

# Triggering BTWC Article VII

## Outcomes from tabletop exercises

Dr Jean Pascal Zanders  
*Senior Research Associate*  
*Fondation pour la recherche stratégique (FRS), Paris*

*UNODA/BTWC-ISU Article VII – Stakeholder Meeting*  
*9-10 July 2019, Geneva*

# Tabletop exercises (TTX)

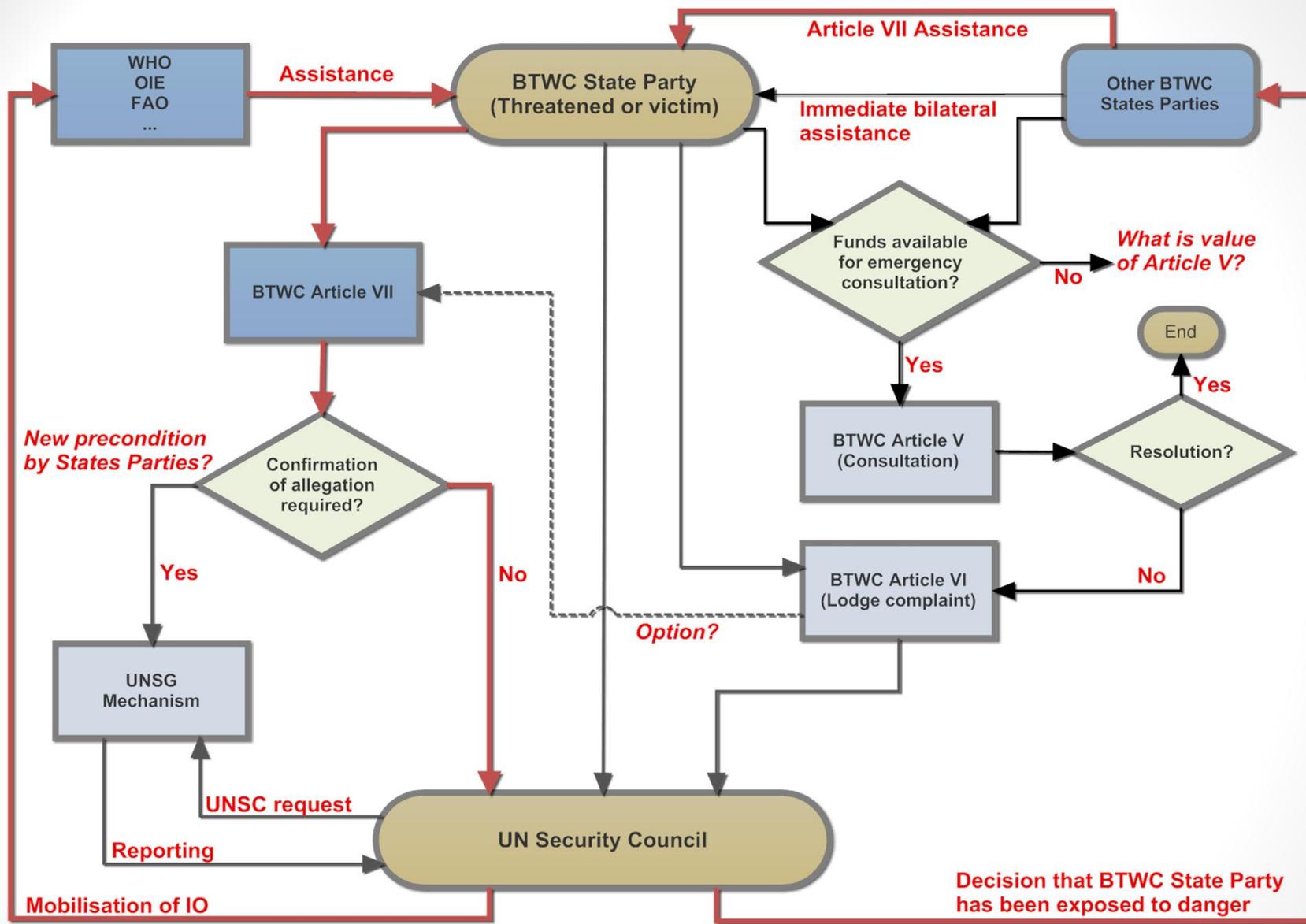
- Two TTX completed; one forthcoming
  - FRS + UNIDIR, Geneva, 8-9 November 2016 (8<sup>th</sup> RevCon)
  - FRS + BTWC ISU/UNODA, UNREC, Lomé, 29-30 May 2019
  - *FRS + BTWC ISU/UNODA, Geneva, 8-9 August 2019*
- Financed by the Ministry of Foreign Affairs, France
- Focus of TTX is on the decision to trigger Article VII
  - Period between detection of outbreak and decision by UN Security Council
  - The TTX do not look into the organisation of assistance

# Goals of completed TTX

- Geneva exercise (November 2016)
  - Discovery of significant issues
    - Which steps need to be identified and implemented before an outbreak?
    - How should/could Article VII be triggered?
    - Which steps are needed to operationalise Article VII?
  - *Participants*: 26 national representatives and experts from civil society organisations, from 14 countries
- Lomé exercise (May 2019)
  - Adaptation of the 2016 scenario
    - Participants presented with outcomes of 2016 TTX (*no discovery*)
    - Discussion of regional/local preparations ahead of an incident
  - Targeted the francophone countries in West Africa
  - *Participants*: 30 outbreak response experts, diplomat and government officials, international and regional organisations, civil society experts

# 1<sup>st</sup> TTX (2016): Key considerations

- Triggering Article VII will be politically highly sensitive
  - Presumption of major violation of BTWC
  - Geopolitical interests may interfere at each state of the process
  - Article VII may therefore not be the initially preferred route
    - Lack of clear procedure and requirements currently additional barrier
- Article VII is but one route available to a BTWC State Party
  - A UN Member may go directly to the UNSC
  - A state party may call for consultations (Article V)
  - A state party may lodge a formal complaint (Article VI)
    - Immediately
    - After failure to resolve the matter via consultation (Article V)
  - A State Party may seek assistance outside the BTWC framework
- Time frames for decision-making



- ➔ Article VII actions
- ➔ Alternatives

Decision that BTWC State Party has been exposed to danger

# 2<sup>nd</sup> TTX (2019): Key elements – 1

- Participants received detailed briefing on the outcomes of the 2016 exercise
  - Available decision options were discussed
  - Potential risks and consequences of certain decision choices (as experienced in the 2016 TTX) were explained
- Participants could draw on their experiences from the Ebola crisis
  - Representatives from Francophone countries were health crisis responders or coordinators
  - Representatives from (sub-)regional African organisations had relevant expertise

# 2<sup>nd</sup> TTX (2019): Key elements – 2

- Discussions focussed more on the Article VII option and its alternatives
  - Within the BTWC context:
    - What role for Article V?
    - What role for Article VI?
  - How to confirm that the outbreak is deliberate?
    - What type of evidence is required?
    - Who should confirm the allegation?
  - What type of assistance is available (preventive and response)?
    - Bilaterally
    - Regionally
    - Via the BTWC ISU database

## 2<sup>nd</sup> TTX (2019): Key elements – 3

- What advantages/benefits does Article VII offer over existing response and assistance mechanisms?
  - Extreme urgency
  - Immediate mobilisation of resources on global level
- However,
  - Circumstances of outbreak in early stages likely to be uncertain
  - Triggering Article VII implies accusation of deliberate use of a disease agent
    - This linkage of assistance request and accusation proved problematic for participants
    - How does one prevent escalating an already existing conflict?

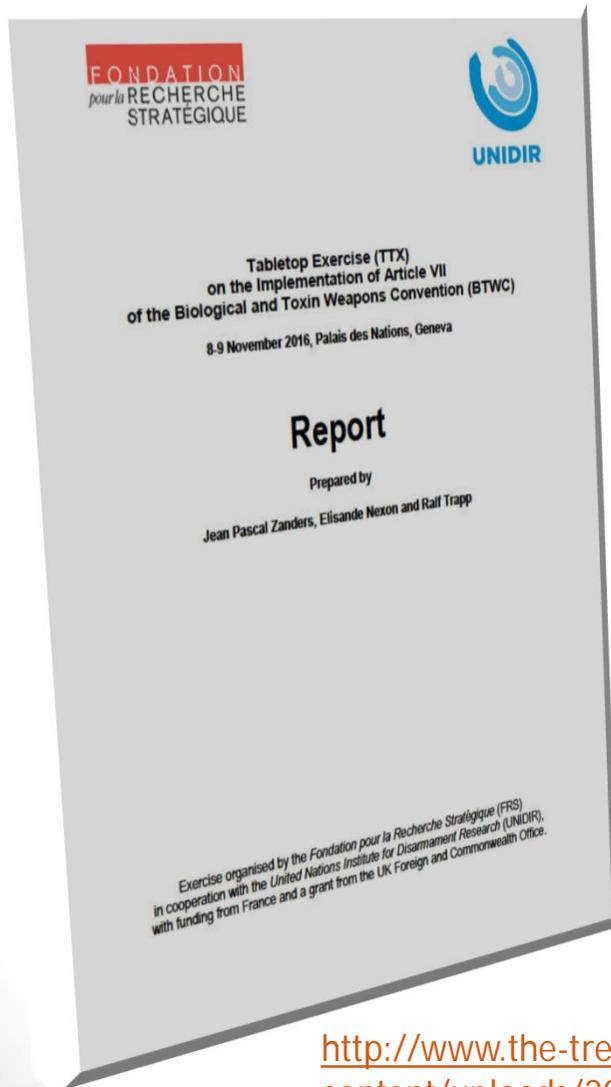
# 2<sup>nd</sup> TTX (2019): Key elements – 4

- Is it possible for BTWC states parties to design an Article VII procedure whereby the request for emergency assistance is decoupled from (implicit) accusations?
  - If yes, what is then the difference with other emergency assistance mechanisms?
- Is the relevancy of Article VII in preparedness?
  - Having international and national legal and regulatory measures in place to address the different dimensions of international (emergency) assistance?
    - E.g. cross-border transfers of persons and goods; diagnostic samples, ...
  - Developing national and regional capacities?
    - Health infrastructure
    - Diagnostics
  - Is there an option for focussed assistance & cooperation under Article X?

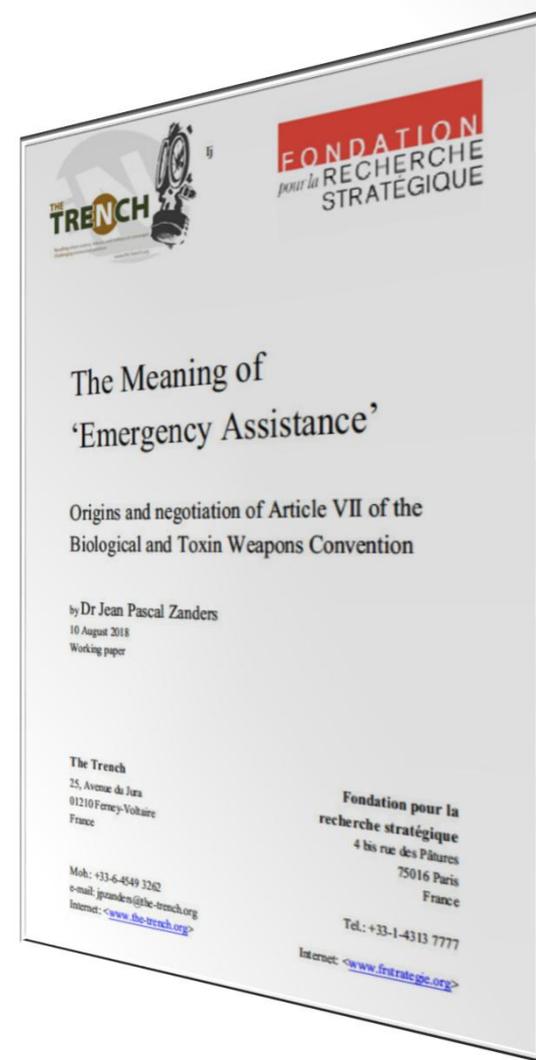
# 3rd TTX (2019 – *Forthcoming*)

- Targets primarily states parties and their national experts
  - Close to 40 registration requests received so far
  - Also international organisations (e.g. FAO, OIE, WHO) involved
  - Participation by some experts and civil society representatives
- Goals
  - Deepening of insights from first two TTX
  - Offering concrete elements for procedure for triggering Article VII
  - Understanding the concept of 'crisis'
    - What factors influence the determination of 'crisis'?
    - Under which circumstances would BTWC states parties consider assistance under Article VII?
    - How does an active conflict affect Article VII considerations?

# Publications



<http://www.the-trench.org/wp-content/uploads/2013/06/201707-FRS-BTWC-Article-VII-TTX-report.pdf>



<http://www.the-trench.org/wp-content/uploads/2018/08/Meaning-of-Emergency-Assistance-Final.pdf>

FONDATION  
*pour la* RECHERCHE  
STRATÉGIQUE

*E-mail*

[jpzanders@the-trench.org](mailto:jpzanders@the-trench.org)