

NATIONAL IMPLEMENTATION MEASURES FOR THE 1972 CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION (BWC)

FACTS ABOUT THE CONVENTION

The 1972 Biological Weapons Convention (BWC) opened for signature on 10 April 1972 and entered into force on 26 March 1975.



During a 1995 Ebola outbreak these scientists took samples from animals collected near Kikwit, Zaire. - Public Health Image library (PHIL), Centers of Disease Control and Prevention

The BWC has 173 States Parties and 9 signatory States (as at 11 May 2015). The Convention depositaries are the governments of the Russian Federation, the United Kingdom and the United States.

Under Article I of the Convention, biological weapons are defined on the basis of purpose (the “general purpose criterion”) as follows:

“microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;” and

“weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.”

IS MY STATE UNDER AN OBLIGATION TO IMPLEMENT THE BWC?

Once your State has ratified or acceded to the Convention, it will be bound by the content of the BWC, and obliged to implement its requirements.

In particular, Article IV obliges each State Party, in accordance with its constitutional processes, to take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of biological weapons in its territory and anywhere under its jurisdiction or control. States Parties have agreed that the prohibition of the use of biological weapons - originating in the 1925 Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare - also falls under the scope of the BWC.

In addition, Article III requires all States Parties to refrain from transferring biological weapons to anyone and from assisting, encouraging or inducing anyone to manufacture or acquire them.

Bacillus Anthracis Bacteria
Public Health Image Library (PHIL), Centers of Disease Control and Prevention

WHAT FORMS OF LEGISLATION SHOULD MY STATE CONSIDER?

- In order to give effect to the BWC, your State should adopt *penal measures* criminalizing the development, production, manufacture, stockpiling, acquisition, retention, transfer and use of biological weapons. Preparatory measures to carry out such activities, including assistance, encouragement, or inducement, should also be penalized.
- Your State should adopt *biosafety and biosecurity measures*, such as measures to account for and secure production, use, storage and transport of particularly dangerous pathogens or activities involving humans, plants or animals where infection may pose a risk; related licensing procedures; safety and security measures for laboratories; containment measures; and genetic engineering regulations.
- *Import and export controls* should be adopted. Your State could consider the Australia Group lists of particularly dangerous pathogens and toxins, and dual-use equipment and technology as a basis for these controls. Import and export licenses should be required for items on the control lists, and measures should be in place ensuring general oversight over transfers. An official body should be designated to properly enforce these measures.
- Finally, *enforcement measures* should be adopted to facilitate ongoing monitoring of life sciences activities and compliance with the Convention, and to prosecute and punish offenders.
- Other measures may be necessary to facilitate domestic and international cooperation and assistance.

ARE THERE ADDITIONAL MEASURES MY STATE SHOULD TAKE?

States Parties have adopted additional understandings during the last six Review Conference of the Convention. These additional understandings call for the adoption of additional measures:

- Your State should annually submit information on seven *Confidence Building Measures (CBMs)* to the BWC Implementation Support

Unit (ISU) (see below). In order to receive, prepare and send CBMs to the ISU, your State should designate a governmental department or official responsible for these tasks. It should also adopt measures requiring the submission of information to this department or official by affected individuals or laboratories.

- Your State should designate a *National Point of Contact* whose role would be to communicate with other States Parties and relevant international organizations, coordinate national implementation of the BWC, and prepare and submit the CBMs to the ISU.

WHERE SHOULD MY STATE'S LEGISLATIVE DRAFTERS TURN FOR ASSISTANCE?

There is no intergovernmental organization overseeing the implementation of the Convention. However, your drafters can turn to a number of assistance providers that offer legislative services.

A BWC Implementation Support Unit (ISU) was established within the United Nations in August 2007 to provide administrative support in relation to the BWC, to receive and distribute Confidence Building Measures (CBMs) among States Parties, to promote the universalization of the BWC, to serve as a focal point for the exchange of information on national implementation measures, and to act as a clearinghouse for assistance requests and offers.

The Verification Research, Training and Information Centre (VERTIC) offers assistance with legislative drafting for BWC obligations. VERTIC assesses the comprehensiveness of existing national measures, identifies gaps, and proposes approaches to fully implement the BWC.

The EU offers other assistance under its *BWC Action*. For further information see www.unog.ch/bwc > BWC Action.

HOW CAN MY STATE CONTACT AN ASSISTANCE PROVIDER?

The BWC Implementation Support Unit

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