

Monday 19th August 2024

Assistance, response and preparedness under Article VII: setting the scene

The Fourth Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) is scheduled to convene in Geneva from 19 to 23 August, as decided by the Ninth BWC Review Conference (2022). The First Session established a schedule of work which was amended by decisions later in the year. The upcoming session is scheduled to deal with three topics: ‘Measures on assistance, response and preparedness under Article VII’ (Monday to Wednesday), ‘Measures on scientific and technological developments relevant to the Convention’ (Thursday), and ‘Measures on international cooperation and assistance under Article X’ (Friday). The first of these will be discussed here with the latter two having their own ‘setting the scene’ reports in this series which will be published over the next two days. A summary of the discussions that take place Monday to Wednesday will be published on Thursday. Reports in this series from the first three Sessions (and back to the Sixth Review Conference in 2006) are available from the links provided overleaf.

There have been a number of personnel changes as is usual in multi-year multilateral processes. Most delegates are posted to this issue area, whether in Geneva or in capital, on three- or four-year rotations. On occasion, national circumstances lead to reallocation before a rotation has been completed. This is the case with Ambassador Flávio Damico (Brazil) who was promoted this year to become his country’s ambassador to Ecuador and his successor in Geneva is Ambassador Frederico S Duque Estrada Meyer. Ambassador Damico had been appointed Chair of the Working Group. Following consultations, Ambassador Meyer has been nominated to be the Chair. Ambassador Camille Petit (France) and Irakli Jgenti (Georgia) remain as Vice-Chairs. Other rotations mean that there are some changes to the ‘Friends of the Chair’ for the various topics under discussion within the WG.

Since the group last met in December there have been two additions to the membership of the BWC. Tuvalu deposited its instrument of accession on 28 June with Micronesia depositing its instrument on 12 July. They have become the 186th and 187th BWC states parties, respectively. Universalization issues are in the remit of the BWC Meeting of States Parties (MSP) to be held at the end of the year rather than the WG.

Official documents and other materials have been posted by the BWC Implementation Support Unit (ISU) to the official web page of the session at <https://meetings.unoda.org/bwc-/biological-weapons-convention-working-group-on-the-strengthening-of-the-convention-fourth-session-2024>

Assistance, response and preparedness issues in context

This topic is based on Article VII of the Convention which deals with the provision of ‘assistance’ by states parties if a state party is ‘exposed to danger’ because of a ‘violation of the Convention’. The negotiations that led to the adoption of the BWC included a divergence of perspectives on whether use of biological methods of warfare should be specifically included as a prohibition of the Convention or not – the argument being that inclusion might be interpreted as weakening the status of the 1925 Geneva Protocol which had already prohibited use. As use could only follow possession, which was clearly

prohibited, use of biological weapons could only result from a violation of the BWC.

Any large scale attack using biological weapons would be a emergency in public health terms, whether the initial target was humans, animals or plants. There is a considerable overlap in capacities needed to respond to natural or deliberate disease outbreaks, particularly in relation to dealing with mass casualties. Indeed, it may not be apparent early on that an outbreak of disease was naturally occurring or deliberately induced. However, there is a clear desire expressed by a number of delegations to avoid duplication of activities and resources. Nevertheless, it is widely recognised that effective measures to reduce naturally-occurring infectious disease are perhaps the most significant defence against use of biological weapons. Lessons have been learned from assistance between states in response to recent outbreaks such as from Ebola Virus Disease (EVD) and the COVID-19 pandemic. As no government is likely to have ready all of the resources required to respond to a severe biological attack, the concept of receiving assistance applies to all. Within BWC meetings, very practical concerns have been raised about how to implement Article VII.

The ISU has produced a background paper (BWC/WG/4/1) for this Session outlining relevant decisions from Review Conferences, common understandings reached in the inter-sessional work programmes, and relevant activities carried out by the ISU.

The advantages of governments requesting assistance under Article VII to be able to communicate their needs promptly and effectively has been long recognised. The lead on this issue has been taken by South Africa which over the years has produced a number of working papers on guidelines that could be used in a request for assistance, including a suggested checklist of information to be communicated. An updated working paper (BWC/WG/4/WP.1) has been submitted to this Session.

Russia has long argued that a system of mobile biomedical laboratories as part of international arrangements for response within the BWC would have advantages and has produced a number of working papers on the subject. An updated working paper (WP.2) has been submitted to this Session.

Article VII has never been invoked which has led to there being some uncertainties and divergences of perspectives on how this might best be carried out should the need arise. The US has submitted a working paper (WP.3), co-sponsored by 11 other states parties, reviewing some outstanding questions and uncertainties about the activation of the Article VII process.

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’. In 2015, France and India proposed an additional database for assistance under Article VII that should encompass ‘emergency assistance, containment measures and recovery assistance’. This proposal received what some have described as a decision in principle at the Eighth Review Conference (2016) and the challenges of reaching consensus at the Ninth Review Conference (2022) led to no further decision being taken on this. An updated working paper (WP.4) has been submitted to this Session.

Further working papers are understood to be in the pipeline to be published in the coming days.

The Friends of the Chair on this topic have prepared a paper that was circulated to states parties in July and posted on the Session website the Friday before the Session. The paper summarizes some of the activities and discussions so far and concludes with 10 ‘guiding questions’ on the role of the BWC and other international bodies, cross-cutting issues, and concrete proposals to strengthen implementation – a number of which are touched upon in the working papers above.

The Ninth Review Conference was explicit in encouraging the Working Group to complete its work before the end of 2025 – the year that marks the centenary of the 1925 Geneva Protocol and 50 years since the entry into force of the BWC.

These reports have been produced by the BioWeapons Prevention Project (BWPP) for all BWC meetings with NGO registration since the Sixth Review Conference (2006). They are available from <https://www.bwpp.org/reports.html> and <https://www.cbw-events.org.uk/bwc-rep.html>. A subscription link is available on each webpage. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents <richard@cbw-events.org.uk>.