

**Fourth Meeting
Geneva, 10-14 December 2007**

**Meeting of Experts
Geneva, 20-24 August 2007**

Items 5 and 6 of the provisional agenda

**Consideration of ways and means to enhance
national implementation, including enforcement
of national legislation, strengthening of
national institutions and coordination among
national law enforcement institutions**

**INTERNATIONAL AND REGIONAL INITIATIVES TO ENHANCE
NATIONAL IMPLEMENTATION OF THE CONVENTION**

Submitted by the Implementation Support Unit

I. Introduction

1. This background document summarises various existing international and regional initiatives and activities aimed at enhancing national implementation of the Convention. It is not a comprehensive listing, but is intended to give States Parties an indication of the range and scope of existing activity and to provide sources for further information. The organisations concerned, or States Parties which are members or sponsors of them, may wish to give further information or updates during the Meeting of Experts.

II. Association of South East Asian Nations (ASEAN)

2. To date, ASEAN has primarily addressed biological weapons through its counter-terrorism activities. At the Seventh Summit of ASEAN Leaders, on 5 November 2001 in Brunei Darussalam, the organisation adopted the 2001 ASEAN Declaration on Joint Action to Counter Terrorism. In addition to setting the legal framework for further ASEAN activities, a number of specific measures to implement the declaration were also identified. These included reviewing and strengthening national mechanisms, strengthening coordination and cooperation, and regional capacity-building programmes. As a result of this work programme, ASEAN member states established a regional database for disseminating information on respective national laws, regulations, bilateral and multilateral treaties or agreements.

3. The link between ASEAN counter terrorism activities and measures to address biological weapons was explicitly acknowledged by the Joint Declaration on Co-operation to Combat

Terrorism agreed upon by ASEAN and the European Union, following the 14th ASEAN-EU Ministerial Meeting, in Brussels on 27 to 28 January 2003. This declaration asserted that the “illegal movements of nuclear, chemical, biological and other potentially deadly materials, forms part of a complex set of new security challenges, which have to be addressed urgently in all aspects and in all for a”.¹

4. By August 2004, ASEAN Chiefs of Police were also beginning to address biological weapons issues. The Joint Communiqué of the 24th ASEAN Chief of Police Conference, held in Chiang Mai, Thailand, from 16 to 20 August 2004, records an agreement to ‘fast track cooperation’ through the use of ‘a list of contact agencies / persons’². This was followed by a two-day bioterrorism conference, held from 12 to 13 July 2007 in Jakarta, Indonesia. (See also the section on the Pacific Region below.)

III. European Union³

5. On 27 February 2006 the European Union adopted a Joint Action in support of the Convention (EUJA). It is a time-limited project (it runs for eighteen months until September 2007) that requires EU member states to mobilise human and financial resources, know-how, and equipment to attain specific objectives – in this case supporting the BWC. To date, the EUJA has held regional meetings on the BWC⁴ in:

- (i) Southern and East Africa, 21 and 22 June 2006, Nairobi, Kenya;
- (ii) Asia and the Pacific Islands, 8 and 9 November 2006, Bangkok, Thailand;
- (iii) Latin America and the Caribbean, 18 and 19 January 2007, San José, Costa Rica; and
- (iv) West and Central Africa, 17 and 18 April 2007, Dakar, Senegal.

A further meeting is planned for the Middle East Region, which will be held in Amman, Jordan.

6. One of the goals of the EUJA is to assist States Parties with the development of national implementation legislation. Acknowledging that no single approach will be appropriate for all States Parties, the EUJA espouses a list of measures it views as a minimum requirement for national implementation. Measures covered by the EUJA include:

- (i) Penal provisions criminalizing prohibited activities;
- (ii) Transfer controls (both internal and trans-boundary);
- (iii) Law enforcement measures;
- (iv) Customs regulations; and

¹ <http://www.aseansec.org/14030.htm>.

² <http://www.aseansec.org/16326.htm>.

³ <http://www.euja-btwc.eu>.

⁴ Reports from each of the regional meetings are available at <http://www.euja-btwc.eu/node/11>.

- (v) Regulation of permitted uses of biology and biotechnology (such as licensing procedures, transport regulations, bio-safety and bio-security measures).

7. The current focus of this part of the EUJA is on drafting national legislation or regulations. Resources have been made available for up to twelve assistance visits. An international conference was held at the EU Institute for Security Studies in Paris on 25 September 2006. It aimed to promote national implementation and included an open invitation for interested States Parties to request assistance from the EU. Depending on the requirements, this assistance may include:

- (i) Reviewing the comprehensiveness of existing national measures;
- (ii) Identifying possible gaps in existing national measures; and
- (iii) Advising on approaches to implement treaty obligations through national measures.

IV. International Committee of the Red Cross (ICRC)

8. In addition to its activities under the Biotechnology, Weapons and Humanity project (see for example BWC/MSP/2005/MX/INF.1), the ICRC has been addressing legal frameworks for the BWC through its work on International Humanitarian Law (IHL). There is an area of its website dedicated to biological weapons and IHL⁵. The ICRC has an online listing of BWC implementing laws and regulations for 28 States⁶. It has also developed a model law for use with the Convention⁷.

V. Interpol⁸

9. Since 2004, Interpol has had a dedicated Bioterrorism Prevention Program to address the threat posed by biological weapons. This project is designed to enhance the capacity of law enforcement to deal with biological weapons issues. In March 2005, Interpol held its first International Conference on Preventing Bioterrorism in Lyon, France⁹. This meeting emphasised to senior law enforcement officials and experts from a wide range of specialised areas the need for law enforcement to better address the global threat posed by biological weapons. Interpol has also held a series of regional workshops to provide training for law enforcement personnel in: Africa (21-23 November 2005, Cape Town); Asia (27-29 March 2006, Singapore); the Americas (10-12 July 2006, Santiago); the former Soviet Union (6-8 November 2006, Kiev); and the Middle East (19-21 March 2007, Muscat).

10. Capacity-building efforts are now moving towards a train-the-trainer programme for law enforcement which will focus on intelligence collection, response, and working with other sectors (such as prosecutors, customs officials and health personnel). Interpol has also produced training materials and provides technical assistance and support. It has established the

⁵ http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/section_ihl_biological_weapons.

⁶ <http://www.icrc.org/ihl-nat.nsf/WebLAW2!OpenView&Start=1&Count=300&Expand=1#1>.

⁷ <http://www.icrc.org/Web/eng/siteeng0.nsf/html/review-859-p573>.

⁸ <http://www.interpol.int/Public/BioTerrorism/default.asp>.

⁹ <http://www.interpol.int/Public/BioTerrorism/Conferences/Conf01/default.asp>.

Bioterrorism Prevention Resource Centre¹⁰, which includes links to: training materials; online tests and queries; scientific documents; pre-planning guidelines; and response and crisis management information.

11. In September 2006 Interpol launched a Biocriminalization Project¹¹ to close loopholes in the legal framework to ensure the efficiency of national measures to prohibit and prevent the acquisition and use of biological weapons. The project is currently inventorying and analysing national legislative frameworks. This will lead to the identification of those states that have taken sufficient steps to address biological weapons and those in which further efforts may be desirable. This initiative is being carried out in close collaboration with national law enforcement personnel and Interpol has national contact points for bioterrorism issues in all 186 of its member states. To assist states interested in strengthening their national frameworks, the Biocriminalization Project is also developing a best-practice kit for dealing with biological weapons.

VI. Pacific Region

12. An increasingly active community of local experts has led to a number of relevant activities in this region since the end of 2003. Of particular note were the two BWC Regional Workshops (see below). The United Nations (see the 1540 Committee section below), international organisations (see, for example, Interpol) and regional organisations (see, for example, the section on the European Union) have all also been active in this region.

13. More recently, meetings have tended to move away from a regional format (where a few representatives from a large number of states attend an event) towards a more localised approach (where large numbers of representatives from two or a few states participate). This has provided benefits in terms of the number, and type, of representatives from individual states able to attend.

14. There have also been a number of technical biosecurity workshops held in the region, including in Singapore, Malaysia and Tokyo.

First Regional Workshop¹²

15. The Workshop took place at the Asia Pacific Centre for Military Law (Melbourne University) from 21-25 February 2005. It was co-hosted by the Australian Department of Defence and the Indonesian Foreign Ministry. Speakers identified the growing threat posed by biological weapons in the Asia-Pacific region due to the rapid advances in the biological sciences and biotechnology, and the widespread availability of this information and associated material in the region. Workshop participants discussed obligations of States Parties under the BWC, codes of conduct for scientists involved in biological research, different approaches to national implementing legislation, biological defence, and surveillance, detection and combating of infectious diseases.

¹⁰ <http://www.interpol.int/Public/BioTerrorism/links/default.asp>.

¹¹ <http://www.interpol.int/Public/BioTerrorism/bioC/default.asp>.

¹² <http://www.law.unimelb.edu.au/events/bwc/Proceedings1.cfm>.

Second Regional Workshop¹³

16. The Second Biological Weapons Convention Regional Workshop, held in Bali, Indonesia on 6-7 March 2006, was also co-hosted by the Australian Department of Defence and the Indonesian Department of Foreign Affairs. Representatives from Indonesia, Australia, Cambodia, the Lao People's Democratic Republic, Malaysia, New Zealand, Papua New Guinea, the Philippines, Thailand, and Viet Nam participated. The objectives of the Second Workshop were to promote regional awareness of and engagement in the BWC; to discuss the importance of biosecurity; to examine national mechanisms for maintenance of the security and oversight of pathogenic micro-organisms and toxins; to facilitate the establishment of a forum for networking with a view to developing partnerships in enhancing bio-security and bio-safety; and to provide a forum for sharing of information.

VII. United Nations Security Council Resolution 1540 Committee¹⁴

17. In April 2004, the United Nations Security Council adopted Resolution 1540 which decided that all states shall refrain from providing any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical and biological weapons and their means of delivery, and required all states to adopt and enforce appropriate effective laws to this effect. The resolution also required them to establish various types of domestic controls to prevent the proliferation of such weapons. In April 2006 the Committee had its mandate renewed in UNSCR 1673. This expanded the role of the Committee in outreach, dialogue, assistance and cooperation and set it on a path to have closer ties to relevant organizations.

18. The 1540 Committee retains on its website the catalogue of national reports made by Member States on their relevant national implementation measures¹⁵, as well as a legislative database containing the texts of those measures¹⁶. It also maintains details of sources of assistance for the implementation of UNSCR 1540, including those from Member States¹⁷ as well as international organisations¹⁸.

19. To supplement these resources, the 1540 Committee has also held a series of regional seminars, including those in: Asia and the Pacific (12-13 July 2006, Beijing)¹⁹; Africa (9-10 November 2006, Accra)²⁰; Latin America (27-28 November 2006, Lima); and the Caribbean (29-30 May 2007, Kingston).

VIII. Verification Research, Training and Information Centre (VERTIC)

20. In 2002 and 2003, VERTIC carried out a survey of national implementation legislation for the Convention²¹. It gathered the details of legislation from 95 States. The results of the

¹³ <http://www.law.unimelb.edu.au/events/bwc/Proceedings2.cfm>.

¹⁴ <http://disarmament2.un.org/Committee1540/>.

¹⁵ <http://disarmament2.un.org/Committee1540/report.html>.

¹⁶ <http://disarmament2.un.org/Committee1540/legalDB.html>.

¹⁷ <http://disarmament2.un.org/Committee1540/assit-MS.html>.

¹⁸ <http://disarmament2.un.org/Committee1540/assit-ORG.html>.

¹⁹ <http://disarmament.un.org/DDApublications/OP11%2006-64948web.pdf>.

²⁰ <http://disarmament2.un.org/docs/OP12-GhanaSeminar.pdf>.

²¹ <http://www.vertic.org/datasets/bwlegislation.asp>.

survey were presented on the margins of the Meeting of States Parties in 2003 in the report “Time to lay down the law”²². This project is now completed. VERTIC has evolved its work in this area to focus on the national implementation of treaties and norms prohibiting all weapons of mass destruction. This focuses more heavily on the implementation of UNSCR 1540 and has two main elements: development of training materials; and seminars and two regional workshops to raise awareness of implementation obligations and approaches.

21. Training materials produced to date include a guide to national implementation requirements, model national laws and/or legislative provisions, and a list of useful resources to help states find further assistance. VERTIC is currently working on a range of sample approaches based upon current practice and models.

22. To date, the following seminars and workshops have been carried out: Middle East regional workshop (Jordan, 29-30 August 2006); VERTIC and FCO diplomatic seminar (London, 12 June 2006); Gulf States regional workshop (Dubai, 2-3 May 2006); and UN Headquarters seminar (New York, 11 April 2006). A further event is planned for the North African region.

²² <http://www.vertic.org/assets/Time%20to%20lay%20down%20the%20law%20-%20final%20report.PDF>.