

Third session  
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BWC ARTICLE X: AREAS OF BIOLOGICAL ACTIVITY OF  
DIRECT RELEVANCE TO THE CONVENTION

Introduction

1. It was evident from the July meeting of the Ad Hoc Group that discussions on Article X could encompass a very wide range of diverse issues. Although given the terms of Article X, this may be to some extent inevitable, it might be useful for the AHG to focus its attention on a more specific range of activity. The Friend of the Chair paper refers to “areas directly relevant to the Convention”. This paper seeks to help identify these areas more precisely.

Range and extent of existing Article X implementation

2. Biotechnology is one of biggest growth areas in science. Medicine, veterinary medicine, agriculture, genetics and fertility, pharmaceuticals, environmental sciences are only some of the fields. It is important to recognize - as the Friend of the Chair resource paper does - that since entry into force of the BWC, much has been done to ensure that States Parties do facilitate exchanges in the biological field for peaceful purposes. This paper is not intended to catalogue all the cooperative and commercial arrangements which already exist. But it is important to highlight that many existing bilateral and multilateral organizations, programmes and projects are already engaged in activities which support the objectives of Article X. Taking, for example, multilateral activities carried out within UN organizations:

- WHO Global Programme for Vaccines and Immunization
- WHO Division of Epidemiological Surveillance and Health
- New WHO Division of Emerging, Viral and Bacterial Diseases Surveillance and Control
- FAO programmes work on plant genetic resources for improvements in agriculture
- OIE (World Organization for Animal Health) work in veterinary biotechnology

- UNIDO's BINAS programme on biotechnology industry in the developing world
- Information Clearing House set up under the Convention on Biodiversity

Several Ad Hoc Group papers and interventions have highlighted this kind of work, as well as that carried out under bilateral assistance programmes.

3. In addition, recent developments in international cooperation on the environment have greatly expanded the framework for cooperation on biotechnology and biology. Specifically, the Biodiversity Convention contains several provisions which oblige States Parties to provide and/or facilitate access to technologies, information, training and research that are relevant to the conservation and sustainable use of biological diversity or make use of genetic resources. Clearly, work is only at a preliminary stage. But in focussing the work of the Ad Hoc Group on Article X measures it will be important to bear in mind that many other fora are already working in relevant fields, or have put them on their agendas.

#### Areas directly relevant to the Convention

4. The Friend of the Chair's resource paper on Article X recognizes the need for the Ad Hoc Group to concentrate on considering specific measures in those areas more directly relevant to the Convention, but does not seek to identify the areas of direct relevance. One approach identified in the FOC paper, and which picks up wording from Article X itself, would be to focus on "the peaceful uses of agents and toxins". Another (and complementary approach) may be to examine which peaceful activities the Ad Hoc Group has already identified as of interest for the application of compliance measures. Relevant areas could include identification, prophylaxis eg vaccines and treatment related to pathogens and toxins. Epidemiology, epidemiological surveillance and data reporting would relate directly to the compliance measures investigations of alleged use and of unusual outbreaks of disease.

5. Much groundwork for potential cooperation in these areas has been done in fora such as ProMED, PROCEID and the FAS seminars. These represent a useful starting point which could focus the work of the Ad Hoc Group because they make specific proposals in a definable field of activity clearly relevant to the Convention. Again, a good deal of this work is already being conducted under the aegis of existing organizations - especially WHO. A constructive initial approach would be to examine these existing programmes in some depth, identify how far they contribute to the aim of promoting the use of agents and toxins for peaceful purposes, and consider what and whether more needs to be done.

6. It must be recognized that much of the work in these fields is the preserve of commercial companies. States Parties cannot replicate the activities of the private sector, nor dictate to biotechnology companies what information they should release. However, there may be opportunities for cooperation in areas such as Good Manufacturing Practice, safe

laboratory procedures, biological containment, product standards, quality control and new biotechnology methods as Section VI of the FOC paper suggests.

Cooperation connected with the implementation of compliance measures

7. Several suggestions have been made by which States Parties could assist others to meet the obligations which may be imposed by a future compliance regime. Most obviously, this could include technical advice and assistance in the establishing of the appropriate national authority/body; in the preparation of declarations; training in managed access negotiation and other inspection related activities. In addition to this, it has been proposed (most notably in Working Paper BWC/AHG/22 submitted by Brazil at the July session) - which would link cooperative activity with on-site compliance measures in other ways. The Brazilian paper proposes that visiting inspection teams could give assistance in the form of arranging seminars on relevant topics, eg biosafety. These proposals are worth further examination, but it should be noted that their feasibility will depend on the structure of the on-site measures regime to be determined in the compliance measures group.

Future work by Ad Hoc Group on Article X measures

8. In conclusion, the Ad Hoc Group could adopt the following strategy in starting substantive work on Article X measures:

- Establish more directly what areas of work are directly relevant to the BWC;
- Inform itself more fully about the extent of activities in these areas being undertaken by existing organizations and programmes (eg in vaccine production, epidemiological survey etc). Options include reports to the Group by the Friend of the Chair on relevant activity, national papers, presentations by representatives of organizations, questionnaires etc.
- Determine whether there is therefore a new and real role for the BWC, and what this might be. Given the breadth and depth of existing and potential cooperative activities in these other fora, the most appropriate and efficient role may be as a collector and disseminator of information about these activities, as relevant; and as a possible coordinator of advice and assistance on subjects related to the implementation of the compliance protocol.

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