

**Eighth Review Conference 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**

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General exchange of views

Articles VII and X: the importance of synergy

**Submitted by the United Kingdom of Great Britain and Northern
Ireland**

Summary

Activities relevant to Article X that prevent, detect and combat infectious disease outbreaks regardless of their origin create linkages to Article VII. They are relevant to its operationalisation. Given this synergy, it is essential that future consideration of these issues in a new work programme takes place in the same space; a specific proposal to that end is outlined in paragraph 7.

Introduction

1. In the 2012-2015 intersessional programme the States Parties considered Article VII in considerable detail with many Working Papers and statements submitted specifically on this issue.¹ This was the first time that so much attention had been devoted to Article VII issues since the Ad Hoc Group's work that led to Article 13 in the draft 2001 Protocol, which was modelled on the Chemical Weapons Convention's Article X. However, the level of insight obtained during the Meetings of Experts and Meetings of States Parties in 2014 and 2015 into the challenges surrounding the operationalisation of Article VII was much deeper than that achieved in the 1990s. These recent deliberations have highlighted a very clear organic relationship between the underlying objectives of Articles VII and X. This was emphasised in the Cuban Working Paper to the 2015 Meeting of Experts that stated that States Parties should continue working to increase national capacities to respond to

¹ See relevant Working Papers listed at:
[http://www.unog.ch/80256EE600585943/\(httpPages\)/1B69CE1F0B030DA0C1257F39003E9590?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/1B69CE1F0B030DA0C1257F39003E9590?OpenDocument)



alleged use of biological or toxin weapons as a contribution to strengthening international capacities, and that the application of Article X is critical to achieving the strengthening of national capacities.²

Combating infectious disease

2. The United Kingdom believes that the heart of the matter in consideration of Articles VII and X is how to prevent, detect and combat infectious disease outbreaks effectively regardless of their origin – natural, accidental or deliberate. This requires national capacities and capabilities for the surveillance, detection, diagnosis and mitigation of human, animal, zoonotic and plant infectious disease outbreaks. The United Kingdom sees a clear benefit in helping to strengthen disease surveillance and associated systems in those countries where existing capacities may be less developed. Article X addresses this requirement directly in its wording on cooperation for the prevention of disease and other peaceful purposes. As we and others have noted previously³, the first line of defence against such outbreaks is early detection, which then enables prompt containment and mitigation efforts to prevent the uncontrollable spread of the disease with all the attendant major adverse human, social and economic costs. The need for development and sustainment of the required capabilities and capacities was made painfully clear during the Ebola virus disease (EVD) outbreak in West Africa in 2014 and 2015.

3. Article VII becomes relevant when the outbreak was caused deliberately. Improved capacities built through Article X will enable States Parties to detect events quicker, and possibly even determine when the event is deliberate, such that assistance under Article VII can be provided and targeted much more effectively. It bears repeating that there is a distinct possibility that an outbreak might only be identified as deliberate some considerable time after the index case.

² BWC/MSP/2015/MX/WP.22 Consideraciones de Cuba sobre cómo fortalecer la aplicación del artículo VII, incluida la consideración de procedimientos y mecanismos detallados para la prestación de asistencia y la cooperación de los Estados partes (Considerations of Cuba on how to strengthen the implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation of States parties) ([http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/3323128048F666F9C1257EA6004414E2/\\$file/BWC_MSP_2015_MX_WP.22+unofficial+translation.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/3323128048F666F9C1257EA6004414E2/$file/BWC_MSP_2015_MX_WP.22+unofficial+translation.pdf));

³ BWC/MSP/2015/MX/WP.2 - Making Article VII Effective: Relevant lessons and follow-up action from the Ebola virus disease outbreak in West Africa - Submitted by the United Kingdom of Great Britain and Northern Ireland ([http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/F630D27485DCDA93C1257E7C003C0851/\\$file/BWC_MSP_2015_MX_WP.2_ENGLISH.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/F630D27485DCDA93C1257E7C003C0851/$file/BWC_MSP_2015_MX_WP.2_ENGLISH.pdf)); House of Commons Science and Technology Committee. Science in Emergencies: UK Lessons from Ebola, Second Report of Session 2015–16, HC 469 (<http://www.publications.parliament.uk/pa/cm201516/cmselect/cmsctech/469/469.pdf>); Bill Gates, The Next Epidemic - Lessons from Ebola, *N Engl J Med* 2015; 372:1381-1384 9 April 2015 (<http://www.nejm.org/doi/full/10.1056/NEJMp1502918>); Dr Suerie Moon, Prof Devi Sridar et al, Will Ebola change the game? Ten essential reforms before the next pandemic. The report of the Harvard-LSHTM Independent Panel on the Global Response to Ebola, *The Lancet*, Volume 386, No. 10009, p 2204-2221, 28 November 2015 ([http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(16\)00509-2/fulltext?rss%3Dyes](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(16)00509-2/fulltext?rss%3Dyes)).

Building and sustaining national capacities

4. Several international organisations and arrangements implement existing cooperation and assistance programmes that are directly relevant. For example, the World Health Organization (WHO) provides support for national implementation of the International Health Regulations, the World Organisation for Animal Health (OIE) assists in strengthening the Performance of Veterinary Services based on international standards, and the Food and Agriculture Organization of the United Nations (FAO) promotes the effective containment and control of animal disease outbreaks through the Emergency Prevention System for Animal Health. The Global Health Security Agenda (GHSA) aims to strengthen both global and national capacities to prevent, detect, and respond to human and animal infectious diseases threats whether naturally occurring or accidentally or deliberately spread; of particular relevance here are its Action Packages Detect 2 and 3 on strengthening national and international surveillance systems to detect emerging public health threats and developing real-time biosurveillance networks. Many of the Global Partnership projects reported to the 2015 Meeting of States Parties in Working Paper 5 are directly relevant here too. And when these are placed alongside the sorts of extensive assistance provided by States Parties individually, such as that reported during the last intersessional programme⁴, we can see the extent and scope of current and planned efforts to increase national and international capacities. All of this is much more appropriate, targeted and relevant than anything that the Biological and Toxin Weapons Convention (BTWC) itself and in isolation could create, develop or sustain.

A proper role for the BTWC - synergies and integration

5. The synergies between Articles VII and X of the Convention were underscored strongly under the biennial item of the Intersessional Programme in 2014 and 2015, where much discussion focussed on the lessons identified from the response to the EVD outbreak. The importance of drawing lessons from this naturally occurring disease outbreak, including addressing the lack of ready operational capacity and the need for a change in the research and development model to ensure timely, accessible and affordable medical support for affected populations, was noted in the 2014 and 2015 Report of the Meeting of States Parties, and referred to under both the Article X and Article VII sections.

⁴ See for example, BWC/MSP/2015/INF.1 Report on Implementation of Article X of the Biological and Toxin Weapons Convention - Submitted by the United Kingdom of Great Britain and Northern Ireland; BWC/MSP/2015/WP.7 - International cooperation and assistance of Japan related to Article X of the Biological and Toxin Weapons Convention (2015) - Submitted by Japan; BWC/MSP/2015/WP.5 - International activities of the Global Partnership against the spread of weapons and materials of mass destruction related to Article X of the Biological and Toxin Weapons Convention - Submitted by Canada, Denmark, the European Union, Finland, France, Germany, Japan, Netherlands, Norway, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and the United States of America; BWC/MSP/2015/MX/INF.1 2014 Implementation of BWC Article X (Cooperation and Assistance) - Submitted by Australia; BWC/MSP/2014/WP.4 China's efforts in assisting West African countries combating Ebola epidemic - submitted by China; BWC/MSP/2014/WP.10 Updated Report on Germany's implementation of Article X (with special focus on the German Partnership Programme for Excellence in Biological and Health Security) BWC/MSP/2014/MX/INF.5 Report on USA implementation of Article X of the Biological and Toxin Weapons Convention - Submitted by the United States of America.

6. It is quite clear here that we must not duplicate anything in a BTWC context that is already being done efficiently and effectively under programmes and activities such as those mentioned above. We find it increasingly hard to identify what, if anything, the BTWC itself could do that is unique and not already being undertaken by others. We do not wish to blur the respective mandates of the WHO, OIE, FAO, GHSA and Global Partnership for instance, but to provide an objective recognition that their activities support the implementation of Articles VII and X and need to continue. Our aim instead for any future discussions in a BTWC context on these Articles should be about promoting, encouraging and extending existing efforts; improving coordination within and between governments and other organisations where needed; identifying capability gaps to be filled; and identifying which specific national and international capacities would actually provide an emergency and rapid response capability to meet the needs of Article VII. Combining work on Article VII and X into a single space will make for a new and more effective and integrated intersessional programme.

Proposal for a new intersessional work programme⁵

7. For all these reasons the Eighth Review Conference should include the following text in the Decisions and Recommendations section of the Final Document:

‘A Working Group on Cooperation and Assistance composed of States Parties and other experts including from relevant international and non-governmental organisations will meet in the summer for one week each year to address how best the Convention may contribute to national, regional and international efforts to combat infectious disease and specifically the roles that Articles VII and X should play in such a process, with particular focus on infectious disease surveillance, detection, diagnosis and mitigation capability and capacity building, especially in less economically developed countries. In particular, it should develop and agree a format for requesting assistance under Article VII, develop and design an assistance database in the framework of Article VII and address ways of further developing and maximising the use of the current assistance and cooperation database. The Group will develop recommendations for action if agreed by consensus for consideration and adoption by the annual meeting of States Parties. The Group will appoint its own Chair who will preferably serve for the term of the next intersessional programme. The Chair will produce a report in two parts: the first will be a summary of the discussions in his/her own capacity; the second will contain any recommendations or actions agreed by the States Parties.’⁶

⁵ This proposal is a component part of a new intersessional programme as outlined in the UK Working Paper Eighth BTWC Review Conference: New Intersessional Programme presented at the August 2016 Preparatory Committee Meeting.

⁶ An improved science and technology review process will support this Group’s activities - see BWC/CONF.VIII/PC/WP.4 - A future science and technology review process - Submitted by the United Kingdom of Great Britain and Northern Ireland.
