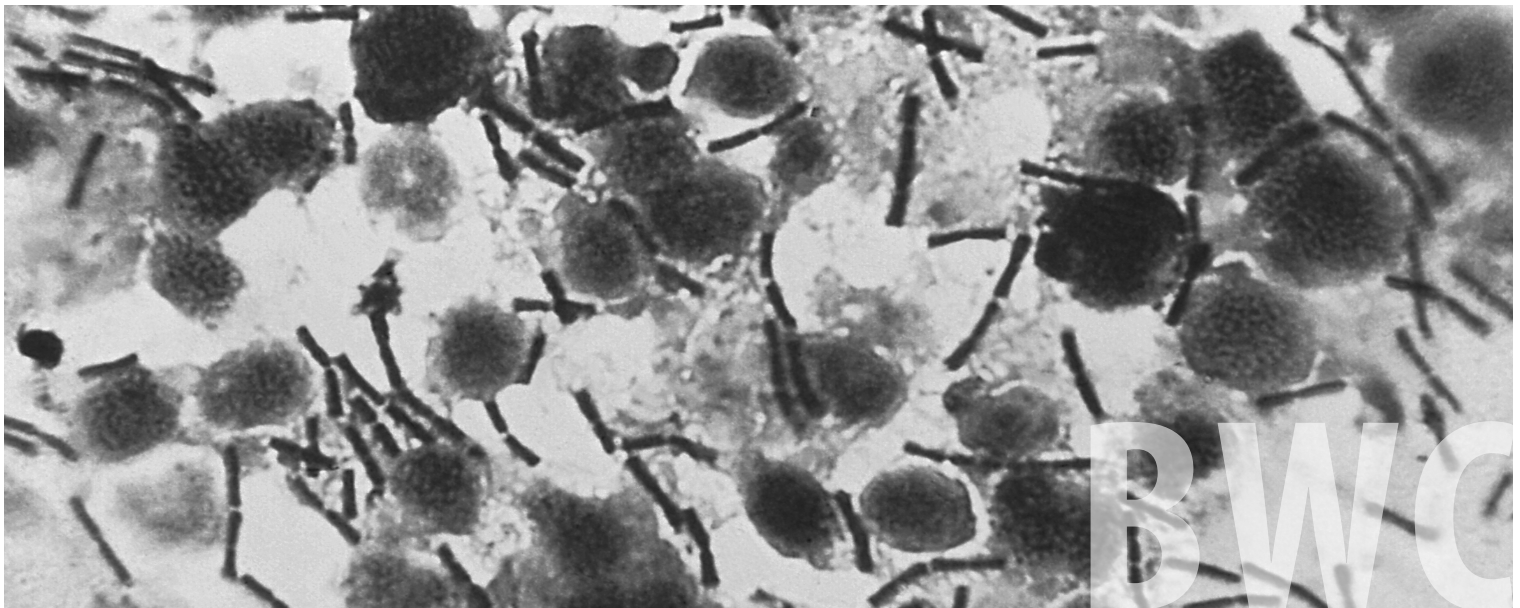


NATIONAL IMPLEMENTATION MEASURES FOR THE 1972 CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION (BWC)

FACTS ABOUT THE CONVENTION

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



Bacillus anthracis bacteria - Public Health Image Library (PHIL), Centers of Disease Control and Prevention

The Convention depositaries are the governments of the Russian Federation, the United Kingdom and the United States. The list of States Parties to the BWC is available at <https://www.un.org/disarmament/biological-weapons/about/membership-and-regional-groups>.

Biological weapons are defined under Article I of the Convention 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."

By becoming a State Party to the BWC, States undertake never to develop, produce, transfer, stockpile or otherwise acquire or retain any biological weapons. States Parties have also 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 - falls under the scope of the BWC.

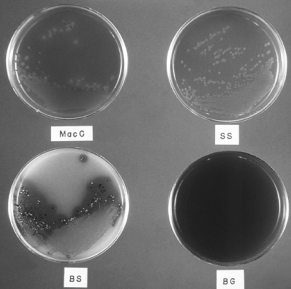
IS MY STATE UNDER AN OBLIGATION TO IMPLEMENT THE BWC?

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 use, development, production, stockpiling, acquisition or retention of biological weapons in its territory and anywhere under its jurisdiction or control.

Under Article II each State Party must destroy, or divert to peaceful purposes, all biological weapons which it has under its control. 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.

In addition, Article X enshrines the rights for States Parties to participate in the exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. This provision also ensures that the Convention is implemented in a manner which avoids hampering economic or technological development or international cooperation in this field.



Salmonella typhi, *Escherichia coli* and *Proteus sp. bacterium* cultures
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** criminalising the development, production, manufacture, stockpiling, acquisition, retention, transfer and use of biological weapons. Participatory offences, including assistance, encouragement, or inducement, should also be penalised.
- 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 and agreements during Review Conferences of the Convention. These include the adoption of additional measures:

- Your State should designate a governmental department

or official to act as a **National Point of Contact**, responsible for coordinating national implementation of the BWC and communicating with other States Parties and relevant international organisations.

- Your State must annually submit information on **Confidence-Building Measures (CBMs)** to the BWC Implementation Support Unit (ISU) (see below). The National Point of Contact is responsible for preparing and submitting the annual CBM reports to the ISU. Your State can also adopt measures requiring the submission of information to the National Point of Contact by affected individuals or laboratories

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

There is no intergovernmental organisation 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 CBMs among States Parties, to promote the universalisation 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 also supports assistance through its Council Decisions. For further information see <https://www.un.org/disarmament/biological-weapons/eu-support-to-the-bwc>

HOW CAN MY STATE CONTACT AN ASSISTANCE PROVIDER?

BWC Implementation Support Unit

UN Office for Disarmament Affairs

Palais des Nations, Office C 109
CH-1211 Geneva 10
Switzerland

Telephone: +41 22 917 2230
E-mail: bwc@un.org

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

VERTIC

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