

**3<sup>rd</sup> African Conference on Emerging Infectious Diseases and Biosecurity: “Pandemic Preparedness in Africa – Biosecurity and Infrastructure in the Wake of the Ebola Outbreak”**

**Cédric Apercé, Legal Officer, National Implementation Measures Programme**

**17 August 2017, Accra, Ghana**

- Good afternoon Ladies and Gentlemen.
- I am pleased to be here today on behalf of VERTIC’s Programme Director for National Implementation, Scott Spence. It is with regret that Mr Spence was unable to join us to discuss such an essential subject for the region.
- The West Africa Ebola crisis raised a number of questions about the strength and comprehensiveness of the legal and regulatory systems in place in the affected countries – primarily Guinea, Liberia and Sierra Leone – for emergency health response and public health security.
- The WHO International Health Regulations, or IHR, adopted in 2005, were intended to “... prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade”.
- However, the WHO *Technical Consultation on monitoring and evaluation of functional core capacity for implementing the IHR*, which took place in October 2015, in Lyon, France, concluded that “...national capacities were not able to keep pace with national needs to manage [public health emergencies of international concern (PHIC)] efficiently and effectively” and that “...assessments of the recent Ebola outbreak had confirmed this situation”.
- This consultation, along with a multitude of other review panels and committees have examined how to strengthen global governance of disease, response capacities, and how to build appropriate national capacities to implement the IHR.

- The Global Health Security Agenda, or GHSA, launched in February 2014, was a response to the need to strengthen global capacity to prevent, detect and respond to infectious disease threats, and in recognition that most countries were unable to successfully implement IHR core capacities.
- GHSA aims to marshal resources to countries through a series of 11 Action Packages, designed to build and measure capacity around prevention, detection and response. GHSA's Biosafety and Biosecurity Action Package (Prevent-3) and, especially Prevent-3's Planning Activity 5, calls upon participating countries to strengthen their biosafety and biosecurity legislation in order to address risks arising from activities involving dangerous pathogens such as Ebola, including "...possessing, handling, using, producing, storing, permitting access to, transferring, importing, exporting, and releasing or otherwise abandoning".
- Though GHSA is not a legally binding agreement, its objectives are well-aligned with initiatives going back several years that support strengthening the Biological and Toxin Weapons Convention, or BWC, and the related provisions of UN Security Council Resolution 1540, adopted in 2004, through regulatory measures.
- These international regimes hold lessons for how to secure the remaining Ebola samples in West Africa and ensure that any activities involving them are legitimate and properly regulated.
- In 2016, the Eighth Review Conference of the BWC agreed that countries must prevent and punish biological weapons activities while also ensuring "...the safety and security of microbial or other biological agents or toxins in laboratories, facilities, and during transportation, to prevent unauthorized access to and removal of such agents or toxins".
- UN Security Council Resolution 1540 requires countries to develop and maintain effective measures to account for and secure biological materials, for example, pathogen samples; to ensure their physical protection; to enhance border control and law enforcement to prevent their illicit trafficking; and for export control over these materials.
- Accordingly, sovereign efforts to assert control over activities involving pathogens such as Ebola, through legal and regulatory measures, support the objectives of the GHSA Prevent-3 Action Package, the BWC, and the related provisions of UN Security Council Resolution 1540. At the same time, these efforts strengthen national and global public health and health security as well as response capability.
- To achieve the objective of sovereign control over activities involving Ebola samples and other highly dangerous pathogens in the affected countries, there are several steps ahead.

- The first indispensable step is a comprehensive analysis of existing national legislation to highlight the gaps and areas that require strengthening in regulatory systems for biosecurity and dangerous pathogen management. An example of this is an IHR Joint External Evaluation Tool, or JEE, which encompasses the GHSA action package metrics plus the remaining IHR core capacities not included in GHSA.
- VERTIC also developed a comprehensive review tool for national biosecurity measures but from the standpoint of the BWC and related provisions of UN Security Council Resolution 1540. This tool – conceived as a survey – has been successfully employed to identify gaps and suggest improvements in national legislation in over 140 States worldwide. For instance, VERTIC conducted a comprehensive review in 2016 of how Sierra Leone has implemented biosecurity measures in its national legislative framework, which allowed us to highlight the strengths and weaknesses of Sierra Leone’s biosecurity measures.
- Additionally, VERTIC prepared a “Biological Weapons Convention Report on National Implementing Legislation”, available in English, French, Russian and Spanish, drawing on our legislative analysis and assistance experience to provide a snapshot of the current status of BWC implementing legislation and identify some implementation trends. It provides an assessment of the status of BWC States Parties’ national implementing legislation, adopted pursuant to Articles III and IV of the Convention, and related provisions in UN Security Council Resolution 1540 (2004). We presented this report, which serves as a baseline analysis against which progress may be measured in the next BWC intersessional process, to the Eighth BWC Review Conference last November.
- With these gaps identified, the second necessary step is for governments to consider drafting and adopting laws and regulations, which criminalize misuse of dangerous pathogens while encouraging their safe and secure use for peaceful activities such as research. For example, in November 2016, VERTIC, in co-operation with the Government of Sierra Leone and the GET Consortium, and with funding from the Strategic Programme Fund of the UK’s Foreign and Commonwealth Office, organised a national legislative consultation workshop in Freetown.
- The workshop gathered representatives of the Office of National Security, the Office of Parliamentary Council, the Army, Ebola survivors’ organisations and a clergyman involved with the response effort, as well as national lawyers and international experts. It constituted a unique opportunity to grasp national specificities around which biosecurity measures should be tailored in Sierra Leone. The workshop also created an opportunity to mobilise stakeholder support for

the improvement of the policy and legislative framework for the implementation of the BWC, and related provisions of UN Security Council Resolution 1540, through a collective commitment to expand the proposed biobanking governing council into a biosecurity governing council which includes oversight of biobanking.

- At the end of the meeting, participants agreed on a Next Steps document, which includes the establishment of a technical working group under the leadership of the Ministry of Health and Sanitation and in close co-operation with the Office of National Security. VERTIC also endeavoured to support Sierra Leone's efforts to implement the BWC through legislative assistance under a European Council Decision in support of the BWC.
- Building on its previous work with Sierra Leone, VERTIC is pleased to announce that it will continue its engagement with the Government of Sierra Leone under a new project funded by the Counter Proliferation Programme of the UK's Foreign and Commonwealth Office and in furtherance of the objectives of the EU Council Decision in support of the BWC. We will be in a position, in co-operation with the BWC Implementation Support Unit and GET Consortium, to assist Sierra Leone later this year to draft a comprehensive BWC bill, with a focus on biosecurity measures. This will be particularly timely and necessary in the aftermath of the Ebola epidemic.
- We look forward to briefing the States Parties to the BWC, during their Meeting scheduled for December, on the outcomes of our work with the Government of Sierra Leone and the GET Consortium.
- Thank you for your attention and I look forward to any questions that you may have.