

VERTIC's experience in developing and using model legislation

AU Comprehensive Model Law on Weapons of Mass
Destruction

Inception Workshop
13-14 December 2018
Vienna, Austria

Outline

- About VERTIC and the NIM Programme
- Overview of VERTIC legislative drafting tools
- Development of VERTIC model legislation
- Use of VERTIC model legislation
- Examples of legislative drafting assistance in Africa
- Lessons learned

About VERTIC and the NIM Programme



- independent not-for-profit organization located in London, United Kingdom

- promotes the effective verification and implementation of international agreements and related regional and national initiatives

Special projects

VM

NIM

advises States on national implementation of the provisions in international instruments

Overview of VERTIC legislative drafting tools (1/3)

- Type: model legislation, regulatory guidelines, legislation database, legislation drafting assistant
- Scope:
 - Cover the implementation of specific instruments: BWC, CPPNM, ICSANT, IAEA Code of Conduct on the Safety and Security of Radioactive Sources, etc.; UNSCR 1540
 - Cover areas such as: definitions, criminal provisions, jurisdiction, biosafety and biosecurity, nuclear security, transfer controls, enforcement, emergency response
- Languages: available in multiple languages
- Legal system: civil and common law
- Freely available



Overview of VERTIC legislative drafting tools (2/3)

Model Law: The Biological and Toxin Weapons Crimes Act
to implement obligations under the 1972 Biological and Toxin Weapons Convention and 1975 Geneva Protocol

ICRC and VERTIC Model Law: The **Biological and Toxin Weapons Crimes Act**

Une [S.O.] pour la mise en œuvre de la Convention sur les armes biologiques ou à toxines de 1972 et des dispositions de la résolution 1540 du Conseil de sécurité de l'ONU concernant les armes biologiques de [ANNÉE]
Adoptée par [PARLEMENT, ASSEMBLÉE NATIONALE] de [PAYS] et signée le [DATE] par
[CHEF DU GOUVERNEMENT, CHEF DE L'ÉTAT]

Sample Act for the implementation of the BWC and related provisions of UNSCR 1540

Drafting Assistant

Drafting Assistant was designed to draft bill for the implementation of the BWC and related provisions of UN Security

BWC legislation drafting assistant

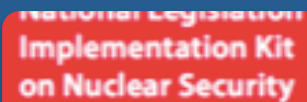
Kenya
Penal Code
Criminal Procedure Code
National Police Service Act
Mutual Legal Assistance Act

BWC legislation database

Regulatory biosafety measures
by Laboratory Manual, Third Edition, WHO, 2004. This manual is available as at:
www.who.int/csr/resources/publications/biosafety/WHO_CDS_CSR_LYO_2004_01.pdf
ity in Microbiological and Biomedical Laboratories (BIMBL), 5th Edition, Centers for Disease Control and Prevention, 2007;
www.cdc.gov/od/ohrt/biosafety/bimbl/bimbl.htm

Regulatory guidelines for the implementation of the BWC and related provisions of UNSCR 1540

Overview of VERTIC legislative drafting tools (3/3)



National Legislation Implementation Kit on Nuclear Security

Presented by the Republic of Indonesia
to the Nuclear Security Summit

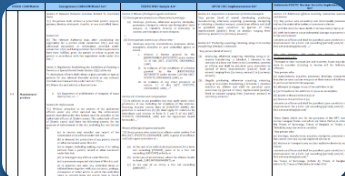
National Legislation Implementation Kit on **Nuclear Security**



Nuclear security legislation database

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2. VERTIC: Sample Act for National Implementation of the 1972 Biological and Toxin Weapons Convention and Related Requirements of UN Security Council Resolution 1540	9
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Legislative Guide to National Implementation of UNSCR **1540**



Comparison of Model Law for the Implementation of UNSCR 1540

Development of VERTIC model legislation (1/2)

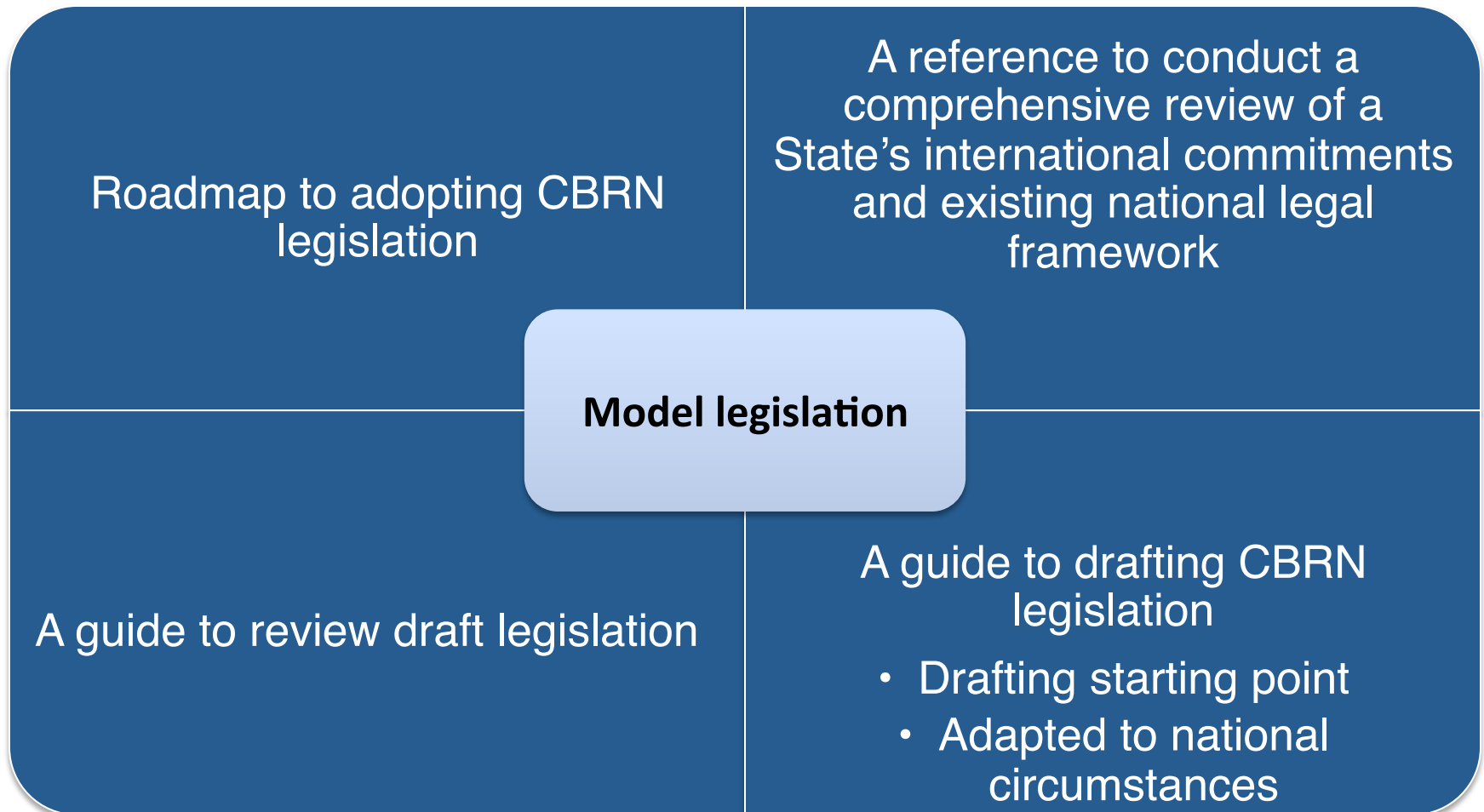
- Prepared by VERTIC legal experts
- Based on provisions and requirements from international instruments
- Based on the legislation of States Parties, including e.g. Australia, Canada, Mauritius, New Zealand, South Africa, St. Kitts and Nevis and the United Kingdom
- Take into account existing drafting tools developed by other organisations



Development of VERTIC model legislation (2/2)

- Cooperation with and /or review by relevant international organisations and experts; e.g. ICRC, IAEA, nuclear law expert
- No formal endorsement before publication
- Endorsement/ support after publication
 - Joint Statement on the NLIK at the Nuclear Security Summits; 2014 Hague Communiqué para. 11
 - Submitted to the 1540 Committee by the UK as examples of effective practices for implementation

Use of VERTIC model legislation



Example of legislative drafting assistance in Africa



Mali, Oct 2018



Cameroon, March 2018



Malawi, March 2018



Côte d'Ivoire, Nov 2017



Sierra Leone,
September 2017



Ghana, Oct 2017



Senegal, Oct 2015



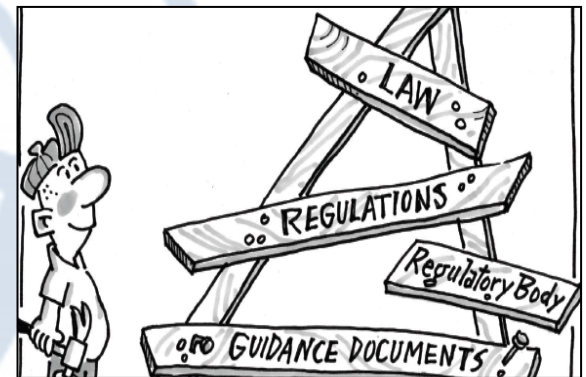
Burkina Faso, Jan 2015

Lessons learned: substance

- Model legislation should help harmonize treaty/ resolutions/ standards provisions
- Model legislation should take into account relevant existing model legislation
- Certain areas can cover C,B and RN ...
 - Criminal provisions – general prohibitions
 - Enforcement
- ...While others should separate between C, B and RN
 - Safety and security

Lessons learned: format

- Legislative provisions vs. regulatory provisions
- Model legislation should be available in relevant languages and for both civil and common law systems
- Model legislation should be user friendly



Lessons learned: use

- Model legislation can be used as a model law or in blocks
- Model legislation can be usefully complemented with guidelines, legislation database, case studies
- Model legislation needs to be complemented with national and international legislative drafting and technical expertise
- Model legislation should be tailored to each country's legal requirements, level of biotechnological development, etc.
- Model legislation should be reviewed regularly and updated

Questions? Thank you!

Sonia Drobysz, Programme Director – sonia.drobysz@vertic.org

Yasemin Balci, Senior Legal Officer – yasemin.balci@vertic.org

Cédric Apercé, Legal Officer – cedric.aperce@vertic.org

VERTIC

The Green House

244-254 Cambridge Heath Road

London E2 9DA, United Kingdom

Tel: +442035596146

Fax: +442035596147

