

**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**

BWC/CONF.V/3/Add.6
28 November 2001

Original: ENGLISH

Geneva, 19 November - 7 December 2001

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

Addendum

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 November 2001, pursuant to paragraph 22 of the report of the Preparatory Committee.

Canada

1. It is the Canadian view that the request emanating from the Preparatory Committee meeting in April 2001 (BWC/CONF.V/PC/1, paragraph 22, page 4) embraces not only national observance of legally binding obligations established by the Biological and Toxin Weapons Convention (BTWC), but also of politically binding obligations resulting from undertakings by States Parties as reflected in the Final Documents of past Review Conferences (i.e. obligations relating to the submission of annual declarations under the agreed Confidence Building Measures (CBMs)). This Canadian submission does not attempt to embrace all of the information that we have provided under the CBMs, and should be seen as complementary to those submissions.

Article I

2. Canada is in full compliance with its obligations under Article I. Furthermore, in keeping with the politically binding obligation of the CBMs, we have reported on the nature of the Canadian biological weapons programme as it existed historically and as terminated long before the entry into force of the BTWC; and we continue to encourage other States Parties to report at an appropriate level of detail.

Article II

3. Canada is in full compliance with its obligations under Article II, and once again we refer States Parties to the text of our replies under the CBMs for other related information.

Article III

4. Canada is in full compliance with its obligations under Article III. Since the BTWC entered into force in 1975, Canadian measures to implement its obligations have evolved with a view to ensuring, to the extent possible, that materials, equipment and technical expertise would not be transferred to any recipient, directly or indirectly, to contribute to a biological weapons program. This we have done through the *Export-Import Permits Act* and related regulations, so that national authorities maintain the necessary oversight of transfers and have the necessary legal authority to intervene should there be any uncertainty or suspicious activity that would warrant such intervention.

Article IV

5. Canada has a broad range of existing laws and processes to implement our obligations under Article IV of the BTWC. It is the Canadian view that the fulfillment of obligations under the Convention is important, and that it may be necessary to go even further than adhering to the strict requirements of the Convention in order to exclude use of biological and toxin weapons in terrorist or criminal activity. As such, Canada is in the process of reviewing its domestic legislation to determine whether further measures may be necessary to address concerns related to use of such weapons for terrorist or criminal activity. Proposals for both new and amended legislation are currently before Parliament. These proposals include a *Biological and Toxin Weapons Convention Implementation Act*, which would enable the establishment of a domestic compliance regime that could include a responsible authority, submission of declarations and facility inspections.

Article V

6. Canada has not invoked Article V. Canada participated in, and served as a vice-chairman for, the Formal Consultative Meeting convened in 1997. We fully support Article V, and we do not interpret it as being a prior stage that needs be invoked before proceeding to Article VI of the Convention, should circumstances so warrant. Canada fully supports the politically binding agreements reached at the Second Review Conference and the Third Review Conference concerning the exchange of information under the heading of Confidence Building Measures, and we

have consistently participated in every one of these exchanges.

Article VI

7. Canada has not invoked the provisions of Article VI nor has any other State Party invoked the provisions of Article VI against Canada.

Article VII

8. Canada has not been requested to provide assistance under Article VII.

Article VIII

9. On 19 October 1999, Canada withdrew its last reservation to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, done at Geneva on June 17, 1925, which reserved the right of Canada to use chemical weapons in retaliation for their use against Canada or its allies.

Article IX

10. A State Party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC), Canada implements fully the Convention's obligations. National implementing legislation is in place, regulations under the *Export and Imports Permit Act* were revised to reflect the Convention, and a National Authority, located in the Department of Foreign Affairs and International Trade, has been established. Canada participates actively in the work of the Organisation for the Prohibition of Chemical Weapons (OPCW) towards the effective implementation of the Convention, and is active in encouraging and supporting its universalization.

Article X

11. Canada contributes in many ways, bilaterally and multilaterally, to economic and technological development programs consistent with the Article X provisions of the Convention. These contributions take a wide variety of forms, including: student exchanges; professional exchanges; convening of conferences open to interested professionals; training courses such as in the fields of biosafety with respect to the handling of human and animal pathogens; assistance in the provision, directly or indirectly, of expertise that contributes to the detection, diagnosis and treatment of disease; cooperative research projects; data base creation and exchange, for example BIONET and GPHIN; and other activities, some of which are also represented in our CBM returns related to the encouragement of the publication of results and promotion of the use of knowledge (CBM "C") and active promotion of contacts.

12. Canada is committed fully to furthering the development and application of scientific discoveries in the field of bacteriology (biology) for the prevention of disease and works on many fronts to this end. The Department of Health's (Health Canada) Office of Biosafety is a member of

the World Health Organization (WHO)'s Biosafety Advisory Group and a member of the International Biosafety Level 4 Users Group. The Office of Biosafety is also designated as a WHO Collaborating Centre in Biosafety Technology and Consultive Services. Its activities contribute to the international exchange and development of biosafety and biocontainment programmes necessary in the field of biological activities. Examples of measures relevant to Article X taken by the Office of Biosafety include:

- an initiative to develop an international reporting mechanism for laboratory-acquired infections (LAI). This web-based system will enable the anonymous reporting of LAIs and will include information on the agent causing the infection, the type of accident (if any) preceding the infection, the route of exposure, the type of laboratory, and the occupational group of the individual who contracted the infection. The data generated will be used to develop evidence-based biosafety guidelines and standards.
- provision of assistance to the Caribbean Epidemiology Centre (CAREC) on their *Policy for Laboratory Support to Tuberculosis Control Programmes in the Caribbean*;
- provision of advice on biocontainment technology and equipment design to national and international standard setting associations with respect to sharps containers, fume hoods, biological safety cabinets, medical laboratory systems and automated nucleic acid processing chambers;
- presentation of a training video at the International Level 4 Users Group meeting in Atlanta (February 10, 2000) outlining Canada's emergency response procedures in the unlikely event of an accident involving shipments of Risk Group 4 (RG 4) human pathogens to the level 4 laboratory in Winnipeg. Copies of this video were also distributed internationally;
- maintenance of the Material Safety Data Sheets (MSDS) for infectious substances, widely used by laboratories in Canada and abroad; and
- production of a quarterly biosafety listing, distributed nationally and internationally, of recently published biosafety literature.

13. The Canadian Food Inspection Agency (CFIA), specifically the Biohazards Containment & Safety Unit, also contributes to the implementation of Article X. Representatives of the CFIA attend various international conferences and symposia on Biohazard Containment and the Unit participates in international Level 4 meetings. CFIA serves on the executive of the International Veterinary Biosafety Working Group and delivered a presentation on Canadian veterinary biocontainment labs at the working group's May 2000 meeting in Paris. Consistent with Canada's Article X commitment to facilitate the fullest possible exchange of scientific and technological information, CFIA and the Department of Health offered jointly a three-day course ("Biohazard Containment: working safely in Level 3 Laboratories") in 2000 and in 2001 that was open to personnel designing, constructing, managing or working in level 3 facilities in Canada and abroad.

14. In keeping with the politically binding obligation of the agreed Confidence Building Measures (CBMs), Canada has reported annually on the nature of Canadian implementation of Article X of the Convention. We continue to encourage other States Parties to report at an appropriate level of detail.
