

**Meeting 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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Meeting of Experts

Geneva, 10-14 August 2015

Item 5 of the provisional agenda

**Standing agenda item: cooperation and assistance,
with a particular focus on strengthening cooperation
and assistance under Article X**

**Background information on continuing challenges and
obstacles to developing international cooperation, assistance
and exchange**

Submitted by the Implementation Support Unit

Summary

The Seventh Review Conference decided that the 2012 to 2015 intersessional programme would include a Standing Agenda Item on cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X. The Conference further decided that under this item, States Parties would consider, inter alia, “challenges and obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology, including equipment and material, for peaceful purposes to their full potential, and possible means of overcoming these.” This paper provides an update to prior background documents on some of the specific challenges and obstacles to developing international cooperation, assistance and exchange that have been identified by States Parties and international organizations in the course of meetings of the Convention and in other relevant settings.

I. Introduction

1. The Implementation Support Unit produced background papers for the 2013 and 2014 Meetings of Experts on challenges and obstacles to developing international cooperation, assistance, and exchange, in the context of strengthening cooperation and assistance under Article X.

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2. The Implementation Support Unit has updated these documents for the 2015 Meeting of Experts. This background paper presents specific challenges and obstacles highlighted since the 2012 Meeting of Experts. Similar sources of material have been used, with issues drawn from synthesis papers, working papers and ISU annual reports. As with the previous papers, this is an indicative rather than an exhaustive list, intended to illustrate the main kinds of challenges and obstacles that have been identified and to organize them thematically.

II. Challenges and obstacles identified in synthesis papers

3. Challenges and obstacles to developing international cooperation, assistance and exchange continue to be raised in presentations and discussions at the Meetings of Experts. These are then reflected in the Chairman's Synthesis of considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions on the topic under discussion at the Meeting of Experts, commonly known as the "synthesis paper." This document is produced by the Chairman following each Meeting of Experts as a resource for States Parties to draw upon for preparing the subsequent Meeting of States Parties. The synthesis paper is not agreed upon by States Parties and as such has no status beyond reflecting the Chairman's synthesis of what one or more States Parties have said at the Meeting of Experts. Relevant extracts from the 2012, 2013 and 2014 synthesis papers are reproduced here and update the list provided in BWC/MSP/2014/MX/INF.4.

4 The synthesis paper of 2014 (BWC/MSP/2014/L.1) stated that: "To further efforts to address challenges and obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology, including equipment and material for peaceful purposes to their full potential, and possible means of overcoming these, States Parties should:

(a) Avoid imposing restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials under Article X;

(b) Ensure assistance is transparent, open, honest, and is fully consistent with the objectives of the Convention; and

(c) Ensure greater interoperability of regulatory standards, such as for emergency use authorizations, and transfers of clinical samples."

5. The synthesis paper of 2013 (BWC/MSP/2013/L.1), recognized the "importance of overcoming challenges and obstacles to international cooperation, assistance and exchange in the biological sciences and technology", and stated that "States Parties should work together to:

(a) Remove any unjustified restrictions on the development and exchange of technology, materials and equipment needed to promote capacity building in the fields of sanitary control, detection, diagnosis and control of infectious diseases;

(b) Pursue a global, systematic and long-term approach to the provision of cooperation and assistance;

(c) Help requesting countries to provide a thorough explanation of their needs and to define in specific terms the type of support that could best address those needs;

(d) Encourage States Parties providing or receiving assistance to work across sectors within their governments to identify and address logistical, legal and regulatory barriers to

the sharing of international assistance and to create a legislative and regulatory environment that facilitates exchange;

(e) Strengthen the utilization and improve the operation of the cooperation database established by the Seventh Review Conference, including by considering opening it to wider public access;

(f) Harness the recent advances in enabling technologies in order to strengthen the sustainable development of States Parties, taking into account humanitarian considerations and the needs of developing countries in meeting health-related challenges;

(g) Leverage existing bilateral and multilateral partnerships, and create new ones, to better coordinate plans and develop joint solutions to the challenges in exchange of assistance during public health and medical emergencies;

(h) Encourage the private sector to play a greater role in ensuring both innovation and access.”

6. The synthesis paper of 2012 (BWC/MSP/2012/L.1) recognized “the importance of overcoming challenges and obstacles to international cooperation, assistance and exchange in the biological sciences and technology” and listed the following challenges:

(a) Balance implementation of Article X and Article III of the Convention, and in this regard promote appropriate export controls in conformity with the obligations set out in the Convention;

(b) Coordinate key activities in order to enhance synergy and avoid duplication;

(c) Develop procedures to promote full, effective, and non-discriminatory implementation of Article X;

(d) Develop procedures for the settlement of disputes arising from concerns about the implementation of Article X;

(e) Utilize the database to facilitate requests for and offers of assistance and cooperation among States Parties.”

III. Challenges and obstacles identified in working papers

7. During the intersessional programme, States Parties have submitted documents explicitly related to cooperation, assistance, and exchange, some of which touch upon challenges and obstacles to developing international cooperation, assistance and exchange. Five such documents were submitted for the 2013 Meeting of States Parties, three were submitted at the 2013 Meeting of Experts, and three were submitted at the 2012 Meeting of States Parties. None were submitted to meetings in 2014. These documents identified a number of challenges to developing international cooperation, assistance, and exchange which, as in the previous background documents, are summarized below under thematic headings.

A. Restrictions and limitations on transfer and exchange

8. A number of States Parties have continued to raise points regarding restrictions and limitations on transfer and exchange.

9. The Islamic Republic of Iran submitted a working paper on behalf of the Group of the Non-aligned Movement and Other States Parties to the BWC at the 2013 Meeting of Experts which stated that “one of the main challenges of the full, effective and non-discriminatory implementation of Article X is the existence of unjustified restrictions and or limitations, including the politically motivated ones, imposed against States Parties in

contravention with the provisions and inconsistency with the spirit of the Convention,” noting that “there is an urgent need for the removal of any such restrictions and/or limitations.”¹

10. A working paper submitted by China for the 2012 Meeting of States Parties noted the “need to promote biotechnology exchange and cooperation” in part by removing “export restrictions against the objectives of international cooperation.”²

11. In a working paper submitted to the 2012 Meeting of Experts, Cuba stated it was facing obstacles to the implementation of the Convention due to the “economic, commercial and financial embargo imposed by the Government of the United States of America against Cuba”, citing in particular restrictions on the acquisition by Cuban hospitals and research institutes of medicines, laboratory reagents, vaccines, diagnostics and equipment.³

B. Institutional mechanisms

12. A number of States Parties mentioned the need to strengthen current mechanisms or establish new mechanisms in order to develop international cooperation, assistance and exchange.

13. The aforementioned Islamic Republic of Iran working paper, submitted on behalf of the Group of the Non-aligned Movement and Other States Parties to the BWC at the 2013 Meeting of Experts, also reiterated the group’s “firm position on the need for an effective mechanism to ensure the full, effective and non-discriminatory implementation on the Article X.”⁴

14. The aforementioned working paper submitted by China to the 2012 Meeting of States Parties noted that it was “important to improve the existing notification mechanism on disease outbreaks and strengthen the information sharing in counter-bioterrorism and other biosafety issues.”⁵

C. Difficulty of assessing needs

15. As in previous years, States Parties highlighted issues of assessing needs.

16. The working paper submitted by Iraq at the 2013 Meeting of Experts noted the importance of an accurate assessment of gaps in the context of the provision of assistance and international cooperation.⁶

17. The aforementioned Islamic Republic of Iran working paper, submitted on behalf of the Group of the Non-aligned Movement and Other States Parties to the BWC at the 2013 Meeting of Experts, also noted a need to “identify and address the needs in terms of equipment, materials and scientific and technological information regarding the use of the bacteriological and toxin agents for peaceful purposes.”⁷

¹ BWC/MSP/2013/MX/WP.17, paragraph 5.

² BWC/MSP/2012/WP.10, paragraph 3(b).

³ BWC/MSP/2012/MX/WP.7 (Spanish only).

⁴ BWC/MSP/2013/MX/WP.17, paragraph 8.

⁵ BWC/MSP/2012/WP.10, paragraph 3(a).

⁶ BWC/MSP/2013/MX/WP.15.

⁷ BWC/MSP/2013/MX/WP.17, paragraph 7(a).

IV. Challenges and obstacles identified by the Implementation Support Unit

18. In accordance with its mandate, the Implementation Support Unit (ISU) has continued to flag problems with facilitating cooperation and assistance among States Parties through its annual reports to States Parties.

19. The Seventh Review Conference called for the establishment of a database system to facilitate requests for and offers of exchange of assistance and cooperation among States Parties.⁸ As mandated, the ISU established a database; however, its use remains limited, with very few States Parties having requested assistance to date.

20. In its 2012 report, the ISU noted that “no matches of offers and requests have yet been notified to the ISU,”⁹ and that “The low rate of submissions from States Parties to the database is a point of concern that States Parties may wish to discuss; the ISU is ready to work with States Parties to find ways of making this important tool successful in operation.”¹⁰ This trend has continued. In its 2013 report, the ISU reported a single case of assistance, noting that it had “been informed that assistance has been provided as a result of a request in the database.”¹¹ In its 2014 report, the ISU reported that one request for assistance in the database had been partially met, and that the ISU would continue to support the requesting State Party in locating further assistance.¹²

21. The 2014 Meeting of States Parties agreed on the value of “actively promoting [the database’s] use and more prominently featuring the assistance and cooperation database on the main ISU webpage.”¹³ This echoes concerns raised by several States Parties, which have called for “strengthening the utilization and improving the operation of the cooperation database.” In response, as part of a wider restructuring of the website, the ISU has made the database a more prominent feature, and has actively promoted it in its outreach activities.

⁸ BWC/CONF.VII/7, part III, paragraphs 17-20.

⁹ BWC/MSP/2012/2, paragraph 28.

¹⁰ BWC/MSP/2012/2, paragraph 34.

¹¹ BWC/MSP/2013/4, paragraph 25.

¹² BWC/MSP/2014/4, paragraph 28.

¹³ BWC/MSP/2014/5, paragraph 22.