bush administration, which not only refused the draft Protocol text but also dismissed the entire 'approach' of the Protocol. The US announcement was the precursor to the complete collapse of the negotiations, and effectively stalled the Protocol process.

Worse was to come in November and December 2001 at the Fifth Review Conference of the BTWC, the latest of the five-yearly meetings of States Parties to assess and strengthen the working of the Convention. On the last day of the meeting, only two hours before the scheduled end of negotiations, the United States unilaterally demanded the termination of the Protocol process. This US bombshell, announced without prior warning, created a rancorous atmosphere, prompting the suspension of the Conference for one year to allow time for 'cooling off.' States Parties agreed to resume the Conference for a two-week period beginning on 11 November 2002.

Washington's hostility to the AHG process stems from a combination of factors: some ideological (in keeping with the present trend towards unilateral pre-emptive approaches and an aversion to multilateral treaty-based solutions) and some economic (driven by the intellectual property concerns of the US pharmaceutical industry).⁵ However, the bottom line is that re-engagement in international BW negotiations by the current US administration is unlikely at this stage and for the foreseeable future. Indeed, US diplomats are already pushing to cut short the reconvened review conference in November 2002, and are opposing any further treaty meetings until the next review conference scheduled for 2006.⁶

⁴ The Biological and Toxin Weapons Convention: Challenges and Opportunities, Speech by John R. Bolton, Under Secretary of State for Arms Control and International Security, 11 January 2002. For full text see <http://www.cns.miis.edu/cns/dc/011102.htm>

⁵ For further discussion on why the US administration is opposed to the AHG process, see *Disease by Design: De-mystifying the Biological Weapons Debate*, BASIC, November 2001, pp42-50. Available at <http://www.basicint.org/pubs/Research/2001diseasebydesign1.htm>

⁶ David Ruppe, 'BTWC: With Threat, U.S. Pressures to End Review Conference Early', *Global Security Newswire*, 6 September 2002.