
A set of guidelines and formats to assist a State Party, if required, when submitting an application for assistance in the framework of Article VII

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BACKGROUND

- 2014, 2015 and at the Eighth Review Conference in 2016, South Africa submitted papers containing proposals on the implementation of Article VII
- Proposal refined to include views of other States Parties with positive support
- Proposal presented as Working Paper 3 at MX4 in August 2018 and widely supported
OVERVIEW OF PROPOSAL

- **BWC/MSP/2018/MX.4.WP.3**

- **Article VII of the BTWC requires States Parties**

  “provide or support assistance, in accordance with the United Nations Charter, to any State Party to the Convention which so requests, if the Security Council decides that such a Party has been exposed to danger as a result of violation of the Convention”.

- **The primary objective is to provide assistance to a State Party that has been exposed as a result of a violation of the Convention.**

- **Sole purpose of this Article: Humanitarian Assistance**
The Article requires:

- The request for assistance be forwarded to the UNSC and the provision for assistance be dependent on a decision by the Security Council.

- The Article does not elaborate on whether the decision would be based on an investigation or the credibility of information provided to the UNSC in the request.
STATE PARTY OPTIONS FOR ASSISTANCE

A State Party that has been subjected to the alleged use of biological weapons would have 3 options:

• Bilateral Assistance from other States Parties, States or International Organisations (WHO, OIE, FAO) without invoking Article VII

• Assistance from other States Parties without invoking Article VII. States Parties in a position to do so may provide assistance without UNSC approval. In this case, an agreement at the Review Conference may be required.

• Assistance from the UNSC in accordance with Article VII. If the request is approved by the UNSC, States Parties would be obliged to provide assistance.
APPLICATION FOR ASSISTANCE

• Primary objective of Article VII: Humanitarian in nature:
  
  • Investigation should follow provision of assistance but that should not hamper the humanitarian objective of the Article.
  
  • Investigation of alleged use may take so long that the provision of assistance would be too late when finally approved.
GUIDELINES

- Information accompanying the request for assistance would be useful to States Parties in preparation to provide assistance although such information should not be a prerequisite in the provision of assistance.

- In cases where assistance is requested from the UNSC, the information provided plays a crucial role in helping make a prompt decision.

- Quicker decision = faster assistance

- Requesting process followed to apply for assistance by State Party as well as information provided is prerogative of the State Party requiring assistance
Command and Control

Principle:

The State Party remains primarily responsible for the health care of its population hence it should be in overall control of all response activities.
Guidelines on Levels of Response

- Level of response would depend on:
  - Nature of disease
  - Geographical area where outbreak occurred
  - Status of public health system of the State
  - Potential of international effects

- Generally, it would be accepted that the health systems (human, veterinary and plant) of the State would always be the first line of response. Responses from others would be determined by factors listed above.

- International Organisations become involved at an early stage and a State may request an international organization to assume command on its behalf
WAY FORWARD

• Proposal received widespread interest during the previous meetings at which it was presented and discussed

• There is a renewed interest to discuss the issues highlighted in the proposal due to the pandemic

• Despite all the challenges and deficiencies noted, South Africa is willing to work on the Article VII issues in a synergistic manner with all States Parties to ensure that the humanitarian nature of the Article is strengthened for the benefit of all.
THANK YOU

QUESTIONS?