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
Item 7(d) of the provisional agenda
Consideration of the factual reports of the Meetings of Experts reflecting their deliberations, including possible outcomes
Meeting of Experts on Assistance, Response and Preparedness

Meeting of Experts on Assistance, Response and Preparedness: Reflections and Proposals for Possible Outcomes

Submitted by the Chair of the Meeting of Experts on Assistance, Response and Preparedness

I. Introduction

1. The Chairman of the 2018 Meeting of States Parties to the BWC requested in his letter of 8 November 2018, the chairs of the Meetings of Experts to submit their personal ideas for possible outcomes to be considered by the MSP. As the chair of MX4 in 2018 it is therefore my privilege to provide delegations with my thoughts and ideas on this issue with regard to assistance, preparedness and response – Article VII.

No existing framework under Article VII of the BWC

2. A starting point is that currently there exists no framework, with the necessary supporting structures, under the BWC in which to address any possible request for assistance under Article VII. If there was to be such a request today, many of the necessary elements of such a framework would need to be improvised. This may of course work out well in the end, but it is far from ideal for a situation that would benefit from clarity on issues related to how to request assistance, how to respond and how to be better prepared.

Widespread support among delegations with some differences on formats and timing

3. The discussions at MX4 showed that there was widespread support for the development of a framework to facilitate the functioning of Article VII in case a request was triggered, but a difference on how to do this and when. With regard to the first issue, one option would be a mechanism under the BWC which would include all aspects under Article VII, while the other would be a set of measures (such as request formats, database) that individually would serve to strengthen Article VII. Since the actual content of the measures to strengthen Article VII would be the same regardless of which approach was agreed upon, from the MX4 Chair’s viewpoint the existing commonalities between delegations on this matter seem to be very strong.

4. The second issue concerned when to introduce these measures to strengthen Article VII. Here, according to the Chair’s understanding, there is no consensus among delegations whether a Meeting of States Parties can adopt such decisions or if this is reserved for the
Review Conferences. As is clear from the existence of the ISP itself, the Meetings of State Parties can adopt decisions if states parties so decide, but that of course requires consensus.

Possibility of interim solution

5. In the absence of consensus with regard to the question of when to adopt and with the next Review Conference not coming up until 2021, one way of strengthening Article VII within a shorter time period would be for states parties to agree to make formats and guidelines available for possible use by an affected state party that requested assistance, if that state party so desired. Even if this situation would hopefully not arise, i.e. an attack with biological weapons, the fact that the formats and guidelines were available and put to use in preparations and possible training exercises would mean that there would be lessons drawn and a possibility to rectify any possible weaknesses or unclarities before formal approval and adoption by states parties.

II. How to request Article VII assistance – formats and guidelines (MX4 agenda item 5)

6. During the MX4 discussions widespread support was expressed by delegations for the working papers BWC/MSP/2018/MX.4/WP.3 and WP.4 with proposals for formats and guidelines on how to request assistance under Article VII, but there was no consensus as to adoption of the proposals and there were also some questions of a more technical nature regarding the proposed formats and guidelines.

Possible text for inclusion in Final Report

In line with this and the arguments above, possible text for the MSP to include in its Final report could be:

“States Parties noted the absence of a structured framework to request assistance under Article VII and against that background welcomed the proposals on formats and guidelines presented in working papers BWC/MSP/2018/MX.4/WP.3 and BWC/MSP/2018/MX.4/WP.4. States Parties also recognize that these proposals may benefit from further development and therefore encouraged interested States Parties to consult and cooperate to develop the proposals in preparation for further work by subsequent Meetings of Experts on these matters. States Parties may consider using the proposed formats and guidelines on an interim and voluntary basis, if the need for assistance under Article VII would arise before any formats or guidelines had been formally adopted under the BWC, and therefore requests the ISU to make them available as appropriate.”

III. A database to facilitate the operationalization of Article VII (MX4 Agenda item 6)

7. It is obvious that infrastructure in the form of a database would support implementation of Article VII and make the article more operative. At the Eighth Review Conference in 2016 States Parties supported the establishment of such a database, but the conference did not formally instruct a database to be developed. At MX4, the proposal for a database was presented in a working paper that was reintroduced by two States Parties and the following discussions also showed that there was a broad support among delegations for such a database, but questions remained on issues such as how it would function, which technical platform, what assistance offers could be listed and possible financial costs.

Against this background, and the fact that a database will not be developed and implemented overnight, it is my view that this agenda item will benefit from further work addressing the questions that were raised. This can be done with the support of interested States Parties but would need to include the ISU, since they would be the likely managers of such a database.
Possible text for inclusion in Final Report

In line with this and the arguments above, possible text for the MSP to include in its Final report could be:

“States Parties noted the broad support for the concept of an Article VII assistance database, as was also expressed by the Eighth Review Conference, but also that some technical issues remain to be addressed. Thorough preparatory work is therefore needed, covering among other things, possible content of the database, as well as the operational, technical and financial issues. To support the continued work of subsequent Meetings of Experts on this agenda item it would be helpful if interested States Parties consulted and cooperated to develop the proposal further, while bearing in mind the operational role of the Implementation Support Unit with regard to such a database/databank and the importance therefore to appropriately consult with the ISU.”

IV. Exploration of approaches by which States Parties, individually or collectively, might contribute to the strengthening of international response capabilities, including rapid response teams and the concept of mobile biomedical units (MX4 agenda items 7 and 8)

8. As was noted during MX4, the discussions under agenda items 7 and 8 tended to overlap, not surprising given the close relationship between the agenda items. Several States Parties shared extensive information about their capabilities for rapidly responding to outbreaks of infectious disease. Making such capabilities available in an Article VII scenario would be a potentially important contribution to its implementation. Where a State Party is willing to do so, information about such capabilities and how support might be requested could be a valuable component of an Article VII database.

Possible text for inclusion in Final Report

In line with this and the arguments above, possible text for the MSP to include in its Final report could be:

“Those States Parties in a position to do so should establish small public health rapid response teams to help combat an outbreak of infectious disease and consider putting them on the new interactive database for assistance under Article VII when it is established. Such response teams could serve as a resource that can be invited by affected states to deploy in the event of a public health emergency, be one way to help implement Article VII of the Convention, as well as a resource to assist capacity building efforts of states in this area.”

V. Response to and assistance in case of the possible hostile use of biological agents and toxins against agriculture, livestock as well as the natural environment (MX agenda item 9)

9. Discussions on this agenda item underlined the concern of several delegations of the important economic and human consequences that an attack on agriculture and livestock could cause.

Possible text for inclusion in Final Report

In line with this and the arguments above, possible text for the MSP to include in its Final report could be:

“With regard to possible hostile use of biological agents and toxins against agriculture, livestock as well as the natural environment, States Parties underline the importance to adopt regulatory frameworks, particularly as regards export and import and trans-border movements of plants and livestock, and encouraged to
consider more closely this sector from the perspective of an international response to a deliberate use of plant pathogens, and looked forward to further work on this matter by subsequent Meetings of Experts”.