

*Practical contributions of civil society to national implementation
and regional cooperation*

NGO panel discussion – 10 December 2007

BWC Meeting of States Parties, 10-14 December 2007

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Thank you Mr Chairman, Distinguished Representatives.

Thank you for inviting VERTIC to participate in this panel discussion today. My organization appreciates this opportunity to contribute to States Parties' ongoing discussions on ensuring effective national implementation of the Biological Weapons Convention.

My statement today relates to national implementing legislation for the Convention. In particular, I will share some of the findings of our *National Implementation Measures* project and I will highlight certain practical contributions that VERTIC is making to our collective efforts to ensure full and effective implementation of the Biological Weapons Convention. VERTIC is grateful to the Netherlands and the United Kingdom for their financial support for our project.

Through our surveys of BWC-relevant legislation and our discussions with States in all regions of the world, we have identified that many States Parties still lack comprehensive penal provisions covering all activities prohibited under the Convention. Penal provisions are required, for example, for breaches of biosafety, biosecurity and transfer control requirements and for activities that would violate Article I of the Convention, including preparatory and assistance activities. In addition, legislative frameworks governing biosecurity and transfer controls, as well as their monitoring and enforcement are also lacking in many States.

(Filippa Lentzos and Marie Chevrier will speak on this in their presentations)

Moreover, we have found that States are frequently unaware that legislation already in force is relevant to implementing the Convention, particularly on biosafety.

These findings highlight the need for ongoing information sharing and constructive discussion among States Parties on approaches to ensuring full and effective national implementation, including internal harmonization of BWC-relevant legislation.

All BWC States Parties need to also assess regularly the adequacy and effectiveness of their existing national measures to enforce the Convention and adopt and enforce any additional measures that may be required. Tasking a national focal point with BWC implementation requirements, as called for by the BWC Sixth Review Conference, would greatly facilitate this process.

Civil society are stakeholders in implementation processes and have an important role to play in ensuring effective national implementation, in collaboration with efforts undertaken by States Parties and relevant international organizations. My colleagues on this panel will highlight the range of possible collaborative activities. Regarding VERTIC's activities, our objective is to share information on effective approaches to national implementing legislation, through workshops, legislative assistance activities and information materials and thereby achieve an improvement in global national implementation.

With regard to these information materials, I would like to briefly demonstrate part of VERTIC's *National Implementation Measures website*. This website brings together a variety of resources relating to national implementation of the Biological Weapons Convention, as well as the major nuclear and chemical weapons treaties and UN Security Council Resolution 1540. Further information on this project was detailed in Working Paper number 3, submitted by the Netherlands and the United Kingdom at the Meeting of Experts this year.

National Implementation Measures website

The practical resources and tools section of this website should be of interest to States which are reviewing the comprehensiveness of their existing measures and considering what additional measures may be required.

This section provides information under seven categories:

1) Legislative assistance

This part provides information and contact details for those organizations which offer or coordinate legislative assistance, information or advice through their own outreach programmes, through networks of experts, including coordinating assistance provided by states, and by other means.

2) National authorities

This part provides information on the possible composition and functions of a national focal point or National Authority for nuclear, chemical and biological weapons treaties

3) State Practice

States may find it helpful to consult the legislative texts and summaries in this section to see how other States have undertaken to meet their national implementation obligations. It should be emphasized that States will need to tailor their own national implementation measures to suit their individual circumstances and to fulfill all of their obligations.

4) Model Laws

States may also find it useful to refer to these model laws and provisions in drafting their own national implementation measures. These models, which are drawn from existing legislation, are intended as drafting aids. States will clearly need to harmonize any new legislation with existing statutory measures in order to fulfill their obligations under the Convention.

5) Export Controls

This part contains information on export control arrangements relating to the transfer of nuclear, biological and chemical material, equipment and related technologies as well as other export control resources.

6) VERTIC's National Implementation Measures Fact Sheets

This part contains fact sheets which VERTIC has developed under this project.

7) Guides, Handbooks and Checklists

This page contains links to a variety of guides, handbooks, checklists and other information materials and websites, which States may find useful in developing and enforcing national measures to meet their obligations under the major nuclear, biological and chemical weapons treaties and related UN Security Council resolutions.

VERTIC welcomes feedback from States and others using this website. We trust that you will find it a useful resource.

Thank you for your attention.