

The Role of Non-Governmental Organizations (NGOs) in the Implementation of International Biosecurity Treaties in Africa

Background

Increasing occurrence of infectious disease outbreaks, whether natural, accidental, or deliberate in Africa in recent decades, coupled with increase in modern life science research and facilities such as biocontainment laboratories, genomic surveillance, and biotechnology activities, are increasing vulnerability of African countries to biosecurity threats. These threats are further exacerbated by rise in insurgence and radicalization being reported in some regions on the continent.

Global and regional intergovernmental agencies have responded to these emerging biosecurity threats by promoting comprehensive implementation and operationalization of international biosecurity treaties such as the Biological Weapon Convention (BWC) and United Nations Security Council Resolution 1540 (UNSCR 1540) within the region. These biosecurity treaties are set of regulations that guide and govern handling, transport, and proliferations of highly dangerous and sensitive biological materials.

Effective implementation and operationalization of these biosecurity treaties remains the potent strategies to prevent the proliferation of biological weapons. This is particularly important in Africa due to its fragile healthcare infrastructure to respond to public health emergencies and rise in frequency of insurgency. Some of the treaties include, International Health Regulations (IHR) (2005), the Biological and Toxin Weapons Convention (BWC), and United Nations Security Council Resolution (UNSCR) 1540.

- 1. International Health Regulations (IHR) (2005):** This is a legally binding international agreement designed to prevent the spread of infectious diseases adopted by World Health Assembly. The International Health Regulations (2005) (IHR) provide an overarching legal framework that defines countries' rights and obligations in handling public health events and emergencies that have the potential to cross borders.

The IHR are an instrument of international law that is legally-binding on 196 countries, including the 194 WHO Member States. It provides member states with a public health response to the international spread of disease in ways that is commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade. The regulations were revised to capture diseases (including those with new and unknown causes), irrespective of origin or source, that present significant harm to humans, and offer the international community new opportunities to strengthen the public health capacities and collaborate with other countries and with the World Health Organization (WHO).

- 2. Biological and Toxin Weapons Convention (BWC):** Is a disarmament treaty responsible for the prohibition of the development, production and stockpiling of Biological and Toxin Weapons. The BWC is critical to international efforts to address the threat posed by biological weapons. It was open for signature in 1972 and came into force in 1975 for member states, generally called States Parties. BWC represents one of the fundamental pillars of the international community's effort against biological weapons of mass destruction. It is the first multilateral disarmament treaty banning an entire category of weapons of mass destruction (WMD).

Since its entry into force in 1975, a total of 185 States have joined the Convention. Most African states have either signed or ratified the BWC except for Chad, Comoros, Djibouti, and Eritrea. BWC plays a fundamental role in collective security and serves as an internationally recognized forum for cooperation against the threats posed by biological weapons.

- 3. United Nations Security Council Resolution (UNSCR) 1540:** The United Nations (UN) Security Council adopted a resolution 1540, requiring governments to prevent armed, non-state actors from acquiring, proliferating and using nuclear, chemical and biological weapons. UNSCR 1540 is also has legally binding obligations on all UN Member States to develop and to enforce effective measures against the proliferation of nuclear, chemical, and biological WMD, their means of delivery, and related materials. Member States are required to periodically draft reports on the progress they have made in terms of their 1540 obligations, and to submit to the 1540 Committee.

Recent increase in collaboration between African countries and some international agencies have demonstrated Africa's concrete efforts to deepen the operationalization and implementation of several biosecurity treaties in Africa. Africa CDC launched series of initiatives to strengthen the biosecurity and biosafety systems in African Union Member States to comply with the International Health Regulations (IHR), the Biological Weapons Convention (BWC), and United Nations Security Council Resolution (UNSCR) 1540. For example, African Union Commission (AUC) collaborated with the 1540 Committee to organise a workshop at its headquarters in Addis Ababa. Thirty-five AU member states participated in the workshop, including regional economic communities as well as professional associations and relevant continental networks.

In partnership with the UN Office for Disarmament Affairs (UNODA) and other UN bodies, African states have arranged a number of workshops to improve their implementation efforts of UNSCR 1540. African civil-society organizations such as Global Emerging Pathogens Treatment Consortium (GET) have also organized several regional meeting on enhancing the continent's efforts in strengthening implementation of international biosecurity related treaties in Africa. Another intergovernmental agency, Nuclear Threat Initiative in partnership with Africa Union and some NGOs organized two technical working group meetings. The first was focused on West Africa's contributions to the African Union draft legislative framework for biorisk management and a region-wide consensus list of High Consequence Agents and

Toxins. The second workshop sought to identify new actions in West Africa that promote measurable progress to achieve the biosafety and biosecurity targets of the WHO Joint External Evaluation and obligations under the BWC and UNSCR 1540.

Role of NGOs in implementation of Biosecurity Treaties in Africa

Governments alone do not possess the requisite capacity to successfully implement biosecurity treaties. African states still struggle to provide detailed National legislation and other measures that enhance implementation of BWC and UNSCR 1540. Some of the countries that has existing National legislations and laws to support domestication and implementation of these international biosecurity treaties have limited capacity and structure to support implementation and verification compliance. With the exemption of South Africa, most States Parties in Africa do not submit the comprehensive Confidence Building Measure declaration regularly. Although some countries in Africa have submitted CMB report once or twice, these reports usually indicate ‘nothing to declare’, which do not reveal detailed information to assess treaties’ compliance level.

Series of activities have been provided by some Non-Governmental Organization NGO to support member States on implementation and application of biosecurity treaties. At the BWC meetings of experts in Geneva in 2021, NGOs jointly released a clear policy statement on strategies to adopt for effective implementation of international biosecurity treaties. Some important roles NGOs can play in the implementation of Biosecurity Treaties in Africa includes:

- 1. Support State Parties on activities that raise awareness among relevant stakeholders such as policy makers, industry experts and scientists.** NGO plays a significant role in awareness creation among stakeholders on the relevance of international treaties and also to State Parties on its international obligation under BWC, UNSCR 1540 and IHR. Through workshops and conferences NGO also offer opportunities to stimulate awareness and information on international biosecurity treaties. For example, Global Emerging Pathogens Treatment Consortium (GET) has been organizing annual biosecurity conference in different African countries since 2015 to strengthening regional effort to combat public health emergencies and address emerging biosecurity threats. Similarly, VERTIC organizes and participates in awareness-raising workshops and offer technical assistance in BWC implementations and applications for some member states in Africa.

- 2. Review and analysis of National legislations.** NGOs can play important roles in supporting countries to review and develop laws and regulations that support effective domestication and implementation of international treaties. The review will assist in identifying gaps in existing National laws and recommend strategies and legal framework that will accommodate international treaties.

- 3. Monitoring and evaluating the level of domestication and implementation of international treaties.** NGOs has a significantly role to play in evaluating the level of domestication and implementation of international biosecurity treaties. NGOs are increasingly involved in

implementing international agreements, sometimes directly and sometimes through assistance to states. NGO monitoring, sometimes referred to as “citizens’ reporting”, or “civil society monitoring”, has become an important element in the international community’s evaluation of how effectively states implement their treaty obligations on a wide range of issues. Independent and unbiased monitoring of the level of domestication and review of activities on prevention of proliferation of weapon of mass destruction by NGOs is important to have an unbiased understanding of activities within the country.

4. Drafting and formulation of legislation and regulation that support domestication and implementation of international treaties in African countries. NGO could assist with drafting of legislation that promote the implementation of biosecurity treaties by working with relevant government agency. For example, Global Emerging Pathogen Treatment Consortium coordinated the development of West Africa Biosecurity Policy for West Africa Health Organization (WAHO)

5. Funding of biosecurity related activities in Africa. Several NGOs across the globe have funded or supported biosecurity activities to assist States Parties in Africa. Global Partnership Against the Spread of Materials and Weapons of Mass Destruction funded a coordination workshop to support Universalization and Effective Implementation of the BWC in Africa.

Recommendations:

In recognition of the importance of effective domestication and implementation of international biosecurity treaties in Africa, it is important that government at all level promote the successful implementation of the treaties through collaboration with relevant NGOs. The recommendations below can support activities of NGOs in the implementation of international biosecurity treaties in Africa.

1. Facilitating greater NGO access to state territory and activities. While some progress has been made to improve contact and build relationships among governments and NGOs in some African countries, there are few countries in the region that remain suspicious of NGOs and oppose their involvement in government activities, especially in monitoring and evaluation. It is therefore important for those NGOs carrying out such monitoring activities to develop a common understanding with the state whose territory or activities they intend to monitor. One possible mechanism to aid such clarity is by the exchange of “memoranda of understanding” between the NGO and the state. Such documents create an informal or formal foundation on which the subsequent activities of the NGO can rest. The memoranda can also establish legally binding rights and obligations for the NGO and the state respectively.
2. Collaboration between international and regional NGOs should be promoted. It is important to encourage platforms that allows for continuous collaboration between international, regional and national NGOs with a particular focus on collaboration, exchange and review of information on relevant treaties.
3. There is need for intergovernmental agencies such as UNODA, BWTC and Africa CDC to support activities of NGOs through sponsoring NGOs to attend important

international events and supporting capacity building activities of NGOs staffs. NGOs will be more equipped to perform their roles with increase[d exposure and training.

4. National and regional governments should leverage on the expertise and experience of some NGOs to identify gaps in national laws and legal frameworks. NGOs can also assist in developing national legislation that support implementation of biosecurity treaties.
5. Funding is one of the greatest limitations experienced by NGOs in the effective discharge of their activities. Government at all levels and private organizations should increasing financial assistance to NGOs to effectively conduct their activities.

Conclusion:

Most States Parties in Africa still require adequate legislation to enhance domestication and implementation of biosecurity treaties in their countries. Non-Governmental Organizations play very crucial roles in the implementation of the biosecurity treaties across the globe, especially in Africa where more awareness on the importance of domesticating and implementing biosecurity related treaties is needed. It is therefore important for government at all levels to collaborate and support activities of NGOs in Africa to ensure effective domestication and implementation of international treaties that can contribute significantly to reducing biosecurity threats and proliferation of weapon of mass destruction in Africa.

About GET

About GET Global Emerging Pathogens Treatment Consortium (GET) was established in 2014 as a direct response to the 2014-16 Ebola virus disease outbreak in West Africa and ongoing outbreaks of Lassa Fever, Meningitis, Multidrug resistance (MDR) enteric fevers and COVID-19 across the sub-region. There was clearly a need to create an African-led multidisciplinary forum of experts capable of working together with international partners to strengthen Africa's preparedness and resilience in tackling such infectious disease outbreaks caused by emerging pathogens, public health emergencies and pandemics. GET found the understanding of biosecurity to be a very underdeveloped area on the continent with clear opportunities for using biosecurity to dramatically improve the capacity for prevention and medical countermeasures during public health crises. GET now operates firmly in the African Biosecurity and pandemic preparedness space, and functions as a think tank, providing high-level advocacy and the operational and necessary expertise to support Countries and communities achieve improved resources to combat outbreaks and other public health emergencies that can threaten stability, peace and security thereby undermining economic growth and well being. The consortium is working with international collaborators to provide strategic recommendations and establish infrastructure and research capacity to respond to highly infectious emerging Pathogens such as Ebola and the ongoing COVID-19 Pandemic. The Consortium creates a rapid informed response strategy and provides advice and guidance to African countries, and is a point of reference for international funding and aid agencies.