

Second Meeting
Geneva, 6-10 December 2004

Meeting of Experts
Geneva, 19-30 July 2004
Item 6 of the provisional agenda

**Cases of Alleged Use of Biological or Toxin Weapons or Suspicious Outbreaks of Disease:
Enhancing International Capabilities for Responding to, Investigating and Mitigating the
Effects**

Submitted by South Africa

Introduction

1. The discussion subject “Enhancing International Capabilities for Responding to, Investigating and Mitigating the Effects of Cases of Alleged Use of Biological or Toxin Weapons or Suspicious Outbreaks of Disease” includes two aspects that, although related, will be managed differently in terms of approach, actions and possible involvement of other international organisations, therefore these aspects should be discussed separately.
2. The paper will discuss the following aspects:
 - Enhancing international capabilities for responding to and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease; and
 - Enhancing international capabilities for investigating cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease

**Enhancing International Capabilities for Responding to And Mitigating the Effects of Cases of
Alleged Use of Biological or Toxin Weapons or Suspicious Outbreaks of Disease**

3. In the vast majority of cases of alleged use of biological or toxin weapons the result of such use will present as an outbreak of disease, which may appear to be suspicious.

4. The response to such outbreaks of disease will always be the same as the response to any outbreak of disease. The primary aim of any response to a disease outbreak is always to get the spread of the disease under control, restrict casualties to the minimum and keep secondary effects to the minimum. All involvement in these activities will concentrate on fulfilling these objectives and in these activities there will only be a limited focus on whether the outbreak was caused by unnatural or suspicious means.

5. International organisations such as the WHO, OIE and FAO who are usually involved in co-ordinating the provision of aid to respond to disease outbreaks would probably be involved in these actions without regard to cause and they should continue to play the primary co-ordinating role under such circumstances.

6. In Art VII, States Parties undertake to provide support and assistance to any Party to the BTWC which so requests if the United Nations Security Council (UNSC) decides that such Party has been exposed to danger as a result of a violation of the Convention. This process is too protracted and may not result in an effective response.

7. In order to enhance international capabilities to respond to such incidents it is proposed that a State Party should directly request other States Parties and relevant international organisations such as the WHO, OIE and FAO to render assistance. In this regard States Parties should support the response capabilities of the WHO, OIE and FAO.

Enhancing International Capabilities for Investigating Cases of Alleged Use of Biological or Toxin Weapons or Suspicious Outbreaks of Disease

8. In terms of Art VI of the BTWC any State Party that believes that any other State Party is acting in breach of the obligations of the Convention, including in cases of alleged use, may lodge a complaint with the UNSC. Such a complaint should include all possible evidence. States Parties also undertake to co-operate in any UNSC investigation.

9. In cases where a State Party believes that an outbreak of disease on its territory is the result of alleged use of biological or toxin weapons (violation of the BTWC), but is unable to identify who is responsible, it may also lodge a complaint with the UNSC, but must provide evidence supporting the complaint. The UNSC will then decide whether to launch an investigation or not.

10. In order to enhance international capabilities to investigate such incidents:

- (a) A State Party should directly request other States Parties for support in handling the outbreak as well as conducting an investigation before the involvement of the UNSC.
- (b) The Secretary-General should be requested to review the existing procedures contained in the Secretary-General's report (A/44/561) on *Chemical and Bacteriological (Biological) Weapons* dated 4 October 1989 and endorsed by the General Assembly on 4 December 1990 (A/Res/45/57), with a view to enhancing international capabilities for investigations of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease.

- (c) The report of the Secretary-General on such a review can then be provided to States Parties for their consideration.
- (d) Expert Consultants can be utilised for such a review.
- (e) Efforts of Law Enforcement Agents to improve their capabilities to investigate incidents of terrorism with biological agents or toxins should be supported.

Issues to be Considered

11. Some issues that should be considered in a review of the existing procedures for the Secretary-General to investigate incidents of alleged use of biological or toxin weapons, contained in the Secretary-General's report (A/44/561) on *Chemical and Bacteriological (Biological) Weapons* dated 4 October 1989 and endorsed by the General Assembly on 4 December 1990 (A/Res/45/57), are discussed in this section.

Expert Consultants and Qualified Experts

12. The Secretary-General should formally request State Parties to nominate Qualified Experts utilising the guidelines provided in Appendix I. The Secretary-General should nominate Expert Consultants and review both lists of Experts regularly to confirm that all nominees are still available.

13. The list of areas of expertise of Experts should be reviewed.

Analytical Laboratories

14. The existing requirements for, and functions of, laboratories concentrate on analyses for chemical agents with very little reference to biological analyses. This section needs to be reviewed.

15. The following issues should also be considered:

- (a) Development of a list of the types of analytical laboratories required.
- (b) The Secretary-General may terminate the designation of a laboratory on the request of the nominating State Party or if such a laboratory falls below the required proficiency standards.
- (c) In order to ensure the security and confidentiality of samples being analysed, the Secretary-General should enter into specific agreements with designated laboratories as soon as possible after the designation of each laboratory.

16. The list of laboratory specialisations in Appendix V and the information to be provided by States in designation of analytical laboratories should be reviewed.

Administrative arrangements

17. The receiving State Party should provide or arrange for the amenities necessary for the team such as transport, communications means, interpretation, working space, lodging, meals and emergency medical care.

Equipment

18. The list of equipment in Appendix III should be updated.

19. The requirement that equipment for use during the response/investigations be provided by the State Party receiving an investigation should be emphasised.

20. The Secretary-General supported by other States Parties should provide equipment that the receiving State Party cannot provide. The receiving State Party should communicate with the Secretary-General prior to the investigation to determine who would supply the equipment required.

Communications

21. The members of the investigation team should be able to communicate with each other and their HQ during the response/investigation. For this purpose they may use equipment supplied by the receiving State Party or their own equipment if the receiving State Party cannot provide them with the necessary telecommunication equipment.

22. The members of the investigation team should, unless authorized by the Secretary-General, be prohibited at all times from communicating directly or indirectly on any matter related to the investigation with any person or institution other than the members of the investigation team or the Secretary-General.

Samples

23. Procedures to ensure the chain of custody of samples should be reviewed. The experience developed in the OPCW could be utilised in this effort.

24. Measures to ensure the safety and security of samples should be included.

25. Appendices VII and VIII that describe sampling procedures provide primarily for sampling after a chemical weapons incident. They should be reviewed with a view to provide for sampling after biological or toxins weapons incidents.

Investigation report

26. The Secretary-General should submit the report to the UNSC for consideration.

27. The investigation report should be made available to the receiving State Party, Secretary-General and any other State Party that may be involved.

Laboratory reports

28. Laboratories should report the results of their analysis upon completion thereof to the Secretary-General, who should include it in the final report.

29. A final report should be transmitted to the Secretary-General upon completion thereof.

Interviewing

30. The model interview questionnaire in Appendix IX concentrates on chemical incidents and should be updated to provide for biological and toxin incidents as well.

Financial Issues

31. Financial issues such as indications of responsibilities for funding for an investigation should be considered.
