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B R I E F

Report on VERTIC's Technical Coordination Meeting

For legislative assistance facilitators and providers in the nuclear, chemical and biological weapons field



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On 29 January 2008, VERTIC hosted a Technical Coordination Meeting for legislative assistance facilitators and providers from a number of states and intergovernmental, international and regional organizations, as well as from non-governmental organizations (NGOs) and other members of civil society. All of the participants are involved in promoting national implementation of United Nations Security Council Resolution (UNSCR) 1540 (28 April 2004) and treaties and agreements on the prohibition and prevention of the proliferation of nuclear, biological and chemical (NBC) weapons and their means of delivery.

The aim of the meeting was to discuss their approaches to developing the capacity of states, to hear their experiences of providing assistance, to discover what lessons they had learned, and finally, to consider ways in which they could liaise or collaborate with each other in the future to achieve the overall objective of a safer, more secure world. In addition, the intention of the meeting was to follow up on briefings given by several of the participants to the United Nations (UN) 1540 Committee in New York in July 2007.

Organizations such as the Biological Weapons Convention Implementation Support Unit (ISU), the European Union Joint Action/BioWeapons Prevention Project (EUJA/BWPP), the International Atomic Energy Agency (IAEA), the International Committee of the Red Cross (ICRC) and the Organization for the Prohibition of Chemical Weapons (OPCW) were represented and gave presentations. Some other organizations—the Commonwealth Secretariat, the Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO), the Stockholm International Peace Research Institute (SIPRI) and the United Nations Institute for Disarmament Research (UNIDIR)—provided a short overview of their activities in the field.

Some states were also represented at the meeting, and the UN 1540 Committee in New York joined in via a conference call.

Providers and facilitators outlined their mandates or projects, methods of functioning within their organizations, and their outreach and legal assistance activities, highlighting successes and difficulties.

This *Brief* contains some of the ideas, themes and conclusions that emerged during the Technical Coordination Meeting.

Getting started

Many assistance providers and facilitators find that getting their projects off the ground takes a substantial amount of time, sometimes rather more than they hope for or expect. In particular, time is needed:

- to refine more general goals and approaches into practicable elements and to generate implementation action plans;
- to identify experts with adequate legislative, technical and linguistic knowledge;
- to develop practical tools and resources, appropriate for outreach and assistance activities;
- to undertake preliminary surveys and compile information to establish a sound basis for providing assistance; and
- to create information infrastructures, such as legislative databases.

Bureaucracy and/or insufficient funding also can delay projects.

Awareness-raising and outreach

The majority of providers hold a range of awareness-raising seminars and workshops. Some collaborate on these activities. Such events present an opportunity for providers to deliver their message(s) to a wider audience. Even the longer-established organizations note the importance of outreach and engage annually in many such endeavours. These proceedings also offer opportunities for providers to identify and/or lobby potential interlocutors on the margins of meetings.

Providing or facilitating assistance

In the majority of cases, a state initiates the assistance process by submitting a request for assistance with the development of legislative or regulatory measures at different stages. Generally speaking, this reflects standard practice set forth in the mandates of the various providers.

Assistance providers carry out the request by reviewing legislation, supplying advice from headquarters or conducting in-country visits, which are often preceded by a legislative survey. The objective of the survey is:

- to pinpoint gaps in legislation and/or regulations;
- to determine whether existing prohibitions and restrictions have been fragmented and spread across multiple legislative acts; and
- to assess if there is inappropriate or excessive legislation that does not reflect the requesting state's actual situation. In many cases, this legislation may have been copied (and adapted) from that which existed under a former colonial power or a state with different legislative requirements.

Some providers and facilitators try to identify the right counterparts in the country requesting assistance, including individuals at many different levels of government: ministry officials, parliamentarians and/or legislative drafters. However, states retain their sovereign right to nominate their participants in the process, and sometimes prefer individuals not identified by the providers/facilitators. It can be difficult for both states and providers to find people with the appropriate expertise and linguistic and technical knowledge for certain assistance activities, particularly in smaller countries. States often lack legal and technical expertise and their representatives to the process may not sufficiently understand the interface between the technologies involved and the issues addressed by NBC treaties. One possible solution is to reassign a qualified person from an agency or depart-

ment that is functioning well, such as an attorney-general's office, to a new body, perhaps a national authority. While well intentioned, this can result in weakening the original department, which may still have an important part to play in national implementation.

What makes assistance effective?

Assistance providers agree that bilateral missions are the most effective means of helping states to draft national implementing measures (NIM), or in 'getting laws on the book'. Bilateral missions offer the opportunity to tailor NIM to the state's specific requirements and circumstances.

The success of these missions depends on a number of factors. First, it is important that the host government is adequately prepared for the assistance, including that officials understand the main elements and aims of the treaties or resolutions concerned, what benefits they offer to their state, and what national measures will be required.

Second, likewise, the provider must have at least basic knowledge of the host's culture, history and legal system. This can be a complex exercise, involving, among other things, understanding of the national constitution, legislation, executive orders, regulations and rules, both in terms of existing and proposed measures.

Third, it is essential to develop a long-term relationship with the requesting state, with a view to ensuring that NIM are adopted and that they are amended and/or new measures are accepted to reflect changing requirements in shifting circumstances.

The importance of national authorities and points of contact

To supply or facilitate assistance, providers need to work with a national point of contact or authority, depending on the treaty concerned. While providers may be able to work with interim authorities in the

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early stages of national implementation, the long-term effectiveness of national implementation depends on the effective functioning of permanent authorities/ points of contact in order:

1. to raise and maintain political will among stakeholders with regard to implementing the agreements;
2. to oversee the transformation of obligations into domestic law and regulatory measures;
3. to inform stakeholders about relevant laws and regulations, including liaising with industry;
4. to encourage and support enforcement of prohibitions and the prosecution of individuals, groups or organizations that violate these measures;
5. to submit annual and/or other reports to the treaty implementing body; and
6. to facilitate inspections by staff of the treaty implementing body.

The importance of legal and technical experts working together

The treaties and resolutions that prohibit NBC weapons address the materials and technologies that enable state or non-state actors to design, test, manufacture, deliver and/or proliferate the weapons in question. Consequently, both legal and technical expertise must be harnessed to ensure that national legal frameworks are in place to prevent the development and spread of these weapons while enabling states to enjoy the peaceful benefits of the materials and technologies, including for trade. National implementation policies need to be translated into effective national laws and further developed via regulations or executive orders.

The advantages and disadvantages of model laws

The general consensus that emerged at the meeting was that the model laws and sample

legislation of other states are useful starting points for raising awareness of what is required. All providers recognized that model laws present certain problems, chiefly that states may ‘copy and paste’ provisions that are inappropriate, perhaps because they are excessive in relation to their actual needs and situation or because they are inconsistent with their legal system and/or existing measures.

What difficulties have providers and facilitators encountered?

Providers noted that states often lack capacity and resources, whether qualified personnel, legal knowledge, reporting capacity, administrative capacity and time, and last, but certainly not least, funding.

Sometimes they lack also political will, particularly when NBC-related issues rank lower on a state’s list of priorities than economic development, public health improvements, and related matters, and when the public sector is overburdened with tasks related to development (or even survival).

States may be disinclined to accept or use models applied by other states or they may feel that emphasizing the importance of NIM reflects a Western or developed state agenda. Regional organizations and states from other regions may be able to play a role in overcoming the latter reservation.

The view from the states

When states engage with NBC issues, they express certain needs and concerns such as:

- The measures on export/import controls required under these treaties and resolutions are perceived as restricting or otherwise controlling the flow of materials and technology necessary for development and trade—although, in fact, effective implementation may support an increase in transfers.

- For some countries, it is difficult to enforce such controls along extensive and often unmonitored borders (the lack of equipment and personnel are two important factors in this regard).
- Some states would like to be better informed about the interrelationship between the international instruments on NBC weapons, the nature of these weapons and related technologies, and the importance or relevance of extending their obligations under the international instruments to non-state actors, such as terrorists, through their criminal codes.
- Some states are not aware of who the stakeholders are and how the different branches of government (such as relevant ministries, customs agencies and legislatures) and levels of law (such as criminal and regulatory law) may be involved in the process of national implementation.

Further assistance is often needed. In particular, some states require funding for training and assistance with law enforcement, equipment for enforcement activities (such as monitoring and detection systems), guidance on establishing national authorities, and capacity-building.

In addition, regularly they need guidance on prioritizing the most urgent and important legal requirements, given their individual situations, and fewer and/or more simplified reporting requirements. Finally, some countries need to be reassured that the information they report will remain confidential if they so wish.

Handling the growth in NIM-related information

With the increase in the number of players involved in national implementation, there has been a considerable rise in the amount of information collected by providers and facilitators alike. Many of the organizations represented at the meeting have created databases and matrices to organize this information, whether it is ultimately accessible by the public or for internal use only. For most of the providers, this information is

gathered from open sources, so only a comparatively small portion remains confidential. Certain providers restrict access to country forums to the experts working on NIM for that particular country. The UN 1540 Committee offers states the opportunity to request that the information submitted in their national reports remain confidential; as of March 2009, however, only a few countries have requested confidentiality.

Misuse of this information by non-state actors choosing to undertake terrorist activity in states with poor or non-existent legislation was raised in the meeting. It was generally agreed, though, that this was unlikely and that in any case, non-state actors determined to exploit such situations to avoid prosecution (and/or longer prison terms) would be able to compile the information themselves from open sources.

UNSCR 1540: opportunities and challenges

The adoption of UNSCR 1540 in 2004 created a two-fold opportunity to further the cause of nonproliferation. First, it imposes its own binding obligations on all states to establish domestic controls to prevent the spread of NBC weapons and their means of delivery, including by establishing controls on related materials. Second, it encourages international co-operation to support such efforts and promotes universal adherence to existing international nonproliferation instruments.

Many providers have found that states' growing awareness of the need to implement UNSCR 1540 has created an opening for them to promote ratification and national implementation of their respective agreements. When communicating with states during outreach and assistance activities, providers and facilitators may find it appropriate to mention the need to implement UNSCR 1540.

Providers and facilitators initially encountered some reservations about the legitimacy of UNSCR 1540 in states that question whether such 'legislation', as they perceive it, should come from the 15 members of

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the UN Security Council rather than the 192 members of the UN General Assembly. Such questioning may be responsible for a lack of political will to meet obligations under UNSCR 1540. Several large regional organizations, however, such as the Association of Southeast Asian Nations (ASEAN) Regional Forum, the Organization for Security and Co-operation in Europe (OSCE) and the Organization of American States (OAS) have adopted ministerial statements endorsing full implementation of the resolution’s obligations.

There is also concern that there are some—although comparatively few—discrepancies between UNSCR 1540 requirements and obligations arising from the 1972 Biological Weapons Convention (BWC) and the 1993 Chemical Weapons Convention (CWC). States need to be aware of these few additional requirements, which they may choose to implement at the same time as existing BWC and CWC obligations. UNSCR 1540 obligations, however, are not intended to conflict with established treaty commitments, but to complement them.

International co-operation on providing and facilitating assistance

Many of the assistance providers liaise with each other informally and/or have collaborated in organizing events, developing model laws and other materials,

compiling information, conducting legislative surveys, and/or carrying out bilateral assistance missions. All of the providers value such co-operation; for the facilitators, it is, of course, essential, as they are not mandated to undertake many of these activities directly.

Co-operation also occurs in other ways, such as the informal working group that meets occasionally to keep abreast of efforts by the various participants to support the BWC.

All of the providers appreciate opportunities—such as VERTIC’s meeting in January 2008—to exchange ideas and to share experiences. They recognize that such information-sharing is important in a number of respects, such as avoiding wasteful duplication of efforts, learning from each others’ experiences of what works and what does not, and as appropriate and permissible, facilitating the implementation process.

It appears that co-operation among providers and facilitators is based largely on informal liaison, with certain opportunities to collaborate more formally on events and/or technical assistance missions.

VERTIC will be co-hosting a workshop with Clingendael in late March 2009 on how national implementation of UNSCR 1540 obligations may be made more effective by comparing ‘best practices’ and promoting greater policy and technical co-operation among the UN 1540 Committee and the NBC weapons regimes.

NIM legislative assistance programmes for NBC legal obligations by participating organization

Part I: CTBTO, IAEA, OPCW, BWC ISU, 1540 Committee

	CTBTO	IAEA	OPCW	UN BWC ISU	1540 Committee
Treaties/UN resolution covered	1996 Comprehensive Nuclear Test Ban Treaty (CTBT)	1968 Nuclear Non-Proliferation Treaty (NPT) 11 multilateral treaties on nuclear law adopted under the IAEA's auspices, including the 1980 Convention on the Physical Protection of Nuclear Material (CPPNM)	1993 CWC	1972 BWC	UNSCR 1540
Source/nature of mandate or authority to provide NIM assistance	Para. 18 of text establishing the PrepCom and further guidance from PrepCom and its Working Group A	–	Article VIII (38)(e): 'Technical secretariat shall provide technical assistance and technical evaluation to States Parties in the implementation of the provisions of this convention'	Established by the 2006 BWC Review Conference, its mandate covers: administrative support; confidence-building measures (CBMs); and support for national implementation and universalization	Op. 7 of UNSCR 1540 recognizes potential need and offers for assistance
Nature of interaction with states	Sensitization of national stakeholders to NIM requirements conducted in regional workshops Tailored legal and technical assistance for NIM is available to states on request	Member states (MS) request assistance. They are then expected to commit to ongoing process, including periodic review of their legislation, amending it as necessary	States parties (SP) obliged to inform OPCW of implementing measures [Art. VII(5)] and to provide full text of their implementing legislation (C-8/DEC.16 dated 24 October 2003). The Office of the Legal Adviser asks SPs to complete questionnaires on dual-use chemical regulations, penal legislation and trade measures States submit requests for legislative, regulatory and other technical assistance	Relies on the external capacity of SPs and other organizations as it has no legal capacity itself Thus acts as a clearinghouse/facilitator rather than provider	Acts as a clearinghouse/facilitator rather than provider States are asked now to submit requests for assistance on a template developed by the Committee in order to understand better the exact assistance requested
Office with primary responsibility for NIM assistance	Legal Services Section of the Provisional Technical Secretariat of the CTBTO	Section C, 'Nuclear and Treaty Law', in the Office of Legal Affairs (OLA). (This follows internal re-tasking to promote consistent, comprehensive, compatible legislation, rather than the previous somewhat piecemeal approach involving various IAEA offices)	International Co-operation and Assistance Division; and Office of the Legal Adviser	Implementation Support Unit	–
Staff size/expertise	Four lawyers, supported by technical experts in the Secretariat	Within the agency: liaison between legal and technical experts. Fifteen lawyers	Nine lawyers	Three, all with BWC experience. No lawyers	Eight experts. Fifteen committee members
Use of outside expertise	None as yet	Yes, but there is a shortage of outside expertise	Occasionally	Yes	Yes

	CTBTO	IAEA	OPCW	UN BWC ISU	1540 Committee
Co-operation with other organizations	Yes: intergovernmental organizations (IGOs), regional organizations (ROs), NGOs	Yes: with CTBTO	Yes (limited)	Yes	Yes: co-operation with ROs and international organizations; extensive collaboration with the World Customs Organization (WCO)
Specific NBC-related NIM programme?	<p>Current initiative aims to:</p> <p>Take advantage of the opportunity presented by requirement for states to implement UNSCR 1540. States are urged to include CTBT NIM as part of their UNSCR 1540 effort</p> <p>Encourage states to implement NIM although treaty is not yet in force. National policy considerations may make it desirable to adopt CTBT NIM early, particularly in conjunction with the momentum under 1540</p>	<p>Technical Co-operation Project (TC)—established 1997. NB: covers all nuclear treaties/agreements for which OLA/IAEA has responsibility (not just NBC NIM)</p> <p>Aims of current legislative assistance programme:</p> <ul style="list-style-type: none"> • create awareness in MS of international instruments in nuclear field; • enable MS to comply with their international obligations; • facilitate MS to establish national legislative frameworks for safe and peaceful uses of nuclear energy; and • transfer relevant knowledge to MS (sustainability) <p>Main elements:</p> <ul style="list-style-type: none"> • interaction with MS; • interface between legal and technical issues; • multi-means approach to transfer of knowledge and know-how; and • ‘3S’ concept: safety, security, safeguards (and liability for nuclear damage). <i>Aim:</i> to avoid inconsistent, incompatible or incomplete pieces of legislation in MS 	<p>Plan of Action on the Implementation of Article VII Obligations (2003) and subsequent Conference of the States Parties (CSP) decisions (2005–08)</p> <p>Focus on establishing a National Authority and enacting administrative and legislative measures covering all key areas</p> <p>Technical Secretariat was requested to ‘offer sustained technical support to states parties that request it’</p>	<p>States requesting help with NIM will be matched with an appropriate provider. This might be another SP, RO, IGO (such as the ICRC), or NGO (such as the BWPP, SIPRI or VERTIC), depending on the nature of help sought</p> <p>To date, four requests for assistance have been received and processed</p>	<p>National implementation of UNSCR 1540 is the main focus of the committee’s work programme. Its primary objectives are to collect comprehensive reports from SPs; using these reports, to assess global nonproliferation efforts; and to promote full implementation of the resolution</p>
Degree of state interest?	A small number of states have enacted CTBT legislation, linking it to entry into force of the treaty. Some have brought it into force early and the secretariat has started promoting awareness of that step	Increasing exponentially, primarily due to ‘nuclear renaissance’ of state interest in nuclear energy. UNSCR 1540 may also have played a role in this. States also increasingly aware that legislative assistance is both available and cost-free	Increased awareness among SPs of the need to enact implementing measures	Higher level of interest	All UN member states must implement the UNSCR High level of submissions

	CTBTO	IAEA	OPCW	UN BWC ISU	1540 Committee
Clearinghouse function/resources	Maintains database of CTBT NIM taken by states	No state's NIM are available	National Legislation Database is available on the OPCW's website Report to the Conference of the States Parties on the Status of Implementation of Article VII of the CWC Other databases and matrices to track progress and status of implementation	National Implementation database (NID) on BWC implementing legislation Compendiums of National Activities (CNAs) describing how legislation is operationalized	Legislative Database and Assistance Database, including requests and offers of assistance. Also, national reports and the UN 1540 Matrix (currently under revision)
Is this data publicly available?	No. Available to states on request	(VERTIC understands that examples of state practice will be included in Part II of the <i>Handbook</i> , due to be published in 2009)	Yes for the first two Not for the last one (only for internal use)	Yes. Available on the ISU website	Yes. Both databases are available on the 1540 Committee's website. Most national reports submitted are also available. States, however, can request that their reports remain confidential. As of March 2009, only 18 reports have not been published in the website
Outreach	Regional workshops. NIM information on website. In addition, participation or observer status in meetings of other IGOs, including the Inter-Parliamentary Union, ROs and NGOs has provided additional opportunities for promoting CTBT NIM	Workshops, seminars, training	Annual global and regional meetings of National Authorities Sub-regional and national training courses for National Authorities Regional, sub-regional and national awareness workshops Regional, sub-regional and national thematic workshops for legislative drafters, inspection escorts and customs officials Bilateral technical assistance visits	They have regular contact with IOs, scientific and academic institutions, and NGOs They participate in meetings and events They support universalization efforts	Extended Fifth Programme of Work— 28 April 2008): • brief the Security Council formally and informally; • attend meetings of international, regional and sub-regional organizations and other arrangements to address the obligations of states to implement Resolution 1540 (2004) fully; • invite representatives of those organizations to participate in relevant meetings and workshops; and • play a full part in regional seminars and events that raise awareness and promote implementation of Resolution 1540

	CTBTO	IAEA	OPCW	UN BWC ISU	1540 Committee
Technical assistance	Legal and technical advice provided to states by the secretariat on request	Drafting and revision of national nuclear legislation. In 2007, 25 bilateral assistance missions OLA identifies lead office in IAEA (i.e. safeguards) and forms team with appropriate languages and/or translators as necessary MS have sovereign right to nominate counterparts. IAEA reviews nominations for fellowships and other forms of IAEA-sponsored training. MS must ensure also active involvement of both technical and legal experts. Sometimes MS nominee is only person available, even if they are not as experienced as the IAEA would like	Yes. Reinforced through their Plan of Action (2003) Article VII(5) of the CWC: 'Each State Party shall inform the Organization of the legislative and administrative measures taken to implement this Convention' The Technical Secretariat assesses the submitted measures; in some instances, the SP makes the assessment and the Technical Secretariat takes note of it Tailor-made technical assistance for drafting implementing legal measures	The ISU acts as a central point of contact for requests for assistance Maintains details of offers to provide assistance Puts those requesting assistance in touch with those offering to provide it The latter supply assistance in an ad hoc manner, not standardized. This is advantageous as it permits tailoring to individual requirements	The committee coordinates assistance between states, as well as between states and IGOs/ROs/NGOs States can submit a letter using the request of assistance template to make their submissions more effective and specific
Key materials	Legislation Package (on website). Revised CTBT Legislation Kit will be placed on website in 2009, including cross-reference to IAEA and United Nations Office on Drugs and Crime (UNODC) Terrorism Prevention Branch's legislative assistance programme to develop measures to prevent nuclear explosions <i>Guide to the CTBT for Parliamentarians</i> was developed as a briefing booklet to address issues relevant to ratification of the CTBT and NIM (on website)	<i>The Handbook on Nuclear Law</i> . Part I (theory) is available now; Part II (due to be published in 2009) will be more hands on	Checklist for the Legislator Implementation Kit (National Primary Legislation) Model Decree for the Establishment of a National Authority Policy Considerations on Drafting Regulations	The ISU website, which contains all official documents related to the BWC, as well as the national implementation database. The website has a restricted area for MS with additional information	The 1540 Committee's website, which contains, among other things, a legislative database of national implementation measures, a list of assistance providers, a request for assistance template and the requests for assistance submitted to the committee
Funding sources for outreach	PrepCom budget and voluntary contributions	Agency budget	Budget item for OPCW States' voluntary contributions European Union (EU) Joint Action for CWC	EU Joint Action for BWC adopted November 2008, yet to begin work Project specific ad hoc arrangements with SPs	–

	CTBTO	IAEA	OPCW	UN BWC ISU	1540 Committee
Observations on commonly-found problems among states in undertaking NIM	<p>Legislative drafting resources are in steep demand in many states</p> <p>In some sub-regions, the threat of nuclear explosions may not be viewed as a local issue warranting priority on the national parliament's legislative calendar or may compete with other priorities seen as more pressing</p>	–	<p>Some drafters copy and paste the model legislation without taking account of the national context</p> <p>CWC implementation is not seen as a priority</p> <p>Complexity of the implementation exercise (impacts on several areas and large number of stakeholders)</p> <p>Lengthy adoption process</p> <p>Small bureaucracies lacking technical capacities related to chemical security in some states</p>	<p>Requirement for an official request for assistance can be a stumbling block and certainly delays the provision of assistance</p> <p>Lack of awareness of existence and clearing-house mandate of ISU</p>	–
Factors unique to treaty or organization	CTBT not yet in force, however the monitoring system and institutional support arrangements already provisionally operating	<p>Number and complexity of instruments dealt with</p> <p>Rising number of requests, especially from states interested in developing nuclear power programmes</p>	Action Plan on Implementation of the CWC (2003)	<p>No international organisation—so significantly fewer resources and staff available</p> <p>One-third of SPs have designated a National Contact Point</p> <p>Annual exchanges of information relevant to the BWC not a legal requirement—participation remains low</p> <p>Securing biology more cross-sectoral/departmental than other regimes</p>	–
Other comments/issues	–	<p>The IAEA considers the following to be the most effective activities:</p> <ul style="list-style-type: none"> • Bilateral assistance, especially in terms of efficiency. Look at a state's current needs, activities and projected plans. Suggest simplification as appropriate, may not need all the legislation currently in place. <i>Aim</i>: simplicity and consistency. Time-consuming but more effective • Workshops: chief advantage is large scope of outreach—all hear the same message. Disadvantage: not specific, tailored 	<p>The OPCW considers that sitting with the drafter is the most effective form of legal assistance. This is done through:</p> <ul style="list-style-type: none"> • On-site technical assistance visits; • Bilaterals held during annual global, regional and sub-regional National Authority meetings; these meetings also grant an opportunity to address issues with a large number of SPs at once; and • Outreach activities—workshops and seminars for drafters, stakeholders and parliamentarians 	The ISU does not analyze or assesses national implementing measures	–

NIM legislative assistance programmes for NBC legal obligations by participating organization

Part II: BWPP*, ICRC, SIPRI, UNIDIR, VERTIC, Commonwealth Secretariat

	BWPP	ICRC	SIPRI	UNIDIR	Commonwealth Secretariat	VERTIC
Treaties/UN resolution covered	1972 BWC	It covers 27 humanitarian law treaties. CWC and BWC are included among the humanitarian law treaties	NBC treaties; UNSCR 1540	All disarmament treaties	International treaties, conventions and agreements	NBC treaties; UNSCR 1540
Source/nature of mandate or authority to provide NIM assistance	EU Joint Action in support of the BTWC	The ICRC has a legal mandate from the international community, based on the Geneva Conventions and on the ICRC's statutes	Research institute (foundation)	An autonomous institute within the UN system UNIDIR works on the basis of the provisions of the <i>Final Document of the First Special Session of the UN General Assembly Devoted to Disarmament</i> and also takes into account relevant UN General Assembly recommendations	The Commonwealth Secretariat is an association of 53 independent states consulting and co-operating in the common interests of their peoples and in the promotion of international understanding and world peace	NGO
Nature of interaction with states	States submit formal request to the EU Council. Requester must be BWC SP and non-EU member. Also must establish national contact point	The ICRC provides technical assistance through its network of legal officers in different countries It works closely with national authorities	SIPRI provides technical assistance Within the area of export controls, it is currently focusing on the enforcement side	–	The Commonwealth Secretariat promotes the rule of law and provides assistance with implementing international treaties, among Commonwealth countries	Direct requests for specific information, as well for legislative drafting assistance to implement the NBC treaties and UNSCR 1540
Office with primary responsibility for NIM assistance	Within the BWPP: Legal Coordinator	The International Humanitarian Law Advisory Service of the ICRC	Non-proliferation and Export Control Project	–	The Criminal Law Section. Even though it is not specialized in implementing NBC treaties, it would consider any request for assistance to implement the NBC treaties	Arms Control Programme
Staff size/expertise	Five	Four lawyers, specialists in common and civil law	One member of staff on NBC, two on nuclear, two on biological weapons (BW), and two or three on export controls, plus additional guest researchers and visiting experts	–	–	Four members of staff in the Arms Control Programme: two common law lawyers and two civil law lawyers. Three specialists in biological and chemical law, and one in nuclear law
Use of outside expertise	EU experts nominated by their governments	Yes. Often calls for external experts—it does not have all the expertise	Frequent use of outside experts (often government officials)	This project, led by Dr Lawrence Scheinman, is undertaken in co-operation with the Monterey Institute of International Studies	–	Yes
Co-operation with other organizations	Yes: IGOs, ROs, NGOs	Yes: IGOs, ROs, NGOs	Yes: with ROs. It jointly organizes and co-funds events with governments and bodies like the United Nations Development Programme (UNDP), the OPCW, and the WCO	It works with researchers, diplomats, government officials, NGOs and other institutions	Yes: with ROs	Yes: with states, IGOs, ROs, NGOs

	BWPP	ICRC	SIPRI	UNIDIR	Commonwealth Secretariat	VERTIC
Specific NBC-related NIM programme?	EUJA—two pillars: <ul style="list-style-type: none"> • universalization; and • implementation assistance, technical advice, evaluation of existing legislation, drafting assistance, possibility of assistance visits to capitals of BWC SPs 	Its programme is not specific to NBC weapons. Its programme is on humanitarian law—BWC and CWC fall within this category	Yes: on export control	1540 project on assessment of the existing and prospective roles of regional and sub-regional organizations in facilitating implementation of Resolution 1540 This project is undertaken in co-operation with the Monterey Institute of International Studies	It does not have an NBC-related NIM programme. It has a Criminal Law Section that would consider assisting a requesting country in the NBC field	National Implementation Measures project through 2011. This includes legislative analysis (surveys), sample legislation (in Arabic, English, French, and Spanish), and on-site drafting assistance
Degree of state interest?	Quite a few countries have been in touch. Currently undertaking first assistance projects for specific states	High level of interest	Strong interest. It began to provide technical assistance in 2004	–	–	Strong interest and programme is growing quickly. VERTIC is working already with countries in Africa, Asia, Eastern Europe, the Middle East and South America
Clearinghouse function/resources	Yes: Information Collaboration and Management System (ICMS)	ICRC database on national measures to implement international humanitarian law	Database on National Export Control Systems (provides summary information about the export control system of a particular country)	–	The Commonwealth Network of Contact Persons (CNCP), which facilitates international co-operation in criminal cases between Commonwealth MS, including mutual legal assistance and extradition, and provides legal and practical information necessary to the authorities in their own country and Commonwealth MS wishing to invoke international co-operation	VERTIC NIM website, including fact sheets on UNSCR 1540 and implementation of the NBC treaties (some of these are also available in Arabic, French and Spanish) BWC: collection of national implementation legislation VERTIC also maintains the <i>Verification Organizations Directory</i> , which includes the contact details and brief descriptions of national points of contact under the NBC treaties
Is this data publicly available?	Partially: public website, www.euja-btwc.eu , contains sections on universality and implementation as well as frequently asked questions (FAQs) Restricted area provides virtual working space for EU experts, organized as separate forums for each project. Contains documents such as: existing and draft legislation and meeting reports, as well as discussion venues for submission of content. EU experts have access only to those projects in which they are involved; SP experts also have access to their country forum	Yes: publicly available on the ICRC website, www.icrc.org/ihl-nat This database provides documentation and commentaries concerning the implementation of international humanitarian law at the national level It illustrates possible approaches to incorporating international humanitarian law in national legislation but does not seek to provide a comprehensive picture of the situation	Yes: publicly available on the SIPRI website, www.sipri.org/contents/expcon/db1.html This database displays summary information about the export control system of a particular country or about how a selection of countries approaches particular aspects of export control	–	No: restricted access via the Commonwealth Secretariat's website (http://www.thecommonwealth.org/)	All of the NIM materials are publicly available, including NBC implementation fact sheets and sample acts for the implementation of the BWC BWC: collection of national implementation legislation, www.vertic.org/datasets/bwlegislation.asp This database contains BWC national implementing legislation. In addition, legislation on other treaty issues, such as control of pathogens and relevant export controls, is included where available

	BWPP	ICRC	SIPRI	UNIDIR	Commonwealth Secretariat	VERTIC
Outreach	Universalization: four of five regional seminars held; Middle East seminar pending	Seminar and workshops on humanitarian law	Regional events and country-specific events Recent focus on the enforcement side	–	Training courses for legal officers within the Commonwealth: on drafting and updating their skills The Legal Section of the Commonwealth Secretariat organizes seminars, workshops and meetings	VERTIC has organized several regional seminars with the aim of raising awareness of the necessity to adopt NIM in the NBC field. VERTIC staff members also participate in many events organized by others Most recently, in October 2008, VERTIC co-hosted a regional conference on biosecurity in the Middle East in Amman, Jordan. It will co-host, with Clingendael, a workshop in March 2009 on implementation of UNSCR 1540 and the NBC treaties
Technical assistance	Provision of written advice: approaches to national implementation; comments on existing and draft legislation Assistance visits: core drafting sessions; meetings with stakeholders, including parliamentarians and senior government officials	It provides technical assistance with implementation of humanitarian law treaties If it does not have specific expertise, it relies on external experts	It has supplied technical assistance for dual-use export controls Its current focus is on enforcement measures (role of customs, investigations, prosecutions), previously also industry outreach and work on legal and licensing issues	UNIDIR does not provide legislative assistance Its project is addressing the following issues: <ul style="list-style-type: none"> • how and to what extent ROs are equipped to address the challenges arising from implementation of UNSCR 1540 and the extent to which they are able to make their MS see the challenges of weapons of mass destruction (WMD) as a problem that concerns them; and • how and in what ways ROs are engaged and contributing to supporting implementation of UNSCR 1540 by their MS; and • how can the ROs' effectiveness be improved 	The Commonwealth Secretariat provides assistance with the development of policies, laws and regulatory arrangements that foster private sector development The Criminal Law Section is currently working on: <ul style="list-style-type: none"> • counter-terrorism legislation and capacity-building; • measures to combat corruption, including asset repatriation; and • implementation of the Rome Statute of the International Criminal Court It has seconded a legislative drafter to an RO	VERTIC has launched the second phase of its NIM Project, which consists of analyzing states' legislation for national implementation of the BWC and providing on-site assistance to remedy any gaps in legislation. This project will continue through 2011. VERTIC is also in a position to assist states with implementation of the NPT and CWC, in co-operation with the IAEA and the OPCW
Key materials	–	Treaty Factsheets (BWC and CWC) explaining what it means to implement the treaty at the national level, whose responsibility it is to do so, what general measures must be adopted and how this can be done Model Law with VERTIC	SIPRI Introductory Texts on export controls Glossary SIPRI database National Export Controls—introductory texts Multilateral export controls—overviews Research reports and other publications, including <i>SIPRI Yearbook</i> series	–	It has developed model legislative provisions on measures to combat terrorism and a model law to implement the Rome Statute	NIM website: www.vertic.org/NIM/ VERTIC NIM Fact Sheets on national implementation of the NBC treaties and UNSCR 1540 Model Laws for implementation of the BWC: VERTIC–ICRC Act and VERTIC Sample Act (with biosecurity provisions)

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Funding sources for outreach	EUJA budget. Problem has been that activities were parcelled under different headings, making it impossible to reallocate funds	–	European Commission (EC) (EU pilot projects on WMD strategy implementation and on strengthening dual-use export control assistance) Swedish government United States' Export Control and Related Border Security Assistance (EXBS) Program Partner countries Co-funded events with ROs Others	–	–	United Kingdom's Strategic Programme Fund Government of the Netherlands US Department of State's Biosecurity Engagement Programme
Observations on commonly-found problems among states in undertaking NIM	–	Lack of resources at the national level Many national laws on implementing BWC were not adopted for that purpose	–	Three categories of concern were drawn from the study: • WMD and terrorism is a matter of lesser concern in some regions; • some states lack adequate legal, administrative and instrumental sources; and • questioning of legitimacy of the UN Security Council legislating for the international community instead of reaching agreement in the UN General Assembly	Small Commonwealth states have very small bureaucracies. Consequently, the Commonwealth Secretariat discourages overwhelming these countries with excessive implementation obligations	Lack of capacity and resources Low priority afforded to NBC implementation vis-à-vis economic goals, inter alia
Factors unique to treaty or organization	No international organization to support BWC	BWC does not have a provision comparable to Article VII of the CWC	–	–	–	Limited capacity, as only four lawyers work on the Arms Control Programme
Other comments/issues	Visit to Peru in August 2007; follow-up visit in planning stage. Currently working on detailed assessment of Nigerian draft legislation, visit anticipated around March 2008 UNSCR 1540 makes the adoption of national legislative measures relating to the prohibition of NBC weapons mandatory for all states, irrespective of whether or not they are party to the BWC The BWPP believes that face-to-face interaction is best, particularly as the country needs to be prepared for, and actively involved in, NIM	The ICRC has an advantage in that it has 60 regional offices; its offices cover all languages and can rely on external legal experts. All of these elements are very useful tools when it comes to providing assistance on national implementation The ICRC emphasises that civil law and common law approaches are very different with regard to national implementation	–	–	The Commonwealth Secretariat considers that the bilateral route is the only way actually to get legislation drafted Small Commonwealth countries have very small bureaucracies. There is a need to rationalize the reporting requirements of these countries	Face-to-face interaction, seminars and regional workshops hosted and attended by VERTIC staff VERTIC strongly encourages liaison and information-sharing among providers and facilitators. In this respect, VERTIC believes that it would be useful to consider cross-NBC missions for some states to meet their requests for streamlining NIM

* The information provided in this table relates to the network's activities as of 29 January 2008.

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About this paper

This *Brief* contains some of the ideas, themes and conclusions that emerged during the Technical Coordination Meeting for legislative and technical assistance facilitators and providers, hosted by VERTIC on 29 January 2008. The meeting aimed to discuss approaches to developing the capacity of states, to hear experiences of providing assistance, to discover lessons learned, and finally, to consider ways in which facilitators and providers could liaise or collaborate with each other in the future to achieve the overall objective of a safer, more secure world.

The following VERTIC staff contributed to drafting this Brief: Angela Woodward, Executive Director, Jane Awford, former Information Officer & Networker, Rocío Escauriaza Leal, Legal Officer and Scott Spence, Senior Legal Officer.

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Building trust through verification

VERTIC is the Verification Research, Training and Information Centre, an independent, non-profit making, non-governmental organisation. Its mission is to promote effective and efficient verification as a means of ensuring confidence in the implementation of international agreements and intra-national agreements with international involvement. VERTIC aims to achieve its mission through research, training, dissemination of information, and interaction with the relevant political, diplomatic, technical, scientific and non-governmental communities.

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