

National Implementation of the BTWC
Some Issues and Thoughts

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National Implementation:

The general scene

- **The basic requirements**
 - BTWC Article IV: Orders a State Party to take of all necessary measures to ensure that no violation of Article I can take place within its territory or any territory under its jurisdiction or control anywhere
 - Domesticates international obligations of a State Party to that no legal or natural person can engage in prohibited activities
 - Applies to foreign entities on territory of a State Party as well as to nationals abroad
 - Article III: non-proliferation obligations
 - International technology transfers (prevention of state-run programmes and terrorism with BW)
 - Domestic technology transfers (prevention of illicit activities by non-state actors)
- **Additional areas of activity agreed at Review Conferences**
 - Completion and submission of annual reports under the confidence-building measures (CBMs)
 - Engagement of scientists and professionals in the life sciences to raise awareness among them about BTWC obligations, potential ethical conflicts and the dual-use potential of their work
 - Promotion of education and adoption of ethical and professional codes of conduct
 - Strengthening of capacities and methods for disease surveillance and detection on the national, regional and international levels
 - Voluntary implementation of biorisk management standards
- **UN Security Council Resolution 1540 (2004)**
 - Core BTWC obligations (Articles I—III) in national legislation, irrespective of whether a UN Member is BTWC party or not.
 - No mandatory reporting on progress, which can be a source of frustration as the initial reports may be outdated.

International implementation assistance:

Some observations from the field

- **Proliferation of initiatives to assist states with national implementation of obligations**
 - Many international organisations (including members of the UN family) have bought into implementation assistance
 - Many funding opportunities from states, coalitions of states, or private foundations
 - Most have goals that reach beyond the BTWC (e.g., health security); in some instances the degree of overlap is big
 - Focus is often on human security; BTWC also covers animal and plant pathogens
- **Proliferation of national focal points for receiving international assistance**
 - Different programmes may target different ministries or agencies
 - Each programme may require a national focal point
 - Often no lateral coordination; instances of bureaucratic turf battles have been encountered
- **Transfer of ownership**
 - Activities often undertaken because money is available
 - Key question: how can the process be sustained in the target country after initial funding
 - Role of education and outreach to sustain such processes remains unexplored

National Implementation:

Some future issues and considerations

- **Need for focus on coordination of implementation assistance**
 - Coordination among donors, including among their representatives in the field
 - Avoidance of duplication and overload for the target states
 - Seeking out multiplication effects; mutual reinforcement → e.g. sequencing in time; content coordination
 - Better resource management
 - Coordination within the target country
 - Limit the number of national focal points, or establish a national coordination platform for focal points
 - Is there scope for expanded roles/functionalities for the BTWC ISU database on national implementation?
- **Is it useful to link national implementation to BTWC Article X?**
 - Expansion of national implementation themes to disease surveillance and biorisk management
 - International cooperation & technology transfers for peaceful cooperation?
- **Can certain aspects of Article VII implementation be linked to national implementation?**
 - National preparedness is key to successful implementation of Article VII
 - Certain aspects link up to national implementation areas identified under BTWC



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