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2020 Meeting of Experts of the 1972 Biological and Toxin Weapons Convention on Strengthening National Implementation

Agenda Item 4: Measures related to Article IV of the Convention

Geneva, Switzerland

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Delivered by Sonia Drobysz, Programme Director for National Implementation, VERTIC

Mr Chair, Distinguished Delegates,

Thank you for the opportunity to speak to you today about VERTIC's legislative assistance activities to support BWC States Parties in implementing the Convention. VERTIC's National Implementation Measures, or NIM, programme works on the legislative implementation of the BWC and other CBRN instruments. Our team of legal experts provides cost-free awareness-raising assistance, legal analysis and legislative drafting assistance to interested states in support of Article IV of the BWC.

We believe such assistance is needed for full and effective implementation of the Convention which has not yet been achieved. From our own analyses of the legislative implementation measures of 147 states, it appears for example that a number of states have yet to prohibit the use of biological weapons.

The COVID-19 outbreak has reminded us of the central role of legislation in responding to biological incidents. Since the start of the pandemic, we have seen states drafting laws and regulations to be able to respond to the disease. BWC States Parties therefore need to ensure that their legislation is ready to address not only the response to biological incidents, but also the safe and secure handling of biological agents and toxins as well as the prohibition and prevention of biological weapons.

VERTIC's National Implementation Measures Programme currently has project-based capacity to provide a number of services to states worldwide for BWC implementation.

Firstly, we provide awareness-raising assistance, to improve understanding of BWC implementation obligations. We do this primarily through presentations at workshops, which currently are conducted online. We have further developed a number of awareness-raising tools that can be used in a variety of contexts. Examples of such tools include our recently revised fact sheets on the BWC and the creation of a BWC National Authority. The documents provide guidance on the types of national implementation measures that may be required for implementation of the BWC and the creation of a BWC National Authority, as well as basic facts about the Convention.

Secondly, we conduct legislative analysis in order to examine an interested state's laws and regulations relating to implementation of the BWC. The analysis of existing legislation is important, because it allows states to assess which legislative measures are necessary to fully implement their international obligations. Moreover, it helps ensure that any newly drafted legislation fits within the existing legal framework. To conduct this analysis, we use a legislation survey tool, which helps compare a state's national laws and regulations against 137 distinct national implementation measures. This survey tool has been used by VERTIC for over a decade, but has been revised and made publicly available this year. Through its publication, we hope to reach more state officials and other relevant stakeholders so they can gain a better understanding of the specific national implementation measures that can be considered in their legislation. While the tool itself is public, the states' specific analyses, however, remain confidential.

Thirdly, we offer legislative drafting assistance to interested states. This includes drafting new legislation during workshops or reviewing existing drafts of legislative bills. Again, we use tools developed by VERTIC staff in-house. Examples of such drafting tools include VERTIC's Sample Act and Regulatory Guidelines for national implementation of the BWC and related requirements of UN Security Council Resolution 1540.

All of our tools are freely available on our website [www.vertic.org] in almost all UN languages.

When undertaking our legislative assistance activities, VERTIC collaborates and coordinates with international and regional partners including the BWC Implementation Support Unit. We are pleased to currently be contributing to projects under European Union Council Decision 97 of 2019 in support of the BWC, and the European Union CBRN Risk Mitigation Centres of Excellence Initiative. We are also grateful for additional funding support from the Norwegian Ministry of Foreign Affairs; and the United States Department of State with CRDF Global.

We look forward to continuing strengthening BWC legislative implementation with our current partners and any interested states in the future.

Thank you Mr Chair.

[Fact Sheets](#) (Revised 2021)

APRIL 2021 (Rev.) FACT SHEET 7

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.

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 II 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 analyses 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.

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[Legislative Analysis Tool](#) (Launched 2021)

SURVEY BWC

Survey Template of National Implementation Measures for the 1972 Biological and Toxin Weapons Convention and biological weapons-related provisions of relevant international instruments

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