Third Tabletop Exercise (TTX) on the Implementation of Article VII of the Biological and Toxin Weapons Convention (BTWC)

8-9 August 2019, Palais des Nations, Geneva

Preparatory note for participants

Background to the scenario
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agenda</td>
<td>1</td>
</tr>
<tr>
<td>Good to know ...</td>
<td>2</td>
</tr>
<tr>
<td>Goals and framework</td>
<td>3</td>
</tr>
<tr>
<td>Summary of findings from TTX 2016 and TTX Lomé</td>
<td>6</td>
</tr>
<tr>
<td>First TTX (8 - 9 November 2016, Palais des Nations, Geneva)</td>
<td>6</td>
</tr>
<tr>
<td>Possible decision flows that came out of the first TTX</td>
<td>9</td>
</tr>
<tr>
<td>Second TTX (28 - 29 May 2019, UNREC, Lomé, Togo)</td>
<td>10</td>
</tr>
<tr>
<td>Decision-making: procedures and time frames</td>
<td>10</td>
</tr>
<tr>
<td>Preparedness</td>
<td>11</td>
</tr>
<tr>
<td>On the need to determine whether an outbreak was deliberate</td>
<td>12</td>
</tr>
<tr>
<td>Conclusions</td>
<td>14</td>
</tr>
<tr>
<td>Third TTX (2019): Map of Earthland</td>
<td>15</td>
</tr>
<tr>
<td>Background to the scenario</td>
<td>16</td>
</tr>
<tr>
<td>General setting</td>
<td>16</td>
</tr>
<tr>
<td>Geopolitics</td>
<td>17</td>
</tr>
<tr>
<td>The Biological and Toxin Weapons Convention (BTWC)</td>
<td>18</td>
</tr>
<tr>
<td>Conflict</td>
<td>19</td>
</tr>
<tr>
<td>Appendix – Working paper by South Africa</td>
<td>21</td>
</tr>
</tbody>
</table>
Agenda

Wednesday, 7 August

18:15 - 19:30 Icebreaker reception for participants (Delegates restaurant, 8th floor)

Thursday, 8 August

09:00 - 10:00 Opening
   Welcome
   Presentation outcomes of the previous TTXs
   Introduction to the 3rd TTX + assignment to breakout groups
10:00 - 11:30 Stage 1 (Breakout groups)
   11:30 - 12:00 Coffee break
12:00 - 13:00 Stage 1 (Plenary discussion)
   13:00 - 14:30 Lunch break
14:30 - 16:00 Stage 2 (Breakout groups)
   16:00 - 16:30 Coffee break
16:30 - 17:30 Stage 2 (Plenary discussion)

Friday, 9 August

09:00 - 09:30 Introduction to Stage 3
09:30 - 11:30 Stage 3 (Negotiation teams)
   Phase 1: National consensus position (30 minutes)
   Phase 2: Multilateral discussions (45 minutes)
   Phase 3: Reporting back to capital and updating national position (30 minutes)
   11:30 - 12:00 Coffee break
12:00 - 13:00 Stage 3 (Plenary discussion)
   13:00 - 14:30 Lunch break
14:30 - 15:30 Stage 4 (Breakout groups)
15:30 - 16:00 Stage 4 (Plenary session: National decisions)
16:00 - 16:30 Wrap up and conclusions
**Good to know ...**

**Meeting rooms**
- The meeting rooms are on the 2nd floor of the A building. When entering the UN complex via the Pregny gate, go straight ahead to the building in front of you and descent the stairs to the lower-lying parking. The entrance on your right gives direct access to the area of our meeting rooms.
- On both days, the TTX will start at 09:00 sharp

**Lunches and coffee breaks**
- No lunch arrangements have been made. Participants are free to have their lunch where they wish.
- For the UN cafeteria (different types of hot meals catering to all requirements or salads), descend the stairs to the first floor. The corridor takes you to the cafeteria.
- Coffee will be served outside the meeting rooms.
- Please be advised that food and drinks are prohibited in the meeting rooms.
- On both afternoons, the TTX will resume at 14:30 sharp.

**Meetings**
- The tabletop exercise is paperless. Please make sure to bring all relevant documents. Having your laptop available might be useful.
- Each participant will be assigned to a country (A-B-C) and an expert group of that country (1-2-3). During the exercise there will be national meetings and meetings bringing together the respective expert groups from the different countries.
  - The plenary room is Concordia 1.
  - The three breakout rooms are Concordia 2 – 4.
    - Breakout Group A / Expert group 1 - Concordia 2
    - Breakout Group B / Expert group 2 - Concordia 3
    - Breakout Group C / Expert group 3 - Concordia 4
Goals and framework

• The primary goal of the exercise is to stimulate reflection on the decision-making pro-
cesses both within a State party to the Biological and Toxin Weapons Convention
(BTWC) and by the international community that might trigger Article VII or in the
event Article VII was triggered. Such reflection would cover (but not be limited to):
  • Determination of the conditions that could lead to the triggering of Article VII;
  • Determination of the steps one or more State Parties would have to undertake to
    trigger Article VII;
  • Consideration of the circumstances under which the international community may
    be willing to consider requests under Article VII.

• Specific questions that need to be considered include (but are not limited to):
  • What steps or measures need to be identified / implemented ahead of an outbreak?
    • On the national level?
    • On the international level?
  • What areas should such preparatory steps or measures cover?
    • To receive or facilitate receipt of international assistance?
    • To foresee and prepare for the impact of an outbreak on a country’s social
      fabric (e.g., economy and trade, travel, schools, public events, fear, educa-
      tion and outreach concerning the crisis, etc.)?
  • What steps or measures does the community of States Parties need to undertake
    to operationalise Article VII?
    • Are there any preconditions to launching such a request?
    • Is there a need to independently confirm that the outbreak is deliberate be-
      fore Article VII can be triggered? If so, who will make the determination?
    • What type of information should the request contain?
    • With whom should the request be filed?
      • Should mechanisms provided in other parts of the BTWC be utilised?
      • Can a State Party file a direct request with the UNSG or UNSC, and
        if so, what is the specific contribution of Article VII to the subsequent
        chain of developments?

• The proposed scenario covers only the time frame between the detection of an outbreak
and the moment when the international community would be called upon to offer assis-
tance to the country suffering a major outbreak. It does not deal with how the resources
for such assistance would be mobilised or the ways in which the assistance might be provided.

• The proposed scenario is not intended to be gamed. Its purpose is to focus on critical decision moments prior to the deployment of assistance under BTWC Article VII. In particular it seeks to stimulate thought on the conditions under which a State Party might consider triggering Article VII in view of the many other available mechanisms to organise international assistance after disasters, including ones resulting from disease outbreaks.
  
  • The World Health Organisation (WHO) would be a key actor in any scenario of a major human disease outbreak. It undertook a major reform of its emergency capacities based on reviews of its response to the Ebola epidemic in West Africa.
  
  • Other United Nations actors that might become involved depending on the nature of the outbreak are the Food and Agricultural Organisation (FAO), the Office for the Coordination of Humanitarian Affairs (OCHA), the UN Children’s Fund (UNICEF), the World Food Programme (WFP), as well as other international actors, such as INTERPOL, World Organisation for Animal Health (OIE), pertinent sub-regional organisations, and so on.
  
  • States Parties to the BTWC, as well as other international organisations, may decide to provide different types of assistance on a bilateral basis or in support of international relief efforts (e.g., emergency supply of medicines and medical equipment, funding of operations) on purely humanitarian imperatives and without awaiting decisions under BTWC Article VII.
  
  • Several non-governmental humanitarian organisations (e.g., Médecins sans frontières - MSF) as well as the International Committee of the Red Cross (ICRC) may become involved in addressing the consequences of a major disease outbreak because of their rapid response capacity or their ongoing local development assistance activities. Each one of them may have capacities to receive, distribute or deploy international assistance to the stricken areas.
  
  • Equally important in considering possible action under BTWC Article VII will be the likely organisational and procedural impacts of the sequence of international organisations becoming involved in the response.

Experience and expertise for dealing with major disasters and epidemics exists on the global, regional and national levels and in different types of humanitarian and health organisations. The BTWC, however, is a security treaty that seeks to eliminate the BW threat. Article VII addresses assistance in the context of threats to States Parties following a violation of the
BTWC. Consequently, triggering Article VII may imply deliberate use of a biological weapon rather than just an unusual disease outbreak. As Article VII has never been invoked, implications of its triggering are unknown.

The tabletop exercise seeks to identify and characterise possible consequences of invoking Article VII during the initial decision-making phases.
Summary of findings from TTX 2016 and TTX Lomé

First TTX (8 - 9 November 2016, Palais des Nations, Geneva)

• Invocation of BTWC Article VII may generate many political and legal uncertainties in the absence of clear procedures. Presently it is unclear under which circumstances it could be triggered and to whom the request for assistance should be addressed (Chair/President of BTWC meetings, Depository States, UN Secretary-General, UN Security Council). In the case of an unusual disease outbreak the international community will likely respond immediately with medical, humanitarian and other relief assistance via established intergovernmental and international non-governmental organisations. The question therefore arises which types of assistance above and beyond that humanitarian response States Parties to the BTWC should consider. In addition, it is unclear how such assistance might be delivered to the requesting state: via the already mobilised intergovernmental and international non-governmental organisations or via alternative routes? More to the point, there are issues related to institutional mandates and competences, as well as operational coordination and decision making, which would need further study.

• The TTX indicated that initial measures by States Parties in response to a disease outbreak-even if concerns exist that the outbreak might have been the result of a malicious act-are likely to be driven by public health concerns. Using existing public health systems and mechanisms under the IHR were primary considerations in the opening stage of the exercise. It reflected the uncertainties regarding situational assessments at this early stage, on the one hand, and the need to respond quickly to save lives, on the other hand. However, this initial response created both institutional and psychological barriers to requesting additional assistance that is explicitly linked to a potential violation of the BTWC. It will therefore be important to establish a procedural framework for how Article VII can be invoked.

• It is equally unclear at what stage of the evolving health emergency Article VII could conceivably be invoked. Requesting assistance under Article VII signals deliberate intent behind the outbreak, which other States Parties may not be willing to accept immediately. This raises questions of evidence. Must the requesting State Party supply evidence of deliberate release in support of its request, and if affirmative, what should be the nature and quality of such evidence? What additional steps to confirm the allegation may the international community, and the UN Security Council in particular, require before
determining that the requesting State Party ‘has been exposed to a danger as a result of violation of the Convention’?

- The exercise also showed that States Parties may require independent confirmation of a violation of the BTWC before they are willing to trigger Article VII (for example in form of findings in relation to procedures under Articles V or VI of the BTWC, or of a UNSGM investigation). It will be important therefore to consider whether these mechanisms are well-equipped to provide such independent confirmation at a level of confidence acceptable to States Parties. Equally important, can such mechanisms yield results within time frames that allow timely decision-making under Article VII?

- While current debates on Article VII tend to emphasise humanitarian assistance, the TTX suggested that BTWC States Parties ought to consider the added value of Article VII assistance. Humanitarian assistance is the first response to an unusual disease outbreak, for which mandates and procedures have been developed and adopted by various organisations and institutions. Given that invocation of Article VII is suggestive of a deliberate release of a pathogen, clarifying the uncertainty (with or without attributing responsibility) may be an equally important response component. Article VII could conceivably address the following areas of possible assistance: forensic or investigative capacities, data sharing and information, law enforcement capacity, transport assistance (e.g. humanitarian corridors; road, air space or port access), military assistance (e.g., logistics at points of entry or distribution centres).

- The implications of invoking Article VII clearly complicated the assistance process. From the perspective of the requesting State Party the consequence of the step are unclear. For instance, would it still be in charge of the response? Would it still be involved in the decision-making processes, and if so, to what extent? What control would it retain over developments once the determination of the cause of the outbreak has been internationalised? Might it exacerbate international tensions that contributed to the health crisis in the first place? What options for de-escalation of the conflict remain after internationalisation?

- Participants stressed that in the case of a suspected deliberate outbreak on a technical or procedural level a continuum may exist between humanitarian assistance and assistance delivered under Article VII. However, such a continuum may not be present on a political level. Concern about the point when political factors might become disruptive to the assistance enterprise raised the threshold for invoking Article VII considerably. Participants sensed that resorting to Article VII is an inherently political decision that would set
all subsequent decision-making and organisation of the response apart from that for an unusual, yet natural outbreak. The risk that invocation of Article VII might hinder the public health response they viewed as not negligible.

- Article VII and its implications of a deliberate release of pathogens would raise speculation about the identity of the perpetrator. This might affect the willingness of other States Parties to provide assistance on a bilateral or inter-regional basis. Invoking Article VII should not shift the focus away from the public health emergency and reduce the efficiency of crisis management by hindering collaborative approaches and slowing the emergency response.

- BTWC States Parties should also explicitly consider how Article VII might function in case an outbreak is slow-moving or affects animals or plants rather than humans.

- The exercise underlined the desirability of developing a format for an assistance request under Article VII. The process of developing such a format, as well as the agreed format itself, would help to clarify some of the above-mentioned uncertainties in terms of procedures, actors and decision steps.

- The relationship between an assistance action in response to Article VII, and other humanitarian assistance actions under frameworks / legal instruments other than the BTWC, should be further clarified: there are uncertainties at the level of policy, decision making, and operational coordination that could lead to tension, unwanted duplications or operational conflict. A process similar to the interagency coordination exercises under the UN Counter-Terrorism Implementation Task Force (CTITF) working group in the chemical field may point a way forward to clarifying the different roles and mandates and developing coordination mechanisms and interfaces.

- From a methodological point of view, organising tabletop exercises of this kind at regional level could bring valuable inputs in order to better understand the specific challenges that may hinder the public health crisis response in some parts of the world and how Article VII could be relevant.
Possible decision flows that came out of the first TTX
Second TTX (28 - 29 May 2019, UNREC, Lomé, Togo)

- Compared to the 2016 TTX, participants in Lomé had a high level of expertise in the management of disasters and health crises. Discussions, as a result, were more technical. The organisers briefed participants in detail on the outcomes of the 2016 TTX, including the uncertainties about the procedures and outcomes of triggering Article VII, as well as the multiple possible decision-making paths (see Appendix 2). Whereas the main aim of the first TTX had been to uncover issues relating to activating Article VII, the Lomé exercise sought to navigate the known uncertainties and ambiguities in the face of a mounting health crisis.

- As in 2016, the TTX limited itself to the process of triggering Article VII. As such it covered the phase between the detection of an unusual disease outbreak up to the point when the UNSC might have to decide that a BTWC state party ‘has been exposed to danger as a result of violation of the Convention’. The mobilisation and organisation of the delivery of assistance following such a decision were not part of the scenario. In addition, participants also considered measures to have ideally in place before an outbreak to mitigate its consequences should it occur.

Decision-making: procedures and time frames

- While it is possible to consider elaborate procedures to trigger Article VII based on different contingencies, time frames for decision-making will necessarily be short in view of the unfolding health crisis. Furthermore, data that may inform such decisions will be incomplete, uncertain or ambiguous. While national decision-makers may desire a fuller picture or even independent confirmation of whether the unusual disease outbreak is deliberate or not, time pressures may preclude extensive information collection or multi-lateral consultations in support of best-possible decision-making. Barring immediately available incontrovertible indications of BW use, the initial response to an outbreak will most likely involve national or international health agencies. Evidence of deliberate use may emerge only gradually days or weeks after the start of the outbreak.

- Whereas the 2016 TTX pointed to several possible decision-making courses, some of which did not involve the BTWC, the exercise in Lomé looked at possible roles for BTWC Articles V and VI and the UN Secretary-General’s Mechanism (UNSGM) and other investigative mechanisms. Participants considered these options in view of other existing tools, including bilateral, regional and international cooperation and roles to be played by relevant international and non-governmental organisations (NGOs).
• Given their professional backgrounds it was perhaps unsurprising that participants held utilitarian views about possible contributions of Articles V and VI, the basic position being that if they facilitate an emergency response, then they could have a supportive role. They weighed possible hierarchy or priority of one provision relative to another. Nevertheless, their most important consideration remained whether those provisions supported effectiveness and speed of the emergency response.

• Participants tended to view bilateral agreements as effective and different from what might be delivered under Article VII. They wondered how these might be coordinated with the BTWC. They noted the absence of any entity in the BTWC context that can enter into legal contracts, which complicates preparations and coordination should Article VII ever be invoked. They suggested and considered the option of a database with available assistance offers.1

• BTWC Article VII was also discussed in the light of effectiveness and speed of the emergency response. Participants expressed concern that possible mechanisms under the BTWC could be time-consuming whereas epidemics may spread fast. The question was raised whether an immediate request for assistance on a bilateral or regional level, or via multilateral mechanisms was not preferable. Concern was voiced about what Article VII might add to those tools, especially since its triggering implies deliberate dissemination of the contagion. Its invocation might elevate the political dimension of the crisis. In this context, they raised two questions:
  • Can procedures be developed to address an assistance request to other BTWC states parties and guide their response to such requests?
  • Can the assistance request be decoupled from the implied allegation of deliberate release?

Preparedness
• Preparedness ahead of an outbreak was another topic of discussion. National crisis coordination centres should review their procedures and adapt their contingency planning to include the possibility of a deliberately caused disease outbreak. Legal frameworks may have to be modified to take such contingencies into account. Cross-border coordination of such crises should equally be reviewed in view of possible deliberate origin of an outbreak.

• Other elements discussed included: determination of who has the responsibility to request assistance; designation of the authorities within ministries and agencies that should be involved in coordination; identification of a reference laboratory (national, regional or international?) and determination whether that laboratory can or has the obligation to make the results of its analyses public; the conditions under which patients and samples can be transported, including across the territory of other states. Existing arrangements may have to be adapted to include the possibility of deliberate dissemination of a pathogen. The question was raised which roles the national focal point for the International Health Regulations/WHO might play in the whole setup.

• Additional steps mentioned included: electronic platforms to exchange sanitary data among the countries concerned; the establishment of coordination centres; and harmonisation of the training of key personnel, operational procedures, and equipment.

• An important aspect of preparedness was information dissemination. One dimension concerned the provision of authoritative information to one’s own population to counter mis- and disinformation, avoidance of panic or distrust of assistance providers being major concerns. A second dimension was to operate information channels to and from other countries to assist governmental decision-making. Formal independent confirmation of whether an outbreak was deliberate or not was viewed to be of lesser relevance to the assistance decision than adequate information on the nature of the outbreak. The requesting state may supply scientific or other proof in support of its assistance request. The final dimension was about official communications to international audiences, including neighbouring and regional countries to inform them of decisions concerning national preventive measures (e.g. sanitary measures, including possible quarantines, movement restrictions, coordination of closing of borders) and assistance, and BTWC states parties to promote the benefits of such assistance under Article VII.

On the need to determine whether an outbreak was deliberate

• There was discussion about the need to confirm whether an outbreak was natural or deliberate. The fact that any investigative mechanism, the UNSGM in particular, stood outside of the BTWC attracted the attention of participants. On the one hand, some argued for clarification of roles and better coordination between the UNSGM, the UNSC and the BTWC. On the other hand, the opinion was also voiced that there was no need for an investigation before requesting or providing assistance. A presumption of deliberate intent or a body of evidence strongly suggesting the intentional nature of the epidemic ought to suffice. Information about the nature of the outbreak could be obtained from the WHO, neighbouring countries and humanitarian NGOs.
• Notwithstanding, participants looked into the question about the types of information and nature of data a state party should supply in support of its assistance request. They let their considerations be guided by the working paper submitted by South Africa to the Meeting of Experts on Assistance, Response and Preparedness.\(^2\)

• In the TTX, Pannotia triggered Article VII by submitting a formal request for assistance to the UNSC via its Mission to the UN in New York. Evidence in support of its request included the results from the reference laboratory in Laurussia and the separate index cases. In addition, Pannotia declared its openness to receive an investigative team by the UNSG in case of lingering doubts about the deliberate origin of the outbreak among UNSC members. It also stressed that it submitted the request to the UNSC so that the UNSC can reinforce the norm against the non-use of BW, which is the principal goal of the BTWC.

**Recommendations for the South African Working Paper**

• The breakout groups received the South African working paper to guide their deliberations. In the fourth stage they were requested to advise their government on concrete proposals for the 2019 Meeting of Experts, including possible recommendations to supplement or modify the elements in the South African working paper:
  - Add information on the security situation in the zone affected by the outbreak.
  - Expand possible assistance from just humanitarian to support of investigations, including national investigations, and assistance in support of such national investigations. (The recommendation did not specifically mention the UNSGM and during the TTX other options for investigation were considered, as mentioned above.)
  - Indicate possible options for logistical assistance in support of the field teams.
  - Specify the need to coordinate with states already providing assistance.
  - Specify in subparagraph 11(g) the need for information whether the disease is endemic to the region and whether (separate) index cases have been discovered.
  - Modify subparagraphs 11 (i) and (j) to include the nature of assistance already being provided.
  - If possible, modify subparagraph 11(n) to enable sharing of the results of such investigations.
  - Need to include clear guidelines for a state party requesting assistance.
  - Organise a TTX to test the chain of proposals put forward in paragraph 11.

• Several comments reflected on assistance in support of medical preparedness and legal assistance to set up the necessary coordination frameworks.

Conclusions
• In summary the following recommendations and points for further consideration were voiced:
  • The BTWC should be carefully assessed with respect to options available to states parties to address a health crisis.
  • States parties should shed greater clarity on the relationship between humanitarian assistance discussed under Article VII and the context of BW use the provision implies.
  • Every effort should be made to avoid crisis escalation. Solutions to provide assistance should be found through consultations among states parties; accusations against other states parties are to be avoided. Participants also asked in this context whether BTWC states parties could decouple the provision of emergency assistance from the determination of deliberate use.
  • The uncertain balance between advantages and disadvantages of triggering Article VII was an important consideration in all working group discussions (irrespective of the type of country played). This uncertainty resulted from the availability of bilateral or international assistance mechanisms outside the BTWC with proven effectiveness, on the one hand, and the implications of deliberate use inherent in Article VII, on the other hand. Procedural clarity would benefit Article VII. However, even with much greater procedural clarity participants still felt that the implied deliberate use or treaty violation in Article VII would politically always weigh heavily on decision-making.
  • Article VII may provide the framework for focussed assistance and cooperation for peaceful purposes (under BTWC Article X?) with regard to preparedness, including infrastructure to receive emergency assistance, diagnostics and (local and regional) response capacities. Considered as equally important was the provision of legal assistance to set up frameworks for response, national coordination and cross-border coordination and cooperation. Such assistance offers (and requests) could be included in a database maintained by the BTWC ISU on behalf of the states parties.
  • After triggering Article VII, will the response efforts by international organisations be duplicated or is a different type of assistance envisaged?
Third TTX (2019): Map of Earthland
Background to the scenario

General setting

Earthland is a continent comprising 8 large and mid-sized countries. They are: Gondwana, Laurasia, Laurussia, Middle Earth, Pangea, Pannotia, Rodinia and Vulcania.\(^3\)

This scenario focuses mostly on Gondwana, Middle Earth, Pannotia and Rodinia. Twenty-three years ago the first three countries broke away from Rodinia and achieved independence after a couple of years of vicious fighting. Low-intensity conflict, especially along the border with Gondwana and in the northwest of Pannotia, has never subsided.

Before the breakup, Rodinia used to be the dominant power of Earthland. Its population comprised multiple ethnicities, some of whom had been each other’s rivals since time immemorial. The dominant, but minority ethnic group, the Rodinians, occupied mostly the northeastern part of the country (roughly present-day Rodinia), which was then the centre of economic, scientific and technological development. Even though nominally nobody faced ethnic, cultural or religious discrimination, non-Rodinians encountered serious educational impediments and had therefore limited access to the burgeoning knowledge economy.

Even though a higher degree of ethnic and cultural homogeneity characterises each one of the four countries after the breakup, some ethnic diversity remains. In Rodinia in particular, political and economic elites continue to reserve access to higher-level positions in government, industry and education for ethnic Rodinians. Other groups live of agriculture and animal husbandry as well as of cottage industries. Sale of produce to Rodian corporations makes up their main source of income. The ongoing social tensions between the Rodinians and ethnic minorities are at the root of the ongoing border skirmishes. Whenever clashes erupt members of minority groups escape to neighbouring countries. Their brethren across the border also offer logistical support to armed incursions against economic targets in Rodinia.

Of the three seceded countries only two share a border with Rodinia: Gondwana and Pannotia. Gondwana lies to the west. It is a landlocked country with an average altitude of around 1,500 metres above sea-level. Its moderate to sub-tropic climate allows for agriculture on the plateaus to the east and southeast. In the west, geography is rough and the area is prone to earthquakes and volcanic activity. Pannotia borders Rodinia in the north and shares a short border with Gondwana in the northwest. Its main economic activity is agriculture and animal husbandry. However, the country suffers from chronic underinvestment in infrastructure and economic development, badly affecting its ability to export its produce and generate necessary foreign income. More than half of its agricultural

\(^3\) All names are fictitious and most were inspired by geology and Paleozoic and Mesozoic super-continents.
exports goes to Rodinia. Many farmers also toil the lands in Rodinia as guest workers, which is another important source of income for Pannotia.

Middle Earth does not share any border with Rodinia and has turned its attention westward to Pangea, thereby mostly leaving behind the insecurities that characterise Rodinia’s border lands. Relative to the three other countries, it has the smallest population, which is mainly active in mineral extraction and the generation of hydro-power in the centre and northwest of the country. The south is more agricultural in which many Pannotians are active. Pangea and Laurussia are two important sources of investment in technology and infrastructure development. Middle Earth suffers the least ethnic strife – internally and with its neighbours – of all four newly-independent countries. Nevertheless, the skirmishes taking place in the southeast of Gondwana and the northwestern corner of Pannotia occasionally spill over into Middle Earth as refugees try to escape the violence.

To the north lies Laurasia. Its government is strongly aligned with that of Rodinia, not in the least because ethnic diversity also constantly challenges its political legitimacy. During the secession wars, its minorities actively supported the ethno-nationalist movements, as a consequence of which the Laurasian government began to actively support the Rodinian counter-insurgency operations through training and advice in the field. This close bilateral security cooperation continues until today. It is an ongoing source of deep resentment among the minorities in Rodinia, as its members are convinced that Laurasian elements lead the police and military interventions against them.

Laurussia in the south of Earthland is the continent’s largest country. It mediated in the wars of secession and ultimately succeeded in stabilising the situation, allowing each of the four new entities to go their separate ways. It is still diplomatically actively involved in dousing the many flare-ups and tries to promote internal stability through select investments in especially Middle Earth and to a lesser extent in Pannotia’s infrastructure. Otherwise it maintains a policy of strict neutrality to avoid jeopardising its diplomatic efforts.

Geopolitics

Despite the ethnic strife in its eastern part, Earthland is mostly a peaceful continent. Active mediation by especially Laurussia has prevented major flare-ups of armed violence. Notwithstanding, the unequal distribution of wealth and opportunities, as well as of economic resources fester resentment against the economic and political power concentration in Rodinia. Despite their political independence, the economies of Gondwana and Pannotia remain highly dependent on Rodinia. The Rodinian political and economic leadership exploits this situation and will occasionally stir up ethnic tensions to play off one group against another and thus prevent coalition building in Gondwana and Pannotia against its interests.
Rodinia can sustain its policies against Gondwana and Pannotia only because of long-standing political and material support from Laurasia. The latter country’s complex ethnic mix reflects Rodinia’s before the breakup over two decades ago. While it has managed a better economic, political and social balance among the different groups, the turmoil in Rodinia has stirred nationalist sentiments in the regions along its long southern and southeastern border. Gondwana’s independence, however, has inspired and empowered ethno-nationalist movements among kindred groups in the south of Laurasia. During the war of secession Laurasia’s support for Rodinia was as good as unconditional because the political and military leadership considered a breakup to pose an existential threat to their own country.

That threat receded after Gondwana, Middle Earth and Pannotia gained their independence from Rodinia. Laurasia nevertheless continued support for Rodinia’s security forces as part of a containment strategy against Gondwana. Over the past two years, however, Laurasia’s government has become more critical of Rodinia. It increasingly views Rodinia’s manipulation of ethnic tensions as contrary to its own efforts to stabilise the border with Gondwana and improve its political and economic relations with its southern neighbour. It has also become more vocal in its criticism of systematic human rights violations along Rodinia’s western and southern borders, as a consequence of which it has begun withdrawing some of its military advisors and scaling back its material support. Although the politico-military cooperation between both countries has not been terminated, the diminished assistance significantly challenges Rodinia’s ability to secure the long borders with Gondwana and Pannotia.

**The Biological and Toxin Weapons Convention (BTWC)**

All states in Earthland are party to the BTWC.

Rodinia systematically participates in the BTWC meetings in Geneva. It has demonstrated a great interest in the scientific and technological developments relevant to the treaty, as well as in the opportunities for international cooperation that have emerged during the intersessional processes. However, it has been cool to calls for greater transparency and possible verification measures.

Pannotia by and large ignores participation in meetings in Geneva or regional seminars. While it does not comply with many of its political obligations—it also still has to submit its initial declaration on national legislation to the 1540 Committee under the terms of UN Security Council Resolution 1540 (2004)—there is little to suggest that it does not comply with the general prohibitions in the BTWC.
**Gondwana** maintains an interest in the BTWC proceedings and tends to regularly attend meetings. However, preoccupied with domestic priorities, the recommendations trickling down from Geneva are hardly followed up.

**Conflict**

Last year a counter-insurgency operation by Rodinian security forces in the border area with Gondwana suddenly led to a major escalation in fighting. Press reports indicated that security forces had discovered several important weapon storage sites inside Rodinia. While recovering the arms, munition and other supplies, a significant force of insurgents ambushed them. Military officials believed that they had a major staging area inside Gondwana just west of where the borders of Rodinia, Gondwana and Pannotia meet. They said that the insurgents mounted a two-pronged attack with one force attacking the security forces from the east after having entered Rodinia via Pannotia. Taking the Rodiniants by complete surprise, the bold move caused them heavy losses. Combat operations in south-west Rodinia continued for several months and led to some international incidents as Rodinian forces several times crossed into Gondwana pursuing the insurgents.

Some weeks into the fighting press sources in Gondwana began reporting several mysterious deaths among insurgents and villagers living in the south-east of the country. According to local testimonies, all victims began bleeding from their nose and gums and in shortly thereafter started coughing up or vomiting blood. They died in agony soon afterwards, often while being evacuated to medical facilities in the interior. After three to four weeks no new cases were being reported. The outbreak remained localised and disappeared as quickly as it had emerged, puzzling health officials in the capital.

Laurussia had quickly stepped in and through frantic shuttle diplomacy between Rodinia and Gondwana, as well as informal, but urgent discussions with insurgent leaders, it managed a cease-fire. By and large, all parties have honoured the agreement, but the situation remains tense as evidenced by some brief skirmishes. In hindsight, the upsurge in violence has demonstrated two inescapable truths, which has been evident to regional experts for a while.

First, with Laurasia’s reduced security assistance, Rodinia is no longer able to secure its border from insurgent incursions. Its intelligence is wanting and the leadership no longer seems to have a good picture of insurgent activities on its own territory and in the areas immediately across the border in neighbouring countries. Last year’s events caused a major shock to the security establishment and despite the replacement of some senior figures, the situation has not improved much since then. Requests for supplemental assistance to Laurasia have been rebuffed. Instead, Laurasian government officials have criticised Rodinia’s military response and atrocities committed and suggested that the country should...
begin to implement more inclusive social and economic policies to remove the root causes of the never-ceasing conflict.

Second, as the short but intense outbreak illustrated, the conflict has debilitated health infrastructure in the region where Gondwana, Pannotia and Rodinia meet. That part of the continent has always been prone to seasonal disease outbreaks. Regional travel usually ensures that infection crosses porous borders. After the secession war ended, the three countries together with Middle Earth had set up with the assistance from Laurussia a network of small health facilities that seconded as an early outbreak detection system. Via monitoring centres in the respective Ministries of Health the four countries have been mostly successful in containing epidemics in their early stages. They also tended to allow health workers from both regional and international organisations, as well as international non-governmental humanitarian associations, unfettered access to the region. The area’s relative remoteness from the main population centres also helped in containing outbreaks.

After last year’s outburst of violence, the network of health facilities exists in all but name. More importantly, communication among health workers based in the different countries is now virtually nonexistent and many international organisations have pulled out or greatly reduced their staff in the region. One of the consequences was the necessity to evacuate the victims of the sudden outbreak during the fighting to the centre of Gondwana. The delay in medical treatment undoubtedly contributed to the high death toll among affected people. Moreover, for want of diagnostic capacities, nobody has been able to establish for certain the nature of the outbreak or its origin. Initial assessments referred to a viral haemorrhagic fever; however, nobody could explain why no relatives or attending medical volunteers succumbed to the infection.
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

2018 Meeting
Geneva, 4-7 December 2018
Meeting of Experts on Assistance, Response and Preparedness

Geneva, 14–15 August 2018
Item 5 of the provisional agenda
A set of guidelines and formats to assist a State Party, if required, when submitting an application for assistance in the framework of Article VII

Implementation of Article VII

Submitted by South Africa

I. Introduction

1. In 2014, 2015 and at the Eighth Review Conference, South Africa submitted papers containing proposals on the implementation of Article VII. The paper has continuously been refined to incorporate comments made by State Parties.

2. South Africa is re-submitting the refined proposals in this paper as a number of States Parties have indicated their support for the proposals. South Africa is willing to engage further with States Parties on the proposals contained herein.

II. Discussion

3. Article VII of the BTWC requires States Parties to “provide or support assistance, in accordance with the United Nations Charter, to any State Party to the Convention which so requests, if the Security Council decides that such a Party has been exposed to danger as a result of violation of the Convention”.

Objective

4. The primary objective of Article VII is to provide assistance to a State Party that has been exposed as a result of a violation of the Convention. Therefore, the sole purpose of the assistance provided in terms of this Article should be humanitarian in nature.

5. The following can be deduced from the requirements of Article VII:
The Article requires that the request for assistance be forwarded to the United Nations Security Council (UNSC) and the provision for assistance would be dependent on a decision by the Security Council.

The Article does not elaborate on whether that decision would be based on an investigation or the credibility of the information provided to the UNSC in the request for assistance.

Any issues related to an investigation would not be covered under this Article. Whilst it is accepted that an investigation should follow the provision for assistance, the investigation would not be invoked by this Article, but by Article VI.

State Party Options

6. A State Party should have three options to obtain assistance when it has been subjected to the alleged use of biological weapons, and should be able to utilise as many of these options as it deems necessary. The State Party may:

- Obtain assistance on a bilateral basis from other States Parties, States or International Organisations (WHO, OIE, FAO) without invoking Article VII of the Convention;
- Request assistance from other States Parties without invoking Article VII of the Convention. States Parties that are in a position to do so may provide assistance without UNSC approval. In this regard, an agreement by States Parties at the Review Conference would be required; and
- Request assistance from the UNSC in accordance with Article VII of the Convention. If the request is approved by the UNSC, States Parties would be obliged to provide assistance.

III. Application for assistance

7. While it is accepted that an investigation of alleged use should follow the provision of assistance, that should not hamper the humanitarian objective of this Article. Furthermore, an investigation of alleged use may take so long that the provision of assistance will be too late when finally approved.

Guidelines

8. Information accompanying the request for assistance would be useful to States Parties in their preparation to provide assistance, although such information should not be a prerequisite for the provision of such assistance.

9. In the case when assistance is requested from the UNSC, the information provided with the request for assistance will play a crucial role in helping the UNSC to make a prompt decision. The quicker the decision is made, the faster the provision of assistance. The requesting process followed to apply for assistance as well as the information provided to support the application is the prerogative of the State Party requiring the assistance.

10. The following information could be useful to the UNSC in making a decision:

(a) Name of the State Party.

(b) National Point of Contact of the State Party.
(c) Date and place of first reported case. If there was a related event, a description of the event. To the extent possible, the date and time, when the alleged event(s) took place and/or became apparent to the requesting State Party and, if possible, the duration of the alleged event(s).

(d) Severity of the event. Number of cases and the number of fatalities, if any.

(e) Symptoms and signs — diagnosis if possible. Information on the initial treatment and the preliminary results of the treatment of the disease.

(f) A description of the area involved.

(g) All available epidemiological information.

(h) Actions taken to manage the outbreak.

(i) International organisations already involved in the provision of assistance.

(j) States already involved in the provision of assistance.

(k) Indications of why the outbreak is considered to be the result of a biological attack.

(l) Characteristics of the agent involved, if available.

(m) Types and scope of assistance required.

(n) Indication of any investigations conducted or being conducted.

(o) Contact details for coordination of assistance if different from National Point of Contact.

(p) Licensing requirements for health care personnel and measures to address such requirements.

(q) Immigration processes for personnel and equipment for the provision of assistance.

IV. Command and control

Principle

11. The State Party remains primarily responsible for the health care of its population, hence it should be in overall control of all response activities.

Guideline on Levels of Response

12. The level of response will depend on the nature of the disease, the geographical area where the outbreak occurred, the status of the public health system of the State and the potential of international effects. Generally, it can be accepted that the health systems (human, veterinary and plant) of the State would always be the first line of response. Responses from neighbouring states, and regional and international actors would be determined by the factors listed above.

13. International organisations, particularly the World Health Organisation (WHO) and World Organisation for Animal Health (OIE) would become involved at an early stage due to their presence and their involvement with States. In most cases, assistance in accordance with Article VII would be additional to and following the assistance provided by
international organisations. The State may at any time request an international organisation (WHO, OIE) or other States to assume command on its behalf.

**Licensing of Medical Personnel**

14. The requesting State Party should provide temporary licenses to health care personnel upon arrival if required.

**V. Laboratory samples**

**Guideline**

15. The existing procedures for sample handling should be utilised during Article VII assistance. The State Party remains the owner of all samples collected during the provision of assistance.

**VI. Conclusion**

16. It is proposed that a set of guidelines be developed and maintained at the ISU to aid a State Party, if required for the application for, and implementation of assistance in case of alleged use of biological weapons against it.

17. The guidelines above could be useful in this regard. The guidelines could be updated as and when required to maintain relevance.