

**FIFTH REVIEW CONFERENCE OF THE
STATES PARTIES TO THE CONVENTION
ON THE PROHIBITION OF THE
DEVELOPMENT, PRODUCTION AND
STOCKPILING OF BACTERIOLOGICAL
(BIOLOGICAL) AND TOXIN WEAPONS
AND ON THEIR DESTRUCTION**

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FIFTH BWC REVIEW CONFERENCE - ARTICLE X REVIEW

Working paper by Australia, France and Italy

1. The Conference once more emphasizes the increasing importance of the provisions of Article X, especially in the light of recent scientific and technological developments - including innovative research on genome sequencing like the human genome project - in the field of biotechnology, bacteriological (biological) agents and toxins with peaceful applications, which have vastly increased the potential for cooperation between States to help promote economic and social development, and scientific and technological progress, particularly in developing countries, with a specific focus on least developed countries, in conformity with their interests, needs and priorities.
2. The Conference acknowledges progress already achieved towards this end. Since the Fourth Review Conference, States Parties developed – both bilaterally and multilaterally, including through specialized International Organizations such as WHO, UNDP, FAO, OIE and ICGEB – an enhanced framework for international cooperation in the field of biotechnology, with growing allocation of financial resources, which focused on, *inter alia*:
 - research activities aimed at improving the capabilities of States Parties to monitor emerging and re-emerging diseases and to treat them;
 - international cooperation on disease outbreaks;
 - international cooperation on vaccine research and production and on global vaccination programs;
 - technology transfers;
 - training of national experts from developing countries on microbiology, molecular biology, immunology and pathology, plant biology, protein structure and function, virology, industrial biotechnology;
 - research activities on genome dynamics;
 - establishment of biological data bases;
 - publication, exchange and dissemination of relevant information.
3. The Conference notes nonetheless with concern the gap still existing between countries in the field of biotechnology, genetic engineering, microbiology and other related areas. The Conference urges all States Parties to actively continue to promote international cooperation and

exchange with States Parties in the peaceful uses of biotechnology, and urges all States Parties possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, in particular with developing countries, with a specific focus on least developed countries, for the benefit of all mankind. At the same time, the Conference stresses that measures to implement Article X need to be consistent with the objectives and provisions of the Convention.

4. The Conference emphasizes that States Parties should not use the provisions of the Convention to hamper the economic or technological development of States Parties to the Convention by imposing restrictions and/or limitations on exchange of scientific knowledge, technology, equipment and materials, for peaceful purposes in accordance with the objectives and provisions of the Convention.

5. The Conference, at the same time, notes that the Ad Hoc Group of States Parties, mandated by the Special Conference in September 1994, considered, *inter alia*, specific measures designed to ensure effective and full implementation of Article X, which would avoid any restrictions incompatible with the obligations undertaken under the Convention, emphasizing that the provisions of the Convention should not be used to impose restrictions and/or limitations on exchanges for purposes consistent with the objectives and the provisions of the Convention of scientific knowledge, technology, equipment and materials.

6. The Conference underlines the importance, in the context of Article X implementation, of the Convention on Biological Diversity and of the Rio Declaration and the Agenda 21 adopted by the United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, 1992. The Conference welcomes the adoption of the Protocol on Biosafety to the Convention on Biological Diversity in 2001 and looks forward to further steps being taken during the World Summit on Sustainable Development, to be held in Johannesburg, in 2002.

7. The Conference shares the global concerns about emerging and re-emerging infectious diseases, including, *inter alia*, AIDS, Bovine Spongiform Encephalitis and Foot and Mouth Disease. This underscores the need for a concerted international effort, including in the context of the implementation of Article X of the Convention. The Conference welcomes the efforts to establish a system of global monitoring of disease and encourages States Parties to further support the World Health Organization, including its Global Outbreak Alert and Response Network launched in 2000 and the WHO Centre on Communicable Diseases Surveillance and Response established in Lyon in 2000, the FAO and the OIE, in these efforts directed at assisting Member States to strengthen national and local programs of surveillance for infectious diseases and improve early notification, surveillance, control and response capabilities.

8. The Conference also welcomes the establishment, in 1997, of the International Vaccine Institute, an international institution devoted to strengthening the capacity of developing countries in vaccine development, production and use in immunization programmes.

9. The Conference urges the 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, and considers that the implementation of Article X could be enhanced through greater coordination among international cooperation programs in the biological field for peaceful purposes conducted by States Parties, specialized agencies and other international organizations.

10. The Conference urges States Parties, the United Nations and its specialized agencies to take further specific measures within their competence for the promotion of the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins, for peaceful purposes and of international cooperation in this field. Such measures could include, *inter alia*:

1. Exchange of information concerning research programs in biosciences and greater cooperation in international public health and control of diseases caused by microbial and other biological agents or toxins, in particular infectious diseases;
2. Wider exchange of information, materials and equipment among States on a systematic and long-term basis;
3. Active promotion of contacts between scientists and technical personnel on a reciprocal basis, in relevant fields;
4. Increased technical cooperation and assistance, including provision of training programs for developing countries in the use of biosciences and genetic engineering for peaceful purposes through active association with United Nations institutions, including the International Centre for Genetic Engineering and Biotechnology (ICGEB);
5. Facilitation of the conclusion of bilateral, regional and multiregional agreements providing, on a mutually advantageous, equal and non-discriminatory basis, for States Parties' participation in the development and application of biotechnology;
6. Encouragement of the coordination of national and regional programmes and working out, in an appropriate manner, the ways and means of cooperation in this field;
7. Cooperation in providing information on their national epidemiological surveillance and data reporting systems, and in providing assistance, on a bilateral level and/or in conjunction with WHO, FAO, IVI, and OIE, regarding epidemiological and epizootical surveillance, with a view to improvements in the identification and timely reporting of significant outbreaks of human and animal diseases;
8. The promotion of programs for the exchange and training of scientists and experts, and the exchange of scientific and technical information in the biological field between developed and developing countries.

11. The Conference considers that enhanced synergy among existing national and international data banks would facilitate the flow of information in the field of genetic

engineering, biotechnology and other scientific developments. In this context, the Conference underlines the importance of monitoring all related developments in the field of frontier science and high technology in areas relevant to the Convention.

12. The Conference welcomes the information provided by a number of States Parties on the cooperative measures they have undertaken towards fulfilling their Article X obligations and encourages other States Parties in a position to do so to provide such information.

13. The Conference encourages efforts to further elaborate international vaccine development programmes for the prevention of diseases which would involve the scientific and technical personnel, in particular from developing countries that are States Parties to the Convention, with a specific focus on least developed countries. The Conference recognizes that such programmes will not only enhance peaceful international cooperation in biotechnology, but also contribute to improving health care, assist in establishing systems for worldwide monitoring of communicable diseases, and provide transparency consistent with the objectives of the Convention.

14. The Conference, recognizing progress already achieved in this field, calls upon all States Parties in a position to do so to enhance cooperation in promotion and financing the establishment of vaccine production facilities, in particular with the developing States Parties to the Convention, with a specific focus on least developed countries. The Conference recommends further that relevant multilateral organizations and world financial institutions continue to provide assistance for establishment and promotion of vaccine production projects in these countries.
