The Evolution of Article X

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Outline

• Exogenous influences
• Origins of Article X
• Evolution of Article X
• A dose of realism
• Some possible options for Article X
  – Article X reports
  – Institutional capacity
  – Regional technical dialogues
  – OEWG on cooperation
Influences

Origins of Article X

**Article X**

1. The States Parties to the 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 this Convention.

*Draft Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) Weapons and Toxins and on Their Destruction*, submitted by Bulgaria, Byelorussian SSR, Czechoslovakia, Hungary, Mongolia, Poland, Romania, Ukrainian SSR, and the USSR, 30th March 1971
Origins of Article X

11. At the end of Para. 1 of Article IX add following sentence: Parties to the Convention shall also co-operate 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.

Suggestions on Desirable Changes in the Draft Convention on Bacteriological (Biological) and Toxin Weapons Working Paper submitted by Brazil, Burma, Ethiopia, India, Mexico, Morocco, Nigeria, Pakistan, Sweden, the UAR, and Yugoslavia, 17th August, 1971

First Review Conference (1980)

- First signs of dissatisfaction with Article X in 1980: “restricted and ad hoc” (Pakistan)
- Final Doc: “disarmament process should help promote economic and social development
- Shifted discussion from disease focus to a North-South framing.
- Set up discussion and divisions for the coming decades.
Second Review Conference (1986)

- Vast increase in perceived value of and demand for biotech transfer & cooperation.
- But also heightened Western concerns over proliferation (creating issues with Art III).
- Achieved a lengthy, but vague Additional Understanding under Article X.
- Push for an examination of “improving institutional mechanisms” for implementation.

Third Review Conference (1991)

- Push for institutional mechanism not followed up - there was a “lapse into inactivity” (Sims).
- 106 CoW proposals submitted for Article X some reflected nation-specific interest.
- Final Document contained language on institutional mechanisms & data bank.
- However, also a descent into “fragmentation” around expectations regarding Article X.
Fourth Review Conference (1996)

- After VEREX, the Special Conference, the CWC, and the expansion of AG control lists.
- Became clear that intrusive verification would not succeed without attention to Article X.
- AHG mandated to consider *inter alia* “… effective and full implementation of Article X.”
- Limited progress & difficulties differentiating what the BWC should and shouldn’t do.

Ad Hoc Group

- Limited attention to Article X in the early stages of the AHG work.
- Division emerged in 1998 and strengthening Article X became crucial for progress.
- Progress in 1999 with inclusion of rolling text language on int coop, trade promotion, etc.
- 2000 “very few issues required attention” and some potentially useful ideas (Littlewood).
Fifth Review Conference (2001/2)

- Annual meetings to discuss, and promote common understanding and effective action.
- Included meetings on surveillance, detection, diagnosis & combating of diseases in 2004.
- This first intersessional process exceeded the low expectations of states parties.

Sixth Review Conference (2006)

- Revisited the longstanding differences over Article X.
- Art X action plan seen by some as a vague, open-ended counter to an Art IV action plan.
- This was only resolved late in the conference and in part through consensus-by-deletion.
- Agreed future meetings intended to enhance inter coop, assistance and exchange.
Seventh Review Conference (2011)

- Revisited “well-known points of conflict” over article X (Becker)
- Proposals for an “Article X mechanism” and complaint procedure rejected.
- Agreed a sponsorship program; database for cooperation & assistance; and
- A standing agenda item on cooperation and assistance between 2012–2015

Eight Review Conference (2016)

- Limited value to the intersessional work and more ambitious approach sought in 2016.
- Substantial preparations and considerable efforts resulted in a disappointing outcome.
- Some support for OEWG on int coop and an ISU cooperation position but these were lost.
- Article X was seen, by some, as being used as a bargaining chip for consensus.
Evolution of Article X

Examples of measures for Article X agreed in First Declarations

<table>
<thead>
<tr>
<th>Measure</th>
<th>1st</th>
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<th>4th</th>
<th>5th</th>
<th>6th</th>
<th>7th</th>
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</thead>
<tbody>
<tr>
<td>Increase/promote scientific and technological co-operation</td>
<td>★</td>
<td>★</td>
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<tr>
<td>Transfer and exchange of information</td>
<td>★</td>
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<td>Training of personnel/capacity building</td>
<td>★</td>
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<tr>
<td>Transfer of materials and equipment</td>
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<tr>
<td>Background materials on Article X (by UN Secretariat or ISU)</td>
<td>★</td>
<td>★</td>
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<tr>
<td>Active promotion of contracts (including by ISU)</td>
<td>★</td>
<td>★</td>
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<td>Greater co-operation in international public health/disease control</td>
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<td>★</td>
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<td>Coordination through UN system</td>
<td>★</td>
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<tr>
<td>Co-ordination/improvement of national &amp; regional programs</td>
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<tr>
<td>Bilateral, regional &amp; multi-regional agreements related to disease</td>
<td>★</td>
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<td>Inclusion on the agenda of a relevant United Nations body</td>
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<td>Participation of measures by specialized agencies</td>
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<td>Implementation of measures on disease surveillance &amp; detection systems</td>
<td>★</td>
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<td>Establishment of a world data bank</td>
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<td>Study of enhanced radioactivity on microorganisms</td>
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<td>Program for promotion of vaccine development</td>
<td>★</td>
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<tr>
<td>The promotion of programs for scientific exchange &amp; training</td>
<td>★</td>
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<td>Develop emergency &amp; disaster management plans</td>
<td>★</td>
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<tr>
<td>Review national regulations on exchanges and transfers</td>
<td>★</td>
<td>★</td>
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<td>★</td>
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<tr>
<td>Capacity-building, in biosafety, biosecurity, disease detection etc.</td>
<td>★</td>
<td>★</td>
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<td>★</td>
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</table>

Evolution of Article X

Number of words under Art X

<table>
<thead>
<tr>
<th>Review Conference</th>
<th>Number of words under Art X</th>
</tr>
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<tbody>
<tr>
<td>1st</td>
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<td>2nd</td>
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Evolution of Biotech sector


Vaccine Development

A “dose of realism”

• The BWC is not going to progress without attention to Article X, however:
  – There are a number of cooperative activities taking place outsider the BWC.
  – The private sector plays an important role.
  – Recipient states’ infrastructure and capacity to absorb knowledge and equipment is important.
  – Any measure must be reasonably inexpensive and easy to implement.
  – Vague, open-ended calls for technology transfer have been fruitless.

Options for Article X

1. Article X reports  Time & trans
2. ISU Cooperation Officer  $120,062 pa
3. Regional S&T dialogues  ~$50,000 each
4. OEWG on Cooperation  $531,400

1 Cost of two, smaller five-day meetings
1. Article X reports

- One option could be to develop a common format for Article X reporting:
  - What states are doing?
  - What challenges are faced?
  - What do states need?
- A more radical step could be to use the reports to work out
  - Trends in Article X activity, challenges and requirements.
- **Cost:** translations (if required) and your time
2. Institutional Support

• The ISU is not an organisation akin to OPCW
• Nor is the ISU “an operational agency in the field of international cooperation”
• However, the ISU could be mandated and resourced to play a more active role in:
  – The promotion of contacts
  – The promotion of programs for scientist exchange
  – Identifying opportunities for capacity-building
  – Identifying opportunities for funding
• **Costs:** ~$120,062 (50% FTE P4 position)
3. Regional technical dialogues

- S&T meetings are a key means of information exchange and can stimulate collaboration & cooperation between actors.
- So might we consider regional S&T dialogues focused on regional BWC-related interests and problems.
- Drawing in regional and international expertise in a dialogue around regional challenges.
- **Cost:** ~$50,000 per meeting
4. OEWG on Cooperation

- Armenia, Belarus, China & the Russian Federation - BWC/MSP/2015/WP.4/Rev.1
- China and Pakistan - BWC/CONF.VIII/WP.31
- US - BWC/CONF.VIII/PC/WP.9
- Japan & Australia - BWC/CONF.VIII/PC/WP.37
- Iran - BWC/CONF.VIII/PC/WP.33
- UK - BWC/CONF.VIII/PC/WP.15
- Canada - BWC/CONF.VIII/PC/WP.24

There is some support for the principle of establishing a body to look at cooperation,

- But divergence on the detail.

- Such a body could:
  - Identify and discuss opportunities and good practices in international cooperation as well as challenges to international cooperation
  - Discuss and promote capacity building opportunities.

- Costs: $531,400 for two 5-day, small meetings with full services
### Recap & Thanks

1. **Article X reports**
   - Time & trans

2. **ISU Cooperation Officer**
   - $120,062 pa

3. **Regional S&T Workshops**
   - ~$50,000 each

4. **OEWG on Cooperation**
   - $531,400

*Progress in the BWC in the Biotech century*
- Priceless

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