

# **Strengthening the Biological Weapons Convention**

## **Review Conference Paper No 28**

### **Promoting International Cooperation in the Field of Peaceful Biological Activities**

**March 2011**

**Series Editors**

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# PROMOTING INTERNATIONAL COOPERATION IN THE FIELD OF PEACEFUL BIOLOGICAL ACTIVITIES

by Graham S. Pearson

## Introduction

1. At the Sixth Review Conference in 2006, the States Parties in their Solemn Declaration at the start of the Final Declaration<sup>1</sup> said that they solemnly declare:

*(viii) Their conviction that the full implementation of all the provisions of the Convention should facilitate economic and technological development and international cooperation in the field of peaceful biological activities;*

This solemn declaration effectively reiterated that made at the Fourth Review Conference in 1996 when the solemn declaration<sup>2</sup> included the words:

*- Their conviction that the full implementation of the provisions of the Convention should facilitate economic and technological development and international cooperation in the field of peaceful biological activities;*

although it will be noted that the solemn declaration at the Sixth Review Conference put the emphasis on *the full implementation of **all** the provisions of the Convention*. [Emphasis added]

2. The Final Declaration<sup>3</sup> of the Sixth Review Conference in 2006 in the section on Article X included the following:

*46. The Conference stresses the importance of implementation of this Article and recalls that the States Parties have a legal obligation 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 and not to hamper the economic and technological development of States Parties.*

*47. The Conference reaffirms the commitment to the full and comprehensive implementation of this Article by all States Parties. The Conference recognises that while recent scientific and technological developments in the field of biotechnology would increase the potential for cooperation among States Parties and thereby strengthen the Convention, they could also increase the potential for the misuse of both science and technology. Therefore, the Conference urges all States Parties*

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<sup>1</sup> United Nations, Sixth Review Conference 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, *Final Document, Part II Final Declaration* 2006, BWC/CONF.VI/6.

<sup>2</sup> United Nations, Fourth Review Conference 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, *Final Document, Part II Final Declaration*, 1996, BWC/CONF.IV/9.

<sup>3</sup> United Nations, Sixth Review Conference 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, *Final Document, Part II Final Declaration* 2006, BWC/CONF.VI/6.

*possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, particularly with countries less advanced in this field, while promoting the basic objectives of the Convention, as well as ensuring that the promulgation of science and technology is fully consistent with the peaceful object and purpose of the Convention.*

*48. The Conference reaffirms that existing institutional ways and means of ensuring multilateral cooperation among all States Parties need to be developed further in order to promote international cooperation for peaceful uses in areas relevant to the Convention, including such areas as medicine, public health, agriculture and the environment.*

In addition, later in the same section on Article X, the Final Declaration states that:

*55. The Conference:*

....

*(v) urges States Parties in a position to do so to continue supporting, directly as well as through international organizations, capacity-building in States Parties in need of assistance in the fields of disease surveillance, detection, diagnosis and combating of infectious diseases and related research;*

4. In addition, the Interessional Programme from 2007 to 2010<sup>4</sup> included as the topic for 2009:

*(v) With a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: (1) for States Parties in need of assistance, identifying requirements and requests for capacity enhancement; and (2) from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields;*

The Report of the Meeting of States Parties<sup>5</sup> in 2009 included the following in its substantive paragraphs:

*31. States Parties affirmed the role of the Implementation Support Unit, consistent with its mandate, in supporting the capacity-building activities of the States Parties by facilitating communication and partnerships, and acting as a **clearing-house** for information on needs for and sources of assistance and cooperation. In this context, the States Parties recalled that the Sixth Review Conference had encouraged States Parties to provide appropriate information to the Implementation Support Unit on their implementation of Article X, and welcomed the reports on cooperation activities that were submitted by States Parties during this meeting. [Emphasis added]*

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<sup>4</sup> United Nations, Sixth Review Conference 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, *Final Document, Part III Decisions and Recommendations*, 2006, BWC/CONF.VI/6.

<sup>5</sup> United Nations, 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, *Report of the Meeting of States Parties*, BWC/MSP/2009/5, 16 December 2009.

5. This Review Conference Paper notes that there have been many requests at recent meetings of the States Parties for the establishment of a mechanism to facilitate international cooperation. For example, Cuba on behalf of the NAM and other States noted<sup>6</sup>:

*7. The Convention lacks an appropriate mechanism that would allow States Parties to facilitate the broadest possible transfer and exchange materials and scientific and technological information regarding the use of bacteriological (biological) and toxin agents for peaceful purposes, as well as exercise the right to participate in these exchanges.*

This Review Conference Paper, recognizing that resources are limited, examines an approach that is based on the clearing-house principle which would meet the required need and help to efficiently strengthen the implementation of the Convention.

### **Clearing House Mechanisms**

6. The term *Clearing House* was originally used for an establishment maintained by banks for settling mutual claims and accounts. More recently, the term has been used for a central agency for the collection, classification, and distribution especially of information. It is in this latter context that a *Clearing House* mechanism is being proposed in this Review Conference Paper.

7. There are numerous examples of clearing houses. A few examples are considered here.

8. **IAEA (International Atomic Energy Agency).** The IAEA maintains a clearing house for information on radioactive contaminants in the marine environment (MARIS) and makes data on marine radionuclide levels available to Member States for future assessment studies and the evaluation of trends in contamination of the marine environment. This clearing house<sup>7</sup> is part of the framework of the United Nations Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA) and as well as providing information to IAEA Member States it also provides advice and assistance to regional and international bodies, such as the Oslo-Paris Commission for Protection of the Marine Environment of the NE Atlantic (OSPAR), the Helsinki Commission, the Barcelona Convention, and the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP). The manpower engaged on the IAEA clearing house on radioactive contaminants in the marine environment (MARIS) is modest consisting of a part of a P3, over half the time of a P2 and about 10% of a G4. However, the effort required does vary depending on the quality and quantity of the data submitted.

9. **US Department of Health and Human Services.** The DHHS has a website<sup>8</sup> entitled *2011 Federal Health Information Centers and Clearinghouses* which lists some 66

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<sup>6</sup> Cuba (on behalf of the NAM and other States), 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, *The Establishment of a Mechanism for the Full Implementation of Article X of the Convention*, BWC/MSP/2009/MX/WP.24, 25 August 2009.

<sup>7</sup> International Atomic Energy Agency, *Protection of the Marine and Terrestrial Environment*. Available at: <http://www-naweb.iaea.org/na/marine-terrestrial.html>

<sup>8</sup> United States, Department of Health and Human Services. *Federal Health Information Centers and Clearinghouses*. Available at <http://www.health.gov/nhic/pubs/2011clearinghouses/clearinghouses1.htm>

information centers and clearing houses. It is evident that the DHHS is using the term clearing house as a source of information on a specific topic such as National Oral Health Clearinghouse whilst other examples, such as the National Technical Information Centre provide access to a very broad range of information.

**10. Convention on Biological Diversity Clearing House Mechanism.** The Convention on Biological Diversity in its *Article 18 Technical and Scientific Cooperation* states that:

*1. The Contracting Parties shall promote international technical and scientific cooperation in the field of conservation and sustainable use of biological diversity, where necessary, through the appropriate international and national institutions.*

and goes on to say that:

*3. The Conference of the Parties, at its first meeting, shall determine how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.* [Emphasis added]

The Convention on Biological Diversity entered into force on 29 December 1993.

11. The Clearance House Mechanism (CHM) has accordingly been established with a strategic plan<sup>9</sup> that identifies three major goals:

- 1. The promotion and facilitation of **technical and scientific cooperation***
- 2. The promotion and facilitation of information exchange among Parties, other Governments and stakeholders*
- 3. A fully operational mechanism with participation of all Parties and an expanded network of partners.* [Emphasis added]

12. In the annual report<sup>10</sup> on the Convention on Biological Diversity in 2006, it was noted that *Access to, and transfer of, technology, together with scientific and technical cooperation, are key elements in the Convention. With regard to the scientific and technical cooperation and the clearing-house mechanism, the Parties adopted an updated strategic plan for the period 2005-2010 and a programme of work up to 2010.* Further insight into technical transfer through the clearing-house mechanism is provided through a report entitled *40 Shades of Technology Transfer*<sup>11</sup>, prepared in 2004 by Germany and described as a *compilation of concepts.*

13. At the Conference of the States Parties to the Convention on Biological Diversity in 2006 they adopted a decision<sup>12</sup> *VIII/11 Scientific and technical cooperation and the clearing-*

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<sup>9</sup> Convention on Biological Diversity, CHM Strategic Plan for the Period 2005-2010. Available at <http://www.cbd.int/chm/strategy/>

<sup>10</sup> Convention on Biological Diversity, *Year in Review 2006*. 2007. Available at: [www.cbd.int/doc/reports/cbd-report-2006-en.pdf](http://www.cbd.int/doc/reports/cbd-report-2006-en.pdf)

<sup>11</sup> Convention on Biological Diversity, *40 Shades of Technology Transfer*, Technology Transfer through the Clearing-House Mechanism An excerpt of a Study from Germany. Available at <http://www.cbd.int/programmes/cross-cutting/technology/record.aspx?id=7899>

<sup>12</sup> Convention on Biological Diversity, Conference of the States Parties to the Convention on Biological Diversity, Eighth Meeting, Brazil, 30-31 March 2006. Decision Adopted by the Conference of States Parties to

*house mechanism* that expressed satisfaction with the progress being made by the clearing-house mechanism by saying:

*Noting with satisfaction* the concrete steps taken towards making the clearing-house mechanism an effective tool for promoting technical and scientific cooperation among Parties,

*Welcoming progress* in facilitating the synergistic collaboration between the clearing-house mechanism and existing initiatives in order to develop more accessible information sources for countries on their biodiversity,

14. In a brochure about the programme of work on technology transfer and technological and scientific cooperation prepared in 2006, it was stated that:

*The provisions of the CBD on technology transfer reflect the consensus of the international community, laid down in key international policy documents such as the Rio Declaration on Environment and Development, Agenda 21, and the Johannesburg Plan of Implementation of the World Summit on Sustainable Development (WSSD), that the development, transfer, adaptation and diffusion of technology, in particular environmentally sound technology and the environmentally sound application of biotechnology, and the building of related capacity is crucial for achieving sustainable development.*

It is also recognized that the Clearing House mechanism is crucial for the implementation of the Articles 16 to 19 of the Convention which deal with:

*Article 16. Access to and Transfer of technology*

*Article 17. Exchange of Information*

*Article 18. Technical and Scientific Cooperation*

*Article 19. Handling of Biotechnology and Distribution of its Benefits*

15. *Staffing.* The resources for this CBD clearing-house mechanism are essentially a clearing house coordinator acting a team leader (P-4 or P-3), an information systems officer (P-3 or P-2) in charge of establishing and maintaining the central web-based information system infra structure and a content editor (G-7) in charge of editing the content and keeping it up to date. The CHM coordinator is expected to carry out high-level content management functions. During the setting up phase of the clearing house additional resources will be required (information architecture, terminology/ontology, content compilation, graphical web design, information systems development, ...).

16. At the most recent, tenth, Conference of the Parties to the Convention on Biological Diversity held in October 2010 in Japan, a decision (X/16) was taken on technology transfer and cooperation in which Parties and other Governments, as well as relevant international organizations and initiatives, research institutions and the business sector, were invited “*to submit to the Executive Secretary information on activities currently being undertaken by international, regional or national organizations and initiatives, including sectoral organizations and initiatives, which support, facilitate, regulate or promote technology*

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Convention on Biological Diversity, *VIII/11 Scientific and technical cooperation and the clearing-house mechanism*. Available at: <http://www.cbd.int/decisions/cop/?m=cop-08>

transfer and scientific and technological cooperation of relevance to the Convention, such as on:

- i. Support for technology needs assessments and regulations, including capacity-building for technology assessments;
- ii. Pertinent capacity-building and training courses;
- iii. Pertinent seminars and symposia;
- iv. Information dissemination;
- v. Other implementation activities including match-making and catalysing or facilitating the establishment of research-centre networks, alliances or consortia, joint ventures, twinning arrangements, or other proven mechanisms, on technologies of relevance to the Convention.”

It is made clear that this information will be analyzed and disseminated through the clearing-house mechanism.

17. Another recent initiative that is being undertaken by the Convention on Biological Diversity in order to further technology transfer and cooperation is the LifeWeb Initiative<sup>13</sup> which is a separate clearing-house mechanism that is working very effectively to facilitate scientific and technical cooperation by bringing together donor States and those seeking assistance either through technology transfer or through capacity building in regard to certain areas. This is supported by two members of staff – a project coordinator (P-4) and an IT expert (P-2).

18. **Analysis.** It is thus evident that the Convention on Biological Diversity has a central Clearing House Mechanism that has as one of its primary goals being to promote and facilitate technical and scientific cooperation. The resources required for this are basically three people made up of a clearing house coordinator acting a team leader (P-4 or P-3), an information systems officer (P-3 or P-2) and a content editor (G-7). Additional resources are required during the setting up phase.

19. **Cartagena Protocol on Biosafety: Biosafety Clearing House.** The Convention on Biological Diversity has also agreed the *Cartagena Protocol on Biosafety* which entered into force on 11 September 2003. The Cartagena Protocol includes in its *Article 20 Information Sharing and the Biosafety Clearing-House*<sup>14</sup> the requirement that:

*1. A Biosafety Clearing-House is hereby established as part of the clearing-house mechanism under Article 18, paragraph 3, of the Convention, in order to:*

*(a) Facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms; and*

*(b) Assist Parties to implement the Protocol, taking into account the special needs of developing country Parties, in particular the least developed and small island developing States among them, and countries with economies in*

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<sup>13</sup> For information about the LifeWeb Initiative see <http://www.cbd.int/lifeweb/background/>

<sup>14</sup> Convention on Biological Diversity, *Cartagena Protocol on Biosafety, Article 20 Information Sharing and the Biosafety Clearing-House*. Available at: <http://bch.cbd.int/protocol/text/article.shtml?a=cpb-20>



*transition as well as countries that are centres of origin and centres of genetic diversity.*

20. *An Introduction to the Biosafety Clearing House*<sup>15</sup> makes it clear that a clearing-house mechanism serves to:

- Promote and facilitate technical and scientific cooperation within and between countries;
- Develop a global mechanism for exchanging and integrating information on biodiversity; and
- Develop a human and technological network.

and goes on to add that the mechanism's key aspects include compatibility with different levels of national capacity, needs-driven, provides access to information, supports decision making, has no vested interest in controlling the expertise or information, and is created for the mutual benefit of all participants.

21. It is also evident<sup>16</sup> that one of the specific roles of the Biosafety Clearing House is to provide assistance in regard to capacity building in the following respects:

*Parties and others can access important information about capacity-building and other assistance for implementation of the Cartagena Protocol. The following databases are provided:*

*(i) **Biosafety Capacity Building Projects**, which contains information on project status and location, lead organization(s) and contacts, objectives and activities, lessons learned, a brief description of each project and web links for detailed information;*

*(ii) **Capacity-Building Opportunities**, which includes information on one-time, short-term capacity building opportunities, such as: funding grants, scholarships and fellowships, technical assistance, training workshops, internships/apprenticeships, study tours, partnerships, discussion forums and others;*

*(iii) **Compendium of Academically-Accredited Biosafety Courses**, which includes a listing of recurrent academically-accredited biosafety education and training programs offered around the world; and*

*(iv) **Capacity-Building Needs and Priorities**, which includes national and regional necessities for the implementation of the Biosafety Protocol, identified and categorized in line with the elements of the Capacity-building Action Plan.*<sup>17</sup>

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<sup>15</sup> Convention on Biological Diversity, Cartagena Protocol on Biosafety, *An Introduction to the Biosafety Clearing House*, March 2010, Revision 4.0. Available at: [http://bch.cbd.int/help/topics/en/webframe.html?BCH\\_Central\\_Portal.html](http://bch.cbd.int/help/topics/en/webframe.html?BCH_Central_Portal.html)

<sup>16</sup> Convention on Biological Diversity, Cartagena Protocol on Biosafety, *An Introduction to the Biosafety Clearing House*, March 2010, Revision 4.0. Available at: [http://bch.cbd.int/help/topics/en/webframe.html?BCH\\_Central\\_Portal.html](http://bch.cbd.int/help/topics/en/webframe.html?BCH_Central_Portal.html)

<sup>17</sup> Convention on Biological Diversity, Cartagena Protocol on Biosafety, *Biosafety Clearing House, An Introduction to the Biosafety Clearing House*, March 2010, Revision 4.0. Available at: [https://bch.cbd.int/help/topics/en/webframe.html?BCH\\_Help\\_Complete\\_Manuals.html](https://bch.cbd.int/help/topics/en/webframe.html?BCH_Help_Complete_Manuals.html)

22. *Staffing.* The pilot phase of the Biosafety Clearing House in 2000 to 2004 was managed by two UN officers at P3 level – one with a special focus on the Cartagena Biosafety Protocol and the organization of information and the other with great IT (information technology) skills. In 2004 the ordinary management of data required addition of a G7 staff and in 2010 a second G7 was added on the IT (information technology) side. One of the P3 staff has been upgraded to P4, thus making the staff operating the Biosafety Clearing House, one P 4 level, one P 3 level and two G 7 level.

23. **Analysis.** It is evident from the above consideration of various clearing-house mechanisms that the Convention on Biological Diversity has successfully established a clearing-house mechanism to promote and facilitate scientific and technical cooperation between the member States. In addition, the Cartagena Protocol on Biosafety has successfully established a Biosafety Clearing House that includes the provision of assistance in regard to capacity building. In both cases this has required some three to four staff – two at the P-3/P-4 level and one at the G-7 level with additional resources needed during the setting up phase for the clearing house.

### **A Clearing-House Mechanism for the BTWC**

24. It is evident that a clearing-house mechanism for the BTWC would provide an effective mechanism for the promotion and facilitation of scientific and technical cooperation between the States Parties and thus the implementation of Article X of the Convention. The Working Paper<sup>18</sup> prepared by the NAM for the Meeting of Experts in 2009 sought *an appropriate mechanism that would allow States Parties to facilitate the broadest possible transfer and exchange materials and scientific and technological information regarding the use of bacteriological (biological) and toxin agents for peaceful purposes.* The creation of a clearing-house mechanism to do this would be an effective and flexible use of resources to achieve this objective as the experience outlined above in regard to the Convention on Biological Diversity shows that a clearing-house mechanism is effective. It is also evident that the proposed clearing-house mechanism could include a sponsorship programme in the BTWC to support participation of developing States Parties and of other experts in the meetings and other activities of the Convention. The Implementation Support Unit in 2011 is staffed with one P 5, one P 3 and one P 2 officer. It is considered that the clearing-house mechanism would require additional staff of one P 4 officer, one P3 officer and one G 7 officer to operate the clearing-house mechanisms and that additional resources would be required for the phase when the clearing-house mechanism is being established.

25. The key elements that need to be agreed in the Final Declaration of the Seventh Review Conference, probably in *Section III: Decisions and Recommendations*, are thus the following:

- a. Decision to establish a clearing-house mechanism to facilitate and promote scientific and technical cooperation as part of the Implementation Support Unit.
- b. Decision that the clearing-house mechanism shall also promote capacity building in States Parties to the Convention and a sponsorship programme.

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<sup>18</sup> Cuba (on behalf of the NAM and other States), 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, *The Establishment of a Mechanism for the Full Implementation of Article X of the Convention*, BWC/MSP/2009/MX/WP.24, 25 August 2009.

- c. Decision that the clearing-house mechanism shall include a sponsorship programme to support participation of States Parties and of other experts in the meetings and other activities of the Convention.
- d. Decision that the States Parties to the BTWC shall provide information to the clearing-house mechanism in regard to ongoing and planned activities relating to scientific and technical cooperation, capacity building and sponsorship.
- e. Decision that the Implementation Support Unit shall be augmented by the appointment of one P-4 level, one P-3 level and one G-7 level officer to operate the clearing-house mechanism and that additional resources shall be appointed for the phase when the clearing-house mechanism is being established.
- f. Decision that progress towards the creation of the clearing-house mechanism and its subsequent operation shall be included as an item in the Annual Report of the Implementation Support Unit to the Annual Meeting of the States Parties.

## **Conclusions**

26. This Review Conference Paper has examined how a clearing-house mechanism could be used for promoting international cooperation in the field of biological activities – and thus the implementation of Article X – and also for capacity building. It is concluded that the clearing-house mechanism that was established in the 1990s for the Convention on Biological Diversity in order to promote and facilitate scientific and technical cooperation is a useful model that could be adapted for promoting international cooperation in the Biological and Toxin Weapons Convention. It is also evident that such a clearing-house mechanism could also be used to facilitate capacity building and also a sponsorship mechanism as has successfully been done by the Biosafety Clearing-House mechanism that was created in 2000 to 2004 under the Cartagena Protocol on Biosafety. The manpower needed to operate such a Clearing-House Mechanism for the BTWC is estimated as being one P-4 level, one P-3 level and one G-7 level officer with additional resources being needed during the phase when the clearing-house mechanism is being established. It is recommended that a decision be taken at the Seventh Review Conference to augment the Implementation Support Unit by the three posts needed for the clearing-house mechanism and that reports on progress in the implementation of the clearing-house mechanism should be included in the annual reports of the Implementation Support Unit to the Annual Meeting of States Parties.