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

Geneva, 30-31 August 2021

Item 6 of the provisional agenda

**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**

What constitutes assistance and cooperation under Article X?

**Submitted by the United Kingdom of Great Britain and Northern
Ireland**

I. Introduction

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

(1) The 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 bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also cooperate in contributing individually or together with other States or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes.

(2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.



MX1 discussed this issue briefly at its 2019 meeting.¹ There is of course no definitive answer, but we can look at the original negotiations on the text of this Article, subsequent interpretations, and national as well as international practice of States Parties for guidance. The ordinary meaning of the text in Article X, especially its first paragraph, is also highly relevant in any discussion on the scope of this Article.

II. The origins of Article X

2. None of the UK draft Convention texts from 1969 through to 1970 contained any language approximating to what we now have in Article X. Neutral and non-aligned and Eastern Group delegations to the Conference of the Committee on Disarmament (CCD) opposed the separation of BW from CW for disarmament purposes during this period. They therefore did not offer amendments on the issue of the peaceful uses to these texts. However, on 30 March 1971, the Soviet Union and its allies tabled their own draft BW Convention and this contained an Article on the peaceful uses of biology.² This new Article X text read as follows:

(1) The 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 bacteriological (biological) agents and toxins for peaceful purposes.

(2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

3. In introducing this text to the CCD, the Soviet Ambassador said that, “*in preparing the draft convention its authors based themselves on the premise that the prohibition of the production of bacteriological weapons and toxins must not adversely affect the development of biology for peaceful purposes. To this end the draft Convention included Article X*”.³ Although he did not say so, the phrase “undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the” in paragraph (1) copied the NPT’s Article IV.

4. This Article X formulation from the 30 March Soviet text appeared again in the separate, but identical, US and Soviet draft Conventions that were tabled in Geneva on 5 August 1971, although this time as Article IX. Paragraph (2) was to remain unchanged for the rest of the negotiations and is the text that appears in the Convention we see today. On 17 August 1971, the neutral and non-aligned states in the CCD submitted a working paper with eleven suggested amendments to the US and USSR drafts.⁴ The last of these called for an addition to the end of paragraph (1) of Article IX (Article X of the initial Soviet draft) as follows:

¹ [BWC/MSP/2019/MX.1/2](#), Annex 1 paragraph 6, 26 September 2019.

² CCD/325, 30 March 1971.

³ CCD/PV 505 paragraph 32 page 15, 30 March 1971.

⁴ CCD/341, 17 August 1971. The states were Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Pakistan, Sweden, United Arab Republic and Yugoslavia. Argentina was also a member of the Group of 12, but did not sponsor the paper.

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.

5. In explaining this proposal, the Yugoslavian representative said that the change “is directed towards the promotion of co-operation of the parties in contributing to the application of scientific discoveries in the field of biology for the prevention of disease and for other peaceful purposes”.⁵

6. The US thought that it might be necessary to follow more closely the wording of the NPT provision from which this text derived.⁶ The UK noted in an internal Foreign Office commentary that, “*this seems a harmless addition, but given the level of scientific development of some of the likely parties to the Convention it might be improved by the addition of the words ‘in a position to do so’ after ‘Convention’.* This would bring the wording more into line with that of the NPT provision (Article IV (2)), as suggested by the Americans”.⁷ Bulgaria, Canada, Czechoslovakia, Hungary, Italy, Mongolia, Netherlands, Poland, Romania, USSR, USA and UK subsequently tabled the final version of a draft Convention on 28 September 1971. Article X appears as it does today with the amendment to reflect NPT language added by the US and supported by the UK.

7. The US Ambassador stated during his introduction of the new draft that:

*“Article X expresses what we regard as an important corollary to the elimination of the use of biological agents and toxins for weapons purposes with a significant addition by non-aligned delegations, it now contains a broad undertaking of State parties to cooperate in efforts to facilitate the widest possible use of these materials for peaceful purposes. In addition, it provides for the implementation of the convention in a manner which avoids hampering the economic and technological development of States parties or international cooperation in this area. We believe that this expanded article, perhaps more than any other, reflects the basic objective of our negotiations: to turn scientific efforts from the paths of destruction to the service of all mankind.”*⁸

III. Article X implementation

8. Paragraph (1) of Article X refers to two specific proactive objectives:

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

9. These obligations require us to take a broad rather than narrow view of what sort of activities are relevant under Article X. Any attempts to define a purportedly definitive scope

⁵ CCD/PV.530 paragraph 75 page 26, 17 August 1971.

⁶ The National Archives, FCO 66/302 UK policy on chemical and biological warfare and draft Biological Warfare Convention 1971, J.T. Masefield, UKDis Geneva to D.K.Timms, Disarmament Department, 18 August 1971.

⁷ The National Archives, FCO 66/302 UK policy on chemical and biological warfare and draft Biological Warfare Convention 1971, FCO telegram 20 to UKDis Geneva, 23 August 1971.

⁸ CCD/PV.542 paragraph 28 page 10, 28 September 1971.

for Article X would likely end up with a much more limited list of topics deemed to fall under the rubric of this Article. Such an outcome would likely impede rather than facilitate further work on this Article in the context of a future intersessional programme. Moreover, there is absolutely no suggestion that all such exchanges and actions for the promotion and furtherance of the development and application of scientific discoveries for the prevention of disease or other peaceful purposes must be channelled through some sort of BTWC mechanism. The obligation here rests with States Parties *'in a position to do so'*. Therefore, when we see national implementation reports describe in detail activities on the understanding, detection, diagnosis, treatment and prevention of infectious diseases, or on the use of microorganisms for bioremediation of contaminated soils, there is no reason to doubt their relevance to Article X's object and purpose. Such reports clearly show that States Parties are applying the provisions of Article X (2), since the activities described are conducted in a way that promotes economic and technological development in States Parties and increases international cooperation on the peaceful uses of biology.

IV. Subsequent practice and national implementation reports

10. Since the first BTWC Review Conference in 1980, through subsequent Review Conferences, the negotiations on, and draft of, a Protocol from 1995 – 2001, and the four intersessional rounds of meetings since 2003, we have witnessed a very broad range of discussions and reporting on the scope of Article X activities. A few examples suffice:

- 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.⁹
- The Fourth Review Conference Final Declaration in 1996 welcomed *'the efforts to establish a system of global monitoring of disease and encouraged States Parties to support the World Health Organisation ... the FAO and OIE, in these efforts directed at assisting Member States to strengthen national and local programmes of surveillance for infectious diseases and improve early notification, surveillance, control and response capabilities.'*¹⁰
- Article 14 4 (b) of the draft Protocol in 2001 called for the improvement and development of the capabilities of States Parties, including laboratories, upon the specific request of, and in co-operation with, the State Party concerned, in the surveillance, prevention, detection, diagnosis and treatment of diseases caused by microbial and other biological agents or toxins, in particular infectious diseases, as an integral part of a global effort to improve the monitoring of emerging and re-emerging diseases in humans, animals and plants.¹¹
- The MSP 2015 report noted the value of assisting States Parties in the development of appropriate national systems of health care that can respond effectively to infectious disease outbreaks, including through contributing to the training of human resources, transfer of technologies to help improve national capacities for diagnosis, research, response, mitigation and recovery including means of protection.¹²

⁹ BWC/CONF.III/23 Part II page 23, Geneva 1992.

¹⁰ [BWC/CONF.IV/9](#), Part II page 25, Geneva 1996.

¹¹ [BWC/AD HOC GROUP/CRP.8](#), 30 May 2001.

¹² [BWC/MSP/2015/6](#), paragraph 24 (b), 22 February 2016.

- 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.¹³

11. The recurring references to the valuable roles played by the WHO, FAO, OIE and IPCC in furthering Article X objectives illustrate the importance of assistance provided *outside* any formal arrangement under the BTWC. They also underline why it would be counter-productive to insist that only assistance directed under some sort of BTWC mechanism is relevant to the implementation of Article X, and consequently to inclusion in the national implementation reports.

V. National practice and Article X implementation reports

12. Reports submitted to Review Conferences by States Parties on their implementation of the Convention and their more detailed reports on Article X implementation describe an immensely diverse range of activities undertaken or financed by governments, academia, industry and other bodies.¹⁴ Such reports have included, inter alia, examples of projects and programmes that aim to:

- build animal health institutions to increase capacity to recognise new diseases emerging in animals, which may also infect humans. (Avian influenza, SARS, swine flu, Hendra and Nipah are examples of such diseases.). This institutional strengthening of animal health systems is to meet international animal health standards established by the OIE.¹⁵
- prevent, detect, and respond to infectious disease outbreaks and improve global health security, by building capacity in: training 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.¹⁶
- support countries as they build sustainable surveillance systems for anti-microbial resistance. Types of investment include, inter alia: infrastructure improvements and renovations to laboratories; equipment maintenance; One Health surveillance protocols; data transfer and storage; quality assurance of data and laboratory systems; biosafety and security around the laboratory.¹⁷

13. It is also instructive to see the types and range of assistance offered by States Parties in the Assistance and Cooperation database established by the Seventh Review Conference. These cover, inter alia: biorisk management, including biosafety and biosecurity; capacity building; training and education (which provide the largest category of offers at about 30% of the total); disease surveillance and detection; emergency response and assistance; scientific cooperation and joint research. The United Nations has declared 2020 as the

¹³ [BWC/CONF.VIII/4](#), Part II page 18, January Geneva 2017.

¹⁴ [BWC/CONF.VII/INF.8](#) Implementation of Article X of the Convention - Background information document submitted by the Implementation Support Unit, 23 November 2011; and [BWC/CONF.VIII/INF.4](#) - Implementation of Article X of the Convention - Background information Document - Submitted by the Implementation Support Unit, 10 October 2016.

¹⁵ [BWC/MSP/2012/MX/INF.8](#), page 3, 19 July 2012.

¹⁶ [BWC/MSP/2014/MX/INF.5](#), paragraph 23, 4 August 2014.

¹⁷ [BWC/MSP/2019/MX.1/WP.5](#), paragraph 3, 26 July 2019.

International Year of Plant Health¹⁸; the following examples of assistance offered are particularly relevant to this topic:

- Technical assistance by trained professionals in the provision of diagnostic and surveillance phytosanitary and quarantine services in port, airport and border; and
- Advice, training and technical assistance on infection and pest diagnosis in manufacturing systems, propagation materials, development programmes for seeds and varieties, post-harvest work, storage sites, transportation and marketing of agro-business products.

VI. Conclusion

14. As noted in the introduction, there is no definitive definition of what constitutes assistance and cooperation under Article X (1). We can be clear, however, that a narrow definition, or one that only included those activities conducted under an explicit BTWC mandate or context, would be inappropriate and it would not benefit States Parties if assistance and cooperation were limited in this way. The Convention's history since its final round of negotiations in the summer of 1971 does not support such a contention. The Convention is all the stronger for that; and it follows that it would serve no useful purpose to develop and agree a definition of the activities that constitute assistance and cooperation under Article X. One need only peruse the sorts of examples cited in this Working Paper to obtain guidance on what sorts of activities to report, undertake and promote under Article X.

¹⁸ <http://www.fao.org/plant-health-2020/about/en/>