

Second session
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DISCUSSION OF POTENTIAL ARTICLE X ISSUES

Working Paper submitted by the United States of America

This paper is intended to focus discussion on issues relevant to Article X of the Biological Weapons Convention (BWC). Agreeing to consider specific measures designed to ensure effective and full implementation of Article X does not infer that the Parties to the BWC conclude Article X is presently not fully implemented. It means there is agreement to explore potential additional proposals for the mutual benefit of all States Parties.

1. What, if any, shortcomings in the way Article X has operated need to be addressed? What are some specific instances when Article X of the BWC has had a direct negative impact? And, what kinds of activity would strengthen implementation of Article X?
2. What scientific areas would be the most promising to further cooperation under Article X?
3. Should cooperative agreements be developed between individual countries, recognized groups, international organizations and countries or can existing arrangements or agreements be better utilized to achieve the purposes of Article X?
4. How should cooperative programmes be administered? By the participants or other organizations?
5. Article III of the BWC is the basic non-transfer provision for illegal purposes. What is the relationship between Article X and Article III, i.e., how do we ensure that the exchanges are for peaceful and prophylactic purposes and are not being performed in contravention of the Convention? Are review procedures needed?
6. Are procedures needed to ensure that scientific exchanges to States Parties undertaken under Article X are consistent with Article III? What about exchanges to non-States Parties?
7. What could be done to further facilitate exchanges under Article X? A measure considering scientific and technical exchanges was proposed during VEREX and merits consideration as a useful measure. Other measures may be needed to address specific

cases. For example, notification of unusual outbreaks of disease, an existing CBM, could be amplified by development of epidemiological methods and procedures which may be applied in individual countries to meet their internal public health needs. Identification of needs may be required before programmes can be developed, i.e. exchange of information and ideas at a conference designed for the purpose may be needed. Agricultural biotechnology may be a useful area to consider for cooperative efforts. Food production and enhancement and improvements in nutritional values due to genetic developments are all areas for consideration.

8. How broad should exchanges be? Should we determine from current university exchanges whether they are more cost effective than industrial exchanges, since frequently university equipment and materials may not need to be exchanged? This may reduce the financial burden imposed upon the parties to the exchange.

9. Who would bear the cost of exchanges? The recipient country, the parties equally, or some other arrangements, and should such arrangements be developed before the exchange is begun?

10. What administrative and review procedures must be developed to ensure that the exchanges are useful to all parties and are providing worthwhile information to users?

11. Are there areas that should be precluded from scientific and technical exchange for reasons of safety and medical health of potential participants? Should a review of facilities be made before initiation of an exchange to ensure that all safety and immunization measures can be implemented to protect the personnel and the environment?

12. Should annual reporting of progress under exchanges be required? To whom should such reports be made?

13. Presuming exchanges should provide some benefit to the parties to the exchange, how is this measured and reported?

14. What would the scope of a normal scientific and technical exchange encompass? Information, data bases, equipment, procedures, analytical methodologies, safety and health data, etc.?
