



Strengthening National Implementation of the BWC

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About VERTIC

VERTIC is an independent not-for-profit organization located in London, United Kingdom that promotes the effective verification and implementation of international agreements and related regional and national initiatives.

VERTIC's National Implementation Measures (NIM) Programme advises States on national implementation of the obligations under the BWC, the Chemical Weapons Convention and certain international instruments for nuclear security.



National Implementation Measures

Under Article IV of the BWC and operative paragraphs 2 and 3 of UNSCR 1540, States are required to take national measures, in accordance with their constitutional processes, to prohibit and prevent biological weapons.

National Implementation Measures

A legislative framework should cover the following areas:

- 1) **Definitions** (biological weapon, biological agent, toxin, etc.)
- 2) **Prohibition** of certain activities
- 3) **Extending the reach** of the prohibitions
 - to natural and legal persons
 - extraterritorially
- 4) **National biosafety and biosecurity** measures play a key role in ensuring work with biological agents and toxins is carried out in a safe and secure manner.
- 5) **Transfer Controls** (BWC Article III)
- 6) **Legislative enforcement** to ensure non-proliferation of biological weapons



Approaches to National Implementation of BWC

Comprehensive stand-alone BWC law

- Mainly common law countries have adopted this approach (with a few exceptions).
- 2 trends identified:
 - Law that only contains the necessary penal provisions for the BWC
 - Comprehensive law containing penal provisions, biosafety/biosecurity measures, export control provisions and enforcement measures
- VERTIC has worked with several countries on comprehensive BWC draft laws (including biosafety/biosecurity measures).

Approaches to National Implementation of BWC

‘Weapons of Mass Destruction’ law

- Some countries have adopted legislation to implement the BWC, CWC and certain agreements relating to nuclear weapons and materials in one law as there are similarities in the regimes.
- Such laws may include a ‘CBRN National Authority’
- Characteristics:
 - Chapter divisions by type of weapon/material (RN, B, C)
 - The accountability and security measures are different for each type of regime.
 - Criminal provisions are separated for each type of weapon.
 - Transfer permits can be combined for the three regimes.

Approaches to National Implementation of BWC

Implementation through several laws and regulations

- How the implementation works:
 - Criminal provisions
 - Penal Code and counter-terrorism legislation
 - Biosafety/Biosecurity provisions
 - Human, animal and plant health legislation
 - Laboratory and scientific research legislation with control lists for certain biological agents/toxins
 - Export control of dual use items
 - In export control laws, customs codes or military/sensitive goods/dual-use items legislation
 - Enforcement
 - Through criminal procedure codes, police laws, extradition laws, mutual assistance in criminal matters legislation



Strengthening National Implementation of the BWC

- **Identify a national Point of Contact to be responsible for the process**
 - e.g. Ministries of Foreign Affairs, Defence, Health, Environment, Trade
- **Identify which obligations are already covered by existing legislation**
 - VERTIC's surveys are a useful way to identify gaps to be filled (*consider submitting yours with CBM Form E to the BWC Implementation Support Unit*)
- **Confirm which approach to implementation best suits the State's situation**
 - One stand alone law, WMD law, amendments to several laws

Strengthening National Implementation of the BWC

- **Convene an awareness-raising workshop for national stakeholders to explain:**
 - why implementation is needed
 - reach out to civil society and industry for input on enhancing implementation measures
- **Convene a legislative drafting workshop involving:**
 - Key Ministries: Foreign Affairs, Health, Environment, Defence, Justice, Trade and Industry
 - Legislative drafting assistance providers such as VERTIC
 - Agreement on an Action Plan: a timetable for reviewing and finalizing the draft



Practical examples of assistance activities with VERTIC in 2013

- **Colombia:**
 - Participated in a national workshop in February 2013 covering, *inter alia*, national implementation and National Authority
 - Pleased to hear this has resulted in increased efforts to establish an NA
- **Angola:**
 - VERTIC co-organized, with the OPCW, a joint CWC-BWC universality workshop in April 2013
 - ISU and a Portuguese expert (connected to MOD) participated in the event
 - Opened by the Minister of Foreign Affairs, with statements from the ambassadors of the BWC depositary countries (Russia, UK, UK)

Practical examples of assistance activities

- **Other countries:**

- Co-operated with a government to draft two bills: one for national implementation of the CWC and one for the BWC
- Both drafts were prepared in the national language
- Co-operated with another government to review draft bills for the Chemical and Biological Weapons Conventions in their national language
- VERTIC is a listed expert in EU Council decision 2012/421/CFSP establishing the EU Action; will be co-operating with the EU Action, ISU, other experts and several countries in regions around the world on accession/ratification, legislative implementation, and establishing national focal points

VERTIC' s Drafting Tools

- ICRC-VERTIC sample legislation: ‘A **Model Law**: The Biological and Toxin Weapons Crimes Act’
- VERTIC’s ‘**Sample Act** for National Implementation of the 1972 Biological and Toxin Weapons Convention and Related Requirements of UN Security Council Resolution 1540’
- VERTIC’s ‘**Regulatory Guidelines** for National Implementation of the 1972 Biological and Toxin Weapons Convention and Related Requirements of UN Security Council Resolution 1540’
- VERTIC’s ‘**Guide** to National Implementation of UN Security Council Resolution 1540 (2004)’
- VERTIC’ s BWC National Implementation **Database** (at www.vertic.org > Programmes > NIM > Biological weapons and materials > BWC Legislation Database) (*this is an excellent source for States preparing CBM Form E*)
- We have **fact sheets** on the BWC and the establishment of a BWC National Authority
- All are available in various languages at www.vertic.org and on CD



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