

Cuban experience in the Implementation of the CABT in Cuba.

Cuba, in the biological sphere, counts on a set of legal instruments that have like essential function the protection of the man and the medio.ambiente. The legislation directed specifically to the application of the Convention of Biological weapons in our case it cannot be seen isolated of the rest of the legislation of Bioseguridad. She was always political of the Cuban State to support the application of the Convention in the legal infrastructure of biological security, in as much this contributes of the most effective way to the profit of the objectives of this Treaty. In this sense our country has updated its national legislation in the last years. The legal ordering on bioseguridad continues having his more high expression in Decreto-Ley no. 190/99 of the Biological Security. In him the basic principles and the reach of this discipline project, pronouncing themselves clearly their contribution to the sustainable development. From this Decree Law a legislative pyramid has been identified that the same form deals with to fulfill that objective, being the norms that integrate it:

Agreement 4728/2003. This Agreement of the Executive Committee of the Cabinet designates to the Ministry of Science, Tecnologi'a and Medio.ambiente like National Authority for the Convention of Biological weapons. Resolution N° 38/2006, that updates the classification in groups of risk of the biological and toxic agents who affect the human health, of the animals and the plants. It contains new criteria for the classification of these and makes express mention to the agents modified genetically. Resolution N° 8/2000, that puts into effect the General Regulation of Biological Security, for the facilities in which biological agents and their products, organisms and fragments of these with genetic information manipulate themselves; Resolution N° 76/2000, that regulates the procedures for the granting of the authorizations of biological security. Resolution No. 103/2002. Regulation that it has like objective to establish the Requirements and Procedures of Biological Security in the Facilities in which one becomes use of biological agents and its products, organisms and fragments of these with genetic information. Resolution No. 112/2003. Regulation that regulates the Requirements and Procedures of Biological Security in the Facilities in which works with Plants and Animals with biological risk. Resolution Not 2/2004. Regulation for the Accounting and the Control of Bacteriological agentses, Equipment and Technology applied to these, a) Law 93/2001. "Law against Acts of Terrorism".

Resolution no. 2/2004, elaborated specifically for the Convention, must like objective establish the norms relative to the instrumentation of the National System of Accounting and Control of Bacteriological agentses, Equipment and Technology applied to these.

This system includes a set of declarations, registries, information that must send the facilities that comprise of him, to the effects to reinforce the control

mechanisms on the biological agents of interest for the Convention, the equipment and the technology that involves them.

1. ACTIONS OF NATIONAL AUTHORITY

a) INTERNAL REGISTRY OF SAFEGUARD.

the Regulation for the Accounting and the Control of Bacteriological agents, Equipment and Technology Applied to these in its 10 Article a) indicates that the National Center of Seguridad Biolo'gica (CSB) will establish an Internal Registry of Safeguard, the one that is integrated by the organizations that make the following activities:

vaccine Production for human use. b) vaccine Production for veterinary use. c) Production of Bioplaguicidas and Biofertilizantes. d) Uso of the listed bacteriological agentses in annexed the one (1) that comprises integral of this Regulation, e) Use of the following equipment: 1, Cameras of static, dynamic or explosive aerosols. 2, Equipment to generate aerosols of microorganisms or toxins and simulantes. 3, Cabinets of Biological Security class III or convertible class I to III. 4, Insulator of flexible film or other cameras equivalent to class III and anaerobica box. f) Work with inoculantes for plants, g) genetic Modifications. 1, Transference of technology that involves the accomplishment of the mentioned activities in the previous interjections.

In addition to the organizations to that the previous section talks about, those that count on facilities of levels of biological security three (III) and four (IV) and those must be registered that makes activities corresponding to any new technology or scientific knowledge.

On the base of the dispositions established by the Regulation for the Accounting and the Control of Bacteriological agents, Equipment and Technology Applied to these, the CSB developed the procedure to establish and to update the Internal Registry of Safeguard. For it the following actions were executed:

Elaboration and shipment of declarations sworn to the Organisms of the Central Administration of the State (OACEs) to the aims to determine the possible facilities that would comprise of the national system of accounting and control. 2, Reception of the Sworn Declarations emitted by the OACEs. 3, Revision and analysis of the sworn declarations. 4, Execution of an inspection of safeguard to the organization with the purpose of verify data on the installation gathered in the Sworn Declaration of its Organism 5, Inscriptio'n of the organization in the Internal Registry of Safeguard. 1, Communication to the organization of its Inscription and Number in the Registry.

By virtue of this Regulation, that just is begun to implement, they have been registered until the present a total of 8 facilities. To these organizations a period

of around a year has been granted to them so that they orchestrate the mechanisms that the Regulation imposes. Once fact this and in the course of the present year and the next one, the national authority will carry out them inspection of safeguard with the objective to verify the veracity of the sent information and the march of the system in these institutions.

b) MEASURES FOR the PROMOTION OF the CONFIDENCE.

Resolution no. 2/2004, like part of the control system that imposes, includes granting binding character to him, the forms for the promotion of the confidence adopted by the Third Conference of Examination of the Convention on Biological weapons and Toxic. It means that, with their adoption, all the existing facilities in Cuba that make activities of interest for the mentioned Convention will have the legal obligation to send every year to the National Center of Biological Security these forms properly completed, those that after being process will comprise of the information that annually presents/displays Cuba to the Nations United by virtue of the measures of promotion of the confidence at the moment in vigor.

Within the framework of the Convention on the Biological weapons Cuba it has executed several actions. From year 1992 it participates in the exchange of information by means of the annual presentation of the forms for the promotion of the confidence.

On the base of the dispositions established by the Regulation for the Accounting and the Control of Bacteriological agentses, Equipment and Technology Applied to these, the CSB developed following documents:

Letter of request of the annual information of data of the Measures of Promotion of the Confidence, 2, Formatos of the forms for the promotion of the confidence, 3, Instructivo for the filling of the Final Declaration on Measures of Promotion of the Confidence, 4, National Seminary in the CSB, To Final Declaracio'n of the Republic of Cuba.

For the preparation of the Final Declaration of the Republica of Cuba, the CSB has developed the following flow of information.

the National Center of Seguridad Biolo'gica (CSB), acting like Competent National Authority, sends in the first fortnight of the month of January of every year the letter of request of the annual information of data of the Measures of Promotion of the Confidence, the formats of the forms for the promotion of the confidence and the Instructive one for the filling of Final Declaration on Measures of Promotion of the Confidence, to the directors of the National Centers that participate in the exchange of information, remembering to them that they must give the same one in the CSB before the 5 of February.

Realiza periodic National Seminars on the preparation of the Forms of Promotion of the Confidence of CABT (FFC) with the experts of the Centers that are designated to elaborate the information of such.

Recepciona, reviews, analyzes and files the information that the Centers send that participate in the exchange of information of the FFC.

Elabora the Final Declaration of the Republic of Cuba, on Measures of Promotion of the Confidence of the CABT and sends first a soon PRAYED and to the Direction of Collaboration the International of the CITMA for its approval. The MINREX is finally in charge to transfer the information to the Department of Disarmament of United Nations.

c) SAFEGUARD INSPECTION.

Cuba has reinforced its control mechanisms through the design of a System of Inspection that allows to verify the fulfillment of the effective legislation. This system extends to all the facilities with biological risk and to which they comprise of the national system of accounting and control. Within their fundamental elements the control modalities stand out, between which the different types from inspection are included that is to say:

Governmental Control. B. External Ministerial Supervision. C. Internal Ministerial Supervision. D. Environmental Segment. And Control of the Regulating Activity. F. State Environmental inspection of the Biological Security: 1, Roving inspection. 2, Inspection for the granting of authorizations. 3, Control of the conditions of use of the authorizations. 4, Inspection of safeguard. 1, Reinspeccion of biological security.

Them inspection of Safeguard is those destining to verify the fulfillment of the commitments contracted by the Republic of Cuba in the International Treaties that subscribes, in the matter of biological security or related to her. At the present time its objective is to verify the execution and control of the arranged thing in Resolution no. 2 /2004. For it, a total 12 has been elaborated documents between as guides, surveys and lists of control can be mentioned, constituting these the fundamental tools for the accomplishment of this type of inspection.

In these inspection also Law no. 200 of the contravenciones in the matter of medio.ambiente can be applied to the Decree, by the nonfulfillment of inspection measures or of the conditions of use of the safeguard opinion, etc.

From year 1997 to date, the national authority has executed a total of 553 inspection to the facilities with biological risk.

d) DICTAMENES OF SAFEGUARD.

Like part of the reinforcing of the control mechanisms, a System of Authorizations has been conceived that has allowed that the activities that they involve biological risk are subject to the regulating procedures of security, evaluating itself the risks that can appear for the human health and the medio.ambiente.

the System of Authorizations settles down with the objective of which all the activities related to the use, the investigation, the test, the production, the liberation, the import and the export of biological agents and its products, organisms and fragments of these with genetic information, regulated by the regulation of Accounting and the Control, as well as to the different stages from the constructive process of the facilities with biological risk which they are made in the national territory are subject to the regulating procedures of biological security, evaluating the risks which the human health and the medio.ambiente can appear for and that are made with an acceptable level of security.

Comprising of the elements of this important system are the modalities of the authorizations, between which they are possible to be mentioned:

License of Biological Security. 2, Permission of Biological Security. 3, Notification. 4, Opinion of Biological Security. Opinion of Safeguard.

the Opinion of safeguard is an authorization granted by the CSB that protects the activities regulated by the Regulation of Accounting and put Control in vigor through Resolution no. 2/2004.

the activities that they require of Opinion of Safeguard are:

the reception or shipment, the previous transference request and the evaluation by the pertinent organizations, of biological and toxic agents and organisms pertaining to the groups of risk that previously determine, as well as of teams, technologies and materials in general, between national facilities that use them or Cuba and other States, with the purpose of assuring internationally that they are not used to carry out prohibited activities national or.

the procedures for the destruction or putting out of action of biological and toxic agents, when by their volume, characteristics and location are considered dangerous or been able to be violatorios of international treaties of which Cuba is Part.

Use anticipated for the bacteriological agents, equipment and technology.

Others related to the fulfillment of the commitments contracted by the Republic of Cuba in international legal instruments on the matter or related to her.

1, From year 1996 to the present, the CSB has processed a total of 1628 requests of authorizations of biological security.

e) QUALIFICATION.

In the matter of formation of the human resources to the Bioseguridad in general, Cuba has executed different actions of qualification directed so much to the technical personnel as to the director. This qualification, that is including aspects related to the Convention, has been developed by the National Center of Biological Security and its provincial representations, as well as by the institutions with biological risk and Central Organisms of the State that have constituted themselves in multipliers of these subjects.

the Universities have closely been tied to the training actions. The Faculty of Biology of the University of Havana has developed from 1993 and to the present of uninterrupted form annual courses of post degree on Bioseguridad in which they have become qualified more than 1500 people. The Superior Institute of Applied Science and Technology has developed three editions of a Graduate on Design of Facilities with biological risk and 3 of a Masters in Bioseguridad that contemplates three mentions in the spheres of human health, veterinary medicine and vegetal health, being present in the all of them subject of the Convention.

Also the system of public health, the system of vegetal health and veterinary medicine and scientific institutions like the Center of Genetic Engineering and Biotechnology, the Finlay Institute, the Scientific Research center of the Civil defense and the Tropical Medicine Institute executed qualification actions Pedro Kouri among other institutions.

On the other hand the National Center of Biological Security, in its quality of regulating organ, has developed from its creation in 1996 different courses on general subjects from bioseguridad and other specific aspects as the transport of samples and infectious substances, certification of inspectors and evaluation of risk. In addition, it has made national factories on diverse subjects as legal frame of Bioseguridad, Bioseguridad and Modified Alive Organismos, Bioseguridad and Exotic Species, Factories scientific and 3 specific Factories on the subject of the Convention.

2. JOINT OPERATIONS OF The NATIONAL AUTHORITY WITH OTHER OACEs.

a) I COSAY OF CONDUCT.

Cuba has developed directed actions to stimulate the development of the human resources that take part in science in general sense and the activities related to the regulation and the control of this, on the base of the elevation of its technical level - professional and its actually daily moral and ethical conduct. In such sense several codes of ethics can be mentioned, between which the Code is on the

professional ethics of the workers of science, valid for the scientists of any sphere. However, to the light of the present discussions that on the subject have been celebrated within the framework of the CABT, the Cuban scientific institutions led by the Academy of Sciences they are in process of discussion of a new code that includes the subjects that, from the ethical point of view, extend the Convention and constitute moral commitments for this community.

Like part of the process of fortification of the regulatory system, which includes/understands the bioseguridad, the control and environmental inspection, the nuclear security and the prohibition of it chemical arms, the Office of Environmental Regulation and Nuclear Security (THEY PRAYED) dictated and put into effect the Code of ethics for the exercise of the regulatory activity. On the other hand, in the Code of ethics of the pictures of the Cuban State the necessity is reaffirmed more and more to preserve the ethics like an essential element of the policy in Cuba, as it conquers of the revolution, as it guides of the process revolutionary and wire of the government management.

b) MONITORING OF DISEASES.

To the triumph of the Revolution in 1959, Cuba undertook the development of the basic mechanisms for the control and the prevention of diseases that affect the man, the animals and the plants like one of the main tasks. In the case of the diseases that affect the humans, the National System of Health integrated by the network of doctor's offices of the doctor of the family, policlinicos and hospitals for the primary attention settled down at the moment, in addition it tells on centers and units of hygiene and epidemiologia to all the levels which are in charge of the prevention, the control and the diagnosis of infectious diseases.

In the agricultural field, the National System of Vegetal Health is the one in charge of the monitoring, diagnosis and handling of diseases and plagues, whereas for the case of diseases that affect the animals, the Veterinary Medicine Institute in charge is created to regulate all the aspects of the health animal, including the sanitary control and a network of veterinary diagnosis in all the national territory.

3. OBLIGATIONS OF The FACILITIES By virtue of The NATIONAL SYSTEM OF ACCOUNTING And CONTROL.

Resolution no. 2/2004 establishes a set of specific obligations for those organizations that when registering itself happen to comprise of the system. These obligations move around the instrumentation of a set of mechanisms destined to control, to protect and to enter the excellent agents which they have, equipment and the technology that involves them.

a) Control:

the obligation settles down for the holders of the facilities to orchestrate internally

the designation of the people responsible for the execution for the functions derived from the accounting and the control as well as the determination of its specific tasks. 2. The mechanisms to guarantee the information that is emitted by its center to the National Authority. 3. The procedures to previously inform to the National Center into Biological Security the activities to make with the bacteriological agents, equipment and technology that they have or they are incorporated in his installation, soliciting the opinion of corresponding safeguard according to the established thing by the Regulation. 1. The procedures to offer, within the established terms, the information that the National Center of Biological Security for the preparation of the Annex of the Final Declaration asks for on Measures of Promotion of the Confidence that Cuba offers annually, and of those other information related to the fulfillment of the obligations that imposes the system of accounting and control.

the specialists responsible for the activity of accounting and control have the following obligations:

Mantener narrow communication and cooperation with the National Center of Biological Security in the activities and tasks that are framed within the system. 2. To make and to maintain updated the inventory of the bacteriological agents used in its organization and listed equipment. 3. To make inspection internal to determine the degree of fulfillment of the obligations that imposes the system. 4. To maintain updated the information that builds in the registries of operations. 1. To elaborate, within the established terms, the information that the National Center of Biological Security for the preparation of the Annex of the Final Declaration asks for on Measures of Promotion of the Confidence that Cuba offers annually, and of those other information related to the fulfillment of the established thing by the Regulation.

b) Protection:

Throughout all the Regulation obligations for the holders as for the people in charge of the accounting settle down as much and the control, related to the protection and the security of the agents, equipment, technology and the information related to these.

It is responsibility of the holder of the installation to orchestrate the measures necessary to regulate the existing access to the bacteriological agents, equipment and technology in the facilities, as well as to the information related to these. As well, the person in charge of the accounting and the control must directly take the control of access of the authorized personnel to work with the bacteriological agents, controlled equipment and technology, as well as of the personnel who is going to accede to the information related to these.

the national authority in the execution of them safeguard inspection has access to the program of biological security of the installation as well as to its plan of security and physical protection and its fulfillment. In the granting of the opinions of safeguard related to the use of biological agents and equipment it is requested, like part of the information to evaluate, the conditions of security related to the physical protection of these agents and equipment.

c) Accounting.

the Regulation imposes to the organizations, that by means of the Registry happen to comprise of the System, obligations related to the accounting of the agents, equipment and technology associated to these. These obligations are based fundamentally on the existence of internal registries directed to enter and to control these agents and equipment. On the base of these registries, that in the case of the agents only extend to the listings, the organizations must elaborate information that are sent periodically to the national authority. It is possible to indicate that on the listed agents the institutions do not have to maintain control systems that the national authority also verifies in them inspection. These systems of control can but flexible and be fit to the necessities of the installation.

internal Registries for the facilities:

one settles down for the holders of the organizations that comprise of the system the obligation to establish a listed registry of operation of the bacteriological agents, equipment and used technology, the one that is conserved by a period of five years in the installation. As it leaves from this Registry they will have to make annual inventories in the month of December, with the purpose of declaring the real amounts of existing bacteriological agents in the installation and of equipment listed in annexed the corresponding one. It is possible to emphasize that this inventory includes all the present bacteriological agents in the installation.

Information to send to the national authority:

List of inventory: Listing of all the bacteriological agents separately, equipment and type of technology. This report is sent with date previous to the five of February of the following year to the one of the inscription of the installation in the Internal Registry of Safeguard. 2, Report of operation: It describes to the operations conducted with the materials only listed, listed equipment and technology. It is sent with a semester regularity in the months of February and July of the following year to the one of the inscription of the installation in the Internal Registry of Safeguard. Special information: They are emitted in the cases in that some incident takes place that originates the loss, destruction or deterioration of the bacteriological agents listed and listed equipment, or when losses or alterations in the operation registry happen.

4. OTHER ACTIONS RELATED TO THE CONVENTION.

Cuba, in addition to the specific measures for the national application of the Convention, has rendered national information in accordance with Resolution 1540 of the Security Council of the Nations United on the nonproliferation of the weapons of mass destruction, adopted by this Organ the 28 of April of the 2004. In these information so much has been reflected the legislation as other measures of operative character that show as Cuba does not have the intention to have no weapon of massive destruction.

Cuba has participated actively in the meetings that have been celebrated so much of technical experts as of States Parts of the mechanism of pursuit 2003 - 2005. In them it has contributed with the different subjects that have treated, contributing documents that contain their national experience.

Cuba has emphasized that the one of the concrete results that must have mechanism of pursuit of the Convention on Biological weapons is the identification of concrete forms of attendance and cooperation between the interested States Parts to continue advancing towards the more and more effective application of the dispositions of the Convention at global level. Cuba has made available of the interested States Parts concrete possibilities of attendance and cooperation.

Fulfilling one of the recommendations of I SAW Conference of Examination, I name myself to the CSB and the Ministry of Outer Relations of the Republica of Cuba (MINREX) like national meeting points for the Support unit to the Implementation.