

**Biological and Toxin Weapons Convention
Meeting of Experts
NGO Statements
20 August 2007**



Mr Chairman, Distinguished Representatives:

The London School of Economics and Political Science greatly appreciates the opportunity to offer this statement.

We encourage States Parties to use this meeting and the Meeting of States Parties in December as opportunities to have a more comprehensive discussion of national implementation than was had in 2003. Enacting legislation and putting institutional mechanisms in place to implement that legislation are not enough. National implementation of the BWC is an ongoing process: To monitor relevant life science activities effectively, States Parties need to establish oversight mechanisms at multiple stages in the research and development (R&D) process, with successive systems overlapping to ensure maximum confidence in the information collected.

National implementation is an ongoing process

National implementation comprises three components:

- Legislation to transpose treaty obligations into national law.
- Means of enforcing the legislation once breaches are identified.
- Methods for monitoring relevant work with biological agents and toxins within the national territory.

The discussion on national implementation at the 2007 intersessional meetings should consider all three components. For States Parties that have not yet implemented their BWC commitments, dialogue needs to continue on how to transpose treaty obligations into national law – through legislation specifically designed for this purpose, through legislation that encompasses more than the objectives of the BWC, or through an array of already existing legislation.

Also important is a continuation of the discussion on appropriate means of enforcement once breaches are identified. This discussion must not limit itself to 'big stick' enforcement actions like levying fines, arrests, prosecuting and imprisonment. It also needs to consider 'softer' approaches to regulation like requiring changes in research procedures, serving improvements notices or prohibition notices, and withdrawing consent for questionable research.

However, enacting legislation and enforcing that legislation only form part of national implementation. The third component, the ongoing day-to-day monitoring of the life sciences, seems to have been left off the agenda for the 2007 meetings. This is a significant omission, as effective oversight frameworks or risk regulation regimes must possess all three components with clear linkages between them.

