



**CHAIR  
NON-ALIGNED MOVEMENT  
GENEVA CHAPTER**



**CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION (BTWC)**

**WEBINAR ON COOPERATION AND ASSISTANCE, WITH A PARTICULAR FOCUS ON STRENGTHENING COOPERATION AND ASSISTANCE UNDER ARTICLE X (MX1)**

**Geneva, 24 November 2020**

**Presentation on behalf of the Group of Non-Aligned Movement (NAM) and other States Parties to the Biological and Toxin Weapons Convention (BTWC) by Ms. Arline Díaz Mendoza, Counsellor, Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations Office in Geneva**

**Presentation of the NAM Working Papers:  
BWC/MSP/2019/MX.1/WP.3 and BWC/MSP/2019/MX.1/WP.6**

**INTERNATIONAL COOPERATION AND ASSISTANCE WITH THE FOCUS ON THE FULL, EFFECTIVE AND NON-DISCRIMINATORY IMPLEMENTATION OF ARTICLE X OF THE CONVENTION**

**I. Introduction:**

1. The Permanent Mission of the Bolivarian Republic of Venezuela would like to present the Working Papers submitted by the Group of Non-Aligned Movement (NAM) and other States Parties to the Biological Weapons Convention (BWC), in the context of the Meeting of Experts in 2019.
2. The Group of NAM and other States Parties to the BWC welcomes that during the 2017 Meeting of States Parties to the BWC reached consensus on the intersessional programme and included Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X, as one of the topics for the Meeting of Experts in the intersessional programme for the period 2018-2020.
3. The Group of NAM and other States Parties to the BWC also welcomes the Eighth Review Conference's decision to renew the cooperation database established by the Seventh Review Conference to facilitate requests for and offer of exchange of assistance and cooperation among States Parties, and it is highly expected that this database and its modality of work will contribute to increased cooperation among States Parties.
4. NAM and other States Parties believe that the full, effective and non-discriminatory implementation of Article X is essential for the realization of the objective and purpose of the Convention and that there is a legal obligation under Article X to promote the fullest possible exchange of equipment, materials and scientific and technological

information for the use of biological agents and toxins for peaceful purposes and not to hamper the economic and technological development of States Parties.

5. While welcoming the continued co-operation between developing countries, the NAM and other States Parties to the BWC believe that the developed countries bear special responsibility to promote international cooperation in the framework of Convention for the benefit of developing countries and refrain from imposing and/or maintaining any restrictions and/or limitations that are contrary to the Convention.
6. The rapid pace of scientific and technological developments has created new opportunities for making tangible progress on the full, effective and non-discriminatory implementation of Article X of the Convention including inter alia developments of special relevance to disease surveillance, diagnosis and mitigation as well as advances in enabling technologies.
7. All State Parties in particular developing countries should benefit from new achievements in biotechnology through the full, effective and non-discriminatory implementation of Article X. There is a need to strengthen cooperation among States Parties in order to bridge the increasing gaps in the fields of biotechnology, genetic engineering, microbiology and other related areas between developed and developing countries.
8. The enhancement of international cooperation for the use of biological agents for peaceful purposes is an essential part of compliance with the Convention and is crucial for the realization of the purpose and objective of the Convention.
9. NAM and other States Parties to the BWC strongly believe that due to the high importance of Article X as one of the main pillars of the BWC, deliberations on the status of Article X should regularly be on the agenda of intersessional meetings. They emphasize that a State Party to the Convention should have the right to seek to redress and settle disputes with regard to the implementation of Article X through institutionalized measures if it is denied receiving equipment and materials for peaceful application of biology and biotechnology by another State Party.
10. The Group emphasizes the importance of overcoming sustained challenges and obstacles to international cooperation, assistance and exchange in the biological sciences and technology. In this regard, one of the main challenges for full, effective and non-discriminatory implementation of Article X is the existence of unjustified restrictions and /or limitations, including politically motivated ones imposed against States Parties inconsistent with the provisions of the Convention.
11. There is an urgent need for the removal of any such restrictions and/ or limitations. States Parties should work together to develop procedures, in particular adopting an Action Plan for full, effective, and non-discriminatory implementation of Article X which include procedures for the settlement of disputes arising from concerns about the implementation of Article X.
12. To this end, the challenges, obstacles and specific measures should be identified to ensure that national implementation of the Convention are taken in full conformity with the obligation under Article X.
13. It is crucial to note that the Convention has established a system with equal rights and obligations based on the principle of equal treatment of all States Parties. Therefore,

national implementation measures should not create undue restrictions and/or limitations among States Parties that would hinder the full, effective and non-discriminatory implementation of Article X.

14. While we welcome the progress made at the Eighth Review Conference in taking a step in facilitating the implementation of Article X, a lot still remains to be done. In this regard, NAM and Other States Parties reaffirm their proposal for strengthening Article X implementation as outlined in their Working Paper submitted to the Review Conference, MSP and MXPs on the Institutional Mechanism for International Cooperation and Compliance for the full, effective and non-discriminatory implementation of Article X, in particular, developing an Action Plan for full, effective and non-discriminatory implementation of Article X is crucial.

## II. **Institutional Mechanism for International Cooperation and Compliance under Article X**

15. The Group of NAM and other States Parties to the BWC attaches great importance to the issue of international cooperation as the first priority of the Group. We continue to believe that there is need for an effective mechanism to ensure the full, effective and non-discriminatory implementation of Article X.

16. The Group underlines the importance of capacity-building through international cooperation in developing capabilities for detecting, reporting, and responding to the outbreaks of infectious disease or biological weapons attacks, including in the areas of emergency preparedness, response, management, and mitigation. In this regard, NAM and Other States Parties to the BWC recall their proposal for a mechanism on Article X implementation as outlined in their Working Paper submitted to the Eighth Review Conference.

### **Article X Action Plan**

17. NAM and other States Parties to the BWC in their working paper identifies inter alia the following specific tasks for the **Action Plan**:

- a) Identify and address the needs in terms of equipment, materials and scientific and technological information regarding the use of bacteriological agents and toxins for peaceful purposes;
- b) Identify and overcome the obstacles hampering the full, effective and non-discriminatory implementation of Article X of the Convention, including by addressing the denial cases of States Parties;
- c) Mobilize the necessary resources, including financial resources, in order to facilitate in line with the obligations under Article X of the Convention, the widest possible exchange of equipment, material and scientific and technological information regarding the use of biological and toxin for peaceful purposes, in particular from developed to developing States Parties;
- d) Facilitate the development of human resources in developing States Parties in the implementation of the Convention, taking into account the special situation faced by them;
- e) Coordinate cooperation with other relevant international and regional organizations for financial and technological support of activities for the use of biological agents and toxins for peaceful purposes.

18. Taking into account the humanitarian requirements related to the health and security of mankind, renewed commitment, constructive and genuine cooperation between the

South and the North are required in order to meet the continuing challenges of developing countries in health related issues.

### **Article X Compliance Mechanism**

19. NAM and Other States Parties to the BWC reiterate their firm position on the need for an effective mechanism to ensure the full, effective and non-discriminatory implementation of the Article X. It is imperative that the tasks identified above, with the aim of reaching effective actions, would enable States Parties to agree on an effective institutional mechanism which would facilitate in full, effective and non-discriminatory implementation of Article X obligations.
20. In the context of the mechanism, the Group reaffirms the urgent need of an undertaking by all State Parties including inter alia:
- (a) To never under any circumstances impose or maintain unilateral, bilateral or collective restrictions and/or limitations on trade of drugs, medicines, vaccines, diagnostics, biological agents, equipment and /or materials for peaceful purposes in particular for treatment of patients in developing countries.
  - (b) To establish a procedure to settle disputes if a State Party is restricted and/or denied by another State Party or a group of States Parties on drugs, medicines, vaccines, diagnostics and related equipment and materials for peaceful purposes as inconsistent with in Article X of the Convention, including considering the establishment of a standing body.
  - (c) To strengthen the operationalization of a cooperation database, which was established by the 7th Review Conference to ensure that specific, timely and concrete offers of cooperation under Article X are provided by States Parties in the database and to consider the ways to improve reporting on this issue, taking into account the current lack of effectiveness of the referred database.
  - (d) To provide necessary cooperation and assistance in the form of finances, equipment, reagents and training to developing countries to strengthen capabilities for detecting and responding to infectious diseases.
  - (e) To collect and disseminate information on S&T developments, including new research in areas relevant to the Convention and exchanging information about databases and networks relevant to the Convention.
  - (f) To ensure access to such databases and networks and training of personnel without any unjustified limitation are of utmost importance to the Group.

### **Institutional Mechanism for International Co-operation and Compliance with Article**

**X**

21. Nothing in the Convention shall prejudice the rights of States Parties to, individually or collectively, conduct research with, develop, produce, acquire, retain, transfer and use microbial and other biological agents and toxins for peaceful purposes. Each State Party shall:
- (a) Not establish, maintain or take either individually or collectively any discriminatory measures, including those in any international agreements contrary to the obligations undertaken in the Convention, which would hamper the economic and technological development of States Parties to the Convention or international co-operation in the field of peaceful bacteriological (biological) activities in accordance with the provisions of the Convention, including research in biology, microbiology,

biotechnology and genetic engineering, and their industrial, agricultural, medical and pharmaceutical applications; and other related areas for peaceful purposes;

- (b) Undertake to review periodically, and amend or adopt as necessary, national regulations governing international exchanges and transfers of microbial and other biological agents and toxins, and equipment, materials and scientific and technological information for the use of such agents and toxins in order to ensure their consistency with the objectives and relevant provisions of the Convention.

### **The Co-operation Committee**

- 22.** The Co-operation Committee (hereinafter referred to as “The Committee”) established by the Review Conference of States Parties, shall be a forum for consultation aimed at promoting the effective, full and non-discriminatory implementation of Article X provisions of the Convention among the States Parties. To this end, the Committee shall consult on, monitor and review activities of international cooperation and assistance and the fullest possible exchanges of equipment, materials and scientific and technological information for the use of microbial and other biological agents, and toxins for peaceful purposes.
- 23.** The Committee shall also work on the operationalization of offers and supplies proposed and/or requested by States Parties to serve as a channel to monitor this activity, taking into account the States Parties concerns over the mismatch of the proposed offers and requests, in particular for developing countries States Parties to the BWC.
- 24.** The Committee could serve as institutional monitoring mechanism for Article X full, effective and non-discriminatory implementation. It could serve as forum for furtherance of confidence building and trust among States Parties. It would facilitate the conclusion of bilateral, regional and multilateral agreements, providing on a mutually advantageous, equal and non-discriminatory basis, the vehicle for coordination of national and regional programs that would promote the regular peaceful exchanges through transparency between developed and developing States Parties.
- 25.** NAM underlines the importance of dialogue and consultation aimed at full implementation of Article X. There is need for evolving in the Committee mutually agreed procedures for addressing concerns related to risks associated with prohibited activities under the Convention, in which, regulatory mechanisms could be agreed and undertaken by harmonizing both promotional and regulatory aspects for full, effective and non-discriminatory implementation of Article X which are vital to sustaining a successful Convention. In this regard, NAM stresses the need for establishing an effective mechanism among States Parties to address concerns and resolve disputes that may arise as to the full implementation of Article X on the basis of procedures to be agreed by States Parties at the Review Conference.

### **III. Capacity building through International Cooperation:**

- 26.** The Group recognizes the fundamental importance of enhancing international cooperation and assistance. States Parties should work together to mobilize resources to address needs for assistance and cooperation, in particular from developed to developing States Parties, and from international and regional organizations.

27. In light of rapid developments in the life sciences, there is a need to strengthen cooperation among States Parties in order to bridge the ever increasing gaps in the fields of biotechnology, genetic engineering, microbiology and other related areas between developed and developing countries. The submission of clear, specific, and timely national reports on implementation of Article X as agreed at the Seventh Review Conference and also for effective utilization of the electronic database for international cooperation in the context of Article X of the Convention is essential.
28. States Parties should work to build capacity and reduce inequalities between developed and developing countries in the life sciences and related technologies. We believe that all developed countries bear a special responsibility to promote international cooperation for capacity building to the benefit of developing countries in the framework of the Convention and should remove all restrictions and limitations that are contrary to the letter and spirit of the Convention.
29. The NAM and other States Parties to the BWC also attach importance to promoting South-South cooperation in the field of capacity building. NAM has already proposed measures to facilitate capacity building in our previous meetings which are still valid and relevant.
30. NAM and Other States Parties to the BWC while noting that there is no agreed definition of biosafety and biosecurity in the Convention, emphasize the value of international cooperation in these two areas as well as in detecting, reporting and responding to outbreaks of infectious diseases whether naturally occurring or deliberate. Disease knows no borders and all international efforts must be made to enable States to strengthen their capacities for detecting, reporting and responding to outbreaks of infectious diseases. From a humanitarian point of view, it is essential that developing countries receive full and timely cooperation and assistance in the form of medicines, vaccines, diagnostics and related equipment and materials for peaceful purposes as enshrined in Article X.

#### **IV. Collaboration with International Organizations:**

31. NAM and other States Parties to the BWC believe that relevant international and regional organizations such as WHO and OIE play an important role in disease surveillance, prevention, detection and response and there is merit in coordination of cooperation with them in accordance with their respective mandates. However, the unique role of BWC, as a Convention which deals with security related issues, needs to be recognized and further efforts should be made for full and effective implementation of Article X within the Convention itself. Any measures identified within the framework of the Convention to mitigate biological risks should be implemented in a manner to ensure that legitimate peaceful activities including international cooperation would not hampered.
32. Finally, NAM and other States Parties to the Convention reiterate their position on measure for full, effective and non-discriminatory implementation of Article X, which includes inter alia, Cooperation amongst States Parties to promote capacity building in the life sciences and to facilitate the exchange of equipment, materials and scientific and technological information regarding the peaceful use of biological agents and toxins; and need of an undertaking by all State Parties that they never in any circumstances impose or maintain unilateral, bilateral or collective restrictions and/or limitations on trade of drugs, medicines, vaccines, diagnostics, biological agents,

equipment or materials for peaceful purposes in particular for treatment of patients in developing countries. The Group also stresses the need for establishing procedures to settle disputes if a State Party is restricted and/or denied by another State Party or a group of States Parties on drugs, medicines, vaccines, diagnostics and related equipment and materials for peaceful purposes as enshrined in the Article X of the Convention, including by considering a standing body.

- 33.** We further reaffirm that Article X of the Convention is a main pillar of this international legal instrument and its full, effective and non -discriminatory implementation, including bearing in mind the humanitarian needs of the developing countries to treat patients in any circumstances, and would further strengthen the Convention.