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BWC Article VII & Article X discussions relevant to disease outbreak response

The 1972 Biological and Toxin Weapons Convention (BWC/BTWC) – the international treaty to prohibit possession of biological weapons – contains a number of provisions beyond banning the acquisition and possession of biological weapons. This report focuses on Article VII and Article X – both of which have been the subject of considerable discussion in BWC meetings over many years.

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. 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 similar, potentially greater, influence resulting from the COVID-19 pandemic.

Article X embodies a bargain – that the renunciation by states parties of hostile uses of biological materials and technologies brings with it freedom to gain the benefits of the peaceful uses of the life sciences.

The two BWC Articles do not stand alone. Links or overlaps between Article VII and Article X have been highlighted over the years, not least because 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. A 2011 UK working paper made explicit Article VII–Article X links, noting ‘efforts relevant to Article X which seek to improve further national and regional capabilities – including those under the Global Partnership, as well as other initiatives – can help strengthen Article VII too’.

It is too early for governments to have had any opportunity to evaluate their responses to the impacts of COVID-19, nevertheless there are clear indications that lessons similar to those drawn from the EVD experience would also apply in relation to the current pandemic.

Activities within the BWC relevant to the two articles and to disease response

Both articles have been the subject of considerable discussion in BWC meetings over many decades – within the five-yearly Review Conferences, during the Ad Hoc Group (1994-2001), and during the inter-sessional work programmes that started in 2003 and which meet in the years between Review Conferences. The reporting here will cover points from the last decade or so.

In 2009 a proposal for an [Article X implementation mechanism](#) was made by the non-aligned group of BWC states parties. While this proposal was not adopted, subsequent debates led to a decision by the [Seventh Review Conference](#) (2011) 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 BWC Implementation Support Unit (ISU). The Seventh Review Conference also encouraged states parties to submit reports on their Article X activities [these are published on the

[BWC website pages for the meetings](#) to which they are submitted]. There have been suggestions that consistency in the format and content of Article X reports would make their content more usable. Australia offered a [template](#).

It is only in inter-sessional meetings since the Seventh Review Conference that detailed discussions have been held about Article VII as a whole and distinct from questions of investigation of alleged use of biological weapons. The specific topic of how to strengthen implementation of Article VII was included on the agendas of the BWC inter-sessional work programme for 2014 and 2015. For the 2018-20 work programme, one of the Meetings of Experts (MXs) each year has been on the topic of ‘Assistance, Response and Preparedness’ with specific sub-topics relating to Article VII.

Within these meetings, practical concerns have been raised about how to implement Article VII. There have been discussions on how governments requesting assistance under Article VII should [communicate their needs](#). In 2015, France and India submitted a [proposal to establish a database](#), along the lines of the Article X database, 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’.

There is no consensus over whether or not a request for assistance under Article VII should be combined with a request for an investigation under Article VI. The means by which any alleged use of biological weapons might be investigated has been the subject of some controversy. Issues of distinguishing deliberate disease from natural events or accidental releases were covered in report no 2 of this series. 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.’

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 proposed introducing [mobile biomedical laboratories](#) as part of international structures for response within the BWC. The UK [Public Health Rapid Support Team](#) ‘consists of public health experts, scientists and academics, and is on stand-by to tackle outbreaks of infectious disease anywhere in the world within 48 hours’. The [Japan Disaster Relief Infectious Diseases Response Team](#) was established to support affected countries’ ‘response effort and to minimize the spread of the naturally caused disease’ and identified five specialist functions: epidemiology, laboratory diagnosis, medical treatment, infection control and public health response. That practical ideas for disease response can transcend usual political challenges is illustrated by a 2018 joint Russia/UK paper on [Core Elements for an Effective Article VII Response](#) that was presented at a time of heightened tensions between the two countries.

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.

The impact of COVID-19 has focused political attention on issues relating to responses to diseases. How that might be translated into future discussions within the BWC will be examined in a future report in this series.

This is the third in a series of reports looking at the impacts relating to the COVID-19 pandemic in relation to the BWC published by the [BioWeapons Prevention Project \(BWPP\)](#), a global network of civil society actors dedicated to the permanent elimination of biological weapons and of the possibility of their re-emergence. These reports follow the style of the daily reports that have been produced for all BWC meetings since the Sixth Review Conference in 2006 and are posted to <http://www.bwpp.org/covid.html> where links can be found to background materials that readers may find useful as well as to an email subscription link. The reports are prepared by Richard Guthrie, [CBW Events](#), who is solely responsible for their contents. The author can be contacted via richard@cbw-events.org.uk. Financial support for these reports has been gratefully received from the Department of Foreign Affairs and Trade of Ireland.