
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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Geneva, 22-25 November 2021

Meeting of Experts on Cooperation and Assistance, with a Particular Focus on Strengthening Cooperation and Assistance under Article X

Geneva, 30-31 August 2021

Agenda item 6

Identification of 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 ways and means of overcoming these

Difficulties and obstacles faced by Cuba for the full implementation of Article X of the Biological Weapons Convention

Submitted by Cuba

I. Introduction

1. Cuba, as it has traditionally done, stresses the importance and necessity of the full, effective and non-discriminatory implementation of Article X of the Convention for the economic and technological development of the States Parties. Compliance with its provisions is fundamental to achieve the object and purpose of the Convention and could bring tangible benefits for all in the field of biology for peaceful purposes.

2. The economic, commercial and financial blockade imposed by the government of the United States of America (hereinafter USA) against Cuba, through Presidential Proclamation 3447, of February 3rd 1962, constitutes an obstacle to international cooperation within the scope of the Biological Weapons Convention.

3. The unilateral coercive measures, which includes laws with an extraterritorial component applied by the US Government against Cuba constitute a violation of Article X of the Convention, by virtue of which States undertake to "... facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of bacteriological (biological) agents and toxins..." and not to place "... obstacles to the economic or technological development of the States Parties to the Convention or to international cooperation in the field of peaceful bacteriological (biological) activities...".



4. It is inadmissible that the US Government has tightened the blockade even in the context of the difficult conditions triggered by COVID-19 pandemic and that, in spite of reiterated claims of the international community, the US continues to limit, restrict and even prohibit, in many cases, the free exchange of equipment, technologies, materials and scientific and technological information for peaceful purposes, between Cuba and other States Parties, which constitutes, without exception, a right of all.

II. What effects does the blockade have on Cuba's national application of Article X of the Convention, which refers to the economic and technological development of the States Parties?

5. Under the present conditions, the blockade represents a huge burden for the Cuban population and economy, with particularly devastating effects owing to the COVID-19 pandemic. Cuba has been forced to allocate considerable resources to urgently secure the necessary equipment and materials for its National Health System.

6. Till December 2020, the losses accumulated in almost six decades of application of this policy amount to over \$147,853.3 million at current prices. Taking into account the depreciation of the dollar against the price of gold on the international market, the blockade has caused quantifiable losses of more than \$1,377,998 million.

7. The U.S. blockade limits access to technologies or components with more than 10 percent of inputs coming from that country, which has negative impacts on scientific and technological development for peaceful purposes.

8. In the period between April 2019 and March 2020, MEDICUBA contacted 50 U.S. companies to inquire about the possibilities of importing medicines, equipment and other inputs needed for our Public Health System. The vast majority did not react and three of these (WATERS CORPORATION, DEXCOM and ROYAL PHILIPS N.V.) responded arguing that they could not establish commercial ties with Cuban entities due to the blockade.

9. German companies Sartorius and Merck stand out, as well as those of Cytiva and other regular suppliers of laboratory materials, reagents and supplies owing to the intensification of the blockade they stopped trading with Cuba in 2020 causing that during the period under review, the country was unable to obtain a total of 32 pieces of equipment and supplies related to the production of candidate vaccines against COVID-19 or to the conduct of stages necessary for the completion of the clinical trials of the candidate vaccine, including equipment for the purification of components for the candidate vaccines, accessories for production equipment, filtration tanks and capsules, potassium chloride solution, thimerosal, bags and reagents.

10. Cuba had to resort to other providers and intermediaries, which led to price increases of 50 to 65 per cent above normal established prices, because it was impossible to enter into a contract directly with the manufacturer. This had an impact on the work of several institutions in the biopharmaceutical sector in Cuba, including the Centro de Ingeniería Genética y Biotecnología (Centre for Genetic Engineering and Biotechnology), the Instituto Finlay de Vacunas (Finlay Vaccine Institute), the Empresa Laboratorios AICA (AICA Laboratories Company) and the import-export company FarmaCuba, which are directly involved in the country's efforts to tackle the pandemic and other tropical infectious diseases

11. Despite these enormous obstacles and limitations, the work done by Cuba to tackle the pandemic has been internationally recognized. Cuba's biotechnology sector has demonstrated its capacity to develop innovative products, medicines, equipment and high-tech services to improve the health of the Cuban people, to generate exportable goods and

services, and to develop advanced technologies for food production. Many of these goods and services have also been shared in our collaboration and solidarity with other States.

12. The country has three vaccines and 2 vaccine candidates in development and has sent 57 medical brigades to support the fight against the pandemic in 40 countries and territories. The immoral campaign of discredit promoted by the United States against Cuban medical cooperation has not been able to stop the solidarity and humanist vocation of our people.

13. The products of the Cuban biopharmaceutical industry, fundamentally in the biotechnological branch, are among the main items with possibilities of entering the U.S. market, due to their novelty, their high added value and the existence of a potential demand in this country. However, the blockade prohibits U.S. citizens from directly benefiting from biotechnological and pharmaceutical products developed in Cuba. This sector is affected every year in terms of research, development, production and commercialization of its products, which leads to considerable economic losses. Between April 2019 and March 2020, damages are estimated in the order of 161 million dollars.

14. Concrete examples of the impact caused by the blockade in these field are:

- From April to December 2020, the U.S. government deliberately blocked the import of supplies needed to tackle COVID-19. This was evidenced, for example, on November 18, when the Department of Transportation denied, following orders from the State Department, a request by IBC AIRWAYS, INC. and SKYWAY ENTERPRISES, INC. to operate flights to Cuba with humanitarian cargo.
- The extraterritorial application of the blockade has continued to stymie Cuba's access to medical technologies containing more than 10 percent US-origin parts and components, as well as the procurement of more than 30 products and supplies which are urgently needed for the COVID-19 prevention and treatment protocols
- The case of the SARTORIOUS and Merck German companies stands out, as well as that of Cytiva and other regular providers of laboratory material, reagents and supplies, which, due to the tightening of the blockade stopped their shipments to Cuba in 2020. During the period, the country was unable to access a total of 32 equipment and supplies related to the production of vaccine candidates against the COVID-19 pandemic or to the implementation of stages that allow the completion of the vaccine's clinical studies, including equipment for the purification of the vaccine candidates, accessories for production equipment, filtration tanks and capsules, potassium chloride solution, thimerosal, bags and reagents.
- As a result, the impact on the health sector amounted to US\$ 198.3 million dollars between April and December 2020. This figure, although comprising a shorter period of time (only 9 months), exceeds the figure reported between April 2019 and March 2020 by 38 million.

15. The Cuban State and its people cannot continue to be denied with impunity access to equipment and materials that are necessary for their scientific and technological development, for peaceful purposes. These resources also contribute to the functioning of the Cuban Henry Reeve medical brigades, specialized in dealing with disaster situations including sanitary ones, such as Ebola or the ongoing pandemic of COVID-19.

16. Cuba, as a State Party to the Convention, has the right to unrestricted international cooperation. The United States must honor its international commitments and eliminate its unilateral measures against the Cuban biological, medical biotechnological and biopharmaceutical industry and our medical and scientific collaboration in the field.

III. Why should States Parties be involved in ensuring the end of this type of unilateral measure contrary to the Convention?

17. The 8th Review Conference of the Biological Weapons Convention recalled "... that States Parties have a legal obligation to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of bacteriological (biological) agents and toxins, as well as the right to participate in such exchange, and also have an obligation not to hamper the economic and technological development of States Parties. ..." We hope that the next Review Conference, will adopt even stricter provisions in this regard.

18. The set of unilateral coercive measures that the blockade represents, which includes unilateral prohibitions and restrictions against Cuba, are in violation of the Convention, in particular of the full, effective and non-discriminatory application of Article X thereof. It is the obligation of the States Parties to achieve the purpose and objective of the Biological Weapons Convention, including the elimination of measures of this nature.

19. Cuba reiterates its firm commitment to the strict application of the Convention in all its aspects, including the full and effective application of its article X, and calls for the unilateral and unconditional lifting of the US blockade, in compliance with the 29 resolutions adopted by the international community at the United Nations General Assembly, whose Member States call for an end to this absurd policy.
