

1

Panel: National Implementation Emerging themes from discussions and key issues

Angela Woodward and Rocío Escauriaza Leal

Regional Workshop on National Implementation of the BWC

27-28 June 2011, Manila, Philippines



BWC national implementing legislation IS important

Demonstrates political support for the BWC

Prevents biological weapons proliferation

The process of developing and enforcing legislation is helpful for identifying other national implementation requirements and training/assistance needs

Encourages investment in 'bio' sector



Legislation/regulations is one element of national implementation

Also:

Awareness-raising, education, training of scientists (role for codes of conduct)

Awareness-raising for parliamentarians

Training for law enforcement/border control officials



No "one-size fits all" approach to national implementation, including legislation

Omnibus CBRN law?

CBW law?

BWC Act?

Or many laws covering all BWC obligations, e.g. penal law, customs/border control, quarantine, human/ animal/plant health etc?



Such an agency will have more authority than a BWC national focal point

- Structure will depend on State's national needs
- •Separate agency or different agencies responsible for aspects of BWC national implementation
- •BWC authority or joint BWC/CWC authority
- Need a coordination mechanism between relevant government ministries/agencies



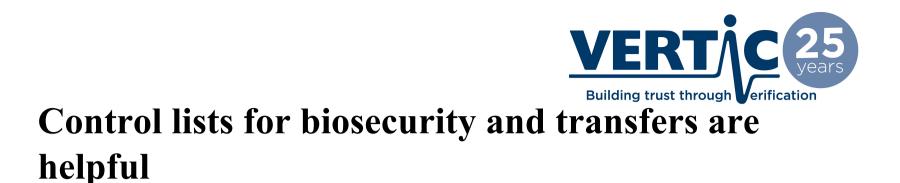
Many States are experiencing challenges in adopting BWC implementing legislation

Overcoming challenges in passing legislation

- -Involve all relevant stakeholders early in the process
- -Identify a lead agency

-Use the most effective method for addressing legislative gaps in accordance with your constitutional processes and national politics

-Ensure you have political support for national implementing legislation, including parliamentarians



May need to be tailored to suit national situation, especially to take account of endemic diseases Consider whether it is best to have separate lists for biosecurity/biosafety and for transfers



Tailor penalties and law enforcement mechanisms

Ensure penalties are proportionate to the severity of the offence

Establish appropriate law enforcement mechanisms to ensure compliance with national implementing legislation

Law enforcement will require specific training and resourcing



Cooperation and Assistance

Many States have similar difficulties - helpful to share experiences with other States, especially at the regional level

Regional approaches can be helpful – role for ASEAN? Assistance needs for implementation and enforcement were highlighted



Contact VERTIC

- Angela Woodward, Programme Director, <u>angela.woodward@vertic.org</u> (speaks English)
- Scott Spence, Senior Legal Officer, <u>scott.spence@vertic.org</u> / + 41 794 139 903 (speaks English, French, Spanish)
- Rocio Escauriaza Leal, Legal Officer, <u>rocio.escauriaza@vertic.org</u> / +34 639 609 101 (speaks English, French, Spanish)
- Yasemin Balci, Programme Assistant, <u>vasemin.balci@vertic.org</u> / + 44 20 7065 0880 (speaks Dutch, English, Turkish)
- Samir Mechken, Legal Consultant, <u>samir.mechken@vertic.org</u> / + 31 629 410 205 (speaks Arabic, English, French)

VERTIC

Development House, 56-64 Leonard Street London EC2A 4LT, United Kingdom Tel +44 20 7065 0880 Fax +44 20 7065 0890

Web www.vertic.org

VERTIC wishes to thank the governments of Canada (G8 Global Partnership Program, DFAIT) and the United Kingdom (Strategic Programme Fund, FCO) for their financial and in-kind support for this programme. The views expressed by VERTIC do not necessarily reflect those of these governments or agencies.

27-28 June, Manila, Philippines