

SPEAKING POINTS

SIDE EVENT - THE EUROPEAN UNION'S CONTINUED SUPPORT FOR STRENGTHENING THE BIOLOGICAL WEAPONS AND TOXIN WEAPONS CONVENTION

MEETING OF STATES PARTIES OF THE 1972 BIOLOGICAL AND TOXIN WEAPONS CONVENTION

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Mr Chairman, Distinguished Delegates, Ladies and Gentlemen,

- The accession of Samoa to the Biological and Toxin Weapons Convention, or BWC, on 21 September 2017, raised the number of States Parties to the Convention to 179. However, ratifying or acceding to the BWC is only the first step in States' full compliance with this instrument. In order to be able to fulfil their obligations that flow from Convention, States Parties should adopt appropriate and effective national legislative or regulatory measures.
- Article IV of the BWC requires each State Party to 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. The Fourth and Sixth Review Conferences confirmed that 'use' is also covered by Article I. Moreover, Article IV also requires these necessary measures to apply within the territory of States Parties and anywhere under their jurisdiction or control.
- Last year, the Eighth Review Conference of the BWC called upon "States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other

measures, including penal legislation ...” 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”.

- The BWC does not operate in a vacuum, but is inherently linked with an array of other international instruments. Therefore, national efforts to fully implement BWC obligations also support the implementation of the UN Security Council Resolution 1540, the International Health Regulations, the OIE Terrestrial Animal Health Code, or the Global Health Security Agenda Prevent-3 Action Package.
- At a Government’s request, VERTIC’s National Implementation Measures Programme provides cost-free legal services including comprehensive analysis of a State’s existing legislation for the implementation of the BWC and legislative drafting workshops in capitals. VERTIC is honoured to be co-operating with a number of BWC States Parties through several projects. For instance, with funding from the Counter Proliferation Programme of the UK’s Foreign and Commonwealth Office and in close co-operation with the UN Office for Disarmament Affairs (UNODA) / BWC Implementation Support Unit (ISU), we have been providing expert guidance on legislative implementation of the BWC to Sierra Leone and Côte d’Ivoire through Project 3 of European Council Decision 51 of 2016. Other activities with Cameroon and Malawi are also planned under this Project for the coming months. I would like to briefly explain our most recent as well as upcoming activities in these countries.
- Sierra Leone ratified the BWC on 29 June 1976. However, it has yet to adopt legislative and regulatory measures to give effect to its obligations under the Convention.
- On 28-29 November 2016, the Government of Sierra Leone, the Global Emerging Pathogens Treatment (GET) Consortium, and VERTIC organized a National Legislative Consultation Workshop during which gaps in the implementation of the Convention were identified and discussed as well as next steps to strengthen Sierra Leone’s BWC-related legislation.
- In 2017, Sierra Leone successfully applied for legislative assistance by the UNODA under EU Council Decision 2016/51 in support of the BWC. Building on its previous work with Sierra Leone, VERTIC was pleased to continue its engagement with the Government of Sierra Leone in furtherance of the objectives of the EU Council Decision in support of the BWC. In co-operation with the BWC ISU, VERTIC organized a second workshop from the 13 to 15 September 2017 in Freetown, Sierra Leone.
- During this workshop, participants discussed the BWC and its national implementation, the biosecurity agenda in Sierra Leone addressing the Ebola outbreak, the national response and the

current biobank project. VERTIC presented its 2016 survey of Sierra Leone's national implementation measures for the BWC, its legislative drafting tools such as the [*Sample Act for National Implementation of the 1972 Biological and Toxin Weapons Convention and Related Requirements of UN Security Council Resolution 1540*](#) ("BWC Sample Act") and VERTIC's online [BWC Legislation Drafting Assistant](#); which were then discussed by the group. The participants acknowledged the need for specific legislation dealing with biological weapons and biological agents and toxins, and considered the way forward to draft and adopt BWC legislation in Sierra Leone. At the end of the workshop, they agreed on a detailed action plan and related timeframe for BWC legislation drafting.

- Now I turn to our work with Côte d'Ivoire. Côte d'Ivoire ratified the BWC on 23 March 2016, and has been working since then at its full implementation into national law. In particular, a draft law and a draft regulation had been prepared by the Commission for the Prohibition of Chemical Weapons and submitted to VERTIC in August 2017. As part of the legislative assistance provided under EU Council Decision 2016/51 in support of the BWC, VERTIC organized a BWC legislative drafting workshop on 7 and 8 November 2017 in Abidjan.
- The event took place at the national Commission for the Prohibition of Chemical Weapons and gathered officials with a specific responsibility in legislative drafting and the BWC. After a formal opening session and introductory presentations on the Convention, its implementing obligations and Côte d'Ivoire's situation with respect to the BWC, the participants thoroughly reviewed the draft texts, discussing technical and legal aspects. The workshop led to the adoption of a detailed action plan with next steps to finalise and adopt the draft law and regulation during the last session. In November 2017, VERTIC shared reviewed versions of the draft law and regulation with the participants, and Côte d'Ivoire is now working on moving the draft law and regulation forward.
- Our work under Project 3 of EU Council Decision 51 will continue in the coming months with a workshop to take place in Cameroon in January 2018. Following its ratification of the Convention on 18 January 2013, Cameroon adopted Law 2016/015 creating a general regime for arms and munitions. VERTIC looks forward to assisting Cameroon in the drafting of regulations to implement the biological-weapons related aspects of that legislation during the upcoming workshop. Likewise, we look forward to assisting Malawi in early 2018 to continue work on a BWC bill, which had commenced under an earlier project.
- Allow me to share here some key factors for success drawn from our legislative assistance experience.

- All States have some existing measures to build upon in ensuring that they effectively implement the Convention at the national level. The first indispensable step is therefore a comprehensive analysis of existing national legislation to highlight the gaps and areas that require strengthening in national legal and regulatory systems.
- States often consider which legislative approach is the most appropriate and effective for them, based on their national situation and constitutional arrangements. There is no straightforward answer to that question as there is no “one size fits all” model to national implementation. Legislative assistance programmes should aim to develop truly tailored approaches for each partner State, especially in the area of transfer controls and other preventative measures, where harmonization across CBRN is a feasible and effective solution to gaps in States’ national measures. Many States also find it useful to look at other States’ approaches to legislation, particularly those with a similar legal or technological situation. Based on this assumption, VERTIC launched in 2002 its [Biological Legislation Database](#), gathering laws and regulations used to complete surveys of implementing legislation for countries in all regions of the world
- Drafting new legislation requires time and capacity. This is often an underappreciated consideration, for it can be difficult to achieve sufficient participation in terms of technical and legal capacities, but also in terms of representation of the various ministries and agencies, which have an interest in or responsibility for implementation of the Convention. Nevertheless, these factors are a crucial component of successful implementation.
- Finally, internal co-ordination among all ministries and agencies involved is key in achieving success in the drafting and passing of legislation. Adopting a detailed action plan and related timeframe for BWC legislation drafting often fosters such co-ordination.
- VERTIC’s experience, gained over 10 years, of analysing biological weapons legislation and providing legislative assistance to over 145 States to review and adopt legislation to implement the Convention and the biological weapons-related requirements of UN Security Council Resolution 1540 (UNSCR 1540) has been crystallised in the 2016 “Biological Weapons Convention Report on National Implementing Legislation”. This report, available in English, French, Russian and Spanish, provides a snapshot of the current status of BWC implementing legislation and identifies some implementation trends and an assessment of the status of BWC States Parties’ national implementing legislation, adopted pursuant to Articles III and IV of the Convention, and related provisions in UNSCR 1540.
- VERTIC expresses its gratitude to Sierra Leone, Cameroon, Côte d’Ivoire and Malawi for having chosen to work with us, and to UNODA for its co-ordination and support on logistical

issues in the implementation of VERTIC's assistance work under Project 3 of EU Council Decision 51. VERTIC is also grateful to the Counter Proliferation Programme of the UK's Foreign and Commonwealth Office whose funding has made delivering this assistance possible.

- I thank you for your attention and I look forward to any questions that you may have.