



PRESENTATION BY HON. KINDNESS PARADZA (MP)
ON
REGIONAL PERSPECTIVES ON PROMOTING UNIVERSALITY AND
IMPLEMENTATION OF THE BIOLOGICAL WEAPONS CONVENTION
(BWC) AND
IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL
RESOLUTION, 1540 (2004): THE CASE OF ZIMBABWE

AT
PARLIAMENTARIANS FOR GLOBAL ACTION CONFERENCE

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INTRODUCTION

Let me begin by noting that the Biological and Toxin Weapons Convention (BTWC) underpins the international regime to control biological weapons. The strength of the treaty, however, relies on national implementation. In that regard, the first step for many states party to the Convention is drafting appropriate national laws and regulations that are in sync with provisions of the Treaty.

A global ban on the development, production, stockpiling and use of such weapons requires universal adherence to the Convention and full compliance by all State

Parties. More recently, in 2004, the United Nations Security Council adopted resolution 1540, which requires all UN Member States to put in place legislation to prevent the illicit trafficking of material that could be used by terrorists to develop weapons of mass destruction. This paper seeks to make brief remarks on Biological Weapons Convention (BWC), UN Resolution 1540 (2004), and dwell in some detail what the government of Zimbabwe has done to comply with the universality of the implementation of BWC and the UN Resolution 1540.

BIOLOGICAL AND TOXIN WEAPONS CONVENTION

The Biological Weapons Convention (BWC), the first multilateral disarmament treaty banning the development, production and stockpiling of an entire category of weapons of mass destruction, was opened for signature on 10 April 1972. The BWC entered into force on 26 March 1975. The Second Review Conference (1986) agreed that the States Parties were to implement a number of confidence-building measures (CBM) in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions and in order to improve international co-operation in the field of peaceful biological activities. The CBMs were expanded by the Third Review Conference (1991). Under these agreements, the States Parties undertook to provide annual reports, using agreed forms, on specific activities related to the BWC including: data on research centres and laboratories; information on vaccine production facilities; information on national biological defence research and development programmes; declaration of past activities in offensive and/or defensive biological research and development programmes; information on outbreaks of infectious diseases and similar occurrences caused by toxins; publication of results and promotion of use of knowledge and contacts; information on legislation, regulations and other measures.

UN SECURITY COUNCIL RESOLUTION 1540 (2004)

The United Nation Security Council Resolution 1540 (2004), acknowledges that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security. The resolution supports the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, and chemical or biological weapons. The resolution further, acknowledges that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes. The resolution also urges State Parties to refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. State Parties, Zimbabwe included, are urged by the resolution, through national instruments, to adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.

IMPLEMENTATION OF BWC AND UN SECURITY COUNCIL 1540 (2004): THE ZIMBABWE CASE

The cornerstone of the international biological weapons (BW) control regime, the 1972 Biological and Toxin Weapons Convention (BTWC), prohibits the development, production, stockpiling, acquisition and retention of BW. Of the 54 states in Africa, Zimbabwe included, 60%, or 32 states, have joined the BTWC.

These states are required by Article IV to adopt appropriate national measures to prevent the range of treaty-prohibited activity specified in Article I throughout their territory. This typically requires the adoption of criminal law that establishes penal sanctions. In practice, states will likely need to have additional legislation and other ancillary measures in place to enable them to fulfill obligations arising from the other articles – and therefore to comply with them – even though the adoption of these measures is not specifically mandated by the treaty.

Zimbabwe does not possess nuclear weapons and neither does it aspire to produce, stockpile or use these biological weapons. The country has suffered the bane of chemical and biological weapons particularly towards the end of the liberation struggle in the mid and late 1970s when the Ian Smith-led Rhodesian regime used both chemical weapons and biological weapons such as anthrax and cholera bacteria against freedom fighters¹. As the war intensified, the Rhodesian Security Forces initiated a CBW (Chemical and Biological Weapons) programme to liquidate guerrillas both inside Rhodesia and in external camps in Zambia and Mozambique. The CBW effort took on the guerrilla threat from three fronts². First, the effort aimed to eliminate guerrillas operating inside Rhodesia through contaminated supplies either provided by contact persons, recovered from hidden caches, or stolen from rural stores³. Then Secondly, the effort worked to contaminate, with cholera bacteria, water supplies along guerrilla infiltration routes into Rhodesia, forcing the guerrillas either to travel through arid regions to carry more water and less ammunition or travel through areas infested with land mines or patrolled by the security forces⁴. The Rhodesians sought to hit the guerrillas in their camps in Mozambique by poisoning

1 Glenn Cross, "Dirty War: Rhodesia and Chemical Biological Warfare, 1975–1980," Solihull, UK: Helion & Company, 2017

2 Ibid

3 Ed Bird. Special Branch War: Slaughter in the Rhodesian Bush Southern Ndebele land, 1976–1980. Solihull, UK: Helion & Company, Ltd. 2014.

4 Jim Parker, "Assignment Selous Scouts: The Inside Story of a Rhodesian Special Branch Officer". Johannesburg, South Africa: Galago Press, 2006

food, beverages, and medicines. The chemicals most used in the Rhodesian program were parathion and thallium, *vibrio cholerae* (causative agent of cholera) and possibly *Bacillus anthracis* (causative agent of anthrax), and *Salmonella typhi* (causative agent of typhoid fever).

It is from this horrific experience that Zimbabwe adheres to international law on armed conflict and honors all international treaties to which it is party and meet all its obligations arising there from. Zimbabwe is committed to the international goals of arms control and disarmament makes its contribution to strengthen international and regional efforts to contain and prevent the proliferation of small arms, mines, conventional armaments and weapons of mass destruction, ban all production and use of biological and chemical weapons and the destruction of all such weapons and their production facilities.

As already mentioned, Zimbabwe does not possess nuclear weapons. It signed and ratified the Biological Weapons Convention in November 1990 and last year submitted a report to the UN Security Council in line with resolution 1540. The country is a state party to the Nuclear Nonproliferation Treaty (NPT) since 1991, and is recognized as a Non-Nuclear Weapon State (NNWS). Zimbabwe has signed but not ratified the Comprehensive Test Ban Treaty (CTBT). It is also a state party to the Biological and Toxin Weapons Convention (BWC) and is a state party to the Chemical Weapons Convention (CWC).

Currently, the regulation and control of the biotechnology is being done by the Biotechnology Authority of Zimbabwe in close liaison with the military and health agencies. Established through National Biotechnology Authority Act, [Chap.14.31] of 2006, its mandate include the following:

- To ensure safe application of biotech in specific priority areas of agriculture, medicine, energy and environment.

- To support the development of biosafety and biotech Research and Development.
- To ensure biosafety and biosecurity in deployment of biotechnology, through adhering with the provisions of National Biotechnology Act (2006), as also guided by the United Nations security council resolution, 1540, (2004).
- To promote public understanding and participation in biosafety and biotechnology and its responsible use

The application of the Act, among other things, is on the following areas:

- all activities aimed at research into and the development, importation, exportation and use of biotechnological processes;
- the import, export, contained use, release or placing on the market of any product of biotechnology that is likely to have adverse effect on human health, the environment, the economy, national security or social norms and values;
- any activity involving biological and molecular engineering technologies such as metabolic engineering, proteomics, metabolomics, nanotechnology, genetic modifications, cloning, DNA-chip technology, bioinformatics and such other technologies as may be declared by the Authority to constitute potentially harmful research or undertakings;
- all measures aimed at minimising the impact of biotechnological processes on national security, human health, animals, plants and the environment

Zimbabwe has registered the following in its compliance with the Biological and Toxin Weapons Convention (BTWC) and the United Nations Security Council Resolution 1540 (2004). First, there is legal biosafety framework and supporting

guidelines are in place. Second, public awareness, education and training is in progress. Third, Zimbabwe passed the Chemical Weapons (Prohibition) Act (Chapter 11:18) to domesticate and to give effect within Zimbabwe to the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction.

The Act in its preamble reaffirms principles and objectives of and obligations assumed under the Geneva Protocol of 1925, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 1972. Section 4 of the Act provides that the Convention shall have the force of law in Zimbabwe. Section 6 of the Act stipulates that any person who (a) develops, produces, acquires, stockpiles, or retains a another person; or (c) uses a chemical weapon; or (d) engages in any military preparations to use a chemical weapon; or (e) in any way assists, encourages or induces any person to engage in any activity prohibited to a State Party under the Convention; shall be guilty of an offence and liable to a fine not exceeding one-hundred thousand dollars or to imprisonment for a period not exceeding ten years .

To comply with the UN Security Council resolution 1540, Zimbabwe has since drafted the Biological and Toxin Weapons Control Bill (2014) which, among other sanctions, seeks to criminalise and prohibit the use of harmful chemicals and toxins in warfare. This Bill is likely to be passed during this session of the 9th Parliament. Other ancillary legislation passed so far in a bid to close all loopholes include the Public Order and Security Act of 2002, which prohibits, among other things, supporting banditry and terrorism, supplying or possessing of dangerous weapons. In addition, Zimbabwe has also enacted the Geneva Conventions Act (1981, 1997, 2001).

CONCLUSION

To conclude, I would like to note that the attraction of bio-weapons in war, and for use in terroristic attacks is attributed to easy access to a wide range of disease-

producing biological agents, to their low production costs, to their non-detection by routine security systems, and to their easy transportation from one place to another. In addition, novel and accessible technologies give rise to proliferation of such weapons that have implications for regional and global security. In counteraction of such threats, and in securing the culture and defence of peace, the need for leadership and example in devising preventive and protective strategies has been emphasized through adherence to the Biological and Toxin Weapons Convention reinforced by confidence - building measures sustained by use of monitoring and verification protocols, is indeed, an important and necessary step in reducing and eliminating the threats of biological warfare and bioterrorism.

Zimbabwe remains steadfast in its support for the principled stance regarding complete destruction of chemical weapons as fundamental and of high priority, in particular the remaining chemical weapons stockpiles. Thus, while acknowledging the progress made so far, Zimbabwe reaffirms the need for the Possessor States to follow through their declared commitments to destroy all their chemical weapons stockpiles within the planned deadlines.

As Zimbabwe moves to enact the Biological and Toxin Weapons Control Bill into a fully-fledged law, funding is require to enable the select Committee of Parliament to undertake countrywide public hearings especially along the border areas which are populated by surviving victims of these heinous crimes committed by the Rhodesian military. We are, therefore, appealing to PGA to assist in this endeavour. I thank you.