

Thursday 26th August 2021

MX4 on assistance, response and preparedness: setting the scene

The fourth of the 2020 Meetings of Experts (MXs) to the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) is scheduled to convene during 6-7 September 2021 in Geneva, having been postponed by a year owing to the COVID-19 pandemic. The overarching topic for MX4 is 'Assistance, Response and Preparedness' and discussion in the meeting will be guided by a number of agreed sub-topics on the agenda.

This meeting is to be chaired by Elena Kuzmanovska Biondic (North Macedonia) and will be the last occasion on which the MX4 topics will be discussed in an MX format before the Ninth BWC Review Conference, now scheduled for 2022.

Article VII deals with the provision of 'assistance' by states parties if a state party is 'exposed to danger' because of a breach of the Convention. 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.

There is a background paper from 2018 by the Implementation Support Unit (ISU) on MX4 issues available at <<https://undocs.org/BWC/MSP/2018/MX.4/2>>. An informal webinar has been held since the last MX4. At the time of writing, five working papers for MX4 had been published. Links to the webinar, the meeting agenda, these working papers and statements/presentations given during the meeting can/will be found via <<https://meetings.unoda.org/section/bwc-mx-2020-mx4/>>.

Assistance, response and preparedness issues in context

For a long time, discussions on Article VII were usually combined with discussions on Article VI and how investigations of alleged use of biological weapons might be carried out. In recent times these have more often been separated. There have been differing views expressed over whether or not a request for assistance under Article VII should be combined with a request for an investigation to the UN Security Council under Article VI. The UN Secretary-General's Mechanism for investigation of alleged use has previously been discussed in MX4 and there is likely to be a discussion of Article VI-related issues in MX5 this year. The means by which any alleged use of biological weapons might be investigated has been the subject of strongly held divergences of views.

Article VII specifies that the UN Security Council would decide if a state party was 'exposed to danger'. The Eighth Review Conference (2016) concluded: 'should a request for assistance be made, it should be promptly considered and an appropriate response provided. In this context, in view of the humanitarian imperative, the Conference encourages States Parties in a position to do so to provide timely emergency assistance, if requested pending consideration of a decision by the Security Council.'

Just as Article VII discussions were invigorated by lessons learned from the Ebola Virus Disease (EVD) outbreak in west Africa in 2014, it is reasonable to expect that there will be a potentially greater influence resulting from the COVID-19 pandemic. There is a commonality of capacities to respond to natural and 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; moreover, whether natural or deliberate (or resulting from an accident), there

would be some form of emergency in public health terms. There have been rationales expressed for the need for relevant capacities to be put in place at local, regional, national and international levels. However, there is a clear desire expressed by a number of delegations to avoid duplication of activities and resources.

Proposals and developments relating to assistance, response and preparedness

Within BWC meetings, very practical concerns have been raised about how to implement Article VII. Indeed, the discussions around Article VII are probably the most pragmatic that the current author has seen in a BWC setting. An illustration of this pragmatic approach is provided by a 2018 joint Russia/UK working paper on ‘Core Elements for an Effective Article VII Response’ that was presented at a time of heightened tensions between the two countries.

There have been discussions on how governments requesting assistance under Article VII should communicate their needs. South Africa has taken a lead on this issue and has produced a number of working papers on guidelines that could be used, including a suggested checklist of information to be included in a request for assistance.

France and India submitted a proposal in 2015 to establish a database, along the lines of the Article X database [discussed in the first report of this series], for assistance under Article VII. The proposers emphasised that such a database would not mean duplicating other emergency assistance mechanisms and suggested it should encompass ‘emergency assistance, containment measures and recovery assistance’. This proposal has generated considerable discussion and further working papers on this subject have been produced looking into greater detail about how such a database would operate. Paragraph 47 of the final document of the Eighth Review Conference (2016) reads: ‘The Conference supports the establishment of a database ... to facilitate assistance under the framework of Article VII.’ However, the difficult negotiations of other sections of that final document meant that the sections of it that would have provided a specific mandate and a budget for such a database were not agreed upon. One delegate to the MX4 in 2018 described this as a ‘decision in principle’ for the Article VII database. However, a more detailed decision from the Ninth Review Conference would be needed to establish the database.

A further idea that has been suggested in interventions in BWC meetings has been to establish a trust fund or other voluntary fund in relation to Article VII, although this has not been presented as a detailed proposal.

There have been a number of national resources that delegations have presented to BWC meetings in recent years connected with Article VII. For example, Russia has proposed introducing mobile biomedical laboratories as part of international structures for response within the BWC and has produced a number of working papers on the subject. Other national resources for outbreak assistance described in BWC meetings have included the UK Public Health Rapid Support Team and the Japan Disaster Relief Infectious Diseases Response Team. Japan has been funding work to enhance preparedness of BWC states parties in Asia for addressing deliberate biological events.

Examples of connections with other MX topics

Effective response to any deliberately induced outbreak of disease would be enhanced by further capacity building – a key lesson cited from responses to the EVD outbreaks [MX1]. Greater knowledge of how diseases spread and new techniques that be used to counter them can enhance Article VII [MX2]. Effective national implementation measures can help with the capacity to deal with Article VII issues [MX3]. Institutional strengthening of the Convention may provide more resources to deal with assistance, response and preparedness issues [MX5].

This is the fourth 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 content. He can be contacted via <richard@cbw-events.org.uk>.