

# **Legislative Assessment and Drafting Methodology in support of EU Legislative Assistance Instruments**

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EU Legislative Assistance in BTWC Implementation

Side event to the Biological Weapons Convention Meetings of Experts

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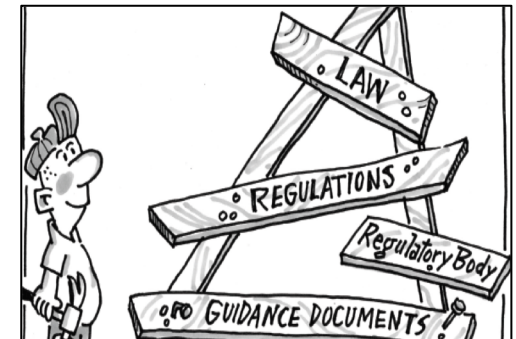
## About VERTIC

- Status: independent, non-profit making charitable organization
- Mission: supports the development, implementation and verification of international agreements as well as initiatives in related areas
- Partners: BWC ISU, UNODA, OSCE, OIE, OPCW, IAEA, the Stimson Center, SCJS, CNS, etc.
- Funding: European Union CBRN Centres of Excellence Initiative, Norwegian Ministry of Foreign Affairs, UK Foreign & Commonwealth Office, US State Department, Global Affairs Canada, James Martin Centre for Nonproliferation Studies, CRDF Global, ...
- Located in London, UK



# VERTIC National Implementation Measures Programme

- The NIM Programme advises States on national implementation of the obligations in international instruments, including the BTWC, CWC, nuclear security instruments, IHR, Codex Alimentarius and UNSCR 1540
- Multilingual team of common and civil law lawyers
- No institutional mandate restrictions: one-stop shopping for States



Credit: Carlton Stoiber

# VERTIC's role in support of EU Legislative Assistance Instruments

- EU CD 2016/51: legislative assistance provider

Objective: adoption of appropriate legislative or administrative measures, including criminal law provisions, which encompass the full scope of the prohibitions and preventive measures provided for in the BTWC and elaborated by the Seventh Review Conference.



- EU CBRN CoE Project 53: legislative key expert

Objective: assessment and revision of the national legislation and best practices in the area of biosafety and biosecurity, and harmonization with appropriate international regulations such as the IHR, BTWC and Codex Alimentarius including the area of regional emergency response with the aim of coming to a "One Health" system.



# Legislative assessment methodology (1/3)

- Prepare/review legislation surveys: comprehensive analysis of a State's existing legislation for the implementation of a given international instrument
- An analysis based on criteria from international instruments such as definitions; prohibitions and penalties; jurisdiction; measures to account for, secure and physically protect biological agents and toxins; competent authorities; emergency preparedness; measures to control transfers of material; measures for legislative enforcement
- Relevant national legislation and regulations reviewed
- Legislation survey overview: summary of the findings and recommendations to address gaps and strengthen implementation

## Legislative assessment methodology (2/3)

- EU CD 2016/51:
  - Focus on BTWC and related provisions of UNSCR 1540
  - BTWC survey template developed by VERTIC
  - BTWC legislation surveys prepared and/or updated by VERTIC experts, shared and discussed with national stakeholders
  - Prepared in official language
  - Confidential
  - Inform legislative drafting

Survey of [State]  
National Implementation Measures for the  
1972 Biological and Toxin Weapons Convention and  
related requirements of UN Security Council Resolution 1540

# Legislative assessment methodology (3/3)

- EU CBRN CoE Project 53:
  - One Health approach: multi-sectoral addressing public health, animal health and food safety hazards
  - IHR and Codex survey templates developed by VERTIC, taking into account WHO, FAO and other relevant material
  - Surveys prepared by national legislative experts and VERTIC experts
  - A report stating national and regional strategies based on the formulated recommendations for legislative improvement will be prepared

# Legislative drafting methodology (1/2)

- Organize and participate in workshops to draft or review draft legislation and regulations
- Participants: VERTIC experts and relevant national stakeholders: lawyers, legal drafters, experts from Ministries of Health, Justice, Foreign Affairs, Defence, Interior, Customs, etc.
- Reference to relevant legislative drafting tools, existing legislation and regulations in the country and the region, and existing legislative bills
- Elaborate national legislative action plans towards finalisation and adoption of legislative bills
- Remote follow-up legislative assistance



# Legislative drafting methodology (2/2)

- EU CD 2016/51: legislative drafting and review



Cameroon, March 2018



Malawi, March 2018



Côte d'Ivoire, Nov 2017



Sierra Leone,  
September 2017

- EU CBRN CoE Project 53: review of draft legislation

# Useful tools and publications

- **Fact sheets** on the BTWC
- **Ratification/Accession** tools for the BTWC
- Comprehensive BTWC **legislative analysis** template and statistics database (not publicly available)
- **Model legislation: VERTIC's *BTWC Sample Act***
- **Online Legislation Drafting Assistant**
- **VERTIC's BTWC Legislation Database**

**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 1972 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 development, production, stockpiling, acquisition or retention of biological weapons in its territory and anywhere under its jurisdiction or control. States Parties have agreed that the prohibition of the use of biological weapons - originating in the TACS Protocol for the Prohibition of the Use of Poisonous or Other Gases, and of Bacteriological Methods of Warfare - also falls under the scope of the BWC.

In addition, Article III requires all States Parties to refrain from transferring biological weapons to non-State entities, including encouraging or inducing anyone to manufacture or acquire them.

**VERTIC**

Thank you for your attention!

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