

Iran's intervention on agenda item 4 of BWC MX 4 (2020)

(Practical challenges facing the implementation of Article VII, and possible solutions)

The central element in Article VII is the provision of assistance to requesting State in case of use of biological weapons.

Provision of assistance if follows the terms and conditions of Article VII cannot be implemented in a timely and prompt manner. Firstly, because the Security Council does not function well most of the time as a result of conflict of interests between permanent members of the Council. Reaching a decision in the Security Council pursuant to Article VII takes time in best circumstances. The requesting State which needs prompt assistance cannot count on a prompt decision of the Security Council. This is a real challenge facing the implementation of Article VII.

Secondly, even if we imagine that the Security Council works well and free from narrow-minded policies of some of its permanent members, the Security Council has no mechanism and procedure available to investigate the claim of a requesting State to establish in an urgent manner that that requesting States has been exposed to the use of biological attack. We all know that the use of UNSGM by the Security Council requires the agreement of the permanent members of the Council. Moreover, given the complex nature of the alleged biological attack, there is no guarantee that the UNSGM could perform its mission quickly to establish facts and to assist the Security Council to make a decision on the request of assistance. This is another challenge.

Given these challenges, the provision of assistance to the requesting State should not be dependent upon a decision by the Security Council. The Eighth Review Conference reaffirmed that the international community should be prepared to provide emergency assistance, including humanitarian and other assistance to the requesting State Party in case of use of biological weapons, irrespective of the process in the Security Council.

Thirdly, determining whether a disease outbreak is naturally occurring or deliberately caused is sometimes very challenging, time-consuming and even impossible. Therefore, making the provision of assistance contingent upon the

outcome of a national or international investigation could create many problems for the State that is in need of assistance.

Fourth, the Convention lacks an independent implementing organization to prepare, provide and coordinate assistance to a requesting State. This deficiency underlines the need for a legally binding protocol to strengthen the Convention in all its aspects which could include establishment of an international organization devoted to the implementation of the Convention.

Our recent experience, in particular in the course of Covid-19 pandemic, has demonstrated that implementation of Article VII faces a new significant challenge. Unlawful unilateral coercive measures imposed by the United States on several BWC States Parties negatively impacts the options for prompt, effective, and coordinated response to cases of use of biological weapons. They are violations of the obligations under the Convention. In the next RevCon this issue needs to be addressed in the context of article VII of the Convention.