Legislative Assessment and Drafting Methodology in support of EU Legislative Assistance Instruments

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EU Legislative Assistance in BTWC Implementation
Side event to the Biological Weapons Convention Meetings of Experts

13 August 2018, Geneva
About VERTIC

• Status: independent, non-profit making charitable organization

• Mission: supports the development, implementation and verification of international agreements as well as initiatives in related areas

• Partners: BWC ISU, UNODA, OSCE, OIE, OPCW, IAEA, the Stimson Center, SCJS, CNS, etc.

• Funding: European Union CBRN Centres of Excellence Initiative, Norwegian Ministry of Foreign Affairs, UK Foreign & Commonwealth Office, US State Department, Global Affairs Canada, James Martin Centre for Nonproliferation Studies, CRDF Global, …

• Located in London, UK
VERTIC National Implementation Measures Programme

• The NIM Programme advises States on national implementation of the obligations in international instruments, including the BTWC, CWC, nuclear security instruments, IHR, Codex Alimentarius and UNSCR 1540

• Multilingual team of common and civil law lawyers

• No institutional mandate restrictions: one-stop shopping for States
VERTIC’s role in support of EU Legislative Assistance Instruments

- EU CD 2016/51: legislative assistance provider
  Objective: adoption of appropriate legislative or administrative measures, including criminal law provisions, which encompass the full scope of the prohibitions and preventive measures provided for in the BTWC and elaborated by the Seventh Review Conference.

- EU CBRN CoE Project 53: legislative key expert
  Objective: assessment and revision of the national legislation and best practices in the area of biosafety and biosecurity, and harmonization with appropriate international regulations such as the IHR, BTWC and Codex Alimentarius including the area of regional emergency response with the aim of coming to a "One Health" system.
Legislative assessment methodology (1/3)

• Prepare/review legislation surveys: comprehensive analysis of a State’s existing legislation for the implementation of a given international instrument

• An analysis based on criteria from international instruments such as definitions; prohibitions and penalties; jurisdiction; measures to account for, secure and physically protect biological agents and toxins; competent authorities; emergency preparedness; measures to control transfers of material; measures for legislative enforcement

• Relevant national legislation and regulations reviewed

• Legislation survey overview: summary of the findings and recommendations to address gaps and strengthen implementation
Legislative assessment methodology (2/3)

- EU CD 2016/51:
  - Focus on BTWC and related provisions of UNSCR 1540
  - BTWC survey template developed by VERTIC
  - BTWC legislation surveys prepared and/or updated by VERTIC experts, shared and discussed with national stakeholders
  - Prepared in official language
  - Confidential
  - Inform legislative drafting
Legislative assessment methodology (3/3)

- EU CBRN CoE Project 53:
  - One Health approach: multi-sectoral addressing public health, animal health and food safety hazards
  - IHR and Codex survey templates developed by VERTIC, taking into account WHO, FAO and other relevant material
  - Surveys prepared by national legislative experts and VERTIC experts
  - A report stating national and regional strategies based on the formulated recommendations for legislative improvement will be prepared
Legislative drafting methodology (1/2)

- Organize and participate in workshops to draft or review draft legislation and regulations

- Participants: VERTIC experts and relevant national stakeholders: lawyers, legal drafters, experts from Ministries of Health, Justice, Foreign Affairs, Defence, Interior, Customs, etc.

- Reference to relevant legislative drafting tools, existing legislation and regulations in the country and the region, and existing legislative bills

- Elaborate national legislative action plans towards finalisation and adoption of legislative bills

- Remote follow-up legislative assistance
Legislative drafting methodology (2/2)

• EU CD 2016/51: legislative drafting and review

Cameroon, March 2018  Malawi, March 2018  Côte d’Ivoire, Nov 2017  Sierra Leone, September 2017

• EU CBRN CoE Project 53: review of draft legislation
Useful tools and publications

- Fact sheets on the BTWC
- Ratification/Accession tools for the BTWC
- Comprehensive BTWC legislative analysis template and statistics database (not publicly available)
- Model legislation: VERTIC’s *BTWC Sample Act*
- Online Legislation Drafting Assistant
- VERTIC’s BTWC Legislation Database
Thank you for your attention!

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