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Working paper submitted by the Friend of the Chair

This paper is without prejudice to the positions of delegations on the issues under consideration in the Ad Hoc Group and does not imply agreement on the scope or content of the paper.

ELEMENTS FOR STRUCTURED DISCUSSIONS ON ARTICLE X ON THE
BTWC

In order to facilitate a structured discussion on Article X of the Biological Weapons Convention regarding peaceful uses in the field of bacteriological (biological) activities, the following are some possible elements for consideration:

I. SCOPE AND CONTENT OF POSSIBLE SCIENTIFIC AND TECHNICAL EXCHANGES IN FIELDS DIRECTLY RELATED TO PEACEFUL PURPOSES IN ACCORDANCE WITH THE PROVISIONS OF THE CONVENTION

1. Transfer and exchange of information concerning research programmes in biosciences.

a) Exchange of data, including name, location, scope and general description of activities on research centres and laboratories.

b) Wider transfer and exchange of information, materials and equipment among States on a systematic and long-term basis.

c) Coordination of national and regional programmes and working out in an appropriate manner the ways and means of cooperation in this field.

d) Coordination in providing information on national epidemiological surveillance and data

reporting systems.

2. Active promotion of professional contacts between scientists and technical personnel, on a reciprocal basis, through the following:

a) Planned international conferences, seminars, symposia and similar events dealing with biological research.

b) Lectures on scientific and technical questions of interest by qualified experts from the public and private sector of participating States Parties.

c) Visiting internships in relevant fields of biological research.

d) Other opportunities for exchange of scientists, joint research projects or other measures to promote contacts between scientists and technical personnel.

3. Encouragement of publication of results of biological research directly related to the Convention, in scientific journals generally available to States Parties, as well as promotion of use for permitted purposes of knowledge gained in this research.

a) Basic and applied research in biosciences, and particularly that directly related to the Convention, should be unclassified, as a general rule.

b) States Parties are encouraged to provide information on their policy as regards publication of results of biological research.

c) States Parties should provide information on relevant scientific journals and other relevant scientific publications generally available to States Parties.

d) A BTWC Organization is to collect and survey information continuously and make it accessible to States Parties.

4. Increased level of technical cooperation and

assistance

- a) Training programmes to developing countries in the use of biosciences and genetic engineering.
- b) Support for the establishment, operation and updating of biological databases.
- c) Assistance to States Parties in the preparation of declarations and reports required or relevant to the Convention.
- d) Assistance to States Parties in drawing up internal legislation which would be required as part of an enhanced compliance regime.
- e) Training of national authorities in areas such as biosafety, diagnosis, identification of agents, development and production of vaccines.
- f) Technical assistance for the gradual upgrading of national biological safety practices to reach multilaterally agreed standards.

II. GREATER MULTILATERAL COOPERATION IN INTERNATIONAL PUBLIC HEALTH AND DISEASE CONTROL.

- 1) Cooperation on a bilateral level and/or in conjunction with the World Health Organization (WHO), the International Office of Epizootics (IOE) and the Food and Agricultural Organization (FAO) regarding epidemiological surveillance, with a view to improve the identification and timely reporting of significant outbreaks of human and animal diseases.
- 2) Identification of further needs in the field of public health and development of epidemiological methods and procedures which may be applied in individual countries in order to meet those needs.
- 3) Examination of the need for the elaboration of an international programme of vaccine development for the prevention of diseases involving scientific and technical personnel from developing countries which are Parties to the Convention.

4) World Data Bank, entrusted with facilitating the flow of information in the fields of genetic engineering, biotechnology and other scientific developments. The WDB would solicit, collect and make available, data appropriate for various technological levels on Good Manufacturing Practices (GMP), safe laboratory procedures, biological containment, product standards, quality control, new or developing biotechnology methods and products and their potential applications in order to supplement existing Data banks and further disseminate knowledge.

5) Network for Exchange of Epidemiologic Data (NEED): Electronic network for rapid reporting of disease outbreaks, including human, animal and plant diseases, with review by experts providing analysis and assistance, may be directly applicable to measures which will strengthen the BTWC. This network could be part of the existing PROMED system.

III. SCIENTIFIC AREAS WHICH COULD BE PROMISING FOR COOPERATION UNDER ARTICLE X IN FIELDS DIRECTLY RELATED TO PEACEFUL PURPOSES IN ACCORDANCE WITH THE PROVISIONS OF THE CONVENTION

1) International cooperation in such areas as medicine, public health and agriculture.

2) Development of techniques for identification of agents and diagnostics.

3) Cooperative efforts in agricultural biotechnology, food production and enhancement and improvement in nutritional values due to genetic development.

4) Regulatory requirements and use of genetically modified organisms.

5) Study of the influence of enhanced radioactivity on microorganisms aimed at reducing its potentially harmful effects on humans, plants and animals.

IV. ADDITIONAL WAYS AND MEANS TO ENHANCE INTERNATIONAL COOPERATION

- 1) Facilitating the conclusion of bilateral, regional and multiregional agreements providing, on a mutually advantageous, equal and non-discriminatory basis, for their participation in the development and application of biotechnology.
- 2) Use of existing institutional means within the United Nations system and the full utilization of the possibilities provided by the specialized agencies and other international organizations.
- 3) Providing information on existing intergovernmental agreements that are relevant to the commitments made by States Parties to the Convention regarding or relevant to Article X.
- 4) Acknowledging activities that provide preferential or exclusive benefits to States Parties in good standing under the BTWC.
- 5) Registering and supporting appropriate external international programmes.

V. INSTITUTIONAL, LEGAL AND FINANCIAL ARRANGEMENTS

Fundamental questions concerning the type of organizational arrangement, the legal framework and the financial assistance envisaged to establish appropriate machinery supportive of Article X should be taken into consideration and decided by the Ad Hoc Group as a whole.

INSTITUTIONAL

- 1) A small, cost effective BTWC Organization.
- 2) An organization associated to the Organization for the Prohibition of Chemical Weapons (OPWC).
- 3) Inclusion in the agenda of a relevant United Nations body of the ways and means to improve existing institutional mechanisms in order to facilitate the fullest possible exchange of equipment, materials and

scientific and technological information regarding the peaceful use of biological agents and toxins.

Coordination to that end with United Nations specialized agencies and other international organizations, including FAO, WHO, UNESCO, UNIDO, UNEP, etc. (a tentative suggestion would be to allocate the leading role to the Commission for Sustainable Development).

4) Active association with the International Centre for Genetic Engineering and Biotechnology (ICGEB) which could carry on training programmes, exchanges and information activities, with the provision that the benefits would be limited to States Parties of the Convention.

LEGAL

1) Specific measures that merit further consideration in a legally binding regime to strengthen the BTWC should be listed in a protocol or other legally binding instrument designed to that effect.

2) Such specific measures should not affect the voluntary nature of cooperation provided on a bilateral or multilateral basis.

3) Other measures could be incorporated in a separate or associate instrument, or find their place in preambular paragraphs of the protocol or other legally binding instrument.

FINANCIAL

1) Full exploration of existing multilateral resources (through the establishment of working relationships with multilateral organizations such as WHO, OIE, FAO and regional bodies which already possess considerable expertise in the surveillance, prevention and control of infectious diseases).

2) Further consideration of the financial implications of the possible establishment of an independent organization or an organization associated to the CWCO

which could be entrusted inter alia with Article X functions.

3) The provision of a framework through which donor

countries could provide voluntary contributions and assistance.

4) A Special Fund could be established for contributions intended to implement data collection, exchanges, and for the upgrading of biosafety practices.

5) Bilateral or multilateral arrangements developed between donor and recipient countries in order to meet the cost of exchanges.

VI. MODALITIES, SAFEGUARDS AND LIMITATIONS

The paragraphs below under MODALITIES, SAFEGUARDS AND LIMITATIONS represent the range of views held by delegations.

The included language attempts to reflect the range of views presented. It in no way represents agreement among any group of delegations, nor does it reflect any necessary breadth of conviction by numbers of delegation.

1) States Parties should be encouraged to take the necessary measures to promote transparency and openness in all research which may have dual use.

2) States Parties should implement national measures and/or legislation, compatible with the provisions of the Convention, to regulate the transfer of dual-use technology of interest to the BTWC, in order to ensure that such transfers are compatible with Article III of the Convention and do not endanger international security.

3) States Parties should adopt specific measures to ensure full and effective implementation of provisions of the Convention on the peaceful use and the removal of all restrictions on transfer of material, equipment and technology for peaceful purposes to all States Parties without exception.

4) Nothing in this convention shall be interpreted in a manner that would be used to impose any restrictions on the peaceful uses of biotechnology.

5) The view was expressed that while peaceful uses of biotechnology, bioscience, and applied research are very important, it is absolutely essential that transfer of

dual-capable technology should be stringently reviewed to ensure, to the highest degree possible, its eventual use is in accordance with the basic object and purpose of the Convention. Such precautions may, in specific cases, necessitate non-transfer.

6) States Parties should endeavour to prevent that the application of scientific and technological research in areas associated with the BTWC may benefit or induce any kind of qualitative improvement in the field of biological weapons.

7) In order to efficiently address proliferation concerns, export control regimes need to be transparent, able to appropriately distinguish between civilian and non-civilian application of technologies and responsive to the legitimate aspirations of States Parties to promote their economic and social development.

8) The view was expressed that the objective of export control regimes should be transparent, and that export control regimes should be able to perform their responsibilities without interference with legitimate aspirations of States Parties. The mechanism of operation in detail of such regimes is a matter of national practice.

9) The economic and social development of all States Parties include the requirement for multi-laterally negotiated, universal, comprehensive and non-discriminatory sensitive technology transfer agreements.

10) The view was expressed that technology transfer is, in the final analysis, a matter of national, sovereign policy. Export controls do not compromise the ability to establish multi-lateral technology transfer agreements with nations that share the goal of preventing the spread of biological weapons.

11) The detailed impact of dual-use export controls on the social and economic development of States Parties should be further assessed within the context of the BTWC.

12) States Parties should ensure that a review of facilities intended to be used for scientific and technical exchanges be made before the initiation of an exchange to verify that all safety and immunization

measures can be implemented to protect the personnel and the environment.

13) States Parties should comply with legislation and administrative measures designed for the security and physical protection of research centres, laboratories and facilities intended to be used for scientific and technical exchanges, and to prevent unauthorized access to and removal of pathogenic or toxic material.

14) In adopting cooperative measures within the context of Article X, States Parties should duly account for national security concerns and the interests of proprietary information

VII. REPORTING, ADMINISTRATIVE AND REVIEW PROCEDURES

1) Annual Report by the Secretary-General of the United Nations, on the implementation of Article X, collated from the national reports submitted to the United Nations Centre for Disarmament Affairs.

2) Analysis of the Secretary-General's report by the BTWC Review Conferences.

3) Alternative mechanism: a treaty Organization would solicit, collect and make available to BTWC States Parties information on the implementation of Article X.

4) Consideration of an intersessional mechanism of the States Parties entrusted with the examination of reports and the monitoring of reporting procedures.

VIII. ROLE OF ARTICLE X WITHIN A COMPLIANCE ASSURANCE REGIME

1) The aim of an effective compliance assurance regime for the BTWC should be to simultaneously strengthen the disarmament and deterrence elements of the Convention and to provide explicit incentives for the peaceful use and international cooperation in the biosciences.

2) Particular attention should be devoted to that end to technologies benefitting States Parties in Article X areas and supporting BTWC compliance (i.e. vaccine for peace international programmes).

3) Emphasis on the study of infectious diseases and

similar occurrences caused by toxins that seem to deviate from the normal pattern as regards type, development, place or time of occurrence.

- 4) Formats and modalities of the exchange of information should enhance those elements which contribute to compliance with the BTWC purposes and objectives.
- 5) Cooperative measures, (which are not already politically binding CBM's) undertaken by the BTWC Organization to strengthen the compliance assurance regime, avoiding duplication with existing bilateral and multilateral programmes and endeavouring to rationalize the overall use of resources, which could include:
 - a) Cooperative measures implemented in connection with validation or information visits, during which information may be gathered on biotechnological activities at one or several close facilities.
 - b) Regional or national seminars on implementation of the BTWC, conduct of inspections, biosafety, identification of agents, diagnostics, vaccine production, etc. organized as appropriate in conjunction with other international organizations.
 - c) Other measures and cooperative activities intended to involve universities, research and production institutions, and private enterprises in areas benefitting both Article X and compliance requirements.
 - d) Training of the personnel of the future BTWC Organization.
 - e) Promotion of institutional and technical cooperation among the institutions concerned with the BTWC compliance assurance regime.
