



**ARTICLE VII OF THE BTWC**  
**Initiating a request for assistance in case of an  
exposition to a biological danger as a result of a  
violation of the Convention**

*Lessons Learned from the 2016 Tabletop Exercise  
(TTX)*

# Context

Recent challenges for the international community and lessons learned

*Public health* : Outbreaks of emerging or re-emerging infectious diseases

*Security / non-proliferation* : First use of CW since the entry into force of the CWC

Complexities of international coordination and inter-organisational collaboration in challenging situations

Organising international assistance to respond to a complex and multifactoral (natural) biological crisis

Organising investigations of alleged CW use

Demands on the OPCW

Operating under conditions of war / conflict



**How would the international community respond in case of a deliberate biological event ?**

# Article VII TTX

TTX

No autonomous implementation organisation

No developed and tested mechanism / procedures to carry out the obligation under Article VII in case of a request

No agreements with other international organisations with relevant expertise



## **2016 Tabletop exercise on the implementation of Article VII of the BTWC**

To stimulate reflection on the decision-making processes both within a BTWC State Party and by the international institutions,  
To identify issues that require further study and clarification.

# Article VII TTX

## Organisation

- 8 – 9 November 2016, Geneva (8<sup>th</sup> Review Conference),
- Co-organized by the Fondation pour la Recherche Stratégique (FRS) and the United Nations Institute for Disarmament Research (UNIDIR), with financial support from France and by the UK Foreign and Commonwealth Office,
- **26 national representatives and experts from civil society organisations, from 14 States.**



# Goals

*Reflection on the domestic and international decision-making process*

Specific questions

- ❑ Determination of the conditions that could trigger Article VII;
  - ❑ Determination of the steps one or more State Parties are likely to undertake to trigger Article VII; and
  - ❑ Assessment of the circumstances under which the international community might be willing to consider responding to requests under Article VII.
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- ❑ What steps or measures need to be identified and implemented ahead of an outbreak?
  - ❑ What areas should such preparatory steps or measures cover?
  - ❑ What steps or measures would the community of States Parties need to undertake to operationalise Article VII?

# TTX scenario

General setting

*Three groups,  
Three breakout sessions*

Earthland



Neutral BTWC State party prepared to offer emergency assistance

First detection of the outbreak

- *Border tensions and occasional skirmishes in the aftermath of a major war the previous year*
- *Weakened public health system in the border region*
- *Lack of communication between health workers across the border*
- *IOs have pulled out or reduced their staff*

Suspicion of deliberate release

Pneumonic plague outbreak (three clusters, genetically modified strain, enhanced antibiotic resistance, no known resurgence for decades)

# Assessing the outbreak

An unusual public health situation, a deliberate release not yet suspected

*Instructions to all groups* : prepare an initial situation assessment based on the information so far available, identifying possible future decision-making requirements and policy/action options. Include an assessment of whether and how to use the BTWC framework in this context.

- Outbreak viewed as a public health crisis at this stage,
- Emphasis on national responsibility for risk assessment, response & assistance (ministries of Health, WHO),
- Use of existing mechanisms, promotion of collaborative approaches,
- Reluctance to invoke Article VII at this stage.

# Developing policy actions - contingencies

Suspicion about the outbreak, but lack of confirmation: deliberate release?

*Instructions* : as an inter-ministerial taskforce, review all data and develop an option paper outlining policy and action items for top governmental decision makers.

- *Upside*: Review options emanating from the BTWC,
- *Downside*: Review options emanating from the BTWC, including with regards to the conduct of an investigations of the alleged BW releases and the possibility of submitting a request for assistance in support of the victims,
- *Nowhere*: Investigate practical options and requirements emanating from a possible request for assistance by Upside.

# Developing policy actions - contingencies

Suspicion about the outbreak, but lack of confirmation: deliberate release?

## *Upside:*

- ❑ Launch a domestic investigation.
- ❑ Invoke Article V to try and hold consultations with neighbouring countries.
- ❑ Invoke Article VII only once diplomatic discussions and the mechanism of Article V have been exhausted,

## *Downside:*

- ❑ Request other Earthland powers to cooperate and facilitate information exchanges.
- ❑ Request an independent investigation to the UNSG.

## *Nowhere:*

- ❑ Would agree to provide assistance, but through other channels than Article VII.
- ❑ Security of health and aid professionals is a key issue.

# Developing policy actions - contingencies

Suspicion about the outbreak, but lack of confirmation: deliberate release?

- Investigation of the allegations (national / UNSGM),
- Reluctance to activate Article VII without confirmation of the deliberate nature,
- Consequences of the delay between the event and the confirmation on the implementation of Article VII,
- Lack of procedures for triggering Article VII,
- Activation of Article VII seen as an implicit accusation, with a risk of politicisation and of escalating the situation,
- Favour providing assistance and facilitating investigation on a multilateral basis.

# Critical decision-making

Request for  
assistance

Content of  
the letter

*Instructions to all groups* : the inter-ministerial taskforce has to focus on issues related to requesting assistance under Article VII, considering both procedural and substantive aspects,

- To whom?
- What would be expected of the recipient?
- What mechanism under the Convention?
- What consequences for the State Party that has sent the request?
  
- Information about the outbreak,
- Types of assistance,
- Statement this would not duplicate public health actions coordinated by WHO, etc.

# Findings and recommendations

## Summary

- Invocation of Article VII may generate many political and legal uncertainties in the absence of clear procedures,
- Initial measures by SP to respond to a disease outbreak are likely to be driven by public health concerns,
- Invoking Article VII should not shift the focus away from the public health emergency and hinder the response,
- While a continuum may exist at technical and procedural level between humanitarian assistance and assistance delivered under Article VII, such a continuum may not be present on a political level,
- It was unclear at what stage of the evolving health emergency Article VII could be invoked
- SP may require an independent confirmation of a violation (evidence and level of proof required?),

# Findings and recommendations

## Summary

- While current debates tend to focus on humanitarian assistance, other types of assistance could be considered,
- Invoking Article VII complicate the ongoing assistance process,
- Need to explore how Article VII could function in case of a slow-moving outbreak or if the outbreak affects animals or plants,
- Desirability of developing a format for an assistance request under Article VII,
- Need to clarify the relationship between an assistance action under Article VII and other humanitarian assistance actions under other frameworks / legal instruments,
- Organising such a TTX at regional level could yield valuable inputs (specific challenges).

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

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## Report

Prepared by

Jean Paecal Zanders, Elieande Nexon and Ralf Trapp

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THANK YOU  
FOR YOUR ATTENTION  
[e.nexon@frstrategie.org](mailto:e.nexon@frstrategie.org)

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