



# NATIONAL ASSEMBLY

A Presentation By  
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At

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Workshop to Promote Ratification  
and Implementation of the Biological  
Weapons Convention

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## **1. Background**

According to United Nations, biological weapons are complex systems that disseminate disease-causing organisms or toxins to harm or kill humans, animals or plants. They generally consist of two parts – a weaponized agent and a delivery mechanism. Almost any disease-causing organism (such as bacteria, viruses, fungi, prions or rickettsiae) or toxin (poisons derived from animals, plants or microorganisms, or similar substances produced synthetically) can be used in biological weapons. The agents can be transformed from their natural state to make them more suitable for mass production, storage, and dissemination as weapons.

Currently, there is an explosion of terrorism globally, and there are growing concerns among state actors that terrorists could resort to the use of biological weapons to carry out their nefarious acts. The proliferation of the use biological weapons is due to the low cost of production, sparing of property and physical surroundings, ability to inflict large numbers of casualties over a wide area—with minimal logistical requirements. For instance, the World Health Organization estimated that the dispersal of 50 kg of anthrax spores on a population of 500,000 people in optimal weather conditions would disable or kill half of the population<sup>1</sup>. Despite these potential advantages of biological weapons, there are concerns and widespread belief that they are increasingly used by non-state actors for terrorism.

Bioterrorism is the intentional use of a pathogen or biological product to cause harm to human, animal, plant or other living organisms to influence the conduct of government or to intimidate or coerce a civilian

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<sup>1</sup> World Health Organization. Health Aspects of Chemical and Biological Weapons: Report of a WHO Group of Consultants. Geneva, Switzerland: WHO; 1970.

population. Bioterrorism became more prominent with the case of the dispersal of anthrax through the U.S.A postal services after the September 11, 2001 terrorist attack. This action brought to fore series of legislations by governments prohibiting the use of biological weapons.

Hence, due to the potential biological hazards, efforts aimed at mitigating the risks relies heavily on a network approach based on coordination among international, regional, and non-governmental organizations and initiatives.

## **2. International Efforts at Curbing the Use of Biological Weapons (Bioterrorism)**

Highlighted below are the key international anti-bioterrorism interventions.

- ❖ 1925: The Geneva protocol which prohibits the use of biological and chemical weapons in war.
- ❖ 1950s – 1970s: International pressures were mounted to draw up treaties to curb the U.S.A and Soviet Union from continuous production of biological and chemical weapons. Consequently, in 1969, President Richard Nixon of the U.S.A unilaterally renounced the use of biological weapons in war by the U.S.A and also restricted research to immunization and safety efforts.
- ❖ 1972: This period is regarded as a turning point globally in the fight against bioterrorism. A new instrument that supplements the 1925 Geneva Protocol; *the Convention on the Prohibition of the*

*Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, better known as the Biological Weapons Convention (BWC)*, was opened for signature on 10 April 1972 in three different cities around the world (Washington, London and Moscow). The key provisions of the Biological Weapons Convention are:

#### KEY PROVISIONS OF THE BIOLOGICAL WEAPON CONVENTION

**Article I:** Never under any circumstances to acquire or retain biological weapons.

**Article II:** To destroy or divert to peaceful purposes biological weapons and associated resources prior to joining.

**Article III :** Not to transfer, or in any way assist, encourage or induce anyone else to acquire or retain biological weapons.

**Article IV:** To take any national measures necessary to implement the provisions of the BWC domestically.

**Article V:** To consult bilaterally and multilaterally to solve any problems with the implementation of the BWC.

**Article VI:** To request the UN Security Council to investigate alleged breaches of the BWC and to comply with its subsequent decisions.

**Article VII:** To assist States which have been exposed to a danger as a result of a violation of the BWC.

**Article X:** To do all of the above in a way that encourages the peaceful uses of biological science and technology

Source: United Nations Office at Geneva (<http://www.unog.ch>)

- ❖ 1975: The Biological and Toxin Weapons Convention became operational on 26 March, 1975. Since then, many countries have joined the Convention, which currently has 178 countries and six signatory countries. In addition, in 1975, the U.S.A ratified the Biological and Toxin Weapons Convention and the 1925 Geneva protocol.

- ❖ 1992: President Boris Yeltsin of Russia declared the discontinuation of Russia's biological weapon program.
- ❖ 1997: New regulations aimed at limiting access to chemicals and pathogens that could be made into weapons went into effect under the 1996 Anti-terrorism and Effective Death Penalty Act.
- ❖ 2015: The BWC which is now an annual event, marked its 40<sup>th</sup> anniversary on March 30<sup>th</sup> 2015.
- ❖ The Parliamentary for Global Action (PGA) established in 1978 in Washington mobilizes parliamentarians worldwide in promoting universality and implementation of the BWC aiming at coordinating global parliamentary support to ensure a strong, effective and universal PWC.
- ❖ In the African region, efforts made at combating terrorism include:
  - The 1999 OAU Convention on the Prevention and combating of Terrorism;
  - The Dakar Declaration Against Terrorism in 2001;
  - The establishment of the African Centre for the Study and Research on Terrorism (ACSRT) in 2002;
  - The 2002 AU Plan of Action on the Prevention and Combating of Terrorism;
  - The Development of the African Model Law on Counter Terrorism in Malabo 2011.

### **3. Nigeria's Effort at Curbing Bioterrorism**

Following the recent achievements of the Nigerian Military force in subduing the activities of the Boko haram terrorist group, there are growing concerns that the terrorist group may have devised

another means of attacking members of the public through the use of biological weapons. Recently, it was reported that 80 bags of assorted poisoned fish was apprehended in Jigawa State, Nigeria. The intention was to sell the poisoned fish to unsuspected members of the public in the North West region of the country.

Like many African countries, Nigeria is yet to ratify the Geneva protocol of 1925 due to reservations on some provisions of the protocol which inhibit the use of biological weapons during war. However, the Nigerian government is taking appropriate actions aimed at preventing the use of biological weapons in the country.

- ❖ The Federal Government is collaborating with the Economic Community of West African States (ECOWAS) to stop the proliferation of biological and chemical weapons through stricter import controls within the sub-region.
- ❖ In addition, the legislative arm of the government has enacted the **Terrorism Prevention Act of 2011**. Section 1 (2v) of the Act prohibits the manufacture, possession, acquisition, transport, supply or use of nuclear, biological and chemical weapons without lawful authority. In addition, the **Terrorism Prevention Amendment Act of 2013** was enacted to strengthen the Principal Act.
- ❖ Furthermore, two amendment Bills aim at strengthening the Terrorism Prevention Act, 2011 (As amended) are currently under consideration by the National Parliament, and have successfully passed the second reading. The first Bill, sponsored

by Hon. Mohammed T. Monguno, is titled "***A Bill for an Act to Make Provisions for Offences Relating to Terrorism, Prohibit the financing of Terrorism and Consolidate all Acts Relating to Terrorism; and for Related Matters***".

The second Bill, sponsored by Hon. Ahmed Babba Kaita, is titled "***A Bill for an Act to Amend the Terrorism Act 2011 and for Related Matters***". These Bills aim to provide measures for prevention, prohibition, and combating of acts of terrorism, financing of terrorism in Nigeria and for effective implementation of the African Union Convention on the Prevention and combating of Terrorism. It also aims to impose stringent penalties for terrorist offences.

#### **4. Conclusion**

Biological weapons could be used by non-State actors against civilian populations, and the consequences of such actions are potentially catastrophic. With increasing terrorism globally, and the potential rise in the use of biological weapons, it is imperative that speedy actions be taken by international bodies, regional organisations, national governments, and non-governmental organizations to tame bioterrorism. Proper anti-terrorist planning in the defence budget of African countries, better and more realistic trainings for military personnel and most importantly domestication of all legal instruments to prohibit the use of biological weapons in West Africa and Africa.