

Monday 23rd August 2021

MX1 on cooperation and assistance: setting the scene

The first of the 2020 Meetings of Experts (MXs) to the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) is scheduled to convene on the last two days of August 2021 in Geneva. MX1 was originally scheduled to be held in the middle of 2020 but was postponed owing to the COVID-19 pandemic and resultant restrictions to protect health. This MX1 is to be chaired by Kimmo Laukkanen (Finland) and will be the last occasion on which the MX1 topics will be discussed in an MX format before the Ninth BWC Review Conference, now scheduled for 2022.

The overarching topic for MX1 is ‘Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X’. The meeting has a number of agreed sub-topics on the agenda to guide discussion.

Article X of the BWC is about access to the life sciences for peaceful purposes – a key bargain within the Convention that the renunciation of biological weapons and the implementation of controls over hostile uses of the life sciences have to be balanced so that there is not hindrance to the use of the life sciences for peaceful purposes. Article X also provides that states parties ‘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’. The concept of ‘cooperation and assistance’ goes further than Article X itself, including other aspects such as capacity building.

MX1 has been preceded by two informal webinars held in November 2020 and June of this year. At the time of publication, four working papers for MX1 had been published. Links to the working papers and to the webinars can be found via [<<https://meetings.unoda.org/section/bwc-mx-2020-mx1/>>](https://meetings.unoda.org/section/bwc-mx-2020-mx1/). This is also the webpage that the BWC Implementation Support Unit (ISU) will post presentations and statements made during MX1.

Article X and cooperation and assistance in context

While there is significant common ground on most issues within the BWC, the MX1 topic brings together a cluster of issues for which there are long-standing divergences of views between governments. Article X-related issues have been seen as sufficiently important by a range of states parties such that they have been included in some form in each of the inter-sessional work programmes since the first was established at the resumed Fifth BWC Review Conference in 2002.

Security, economic and geographical considerations and perspectives influence how individual governments see the balance between the two sides of the bargain embodied in Article X of the Convention. Most Western states have consistently put emphasis on the security aspects of the bargain, while states seeking greater economic development see access to peaceful uses as a key justification for using precious governmental resources in their engagement with the Convention. There are many delegations who hold positions somewhere in between these two perspectives, with many perceiving the global benefits of activities such as capacity building and efforts to control infectious disease as worth pursuing in their own right, irrespective of BWC provisions.

There will be lessons from the current pandemic for Article X discussions, in particular as the pandemic has exposed vulnerabilities in responses to infectious disease. COVID-19 has highlighted that infectious disease can transcend geographic borders and that no country is safe from a highly transmissible disease unless there are capabilities to deal with that disease across the globe. However, this perspective runs up against the current challenges of vaccine availability in countries without the economic resources to compete with market forces.

The Assistance and Cooperation Database

The Seventh BWC Review Conference (2011) decided to ‘establish a database system to facilitate requests for and offers of exchange of assistance and cooperation among States Parties’. This has become known informally as the ‘Article X database’ and contains rising numbers of offers of help and requests for assistance. The operation of the database is summarized in the Annual Report of the ISU each year. A number of delegations have suggested during BWC meetings that the database is underused. Nevertheless, the clearest sign that this database has been seen as worthwhile is the proposal for a counterpart database in relation to Article VII which will be discussed during MX4.

Other proposals and developments on Article X and related issues

In addition to the 2011 decision to establish the Article X database, there have been a number of other proposals to strengthen Article X. During the negotiations for a protocol to strengthen the BWC that came to halt in 2001 there were significant elements of the rolling text that were designed to enhance implementation of Article X. One of these elements was a ‘cooperation committee’. At the Sixth BWC Review Conference (2006) there were proposals for an Article X action plan alongside action plans on national implementation and universalization. The plans did not achieve consensus and so were not adopted. In 2009 a proposal for an Article X implementation mechanism was made by the non-aligned group of BWC states parties. This proposal has been updated and presented again subsequently. There have also been proposals for a cooperation officer post in the BWC Implementation Support Unit (ISU), although these have been mostly unclear about whether this might be through the creation of a new post or a reallocation of tasks for the existing staff. A new post has obvious financial implications. In 2019 India proposed the establishment of a trust fund, from voluntary contributions, to support cooperation and assistance activities.

One proposal that gained more traction was adopted in paragraph 61 of the Final Declaration of the Seventh BWC Review Conference which called for the submission of national reports, at least every two years, on the steps taken by states parties to implement Article X. Only a limited number of these have been submitted and these are published on the website pages for the meetings to which they are submitted. In 2018, Australia proposed a template for structure and content of Article X reports in an effort to make their content more usable.

Examples of connections with other MX topics

There are potential benefits to the implementation of Article X through greater awareness of peaceful uses of scientific and technological developments via enhanced review mechanisms [MX2]. National implementation needs to be put into place so that a balance is struck between the different articles of the Convention [MX3]. Synergies between capacity building under Article X and under Article VII have been identified [MX4]. Article X-related measures would be likely to be included in any comprehensive proposals for institutional strengthening of the Convention [MX5].

This is the first in a series of reports for the Meetings of Experts for the BWC which are scheduled to be held from 30 August to 8 September 2021 in Geneva. These reports have been produced for all BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are posted to <<<http://www.bwpp.org/reports.html>>> and <<<http://www.cbw-events.org.uk/bwc-rep.html>>>. An email subscription link is available on each page. The reports are prepared by Richard Guthrie, CBW Events, who is solely responsible for their contents. He can be contacted via <<richard@cbw-events.org.uk>>.