

**Meeting of the States Parties to the Convention
on the Prohibition of the Development,
Production and Stockpiling of Bacteriological
(Biological) and Toxin Weapons and on Their
Destruction**

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Item 4 of the provisional agenda

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

**Core Elements for an Effective Article VII Response: the
need for an international coordinating body**

**Submitted by the United Kingdom of Great Britain and Northern
Ireland**

I. Introduction

1. Working Paper 6 presented at MSP 2018 on core elements for an effective Article VII response outlined a range of the types of elements required, and undertook to elaborate further on these at MX 4 in 2019. This Working Paper, therefore, develops one of the key points made in the introduction to the 2018 WP.6, namely that responses to some scenarios may require identification of, and agreement with, an international entity that will pull together States Parties' contributions and assets of other actors to mount and sustain an effective assistance operation to achieve Article VII objectives. Recent examples of this sort of entity includes the United Nations Ebola Emergency Response (UNMEER), which was set up in 2014 in response to the Ebola Virus Disease (EVD) outbreak in West Africa, and the appointment of a UN Emergency Ebola Response Coordinator for the ongoing outbreak in the DRC on 23 May 2019. There were some important lessons learned from UNMEER's establishment and operation that are relevant in an Article VII context, some of which could serve as guiding principles/procedures. We conclude with a suggested MX 4 recommendation to the MSP.

II. Background

2. One of the key conclusions from a September 2017 Wilton Park conference on responding to deliberate biological release noted that a coordinating body is essential.¹ Such a body should include representatives from all relevant agencies involved in the response; an international operations centre to collect information and coordinate the response on the ground since responders need a baseline assessment of the situation on the ground promptly.

¹ [BWC/MSP/2017/WP.20](#) - Responding to deliberate biological release: the requirements for effective, coordinated international action - Submitted by Canada, the United Kingdom of Great Britain and Northern Ireland and the United States of America



In this context, it is worth noting that in response to the current Ebola virus disease outbreak in the Democratic Republic of the Congo, which began on 1 August 2018, the UNSC adopted its resolution [2439 \(2018\)](#). On 23 May 2019, the UNSG appointed a UN Emergency Ebola Response Coordinator in the affected areas of the DRC. This post oversees the coordination of international support for the Ebola response and works to ensure that an enabling environment — particularly security and political — is in place to allow the response to be even more effective.² The WHO declared this outbreak a Public Health Emergency of International Concern on 17 July 2019.

3. UNMEER was the first-ever UN emergency health mission established after unanimous adoption of UNGA Resolution [69/1](#), and UNSCR resolution [2177 \(2014\)](#) on 19 September 2014. It closed on 31 July 2015, having achieved its core objective of scaling up the international and national response on the ground in West Africa during the EVD outbreak. UNMEER was an integrated, whole system response that could focus the efforts of WHO and other UN agencies behind a unified strategy.³ It sought to consolidate the operational work of the United Nations system and its Member States, as well as of the non-governmental organizations and other partners focused on providing assistance in West Africa. In addition, UNMEER tried to ensure the assistance of the United Nations system to developing, leading and implementing an effective response to the broader dimensions of the outbreak, which included food security and access to basic health services. The Mission achieved its core objective of scaling up the response on the ground and establishing unity of purpose among responders in support of the efforts led by national governments.

4. A UN Fifth Committee post event lessons learned exercise⁴ noted several points that would likely be applicable too if Article VII were invoked, or in any other international response to the deliberate release of biological agents resulting in high rates of morbidity and mortality:

- UNMEER was expected to provide the operational framework to harness and support the integration of critical functions being performed across the UN system;
- UNMEER was considerably more effective when it played a facilitating role, rather than an implementing role or involved itself in the technical response. UNMEER's regional role in West Africa was also found to support its ability to fill critical gaps in the region;
- The requirement for centralised decision-making and command in an acute outbreak does not negate the benefits of coordination, consultation and collaboration;
- Once UNMEER reoriented itself to play a greater coordination role, it was better positioned to engage existing mechanisms, capacities and economies of scale and elicit the buy-in from partners that it required in order to provide operational direction effectively. Command and coordination are not mutually exclusive;
- Coordination was found to be most effective when, where possible, existing coordination mechanisms and familiar terminology were utilised or built upon since creating new mechanisms in the midst of a crisis is less likely to achieve timely and effective outcomes;

² <https://www.who.int/news-room/detail/23-05-2019-united-nations-trengthen-ebola-response-in-democratic-republic-of-the-congo>

³ Adam Lupel and Michael Snyder, The Mission to Stop Ebola: Lessons for UN Crisis Response 15 February 15, 2017 International Peace Institute. <https://www.ipinst.org/2017/02/un-crisis-response-ebola>

⁴ United Nations Fifth Committee, Lessons learned exercise on the coordination activities of the United Nations Mission for Ebola Emergency Response, Statement by Mr Mark Carey, 6 March 2017. http://www.un.org/en/ga/fifth/71/Statements/134.%20PB_20162017_SS_UNMEER/C5_71_1r_ST_2017_03_06_Item134_PB2016-2017_UNMEER_Representative%20of%20the%20SG.pdf

- Where UNMEER ensured inclusion of existing structures and mechanisms, it was best able to provide for integration with other actors already on the ground and facilitate continuity in the response;
- A lighter and more streamlined model that facilitates, to a greater degree, existing capacities and coordination mechanisms, while deploying the benefits that a 'Mission' model yields in support of emergency response would be an approach for a future comparable crisis.

5. In summary then, perhaps the key lessons from UNMEER's experience that are directly translatable to Article VII include the importance of speed, coordination, flexibility, and partnerships. The WHO was a central player in the response in the EVD case, but if we were looking at a major incident affecting livestock and crops, then one might expect the OIE and FAO to be the leading players. It is therefore instructive to note that some participants in a high-level tabletop exercise held at the 2019 Munich Security Conference affirmed the need for a clearer designation of roles and leadership arrangements across the UN structure for high consequence, rapidly spreading, deliberate release of biological events. Participants felt that this would better facilitate a response, given the need for coordination between public health, humanitarian, and security operations and an attribution investigation seeking to identify those responsible for causing the outbreak.⁵

III. Article VII and deliberate release

6. The UK has previously stressed the critical importance of effective command and control for an Article VII response.⁶ A failure to coordinate the diverse and disparate core elements needed for an effective response will likely lead to failure, which translates into increased morbidity and mortality, greater economic and social dislocation and much longer time periods required for recovery. What we need, therefore, is a UN response plan that it can activate quickly in the event of an Article VII request for assistance. The objective must be something more rapid, flexible and responsive than existing structures or machinery. This would have the prime objective of ensuring a coordinated response on the ground that engaged all relevant parts of the UN system, as well as the wider aspects (such as NGOs and law enforcement agencies) of an international response in the region and in the Member State(s) concerned. A key requirement here is to establish and test coordination mechanisms *before* an incident occurs not during it.⁷ Roles, responsibilities and tasks must be clearly determined and delineated

7. Ensuring and coordinating the security aspects of a response is essential. As we have seen in the recent response to the EVD outbreak in the Democratic Republic of the Congo, attacks on medical personnel and treatment centres have become all too prevalent. Between January and May, there were more than 40 attacks on health facilities.⁸ In the sort of circumstances where continuous and deliberate attacks on first responders and their facilities are a major problem, it would be worth considering putting UNDSS in charge of security coordination, involving IGOs and NGOs and civilian-military coordination.

⁵ A Spreading Plague: Lessons and Recommendations for Responding to a Deliberate Biological Event, June 13 2019, NTI, <https://www.nti.org/analysis/reports/spreading-plague-lessons-and-recommendations-responding-deliberate-biological-event/>

⁶ BWC/MSP/2014/MX/WP.5 Responding to a case of suspect biological weapons use: The command and control element at the scene - Submitted by the United Kingdom of Great Britain and Northern Ireland; BWC/MSP/2017/WP.20 - Responding to deliberate biological release: the requirements for effective, coordinated international action - Submitted by Canada, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

⁷ The National Academies of Sciences, Engineering, Exploring Lessons Learned from a Century of Outbreaks: Readiness for 2030: Proceedings of a Workshop (2019), page 51 and page 129.

⁸ Large Ebola outbreaks new normal, says WHO, James Gallagher Health and science correspondent, BBC News, 7 June 2019 <https://www.bbc.co.uk/news/health-48547983>

IV. Recommendation

8. We recommend that the UNSG prepare a generic plan to ensure a coordinated response by Member States, the UN and the wider UN system, and other partners to a deliberate release of a biological agent or toxin. Such a plan should include a time bound appointment of a special representative of the UNSG to work collaboratively with BTWC States Parties, the Implementation Support Unit as well as a senior official selected by the DG's of the WHO, OIE or FAO, as the scenario dictates. The intent would be to develop a structure that could be activated and staffed rapidly should the need arise. This will require a UNSC Resolution to instruct the UNSG to prepare the necessary recommendations for consideration by the UNSC.

9. As part of this process, we would note that more thought on the requirements for effective coordination, expertise, analytical capability and data for decision-making is required. We should also look at national and international existing capabilities and design a system that really is fit for purpose, being clear what the purpose will be.
