



Parliamentarians for Global Action
Parlamentarios para la Acción Global
Action Mondiale des Parlementaires
برلمانيون من أجل التحرك العالمي

Parliamentary Handbook



To Promote International Legislative Frameworks
Addressing the Threats Posed by
Weapons of Mass Destruction

&

Promotion of Bio-Risk Management Best Practices

Purpose

The purpose of this Parliamentary Handbook is to provide readers, inside and outside Parliaments alike, with some insights into the uniquely multi-faceted and consequential contributions that Parliamentarians worldwide can make in addressing the grave threats posed by Weapons of Mass Destruction (WMD) to international peace and security. The danger posed by these weapons, either in the hands of Rogue States or non-State Actors, has never been more real and immediate than it is today. All decision-makers, be they in Governments, Parliaments or elsewhere, that find themselves in a position to mitigate these devastating threats, must do so with a great sense of purpose and an equal sense of urgency.

Parliamentarians have a fundamental role to play in promoting ratification and implementation of international treaties that seek to prevent the usage, manufacture, development and proliferation of WMD. In parallel, and equipped with the same parliamentary prerogative powers of oversight and accountability at their disposal, Parliamentarians are also extraordinarily well-placed, more generally, and in parallel, to make decisive contributions in promoting Biosecurity as well as Biorisk Management Best Practices within their respective Parliaments and countries.



1. What is the Biological and Toxin Weapons Convention?

Page 5 - 9

2. How Can Parliamentarians Promote Universality and Implementation of the Biological and Toxin Weapons Convention?

Page 10 - 12

3. What is United Nations Security Council Resolution 1540 (2004)?

Page 13

4. What is the '1540 Committee'?

Page 14

5. What Types of Measures are Needed for the Implementation of Resolution 1540?

Page 15 - 16

6. What is UN Security Council Resolution 2325 (2016)?

Page 17 - 18

7. What is the Chemical Weapons Convention?

Page 19 - 20

8. How Can Parliamentarians Promote Universality and Implementation of the Chemical Weapons Convention?

Page 21

9. Role of Parliamentarians in Promoting Biorisk Best Management Practices

Page 22 - 23

10. Conclusion

Page 24

What is the Biological and Toxin Weapons Convention?

Opened for signature on 10 April 1972 with entry into force on 26 March 1975, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, also known as the Biological and Toxin Weapons Convention (BTWC) or Biological Weapons Convention (BWC) came about following sustained efforts by the international community to establish a new instrument that would address some of the omissions in the 1925 Geneva Protocol.

It was the first multilateral disarmament treaty banning an entire category of Weapons of Mass Destruction (WMD), as States Parties undertook never to develop, produce, stockpile or otherwise acquire or retain:

- Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
- weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

In recent months and years, and in the wake of the evolution of more sophisticated/complex terrorism threats and actions in particular, a renewed interest in ensuring greater global participation and implementation of the BWC has - in tandem - rapidly emerged.

Regional Africa Parliamentary Workshop to Promote Ratification and Implementation of the Biological and Toxin Weapons Convention (BWC)
April, 2017

At time of publication of this Handbook, 182 States have become States Parties to the BWC with another 15 States worldwide still not having taken the required steps to ratify, or accede to this vital international treaty.

Of particular importance, and without precedent in the context of typical international treaty/convention ratification timeframe trajectories, the BWC, more than 40 years after it was adopted, has been ratified by 10 countries worldwide in just the past 8 years alone. This is ‘proof positive’, a compelling manifestation of the clear and present danger posed by WMD, in the hands of Rogue States, and also the exponentially growing threat of Non State Actors successful acquiring, manufacturing, developing and using such weapons.

In contrast to the Chemical Weapons Convention, the BWC has no verification mechanism to monitor compliance. Negotiations on the creation of such a mechanism have stalled to date. Until such time as agreement on such a verification mechanism may prove possible,



therefore, Parliamentarians, in exercising their unique prerogatives of oversight, accountability and control over the actions of the executive branch of government, have a particularly important role to play in addressing – at least in part – this verification vacuum.

As such, and building on its expertise acquired over years through a strong mobilization

of its members worldwide leading to successful campaigns in favor of treaties such as the Comprehensive Test Ban Treaty (CTBT), the Chemical Weapons Convention, and the Arms Trade Treaty, **PGA launched its**



Global Parliamentary Campaign to Promote Universality and Implementation of the Biological Weapons Convention at its Annual Forum in San Salvador in 2015.

The PGA BWC Campaign is comprised of a number of complementary components:

- Mobilizing PGA Members of Parliament (MPs) and other concerned Parliamentarians worldwide who possess a demonstrated track record of success in promoting signature, ratification and implementation of international treaties to also engage in promoting Universality and Implementation of the BWC.
- Holding of International, Regional and/or National Parliamentary Workshops to foster peer-to-peer dialogue and to provide essential platforms for sharing of respective experiences in promoting Universality and Implementation of the BWC. These Workshops have led to many tangible successful results for the PGA BWC Campaign in Africa, Latin America and the Asia Pacific regions in the past 3 years.
- Extensive, continuous provision of technical/legal advice by experts

in the PGA Secretariat to PGA Member MPs worldwide to better equip them in their advocacy and other lawmaking initiatives in support of Universality and Implementation of the BWC.

- Compilation and circulation to PGA Member MPs worldwide of regular media updates on crucial developments pertaining to the BWC which, in turn, better inform and facilitate these Parliamentarians in initiatives they are taking to promote ratification and/or implementation of the BWC in their respective countries.
- Ongoing liaising and, as appropriate, cooperation with regional organizations, civil society, governments and UN bodies.



How Can Parliamentarians Promote Universality and Implementation of the Biological and Toxin Weapons Convention?

Parliamentarians can promote Universality and Implementation of the BWC in their dual capacity as both advocates and lawmakers. As advocates, they can outreach to colleagues in Parliament as well as to relevant Government Ministries and other relevant agencies/institutions, highlighting the urgent importance of joining the BWC and fully implementing its provisions. Similarly, and in their capacity as lawmakers, it is also often Parliamentarians who have the primary responsibility to ratify initial Governmental decisions to join the BWC, before Instruments of Ratification or Accession can be formally deposited.

Parliamentarians also have the responsibility to introduce draft legislation to implement the BWC – or to act on such legislation, if introduced by the Executive Branch of Government, depending on the specific requirements of respective national constitutive documents. For all of the aforementioned reasons, therefore, the importance of engaging Parliamentarians and at all stages leading up to ratifying and implementing the BWC is self-evident.

Since 2015, PGA has played a decisive role in promoting and achieving ratification of/ accession to the BWC by a number of different States worldwide. Similarly, a number of PGA Members are increasingly actively involved in promoting implementation of the BWC as well as encouraging the submission of Confidence Building Measure (CBM) Reports to the BWC Implementation Unit at the United Nations in Geneva. Although the vast majority of countries worldwide have become States Parties to the BWC, comprehensive, adequate implementing legislation is only in place to date in approximately one quarter of all such States.



More information on PGA's Global Parliamentary Campaign to Promote Universality and Implementation of the BWC may be found here: www.pgaction.org/campaigns/bwc.html

PGA is honored and pleased to support the work of the Implementation Support Unit (ISU) of the Biological Weapons at the United Nations in Geneva, as the primary global organ responsible for promoting Universality and Implementation of the Biological Weapons Convention.



Confidence-Building Measures (CBMs)

In the Final Declaration adopted at the Second Review Conference of the Parties to the BWC held in 1986, States Parties agreed to implement a new format of confidence-building measures to improve international cooperation in the field of peaceful bacteriological (biological) activities.

In the absence of a formal verification mechanism, these CBM Reports have a particular importance than would perhaps otherwise be the case. Several PGA Members worldwide have actively advocated for the submission of the CBM by their respective national authorities, with noteworthy results in some instances.



What is United Nations Security Council Resolution 1540 (2004)?

UN Security Council Resolution 1540 was adopted by the UN Security Council under Chapter VII of the UN Charter in 2004 in response to the growing threat of proliferation of nuclear, chemical and biological weapons and other WMD to non-state actors. UNSCR 1540 (2004), more concretely, as a 'Chapter VII' UN Security Council Resolution, imposes obligations on all UN Member States to take steps to prevent the proliferation of WMD to Non State Actors, including also an important Reporting requirement on steps taken to be undertaken by UN Member States.

Since 2016, PGA has worked with PGA Member Parliamentarians in a number of UN Member States to prepare National Reports to be submitted to the 1540 Committee. PGA's efforts in this regard have also been acknowledged in one such Government Report to the UN 1540 Committee in 2018.

www.un.org/en/ga/search/view_doc.asp?symbol=S/AC.44/2018/5

What is the '1540 Committee'?

The "1540 Committee" was established by UN Security Council Resolution 1540 (2004) to promote and supervise the implementation of the Resolution and to coordinate offers and requests for assistance. More information about the 1540 Committee is available on its website www.un.org/sc/1540. This website also contains all National Reports submitted to date, a legislative database and a service directory.



What Types of Measures are Needed for the Implementation of Resolution 1540?

UNSC Resolution 1540 specifies certain elements that should be addressed by national legislation, including the prohibition of certain activities, transfer, the regulation of related materials and the necessary measures to comply in full with the Resolution. Operative paragraph 8 of UN Security Council Resolution 1540 (2004) specifically calls upon UN Member States to ratify and implement fully WMD Disarmament Treaties, including the Biological Weapons Convention and Chemical Weapons Convention.

PGA actively promotes improved implementation of UNSCR 1540 (2004) among its Global Membership, with specific references contained in Plans of Action adopted at Regional Workshops in 2017 in Africa (Sierra Leone) and Latin America (Chile) and in Tanzania (Dar-es-Salaam) and Guinea Bissau (Bissau) in 2018.

Steps That Parliamentarians can Take to Implement UNSCR 1540 (2004):

- Introduce legislation in Parliament to give full effect to UNSCR 1540 (2004) in domestic law or urge Governments to do so, as appropriate - Such legislation should:
 - Set up effective control mechanisms and publicly certification procedures for dual-use laboratories or other facilities, infrastructures

and industries where chemical, biological and/or nuclear devices could be produced

- Establish effective Governmental agencies and law-enforcement controls with relevant expertise and resources to face the threat posed by WMD in a pro-active and responsive manner
- Criminalize the production, transfer and use of this type of weapons in the framework of war crimes' legislation as well as criminal conduct punishable regardless of the existence of an armed conflict
- Establish effective and secure procedures for the exchange of information with other States and develop and maintain close international cooperation frameworks in order to facilitate it
- Encompass any other measure aimed at complying with relevant international obligations that may not be recognized as "self-executing" into the domestic legal order of your State by your national Agencies, Courts and Tribunals
- Make use of existing model legislation and/or expertise to review the adequacy or otherwise of already enacted legislation and modify, as necessary
- Encourage Governments to submit regular National Reports on Implementation to the UNSCR 1540 Committee and to avail of the expertise offered by the UNSCR 1540 Committee
- Seek regular briefings/consultations from relevant Government Ministries on steps being taken to implement and enforce UNSCR 1540 (2004), including advise from said Ministries on how Parliamentarians can further facilitate implementation and enforcement of UNSCR 1540 (2004)

What is UN Security Council Resolution 2325 (2016)?

UN Security Council Resolution 2325 was adopted in December 2016 to consolidate still further UN Security Council Resolution 1540 (2004).

Of particular relevance in the context of this Parliamentary Handbook, UN Security Council Resolution specifically acknowledges the central role played by Parliamentarians in the implementation of UN Security Council Resolution 1540 (2004).

In its preambular section, United Nations Security Council Resolution 2325 (2016) states:

“Acknowledging that transparency and outreach make an important contribution to enhancing confidence, fostering cooperation and raising the awareness among States, including, as appropriate, in their interaction with relevant international, regional and sub-regional organizations, and also acknowledging the positive role performed by civil society, inter alia industry and academia, could play in the effective implementation of resolution 1540 (2004), including by raising awareness, **and that parliamentarians have a key role in enacting the necessary legislation to implement the obligations of the resolution.**” (emphasis added)

In operational paragraph 29 of the same Resolution, the Security Council:

“Requests the 1540 Committee to continue to organize and participate in outreach events on the implementation of resolution 1540 (2004) at the international, regional, sub-regional, and, as appropriate, national level, including, as appropriate, **inviting parliamentarians**, as well as representatives of civil society, including industry and academia and promote the refinement of these outreach efforts to focus on specific thematic and regional issues related to implementation.” (emphasis added)

In addition, **Paragraph 172 of the Final Comprehensive Report of the UN Security Council 1540 Committee (December 9th, 2016) (‘Section IX Conclusions A. Implementation’)** expressly acknowledges the essential part played by Parliamentarians in enacting necessary legislation to implement UN Security Council Resolution 1540 (2004):

“...The Committee noted the primary responsibility of States in the implementation of resolution 1540 (2004), **and further notes the key role of parliamentarians in enacting the necessary legislation to implement the obligations under the resolution...**” (emphasis added)



What is the Chemical Weapons Convention?

The Chemical Weapons Convention (CWC) is an arms control treaty that outlaws the production, stockpiling, and use of chemical weapons and their precursors. The full name of the treaty is the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and it is administered by the Organization for the Prohibition of Chemical Weapons (OPCW), an intergovernmental organization based in The Hague, The Netherlands.

The treaty entered into force in 1997. The Chemical Weapons Convention prohibits the large-scale use, development, production, stockpiling and transfer of chemical weapons. Very limited production for research, medical, pharmaceutical or protective purposes is still permitted. The main obligation of member states under the convention is to effect this prohibition, as well as the destruction of all current chemical weapons. All destruction activities must take place under OPCW verification.

As of May 2018, 193 States have become parties to the CWC and accept its obligations. Four countries worldwide have not yet become State Party to the CWC. PGA is working with one of these States to facilitate actions which may allow it to join the CWC as a State Party in the near future.

PGA Members recently in Chile, Zimbabwe and South Sudan have been actively involved in promoting implementation of the Chemical Weapons Convention via draft national legislation in their respective Parliaments. Historically, PGA had a Chemical Weapons Convention Project in 1993 which also published several papers regarding preferred elements for the text of the CWC.



How Can Parliamentarians Promote Universality and Implementation of the Chemical Weapons Convention?

As for the BWC, Parliamentarians can promote Universality and Implementation of the CWC in their dual capacity as advocates and lawmakers, in particular invoking the crucial prerogatives of oversight and accountability over the Executive Branch of Government at their disposal. The Organization for the Prohibition of Chemical Weapons (OPAC) has published also a very helpful Check List on Steps Parliamentarians can take to Implement the CWC which may be viewed in full at the end of the following document of the OPCW:

www.opcw.org/sites/default/files/documents/ICA/IPB/parliamentarians-role-cwc.pdf



Role of Parliamentarians in Promoting Biorisk Best Management Practices

In addition to promoting adherence to international legal frameworks that seek to prevent the manufacture, development, stockpiling and usage of WMD, as described heretofore in this Handbok - and in an area which, in contrast, has not seen significant global parliamentary engagement/mobilization to date, PGA is now actively raising awareness among Member Parliamentarians worldwide of the vital contributions they can also play in promoting and improving Biosecurity, in particular Biorisk Best Management Practices, in their respective countries and regions.

Many countries' crucial agricultural crop, plant and livestock sectors/food and water supply chains are increasingly vulnerable to unauthorized access by entities and individuals with a view to deliberately spreading disease – a form of bio-terrorism sometimes called/termed 'agro-terrorism'.

In parallel with the capacity of Parliamentarians to take essential, meaningful steps to promote ratification and implementation of international conventions/treaties that address the threats posed by WMD manufacture, development, stockpiling and usage, Parliamentarians also, therefore, have a concomitant capacity, utilizing the same prerogatives at their disposal, to take steps to greatly

Conclusion

improve Biosecurity within their respective countries. This includes adopting regulations, guidelines and standards already elaborated/adopted by international standard setting organizations such as the World Health Organization.



National or Academic scientific laboratories can often contain dangerous pathogens which, if improperly secured, are similarly vulnerable to unauthorized access by Non State Actors seeking to use such pathogens in the manufacture of Biological Weapons. Here again, Parliamentarians can take the lead in advocating for legislation/regulations which address this challenge.

A Summary of Steps That Parliamentarians Can Take to Promote Biorisk Management Best Practices

- Encourage National Authorities to Prepare Biological Security National Plans/Programs
- Request relevant Government Ministries and Agencies to brief relevant Parliamentary Committees on current steps being undertaken to promote Biological Security
- Identify Gaps in existing Legislation and Regulations designed to promote Biological Security
- Introduce and adopt new Legislation and Regulations designed to promote Biological Security

Parliamentarians are central catalysts and agents of change in promoting international peace and security – nationally, regionally and internationally. This extends also into the sphere of addressing the threats posed by Weapons of Mass Destruction as well as growing threats to Biosecurity. It is hoped that this brief Parliamentary Handbook may go some way in highlighting more clearly the many different paths open to Parliamentarians worldwide to continue to make essential, meaningful contributions in this arena.

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