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 or 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

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NIM Phase 1 - Tools

- ICRC-VERTIC’s ‘Model Law: The Biological and Toxin Weapons Crimes Act’


- 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

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Global Partnership - BSWG
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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