

GCSP-GET Consortium-VERTIC BWC Review Conference Side Event: “Addressing the Biosecurity Governance Challenges Posed by the Ebola Epidemic”

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- Good afternoon ladies and gentlemen.
- 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 *Technical Consultation on monitoring and evaluation of functional core capacity for implementing the IHR*, which took place in October 2015, concluded that “...national capacities were not able to keep pace with national needs to manage these emergencies 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 are examining 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 2011, the Seventh 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 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. A JEE mission took place in Liberia in September, which was led by WHO-AFRO and assessed 19 technical areas including biosafety and biosecurity. The mission concluded in its final report that in Liberia “...there are no national biosecurity or biosafety legislation, regulations or frameworks and there are no official biosafety or biosecurity monitoring activities”.

- VERTIC has also nearly completed a separate comprehensive review of how Liberia has implemented biosecurity measures but from the standpoint of the Biological Weapons Convention and related provisions of UN Security Council Resolution 1540. We have reached the same conclusions as the WHO-AFRO mission, that is, Liberia is lacking the necessary legislation to account for and secure the production, use, storage and transport of dangerous biological agents and toxins.
- Moreover, VERTIC completed a comprehensive review of how Sierra Leone has implemented biosecurity measures in its national legislative framework. We concluded that Sierra Leone does not have preventative measures in place to account for and secure the production, use, storage and transport of dangerous biological agents and toxins, including for example Ebola samples. Nor does it appear to have measures and related penalties for the physical protection of dangerous biological agents and toxins and the facilities that produce, use or store them. We observed that the Environment Protection Agency requires a licence to carry out projects involving waste management and disposal but that the government does not appear to require authorisation for activities involving dangerous biological agents and toxins, nor does there appear to be a national licensing authority.
- Regarding transfers, we concluded that there are some general measures in the *Customs Law*, but there do not appear to be specific measures in place to prevent the unauthorized transfer of dangerous biological agents and toxins including Ebola samples, nor does the Government require authorisation for exports and imports of dangerous biological agents and toxins. We could not identify end-user controls, catch-all clauses or controls over brokering.
- 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. VERTIC, in cooperation 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, is organising a legislative consultation workshop at the end of the month in Freetown with the following objectives:

- To inform stakeholders about legislative lapses and the implications for national security;
 - To mobilize stakeholder support for the improvement of the policy and legislative framework for the implementation of the BWC and related provisions of UNSCR 1540;
 - To validate the findings of the VERTIC survey I just discussed and go through VERTIC's model law for national implementation of the BWC;
 - To facilitate suggestions from the stakeholders on the way forward;
 - To codify the suggestions in an action plan with concrete timelines for the completion of the legislative review process; and
 - To identify key government ministries, departments or agencies that will be the point of contact on behalf of the Government of Sierra Leone, and that will be part of a likely technical working group.
- The Government of Sierra Leone, GET Consortium and VERTIC look forward to briefing the States Parties to the BWC on the outcomes of this workshop in 2017.
 - Thank you for your attention and I look forward to any questions that you may have.