

NATIONAL AUTHORITY FOR THE BIOLOGICAL WEAPONS CONVENTION



2019 Meeting of States Parties to the Biological Weapons Convention - VERTIC

WHY SHOULD MY STATE ESTABLISH A NATIONAL AUTHORITY?

Review Conferences of the 1972 Biological Weapons Convention (BWC) have made clear that States Parties should designate a point of contact at the national level to coordinate national implementation of the Convention; communicate with other States Parties and relevant international organisations; prepare the submission of Confidence-Building Measures; and facilitate the exchange of information on universalisation efforts.

States Parties will find it helpful to appoint a National Authority to carry out these functions. Subsequently, States should inform the BWC Implementation Support Unit—based in the United Nations Office for Disarmament Affairs (Geneva branch)—of their national arrangements and provide it with contact details.

Establishing a National Authority will facilitate a State in:

- monitoring and supervising any activities, including transfers, involving biological agents, toxins and dual-use equipment and technology;
- enhancing national security and public, animal and plant health;
- satisfying its obligations under the BWC, particularly Article IV commitments relating to national implementation; and
- fulfilling reporting requirements, under the BWC and United Nations Security Council Resolution 1540.

HOW CAN MY STATE ESTABLISH A NATIONAL AUTHORITY?

As a first step, a State should assess the scope of its national implementation requirements. A State can then decide where to locate a BWC National Authority, and whether to designate an existing entity or to create a new one specifically for this function.

A National Authority for the BWC could be established or designated within a government ministry or department, as an inter-ministerial body or even as an independent governmental authority. A National Authority's composition, structure and mandate will depend on the State Party's actual situation (for example, whether or not it possesses a significant biological industry and/or engages in export/import activities relevant to the BWC); there is no 'one-size-fits-all' approach to establishing or designating a National Authority for the BWC. However, a National Authority must be granted sufficient authority to carry out all relevant tasks, ideally through authorising legislation.

Some governments have opted to combine their CWC, BWC and nuclear national authorities. Under Article VII of the 1993 Chemical Weapons Convention (CWC), each State Party must designate or establish a National Authority to comply with its treaty obligations. Nuclear treaties often require the creation of a regulatory body to establish requirements and regulations concerning the use and production of nuclear energy, to grant licences to nuclear facilities, to set up and maintain an inspection system to verify the enforcement of legislation, and to coordinate the body's activities with other governmental entities.

NATIONAL AUTHORITY STRUCTURE

States can choose to adopt a centralised structure, within which one entity assumes all responsibilities and functions related to implementation of the BWC, such as a government ministry or department.

Alternatively, States may choose to adopt a decentralised structure, whereby a National Authority coordinates the implementation activities of all relevant government bodies and has overall responsibility for international co-operation with regard to the BWC. Government bodies that may already have responsibility for issues that fall under the BWC include: a national health authority that is responsible for licensing laboratories; a trade ministry that licenses imports and exports of biological agents, toxins and dual-use equipment and technology; and a foreign ministry that may be already liaising with the BWC Implementation Support Unit.

WHICH GOVERNMENTAL AND OTHER BODIES ARE INVOLVED IN BWC IMPLEMENTATION?

Certain government departments/ministries and other agencies have specific functions and expertise that are highly relevant to BWC implementation, and they should be tasked with co-operating with a BWC National Authority. This can be achieved by assigning a permanent representative to the National Authority or by holding regular consultations or meetings. BWC implementation may require the involvement of and co-operation with the:

- Office of the Prime Minister or Head of Government;
- Office of the Attorney-General;
- Ministries of Agriculture, Environment, Foreign Affairs, Health, Industry, Interior, Justice and Transportation;
- national academy of science;
- national forensic science laboratory;
- national border control authorities (customs, port authorities);
- national chamber of commerce; and
- national biosafety association, national biotechnology industry association or other professional scientific bodies.

WHAT FUNCTIONS CAN MY STATE'S NATIONAL AUTHORITY UNDERTAKE?

Each State is free to determine its National Authority's functions and responsibilities, which are normally set by law and subject to regulation. Nevertheless, a State may wish to pay particular attention to certain functions:

Internationally, the National Authority could:

- act as a national point of contact for the BWC Implementation Support Unit;
- provide data and information relevant to the fulfilment of its international obligations to other States Parties and international organisations;
- share experiences and extend assistance to other States pertaining to universalisation and implementation of the BWC; and
- collect any necessary information and prepare Confidence-Building Measure returns for submission to the BWC Implementation Support Unit.

Nationally, the National Authority could:

- propose and support the adoption of legislative and other measures to implement the BWC;
- supervise and monitor the enforcement of legislation and regulations;
- grant licenses for the handling of biological agents and toxins for peaceful purposes;
- establish a national system to monitor and verify activities being conducted in authorised establishments;
- authorise and monitor internal and international transfers of biological agents, toxins and dual-use equipment and technology;
- create and maintain a national system to respond to biological emergencies, in coordination with the National Focal Point for the WHO International Health Regulations;
- report to the parliament or national assembly on its activities;
- advise the prime minister or head of government on any BWC-related issues;
- coordinate and assist with any of the tasks above attributed to any other government bodies; and
- conduct or facilitate awareness-raising, education, outreach and training vis-à-vis the BWC, biosafety and biosecurity, national implementing legislation and other measures and codes of conduct for scientists.

HOW CAN MY STATE RECEIVE ASSISTANCE TO SET UP A BWC NATIONAL AUTHORITY?

BWC Implementation Support Unit staff members are available to supply information and to facilitate the provision of assistance to States seeking to establish a BWC National Authority.

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<https://www.un.org/disarmament/biological-weapons/implementation-support-unit/>

In addition, VERTIC provides legislative assistance to States implementing the BWC, including for the establishment of a BWC National Authority.

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