

Article VII of the BTWC

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Article VII

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

What does Article VII mean?

- **The BTWC, Article VII**

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

- **UK draft convention (August 1970), Article IV**

- Each of the Parties to the Convention affirms its intention to provide or support appropriate assistance, in accordance with the United Nations Charter, to any Party to the Convention, if the Security Council concludes *that biological methods of warfare have been used* against that Party.
- **Plus** accompanying draft UN Security Council resolution
 - delineating responsibilities of the UN Secretary-General and
 - declaring the readiness of the Security Council to give urgent consideration to any complaint about BW use under the terms of the treaty lodged with it.
- **Notes:**
 - Article I of the UK proposal sought to prohibit use of BW in war
 - Draft UNSC resolution made explicit reference to Article 51 of the UN Charter (individual and collective self-defence)

- **Article IV disappeared from Socialist & US proposals, only to re-emerge as Article VII in final draft of 1971**

Interpreting Article VII

- **Assistance**

- Generally understood to mean humanitarian aid
- However, explicit reservations by Austria and Switzerland to Article VII in view of their status of permanent neutrality \Rightarrow how explicit was the reference to humanitarian aid in 1971?

- **UN Charter**

- Includes Chapter VII (which contains Article 51)

- **If the Security Council decides**

- What happens if there is no decision?
- Situation of armed conflict \Rightarrow may be highly politicised

- **Violation of the Convention**

- Any provision of the BTWC, or is reference to **BW use** implicit?
- Does Article VII only cover acts by States Parties?
- Quid non-Parties; Terrorists?

RevCons: Additional agreements

- **Assistance**

- Can be promptly provided by States Parties, pending UNSC decision
- Interpretation 4th RevCon (1996): prohibition in Article I covers **BW use**
- 6th & 7th RevCon (2006 & 2011):
 - Again explicit reference to **BW use**
 - Reference to **'anyone other than a State Party'** (thus includes terrorists)
- UN and specialised organisations can play role in assistance

- **Specification of nature of assistance (humanitarian)**

- 7th RevCon (2011): expertise, information, protection, detection, decontamination, prophylactic and medical and other equipment

- **National preparedness contributes to international response capacity**

- 6th RevCon (2006): response, investigation and mitigation of disease outbreaks, including alleged BW use

- **Emphasis on the responsibility and role of individual State Party**

- For providing assistance
- For coordination with international organisations
- Own preparedness to meet health threats

Final considerations

- **New security considerations**

- Nexus BW threat and global health security
- Emerging and re-emerging diseases ⇒ impact on thinking of recent epidemics (Ebola, H5N1, etc.)
- Civil war in Syria and use of chemical weapons

- **Search for actionable programme elements**

- No international organisation for the BTWC
- Emphasis on national responsibility
- How can the BTWC involve / rely on existing international organisations, despite their different mandates?

- **Issues that still require resolution**

- What are the concrete procedures for requesting assistance?
- What are the concrete procedures for mobilising and coordinating action of international organisations?
- Who is in charge?
 - For coordination?
 - For operations in the field?
- Given today's global health security context, what is the specific area BTWC States Parties should be concerned with? And what is their specific role?
 - BW use is an act of war
 - How does the UNSC determine BW use? How to organise an onsite investigation (fast)?
 - Under which circumstances can teams go into a warzone to offer assistance to victims of BW use?
 - Who takes responsibility if the UNSC fails to take appropriate decisions?



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