

**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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**BACKGROUND DOCUMENT ON COMPLIANCE BY STATES PARTIES
WITH ALL THEIR OBLIGATIONS UNDER THE CONVENTION ON
THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND
STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND
TOXIN WEAPONS AND ON THEIR DESTRUCTION**

Prepared by the Secretariat

1. In paragraph 22 of its report (BWC/CONF.V/PC/1), the Preparatory Committee for the 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 decided to request the Secretariat to compile a background document on compliance by States Parties with all their obligations under the Convention. The Preparatory Committee, furthermore, decided that for the purpose of preparing this document, the Secretariat would request States Parties to provide information regarding compliance with all the provisions of the Convention.
2. The present document contains the information provided by States Parties to the Secretariat, as of 26 October 2001, pursuant to paragraph 22 of the report of the Preparatory Committee.

Argentina

Argentina would like to confirm to States Parties, through the Secretariat, that Argentina is in full compliance with its obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC).

The Republic of Argentina does not possess, store or produce Biological and Toxin Weapons.

The Republic of Argentina submits annually to the UN Secretariat data declarations under the Confidence Building Measures set forth by the Third Biological Weapons Convention Review Conference.

These international commitments have been consolidated, through the establishment of a strict regime for the control of sensitive exports since 1992 by Decree No 603, which also created the National Commission on Exports Controls on Sensitive and War Material.

The joint resolution MD 1373, issued on December 15, 1993 included to such controls a list of biological agents affecting human beings, manufacturing equipment and facilities for chemical substances, a list of biological agents, an additional warning list, a list of animal pathogenic agents, a list of plant pathogenic agents, and equipment of dual biological usage.

The above-mentioned resolution also provided that an Import Certificate Form must be authorized in every case by the "National Commission for the Control of Sensitive Exports and War Material".

The Ministry of Foreign Affairs is the coordinator and the natural contact with Member States of the Ad Hoc Group of the BWC. The laboratory and professional experts required for inspections will be under the competence of CITEFA, a Government body controlled by the Armed Forces. The Ministry of Economy manages the access and maintains contact with the private biological industry. Different institutions and National Administration Agencies have been asked to collaborate in their specific capacities, whenever necessary.

Assistance and Cooperation, Seminars and Courses related to Art. X of the BWC:

1. Bilateral Seminar on Non-Proliferation Strategies. Organized by Intelligence Secretary of the Government of Argentina (SIDE) jointly with the Government of the United States of America. It was held in Buenos Aires, September 26-28, 1994.
2. First Regional Symposium on Science, Technology and Defense of the Southern Hemisphere. Organized by the Defense Commission of the Honorable Senate and the Honorable House of Representatives of the Republic of Argentina, October 11-12-1994.
3. The "International Seminar on Non-Proliferation of Chemical and Bacteriological Weapons" was held on November 15-16, 1994, in Buenos Aires, Argentina. It was organized by the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic in cooperation with the Governments of Australia, Canada, Norway and the United States of America. The purpose of the event was to encourage a spirit of cooperation among the countries of the American continent and to serve as a forum to exchange views on non-proliferation, cooperation and export control issues. Several national as well as foreign representatives addressed to the Seminar, and exchanged information concerning the national and international mechanisms of control in order to fight against the proliferation of chemical and biological weapons.
4. Regional Seminar on Importance of Weapons of Mass Destruction Proliferation Phenomenon as subject matter for analysis by the Intelligence Agencies. It was held in Buenos Aires on December 03-05, 1996. Participants: Argentina; Bolivia; Brazil; Colombia; Chile; Panama; Paraguay; Uruguay.
5. International Seminar on export controls against Illicit Trafficking of Small Arms and Sensitive Technologies: an agenda orientated to action. Organized by Argentine State Intelligence Secretary (SIDE) jointly with the United Nations Institute for Disarmament

Research (UNIDIR), April 23-25, 1997. Participants: UNIDIR; Argentina; Australia; Austria; Brazil; Chile; Colombia; France; Guatemala; India; Italy; Japan; Mexico; Nicaragua; Peru; United Kingdom; Switzerland.

6. National Introductory courses to Chemical, Biological, Nuclear and Radiological Defense. Organized by the 601 Battalion of the Argentine Army. Buenos Aires June 08-19, 1998 and June 28-30, 1999.
7. Bilateral Course on Weapons of Mass Destruction and Non-Proliferation. Organized by Argentine State Intelligence Secretary (SIDE) for officials from the Mexican Government. It was held in Buenos Aires on September 04-15, 2000. Participants: Argentina and Mexico.
8. Regional Seminar on current and potential scenarios deriving from the illicit trafficking of small arms in Latin America and Weapons of Mass Destruction (WMD): its potential hazard. It was held in Buenos Aires April 18-20, 2001. Participants: Argentina; Bolivia; Brazil; Colombia; Chile; Guatemala; Mexico; Paraguay; Peru; Trinidad and Tobago; Uruguay; Venezuela.

Australia

Article I

Australia has never developed, produced, stockpiled, or acquired biological weapons or the weapons, equipment or means of delivery designed to use such agents for hostile purposes or in armed conflict. Australia fully supports the aims and objectives of the Convention and is strongly opposed to the development, production and stockpiling of biological weapons and their means of delivery. Australia has actively participated in the efforts to strengthen the Convention, initiated at the Third Review Conference, including the Ad Hoc Group of Verification Experts, the 1994 Special Conference and the ongoing Ad Hoc Group negotiations.

Article II

In view of the situation outlined above, this article does not apply to Australia.

Article III

In fulfillment of its obligations under Article III of the Convention, the Australian Government has promulgated regulations which require relevant exporters to obtain a licence for the export of specified biological agents, toxins and equipment which would be used in a biological weapons program. Licences are required for the export of the following biological weapons-related items: biological agents designed or adapted to produce casualties in human beings; equipment designed or adapted for disseminating biological agents; goods designed or adapted for the detection, identification or defence against biological agents; and goods including software designed or adapted for the purposes of producing any of the previous items. Australia keeps its export regulations under constant review and works closely with other states, in fora such as the Australia Group, to further refine its national measures to minimise the chances of BW proliferation.

These measures are reinforced by the Weapons of Mass Destruction (Prevention of Proliferation) Act 1995 which provides that the supply of any good, the provision of any service or the export of any material not regulated under the measures outlined above, if this supply or export is likely to assist a plan or program for the development, production, acquisition or stockpiling of biological weapons, is prohibited.

Australia has also developed Guidelines to prevent the inadvertent supply of biological weapons-applicable plant, equipment, source cultures and expertise. The Guidelines are a non-statutory, non-proliferation measure, developed by the Department of Foreign Affairs and Trade, to raise the awareness of industry and researchers about the risk of inadvertent involvement in the biological weapons programs of other countries. The Guidelines have been circulated to the biological industry, universities, relevant professional associations and government agencies.

Article IV

This provision of the Convention is given effect in Australia through the following national legislation.

Crimes (Biological Weapons) Act 1976

The Act, which is administered by the Attorney-General, makes it unlawful for Australians to develop, produce stockpile or otherwise acquire or retain microbial or other biological agents or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; or weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. The Act extends to the acts of Australian citizens outside Australia. Contravention of the Act is an indictable offence.

Crimes (Biological Weapons) Regulations 1980

The Regulations specify the way in which substances acquired under the Act should be stored, disposed of and analysed.

Customs Act 1901 and Customs (Prohibited Exports) Regulations

Under the Customs (Prohibited Export) Regulations, the Minister for Defence controls the export of defence and related goods from Australia through a system of export licenses. These Regulations were amended in December 1996 to bring all export licensing requirements for defence and related goods under a single regulation: Regulation 13E. No substantial change was made to the regulations relating to the export licensing requirement for biological agents, toxins or equipment which could be used to assist a biological weapons program.

The Regulations require exporters to obtain a licence before proceeding to export certain listed items. These goods are listed in the 'Defence and Strategic Goods List'. Part 1 of this list includes biological agents designed or adapted to produce casualties in human beings; equipment designed or adapted for disseminating biological agents; goods designed or adapted for the detection, identification or defence against biological agents; and goods including

software designed or adapted for the purposes of producing any of the previous items. Part 3 of the list includes human pathogens and toxins, animal pathogens, plant pathogens and equipment capable of being used to develop biological weapons.

Quarantine Act 1908 and Regulations

The Act is designed to prevent the introduction into Australia of serious pests and diseases affecting humans, plants and animals. Accordingly, in conjunction with the Biological Control Act (see below), it controls rather than prohibits the import into Australia of all biological material.

The Act is administered by the Australian Quarantine and Inspection Service (AQIS) within the framework of the Federal Government's quarantine policy. All biological agents require prior permission to import. Under the provisions of Section 13 of the Act, goods of biological origin, including human pathogenic micro-organisms and toxins, may only be imported into Australia if approval has been given by the Director of Human Quarantine. In giving approval, the Director may require that the importer adhere to certain conditions or requirements, including, but not limited to, the storage, transportation, distribution and disposal of the goods, the use to which the goods may be put, and the personnel authorised to handle or use the goods.

Import conditions vary depending on the nature of the organisms, and on the risks involved. High risk organisms such as serious pathogens of humans, animals and plants which might be considered as potential biological weapons would only be permitted under the most stringent, high security conditions. Very few such imports are approved, and generally those would be for diagnostic research in preparation for emergency responses to specific serious exotic disease incursions.

Penalties for the importation of controlled goods without a permit, and for breaches of permit requirements, are severe and may include a fine, imprisonment or both.

Biological Control Act 1984 and Regulations

This Act is administered jointly by the Bureau of Rural Sciences and the Agriculture Industry Division of the Department of Agriculture, Fisheries and Forestry within the framework of the Federal Government's quarantine policy. It provides powers additional to those of the Quarantine Act in order to regulate the release of biological agents for the control of pests, diseases and weeds. It primarily covers issues of compensation for the release of a biological control agent.

Therapeutic Goods Act 1989 and Regulations

The Therapeutic Goods Administration of the Department of Human Services and Health regulates therapeutic goods for human use under this Act. The Act covers the import and export of therapeutic goods including pathogenic micro-organisms where these are included in vaccines for human use.

Prior to initial supply for human use products must be entered in the Australian Register of Therapeutic Goods. Vaccines are registerable products and undergo evaluation by the Therapeutic Goods Administration prior to entry in the Register.

Weapons of Mass Destruction (Prevention of Proliferation) Act 1995 and Regulations

The Act is administered by the Department of Defence and complements the existing barriers contained in the Customs Act 1901 and the Customs (Prohibited Exports) Regulations. It prohibits the supply or export of goods, not otherwise controlled by the Customs Act 1901, or the provision of services, in circumstances where the goods, or the services, will or may be used in, or assist the development, production, acquisition or stockpiling of biological weapons or their delivery systems. The prohibitions under the legislation apply where the person involved knows or suspects the connection with a biological weapons program.

The Act applies extraterritorially as well as within Australia, covering the activities of Australian citizens or residents, as well as bodies incorporated in Australia. It provides a mechanism for exporters to obtain written guidance from the Government on the risk of a particular planned transaction contributing to a biological weapons program.

Article V

Australia has not formally invoked the provisions of this article, nor has any other State Party invoked the provisions of this article to engage in consultations with Australia. Australia fully supports the Confidence Building Measures developed at Convention Review Conferences and has contributed a detailed return for each year since the Third Review Conference.

Articles VI and VII

Australia has not invoked the provisions of these articles.

Australia fully supports the mandated objectives of UNMOVIC and welcomes the opportunity for Australian personnel to participate in UNMOVIC training programmes.

Article IX

The entry into force of the Chemical Weapons Convention in 1997 was a watershed in arms control. It established a benchmark to which future non-proliferation regimes can aspire. Australia recognises the excellent work of the OPCW during its short period of existence and is committed to ensuring that it retains the confidence and respect of the international community.

Article X

Australia regards Article X as a key element of the Convention and is strongly committed to promoting the economic and social development, and the scientific and technological progress, of all countries without discrimination in the field of biotechnology.

Australia provides assistance, specifically to countries in the Asia-Pacific region, in the areas of health and disease control, and education and training in the range of biotechnology and related fields. Australian Government departments and agencies publish regular reports and bulletins, dealing with a range of biotechnological issues, which are widely disseminated within the Asia-Pacific region and the broader international community. Australian universities and the Commonwealth Scientific and Industrial Research Organisation (CSIRO) are involved in numerous cooperative research projects with a range of developing countries. Australia contributes to numerous academic, scientific and industrial databases which facilitate access to information in the biotechnology area.

The Australian Centre for International Agricultural Research (ACIAR) is involved in numerous programs promoting cooperation in the field of biotechnology research, development and application between relevant groups in Australia, and other, particularly developing, countries. Australia contributes actively to the work of a number of international bodies such as the World Health Organization and the Food and Agriculture Organization. Further and more detailed information on Australia's recent activities under Article X of the Convention can be found in BWC/CONF.V/6.
