Putting in place National Legislation on the BWC

Part 1: General considerations
Presented by Sonia Drobysz, VERTIC

Part 2: The Example of Sierra Leone
Presented by: John Jabati, Sierra Leone

Training Workshop for African BWC National Contact Points
Addis Ababa, Ethiopia
Putting in place National Legislation on the BWC

Sonia Drobysz, Senior Legal Officer

17-18 October 2017, Addis Ababa, Ethiopia
Outline

• National implementation of the BWC

• Methods to strengthen BWC national legislation

• Lessons learned

• VERTIC’s assistance and tools

Credit: Carlton Stoiber
National implementation of the BWC (1/2)

• National Implementation: The process by which a State Party adopts appropriate and effective national *legislative or regulatory* measures to carry out and enforce the obligations to which it has committed when ratifying or acceding to a Treaty, or which stem from an international instrument.

• Article IV of the BTWC: “Each State Party shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention.”

• Final Declaration of the Eighth BTWC Review Conference (2016): “… the Conference calls upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other measures, including penal legislation …”
National implementation of the BWC (2/2)

• Implementing measures for the BWC:
  - Definitions: biological agents, toxins, biological weapon
  - Offences and penalties
  - Jurisdiction
  - Domestic control over biological agents and toxins: account for, physically protect, secure, license. Etc.
  - Transfer control: export, transit, trans-shipment and re-export
  - Enforcement: criminal investigations, training of law enforcement personnel, international cooperation, etc.

• Relevant areas of law:
  - Criminal law
  - Biosecurity and biosafety laws
  - Strategic trade law, export control law, customs law
  - Mutual assistance in criminal matters law
Methods to strengthen
BWC national legislation (1/2)

• Identifying international obligations: BWC but also related UNSCR 1540 obligations

• Identifying legislative and regulatory needs:
  - Comprehensive review of the existing national legal framework
  - Gaps and need for additional legislative and regulatory measures
  - Decide on an approach for national implementation:
    - Stand-alone biosecurity law
    - Comprehensive CBRN / WMD law
    - Implementation through several laws and regulations
Methods to strengthen BWC national legislation (2/2)

Drafting and adoption of additional legislative and regulatory measures:

• Forming a drafting committee with representatives of relevant ministries/institutions
  - Link roles and responsibilities of national institutions with specific international obligations
  - Focal point in charge of coordinating legislative and regulatory actions

• Organising drafting workshops/sessions

• Identifying possible need for assistance and assistance providers

• Using legislative drafting tools

• Establishing a timeline for legislative drafting, review and adoption:
  - Review and approval by ministries
  - Review and adoption by legislature
  - Outreach/awareness-raising to relevant national stakeholders

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Lessons learned in BWC legislative implementation

• Identify what is already covered in national legislation

• Choose the most appropriate approach for national implementation

• Inter-ministerial co-operation and co-ordination

• Reasonable and realistic timeframes

• Drafting process requires capacity and time

• Co-ordination among assistance providers
VERTIC’s assistance

Services:
• Legislation surveys
• Legislative drafting workshops
• Review of draft laws and regulations

Tools:
• Sample Act for legislative implementation of the BWC and UNSCR 1540 and its Regulatory Guidelines
• BWC online Legislation Drafting Assistant
• BWC Legislation database
Putting in place National Legislation on the BWC in Sierra Leone

Presented by: John Jabati
Senior Scientific Officer/Head Radiation and Waste Safety
Department Radiation Protection Secretariat
Activities implemented in 2017

- Sierra Leone ratified the Biological Weapons Convention (BWC) Convention on 29 June 1976 and became member of the Chemical, Biological, Radiological and Nuclear (CBRN) Centre's of Excellence (CoE) Risk Mitigation initiative on 24th May 2016, and Mr. Josephus J. Kongo appointed National Focal Point.

- In 2017 Sierra Leone hosted two national workshops.

  i. Regional West Africa parliamentary workshop to promote ratification and implementation of the biological and toxin weapons convention (BWC) from the 27-28 March 2017 at the house of parliament in Freetown, Sierra Leone

  ii. BWC national legislation workshop
Activities implemented in 2017 cont’

- Workshop on national legislation for the implementation of the BWC from the 13-15 September at the Radisson Blu hotel in Freetown, Sierra Leone.

  - Context:
    - On 28-29 November 2016, the Government of Sierra Leone, the Global Emerging Pathogens Treatment (GET) Consortium, and the Verification Research, Training and Information Centre (VERTIC) organized a National Legislative Consultation Workshop
    - In 2017 Sierra Leone requested and was granted legislative assistance by the UN Office for Disarmament Affairs (UNODA) under EU Council Decision 2016/51 in support of the BWC.
    - UNODA provided logistical support for the workshop.
    - VERTIC provided technical legal assistance for the workshop.
Experts in bioagents, regulators, security and legal departments participated.

Workshop agenda:
- Overview of the BWC and national implementation requirements
- Status of implementation of the BWC in Sierra Leone’s legislation
- Legislative process in Sierra Leone
- BWC legislation drafting tools, model provisions

At the end of the workshop a plan of action with shared responsibilities and time lines were agreed upon:
- Ministry of Health or Foreign Affairs to lead the process.
- Cabinet paper be drafted for approval of cabinet to instruct the Law Officers Department to draft the legislation to customize the BWC for approval by Parliament and signing by H. E. the President to become law.
- The Focal Point to initiate action to prepare the cabinet paper.
The National Focal Point made power point presentation to representative group of African parliamentarians on the work of the European Union (EU) CBRN CoE Risk Mitigation Initiative in Sierra Leone.

- He spoke about weapons of mass destruction and the various conventions that address it.
- He further stated that we live with these materials each day and most of them are beneficial for the existence of mankind as they are used to address Socio economic needs, however some of these agents could be used for malicious purposes that could cause significant harm to the general public and the environment.
- As some of these agents are used for manufacture of weapons of mass destruction.
Activities implemented in 2017 cont’

- He therefore stated that there is an absolute need for global approach to monitor and regulate their uses to ensure that they are used without harm to people and the environment.

- This workshop he said was part of the global approach to prevent the use of biological agents for production of weapons of mass destruction.
Success of the national workshop

- Raise awareness.
- Promotes political support.
- Promotes cooperation at the national level.
- Provides for exchange of experience within policy makers.
- Enhance allocation of resources to address risk mitigation activities.
- Better understanding of the need to reinforce national capacity.
- Made effort to identify risks, capabilities, gaps and action related to biological and other CBRN agents.
- Better understanding of policy makers to carefully consider and participate in the signing and ratification of the various international instruments related to not only biological agents but to all CBRN agents.
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