



# VERTIC's Legislative Assistance for BWC Implementation

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Global Partnership – Biological Security sub-Working Group

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## About VERTIC

### **VERTIC is:**

- independent
- non-profit
- located in London with 11 staff members
- composed of two programmes: *Verification and Monitoring (VM)* and *National Implementation Measures (NIM)*

### **The NIM Programme's funders, under the Global Partnership, are:**

- Global Partnership Program, DFAIT, Canada
- Strategic Programme Fund, FCO, United Kingdom
- Biosecurity Engagement Program and Chemical Security Program, DOS, United States



# Our two projects on CBRN implementation

## **Additional Protocol adherence and implementation**

- Pilot project (2011-2012)
- Full-phase project (2012-2014)
- Technical delivery by: Verification and Monitoring (VM) Programme
- Email enquiries: [VM@vertic.org](mailto:VM@vertic.org) *or* [larry.macfaul@vertic.org](mailto:larry.macfaul@vertic.org)

## **CBRN international instruments: adherence and implementation / UNSCR 1540 implementation**

- Phase 1 (Chemical and Biological Weapons Conventions) (2008-2012)
- Phase 2 (CBRN international instruments and UNSCR 1540) (2012-ongoing)
- Technical delivery by: National Implementation Measures (NIM) Programme



# NIM Phase 1 – Our approach

## **Legislative implementation of the Chemical and Biological Weapons Conventions (CWC/BWC)**

- Time period: 1 November 2008 - 31 March 2012
  
- We undertook comprehensive analyses of States' existing legislation for implementation of the Biological Weapons Convention and UNSCR 1540:
  - Legislation surveys: analyses based on 96 criteria covering definitions, offences, preparations, jurisdiction, biosafety/biosecurity, transfers control, and enforcement
  - Relevant national legislation and regulations thoroughly reviewed
  
- We provided cost-free legislative assistance (i.e. various technical assistance activities) to assist States to ratify/accede to and develop/strengthen national implementing legislation for the BWC and CWC



## NIM Phase 1 - Tools

- ICRC-VERTIC's '**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'
- **Ratification/accession** instruments for the BWC
- **Fact sheets** on the biological and chemical weapons treaties as well as a BWC National Authority fact sheet
- ❖ All of the above are available on our CD and website in Arabic, English, French, Russian, Spanish and other languages
- VERTIC's BWC National Implementation **Legislation Database** (website only)



## NIM Phase 1 – what did we deliver?

- 136 national BWC legislation surveys completed and presented to/discussed with each State's officials
- Over 30 legislative assistance and universalization activities with States, including drafting legislation to implement the BWC and CWC, and close cooperation with the BWC ISU on universalization outreach
- Comprehensive package of materials prepared for BWC adherence and implementation (available on our website and CD)
- VERTIC's NIM Programme is widely considered to be the one-stop shop for BWC legislative implementation



## NIM Phase 2 – our approach

### **Legislative implementation of the CWC and BWC *plus* certain international instruments to secure nuclear and radioactive material**

- Time period: 1 April 2012 - ongoing
- We continue to deliver the services offered under Phase 1 (BWC/CWC adherence and implementation)
- We're now undertaking comprehensive analyses of States' existing legislation for implementation of certain international instruments to secure nuclear and radioactive material
- At the request of the Indonesian government, we are finalizing a first draft of a *National Legislation Implementation Kit on Nuclear Security* (their gift to the 2014 Nuclear Security Summit) and will complete the Kit by 1 October

# Where are the gaps in BWC legislative implementation?

- There are legislative gaps in the implementation of all the following areas:
  - Definitions
  - Offences/penalties
  - Control Lists
  - Preventative measures (e.g. biosecurity)
  - Transfer controls
  - Enforcement
  
- Gaps are most pronounced in the legal frameworks in African, Asian and Latin American/Caribbean countries, although many BWC member states lack effective legislation to account for and secure production, use, storage and transport of dangerous biological agents or to ensure their physical protection
  
- A sampling of our statistics has been provided to the BSWG



## What are the capacity issues?

- Complexity of the obligations for national legislation drafters
- States Parties are not sure or convinced of the relevance of the measures to them
- They may wonder what regulatory and policy approach is most appropriate and effective for them, based on their national situation and constitutional arrangements
- Conflicting policy and legislative priorities
- Difficulties establishing inter-ministerial co-operation and co-ordination – perhaps the biggest hurdle!



## How can GP members help?

- Sustained funding and political support for our work
- Consider funding our work on a global basis, to enable us to work with all States experiencing capacity issues, not just those of most proliferation concern or of particular interest to particular funder States
- Consider including us in the development of assistance proposals concerning legislative development, so that we can share our experience
- Consider including VERTIC experts in your bilateral assistance activities
- Better utilize the BWC ISU as a clearing-house for information on assistance offers/requests
- Improve coordination between assistance providers, and between projects offered by them



## To contact us ...

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