Triggering BTWC Article VII
Outcomes from tabletop exercises

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UNODA/BTWC-ISU Article VII – Stakeholder Meeting
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Tabletop exercises (TTX)

- Two TTX completed; one forthcoming
  - FRS + UNIDIR, Geneva, 8-9 November 2016 (8th 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
1st 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**
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
2nd 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
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?
• 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

Tabletop Exercise (TTX) on the Implementation of Article VII of the Biological and Toxin Weapons Convention (BTWC)
8-9 November 2016, Palais des Nations, Geneva

Report
Prepared by
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The Meaning of ‘Emergency Assistance’
Origins and negotiation of Article VII of the Biological and Toxin Weapons Convention

by Dr. Jean Pascal Zanders
15 August 2018
Working paper

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