

UK Speaking Notes – 2020 BTWC Meetings of Experts

30th August – 8th September 2021

MX1: Cooperation and Assistance, with a Particular Focus on Strengthening Cooperation and Assistance under Article X

Chair: Mr. Kimmo Laukkanen of Finland

BWC/MSP/2020/MX.1/WP.2 – What constitutes assistance and cooperation under Article X ? -Submitted by the United Kingdom of Great Britain and Northern Ireland

Mr Chairman, distinguished delegates, colleagues good morning/afternoon.

The UK would like to share with States Parties some historical perspectives on the development and interpretation of Article X of the BTWC. We will also contribute some examples of the diverse range of information sharing that can provide benefit to States Parties when implementing the provisions of this Article.

Over the years of intersessional programme discussions on assistance and cooperation, there have been occasional questions on what exact activities are included under Article X.

The Article X text includes language such as:

- 1. States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes...*

And,

- 2. This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties...*

In 2019 MX1 discussed this issue briefly but there is of course no definitive answer. We can however, look at the original negotiations on the Article X text and the current approaches taken by States Parties for implementation.

I will now outline some background about the origins of Article X:

The UK draft Convention texts from 1969 through to 1970 did not contain any language approximating to what we now have in Article X. However, on 30 March 1971, the Soviet Union and its allies tabled a draft BW Convention which contained an Article on the peaceful uses of biology.

This text appeared again in separate US and Soviet draft Conventions that were tabled in Geneva on 5 August 1971. Paragraph 2 remained unchanged and is the text that appears in the Convention we see today.

On 17 August 1971, the neutral and non-aligned states in the Conference of the Committee on Disarmament submitted a working paper including amendments to paragraph 1, which read as follows:

Parties to the Convention shall also co-operate in contributing individually or together with other States or international organisations to the further development and application of scientific discoveries in the field of bacteriology (biology) for the prevention of disease, or for other peaceful purposes.

The US recommended following more closely the Treaty on the Non-Proliferation of Nuclear Weapons, from which this text derived. Several States Parties then tabled the final version of a draft Convention on 28 September 1971. Article X appears as it does today with the amendment to reflect the NPT language.

On article X Implementation,

Paragraph 1 of Article X refers to two specific objectives:

- The fullest possible exchange of equipment, materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes
- and,
- To further the development and application of scientific discoveries in the field of biology for the prevention of disease, or for other peaceful purposes.

These obligations require States Parties to take a broad view of activities that are relevant under Article X. This is so activities are not limited to a narrow list of topics. A list would likely impede rather than facilitate work on this Article.

Additionally, there is no suggestion that work related Article X must be channelled through a BTWC mechanism. The obligations under Article X rests with States Parties 'in a position to do so'. Therefore, activities such as

detection, diagnostics, treatments, prophylaxis and bioremediation of contaminated soils, all have relevance to Article X.

I will now consider national implementation reports,

Since the first BTWC Review Conference in 1980 we have witnessed a very broad range of discussions and reporting on the scope of Article X activities. A few examples include:

- The Third Review Conference Final Declaration in 1991 welcomed efforts to elaborate an international programme of vaccine development for the prevention of diseases, which would include scientific and technical personnel from developing countries.
- Article 14 4 (b) of the draft Protocol in 2001 called for the improvement of the capabilities of States Parties in the surveillance, prevention, detection, diagnosis and treatment of diseases as an integral part of a global effort to improve the monitoring diseases in humans, animals and plants.
- And the Eighth Review Conference in 2016 encouraged States Parties to improve communication on disease surveillance at all levels, including between States Parties and with the WHO, FAO, OIE and IPPC.

It is clear that there is a very diverse range of activities undertaken or financed by governments, academia, industry and other bodies. Some examples of programmes include:

- Building animal health institutions to increase capacity to recognise emerging diseases in animals, which may also infect humans. For example Avian influenza, SARS, swine flu, and of course SARS-CoV-2.
- Programmes aimed to prevent, detect, and respond to infectious disease outbreaks and improve global health security, by building capacity in: field epidemiology and laboratory methods; surveillance and response for emerging infectious disease threats; assistance with pandemic influenza preparedness; promotion of zoonotic disease investigations and control efforts; risk communications; and laboratory biosafety and improved laboratory systems.

- Programmes aimed to support countries as they build sustainable surveillance systems for anti-microbial resistance; one Health surveillance protocols; data transfer and storage; quality assurance of data and laboratory systems; and biosafety and security around the laboratory.

The UK has consistently shared with States Parties activities that the UK government is funding or carrying out which fulfil provisions under Article X. These have included illustrative updates on the Newton Fund, The Fleming Fund, UK Research and Innovation, the Ross Fund and the Global Challenges Research Fund. The UK has also authored or co-sponsored at least 10 Article X papers over the years, and we encourage States Parties to continue to share their own activities in an open and transparent way.

Finally, it is also helpful to see the types and range of assistance offered by States Parties in the Assistance and Cooperation database. For example: biorisk management; capacity building; training and education; disease surveillance and detection; emergency response and assistance; scientific cooperation and joint research.

Mr Chairman, in conclusion,

As I have already eluded to, there is no definitive definition of what constitutes assistance and cooperation under Article X, paragraph 1. We can be clear, however, that a narrow definition, or one that only includes those activities conducted under an explicit BTWC mandate, would be inappropriate and it would not benefit States Parties. The examples cited in our Working Paper provides States Parties with guidance on what sorts of activities to report, undertake and promote under Article X.

Thank you.