

ARTICLE VII: ASSISTANCE TO STATE PARTIES

by Graham S Pearson

Consideration of Article VII at the Third Review Conference

1. Article VII of the Convention states that:

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.

2. At the Fourth Review Conference of the BTWC held on 25 November to 6 December 1996, the Final Declaration¹ in respect of Article VII stated that:

1. *The Conference notes with satisfaction that these provisions have not been invoked.*

2. *The Conference reaffirms the undertaking made by each State Party to provide or support assistance in accordance with the Charter of the United Nations 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.*

3. *The Conference takes note of desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided. In this context, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties if requested.*

4. *The Conference takes note of the proposal that the Ad Hoc Group might need to discuss the detailed procedure for assistance in order to ensure that timely emergency assistance would be provided by States Parties if requested.*

5. *The Conference considers that in the event that this Article might be invoked, the United Nations, with the help of appropriate intergovernmental organizations such as the World Health Organization (WHO), could play a coordinating role.*

3. Four of these paragraphs (paragraphs 1, 2, 3 and 5) were the same as those in the Final Declaration² of the Third Review Conference. The new fourth paragraph

¹United Nations, *The Fourth Review Conference 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*, Geneva, 25 November - 6 December 1996, BWC/CONF.IV/9, Geneva 1996.

² United Nations, *The Third Review Conference 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*, Geneva, 9–27 September 1991, BWC/CONF.III/23, Geneva 1992.

simply noted that the Ad Hoc Group might discuss the detailed procedures for assistance.

Developments since the Fourth Review Conference

4. At a Workshop held in Prague, Czech Republic in May 2001 entitled "New Scientific and Technological Developments of Relevance to the Biological and Toxin Weapons Convention", it was recognized³ that the benefits that are becoming available from biotechnology could with advantage be addressed in the Final Declaration of the Fifth Review Conference in the context of several Articles of the Convention including Article VII by language along the following lines:

The Conference notes with satisfaction that relevant advances in the fields of microbiology and biotechnology have significantly increased the ability of States Parties to come to the assistance of a State Party should the Security Council decide that such State Party has been exposed to danger as a result of violation of the Convention.

5. It is also recognized that there could also be advantage in extending the reference in the final paragraph to the possible coordinating role of the World Health Organization to include similar mention of the corresponding organizations for animals and plants; namely the, Office International des Epizooties and the Food and Agriculture Organization

6. As Article VII has not been invoked during the five years since the Fourth Review Conference, it is suggested that the Fifth Review Conference should adopt similar language to that in the Final Declaration of the Fourth Review Conference with the inclusion of the proposed additional language relating to the advantages in microbiology and biotechnology and the omission of the paragraph relating to the Ad Hoc Group as follows:

The Conference notes with satisfaction that these provisions have not been invoked.

The Conference reaffirms the undertaking made by each State Party to provide or support assistance, in accordance with the Charter of the United Nations 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.

The Conference takes notes of desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided. In this context, pending consideration of a decision by the Security

³Graham S. Pearson, *New Scientific and Technological Developments of Relevance to the Fifth Review Conference*, University of Bradford, Department of Peace Studies, Review Conference Paper No. 3, July 2001. Available at <http://www.brad.ac.uk/acad/sbtwc>

Council, timely emergency assistance could be provided by States Parties if requested.

The Conference notes with satisfaction that relevant advances in the fields of microbiology and biotechnology have significantly increased the ability of States Parties to come to the assistance of a State Party should the Security Council decide that such State Party has been exposed to danger as a result of violation of the Convention.

The Conference considers that in the event that this Article might be invoked, the United Nations, with the help of appropriate intergovernmental organizations such as the World Health Organization (WHO), Office International des Epizooties (OIE) and the Food and Agriculture Organization (FAO) could play a coordinating role.