

NATIONAL AUTHORITY FOR THE BIOLOGICAL WEAPONS CONVENTION

WHY SHOULD MY STATE ESTABLISH A NATIONAL AUTHORITY?

The Sixth Review Conference of the 1972 Biological Weapons Convention (BWC) agreed that States Parties should designate a *national focal point* for coordinating national implementation of the convention and for communicating with other States Parties and relevant international organizations.

States Parties will find it helpful to appoint a *National Authority* to carry out these functions. Subsequently, States should inform the BWC Implementation Support Unit—based in the United Nations Office for Disarmament Affairs (Geneva branch)—of their national focal point arrangements and provide it with contact details.

Establishing a National Authority will facilitate a State in:

- monitoring and supervising any activities, including transfers, involving biological agents, toxins and dual-use technology and equipment;
- enhancing national security and public health;
- satisfying its obligations under the BWC, particularly Article IV commitments relating to national implementation; and
- fulfilling reporting requirements, under the BWC and United Nations Security Council Resolution 1540.

NATIONAL AUTHORITY STRUCTURE

A State may choose to assign the task of acting as a National Authority to an existing entity, or it may create a new one specifically for this function.

A National Authority for the BWC could be established or designated within a government ministry or department, as an inter-ministerial body or even as an independent governmental authority. A National Authority's composition, structure and mandate will depend on the State Party's actual situation (for example, whether or not it possesses a significant biological industry and/or engages in export/import activities relevant to the BWC); there is no 'one-size-fits-all' approach to establishing or designating a National Authority for the BWC. However, a National Authority must be granted sufficient authority to carry out all relevant tasks, ideally through authorizing legislation.

HOW CAN MY STATE ESTABLISH A NATIONAL AUTHORITY?

As a first step, a State should assess the scope of its national implementation requirements. A State can then decide where to locate a BWC National Authority, and whether to designate an existing entity or to create a new one.

States can choose to adopt a *centralized structure*, within which one entity assumes all responsibilities and functions related to implementation of the BWC, such as a government ministry or department.

Alternatively, States may choose to adopt a *decentralized structure*, whereby a National Authority coordinates the implementation activities of all relevant government bodies and has overall responsibility for international co-operation with regard to the BWC. Government bodies that may already have responsibility for issues that fall under the BWC include: a national health authority that is responsible for licensing laboratories; a trade ministry that licenses imports and exports of dual-use biological agents, toxins and equipment; and a foreign ministry that may be already liaising with the BWC Implementation Support Unit.

WHICH GOVERNMENTAL AND OTHER BODIES ARE INVOLVED IN BWC IMPLEMENTATION?

Certain government departments/ministries and other agencies have specific functions and expertise that are highly relevant to BWC implementation, and they should be tasked with co-operating with a BWC National Authority. This can be achieved by assigning a permanent representative to the National Authority or by holding regular consultations or meetings.

BWC implementation may require the involvement of and co-operation with the:

- Office of the Prime Minister or Head of Government;
- Office of the Attorney-General;
- Ministries of Agriculture, Environment, Foreign Affairs, Health, Industry, Interior, Justice and Transportation;
- national academy of science;
- national forensic science laboratory;
- national border control authorities (customs, port authorities);
- national chamber of commerce; and
- national biotechnology industry association or other professional scientific bodies.

WHAT FUNCTIONS CAN MY STATE'S NATIONAL AUTHORITY UNDERTAKE?

Each State is free to determine its National Authority's functions and responsibilities, which are normally set by law and subject to regulation. Nevertheless, a State may wish to pay particular attention to certain functions:

Internationally, the National Authority could:

- act as a national point of contact for the BWC Implementation Support Unit;

- provide data and information relevant to the fulfilment of its international obligations to other States parties and international organizations;
- share experiences and extend assistance to other States pertaining to implementation of the BWC; and
- collect any necessary information and prepare Confidence-Building Measure returns for submission to the BWC Implementation Support Unit.

Nationally, the National Authority could:

- propose and support the adoption of legislative and other measures to implement the BWC;
- supervise and monitor the enforcement of legislation and regulations;
- grant licenses for the handling of biological agents for peaceful purposes;
- establish a national system to monitor and verify activities being conducted in authorized establishments;
- authorize and monitor internal and international transfers of biological agents, toxins and dual-use equipment and technology;
- create and maintain a national system to respond to biological emergencies;
- report to the parliament or national assembly on its activities;
- advise the prime minister or head of government on any BWC-related issues;
- coordinate and assist with any of the tasks above attributed to any other government bodies; and

- conduct or facilitate awareness-raising, education, outreach and training vis-à-vis the BWC, biosafety and biosecurity, national implementing legislation and other measures and codes of conduct for scientists.

DO THE CHEMICAL AND NUCLEAR WEAPONS CONVENTIONS REQUIRE THE ESTABLISHMENT OF A NATIONAL AUTHORITY?

- Under Article VII of the 1993 Chemical Weapons Convention (CWC), each State Party must designate or establish a National Authority to comply with its treaty obligations. The National Authority for the CWC gathers all information necessary for submitting an initial declaration and annual declarations to the Organisation for the Prohibition of Chemical Weapons (OPCW), grants licenses to chemicals facilities, issues export permits, promotes and proposes legislative measures to implement the convention and facilitates international inspections. Some governments have opted to combine their CWC and BWC national authorities into one governmental body.
- Nuclear treaties often require the creation of a regulatory body to establish requirements and regulations concerning the use and production of nuclear energy, to grant licenses to nuclear facilities, to set up and maintain an inspection system to verify the enforcement of legislation, and to coordinate the body's activities with other governmental entities (for example, environment and health authorities).

HOW CAN MY STATE RECEIVE ASSISTANCE TO SET UP A BWC NATIONAL AUTHORITY?

BWC Implementation Support Unit staff members are available to supply information and to facilitate the provision of assistance to States seeking to establish a BWC National Authority.

BWC Implementation Support Unit

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In addition, VERTIC provides legislative assistance to States implementing the BWC, including for the establishment of a BWC National Authority.

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