



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

The Role of Parliamentarians in Addressing the Challenges of COVID-19 through Implementation of Existing International Biosecurity and Biosafety Frameworks

Workshop for Parliamentarians from Malaysia and Indonesia

22 September 2020



The Biological and Toxin Weapons Convention

Adopted in 1972 and Entered into Force in 1975

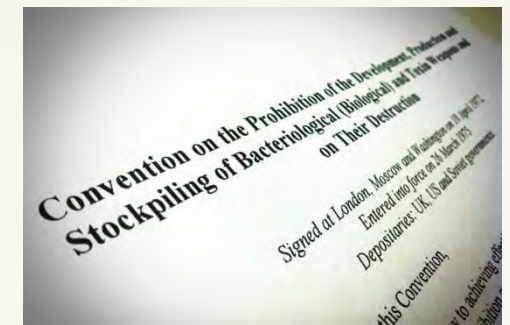
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Text of Biological Weapons Convention

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



United Nations Security Council Resolution 1540 (2004)



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**UNITED NATIONS
SECURITY COUNCIL
RESOLUTION 1540 (2004)**

Chapter VII UN Security Council Resolution - Binding

On 28 April 2004, the United Nations Security Council unanimously adopted [resolution 1540](#) (2004) under Chapter VII of the United Nations Charter which affirms that the proliferation of nuclear, chemical and biological weapons and their means of delivery constitutes a threat to international peace and security.

The resolution obliges States, inter alia, to refrain from supporting by any means non-State actors from developing, acquiring, manufacturing, possessing, transporting, transferring or using nuclear, chemical or biological weapons and their means of delivery.

Resolution 1540 (2004) imposes binding obligations on all States to adopt legislation to prevent the proliferation of nuclear, chemical and biological weapons, and their means of delivery, and establish appropriate domestic controls over related materials to prevent their illicit trafficking.

It also encourages enhanced international cooperation in this regard.

Resolution 1540 (2004) also imposes an obligation on all UN Member States to submit a National Report on Implementation of UNSCR 1540 and encourages States to submit further reports and updates on actions taken.

The resolution affirms support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of weapons of mass destruction and the importance for all States to implement them fully, including the Biological Weapons Convention

**UNITED NATIONS
SECURITY COUNCIL
RESOLUTION 2325 (2016)**

"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."

"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"

Implications of COVID-19 for The Biological Weapons Convention and UN Security Council Resolution 1540 (2004)

- **Malaysia and Indonesia have had to confront the same extraordinary challenges caused by the COVID-19 Pandemic as have so many other countries worldwide · Both the BWC and UNSCR 1540 are international biological security frameworks that seek to prevent usage, manufacture, development and proliferation of biological weapons**
- **While the BWC and UNSCR 1540 were adopted to address, in large measure, deliberate usage of such weapons, proper implementation of both these frameworks can also substantively compliment other efforts, national, regionally and internationally, to prevent natural/accidental disease outbreak**
- **One example - full implementation of the BWC and UNSCR 1540 can result, inter alia, in actions taken to better secure storage and access to laboratory-stored dangerous pathogens – such steps can also simultaneously reduce the likelihood of an accidental release of such pathogens**
- **Another example – certain States seeking to implement the BWC and UNSCR 1540 may receive international assistance to support these efforts – this can also come in the form of Protection Level 3 (P3) or Protection Level 4 (P4) Laboratories donated to facilitate rapid diagnosis in case of sudden infectious disease outbreak. These laboratories are of equal usefulness/importance – whether an outbreak may be deliberate or accidental/natural**

UN Secretary-General's message on the forty-fifth anniversary of the entry into force of the Biological Weapons Convention

26th March 2020

*"Today marks the forty-fifth anniversary of the entry into force of the Biological Weapons Convention, the first multilateral disarmament treaty to ban an entire category of weapons of mass destruction. During the intervening years, the Biological Weapons Convention has made an important contribution towards collective efforts to eliminate such threats. Today, the norm against biological weapons remains strong, and the very idea of using disease as a weapon is viewed with repugnance. However, the international community must remain vigilant. [...] **I therefore call on States parties to urgently update the mechanisms within the Convention for reviewing advances in science and technology and to work together to improve biosecurity and biopreparedness so that all countries are equipped to prevent and respond to the possible use of biological weapons.***

The Convention's Ninth Review Conference in 2021 is an opportunity to address these and other issues and to consider how to adapt this landmark Convention to future challenges. I urge States Parties to think creatively about the future evolution of the Convention and how to uphold its central role in preventing the misuse of biology for hostile purposes. [...] I call upon the 14 governments that have not yet joined the Convention to do so without delay.



UN Secretary-General's remarks to Security Council Open Video-Teleconference on the Maintenance of International Peace and Security: Implications of COVID-19

2nd July 2020

*"The pandemic also highlights the risks of bioterrorist attacks, and has already shown some of the ways in which preparedness might fall short if a disease were to be deliberately manipulated to be more virulent, or intentionally released in multiple places at once. So, as we consider how to improve our response to future disease threats, we should also devote serious attention to preventing the deliberate use of diseases as weapons. **The Biological Weapons Convention codifies a strong and longstanding norm against the abhor***

and now has 183 States Parties.

I urge the 14 States that have not yet joined the Convention to do so without any further delay. We also need to strengthen the Convention, which lacks an oversight institution and contains no verification provisions, by enhancing its role as a forum for the consideration of preventative measures, robust response capacities and effective counter-measures."



Relevant Legislation in Malaysia (1)

- **Prevention and Control of Infectious Diseases Act No. 342, 1988**
 - An Act to amend and consolidate the law relating to the prevention and control of infectious diseases and to provide for other matters connected therewith. Regulates the import and export of pathogenic organisms or substances. A “pathogenic organism or substance” is defined to include any animal, noxious insect, living germ, microbe, bacteria or virus, the culture of any germ, microbe, bacteria or virus or the product of any germ, microbe, bacteria or virus.”
- **Plant Quarantine Act No. 167, 1976**
 - Amends and consolidates the laws relating to the control, prevention and eradication of agricultural pests, noxious plants and plant diseases and to extend co-operation in the control of the movement of pests in international trade and for matters connected therewith.
- **Act No. 154 on Destruction of Disease-Bearing Insects Act, 1975**
 - Provides for the destruction and control of disease-bearing insects and for the medical examination and treatment of persons suffering from insect-borne diseases and for matters connected therewith.
- **Arms Act No. 206, 1960**
 - Criminalizes, among other things, the possession of, or use of arms and ammunition without the relevant licences and permits. The expression “arm” is defined widely and encompasses “any weapons whatever description, designed or adapted or which can be adapted for the discharge of any noxious liquid, gas or other thing.”

Relevant Legislation in Malaysia (2)

- **Corrosive and Explosive Substances and Offensive Weapons Act No. 357, 1958**
 - Provides certain penalties relating to the unlawful possession of corrosive and explosive substances and the carrying of offensive weapons.
- **Penal Code of Malaysia, Section 269 and 270**
 - Section 269 and 270 Criminalizes any unlawful, negligent or malignant act which is likely to spread the infection of any disease dangerous to life.
- **Penal Code of Malaysia, Section 278**
 - Section 278 Criminalizes any act that vitiates the atmosphere in any place so as to make it noxious to the health of persons.
- **Penal Code of Malaysia, Section 302 and 304**
 - Section 302 and 304 Criminalizes murder and culpable homicide.

Relevant Legislation in Malaysia (3)

- **Penal Code of Malaysia, Section 324 and 326**
 - Section 324 and 326 Criminalizes causing grievous harm by dangerous weapons or means, including by means of any substance that is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by any means of any animal.
- **Customs Act, 1967**
 - Regulates the import and export of all goods, including the prohibited materials under the BWC. The Act also enables the prohibition of the import and export of the prohibited materials.
- **Occupational Health and Safety Act, 1994**
 - Provides for the safety of employees and the workplace including employees who handle dangerous substances.
- **Mutual Legal Assistance Act, 2002**
 - Makes provision for mutual assistance in criminal matters between Malaysia and other countries and for matters connected therewith.
- **Biological Weapons Bill**
 - Ongoing work by relevant Government Ministries and Agencies

Relevant legislation for Implementation of the BWC in Indonesia (1)

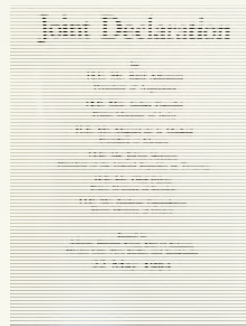
- Penal Code
- Law on the Use of Chemical Materials and the Prohibition of Chemical Materials as Chemical Weapons (No. 9/2008)
- Law on Extradition
- Law on Mutual Legal Assistance in Criminal Matters
- The Law on Customs (no. 10/1995)
- The Law on Animal, Fish and Plant Quarantine (no. 16/1992)
- Regulation No. 15/1977 concerning Exclusion, Prevention, Eradication, and Treatment of Animal Diseases
- Law Concerning Environmental Management (No. 23/1997)
- Government Regulation Regarding the Management of Hazardous and Toxic Waste (No. 19/1994)

Relevant legislation for Implementation of the BWC in Indonesia (2)

- Waste Management Act
- Law on the Outbreak of Disease 1984
- Law No. 15/2002 Concerning Money Laundering Crimes 2002 (as amended by Law No. 25/2003)
- Law No. 1/2002 on Combating Criminal Acts of Terrorism
- Ministry of Industry and Trade Decree 182/MPP/Kep/4/1998
- Law on Quarantine (Air) 1962
- Law on Quarantine (Sea) 1962
- Decree of the Minister of Industry and Trade No. 254/MPP/KEP/7/2000 concerning the Control over the Import and Distribution of Certain Dangerous Materials
- Regulation 13-M-DG on General Provisions in the Export Sector
- Regulation 44/M-DAG/PER/7/2012 concerning Goods Subject to Export Prohibition

PGA and Disarmament

In 1984, PGA was instrumental in organizing the Six-Nation Peace Initiative, led by the Heads of States and Governments of Argentina, Greece, India, Mexico, Sweden and Tanzania. This Initiative has been widely-credited with making an important contribution leading to the adoption of the Comprehensive Test Ban Treaty (CTBT) 12 years later.



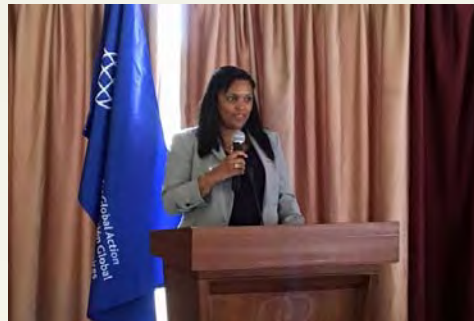
For The Six Nations Initiative, PGA received the first Indira Gandhi Peace Price in 1986. PGA played a role in the genesis of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC) and its Membership made contributions in securing several ratifications of the CWC, facilitating its entry into force.



PGA's Global Parliamentary Campaign to Promote Universality and Implementation of the Biological Weapons Convention and Implementation of UN Security Council Resolution 1540 (2004)



PGA Members Who Have Taken Important Recent Initiatives to Promote Universality and Implementation of the Biological Weapons Convention and Implementation of UN Security Council Resolution 1540 (2004)



Clockwise from top left:

Hon. Beatrice Epaye, Chairperson, Foreign Affairs Committee, National Assembly of Central African Republic

Hon. Jasson Rweikiza MP, Chair of PGA National Group, Parliament of Tanzania

Hon. Alma Jervase Yak, MP, Member of Foreign Affairs Committee, Parliament of South Sudan

Hon. Suzi Barbosa MP, Chair of PGA National Group, Guinea Bissau

PGA Activities in Support of Universality and Implementation of Biological Weapons Convention and Implementation of UN Security Council Resolution 1540 (2004)



Dar es Salaam, Tanzania, Sep. 17-18th, 2018

The Workshop brought together Legislators from 22 African States to discuss and review the Biological & Toxin Weapon Convention and UN Security Council Resolution 1540 (2004) and UNSCR 2325 (2016).



Guinea-Bissau, Oct. 24-25, 2018

Members of Parliament and Government Officials meet for PGA Regional Lusophone Workshop on the Implementation of the Biological and Toxin Weapon Convention & the compliance with UN Security Council Resolution 1540(2004), National Popular Assembly of Bissau, Guinea-Bissau



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THANK YOU

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