

**SYNTHESIS OF CONSIDERATIONS, LESSONS, PERSPECTIVES,
RECOMMENDATIONS, CONCLUSIONS AND PROPOSALS DRAWN FROM THE
PRESENTATIONS, STATEMENTS, WORKING PAPERS AND INTERVENTIONS
ON THE TOPICS UNDER DISCUSSION AT THE MEETING OF EXPERTS**

Agenda Item 5 - Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions

1. When implementing the Convention, States Parties should consider the following fundamental steps, dependent upon their respective national circumstances and legal and constitutional processes, and the need to promote the development of biological science and technology for peaceful purposes:

- (i) Translate the obligations of the Convention into effective national measures;
- (ii) Manage and coordinate the operation of these measures;
- (iii) Enforce the measures;
- (iv) Regularly review the efficacy and efficiency of the measures.

Translating the obligations of the Convention into effective national measures

2. States Parties should adopt the appropriate legislative, administrative and regulatory means to:

- (i) Cover all the prohibitions of the Convention, including the development, production, stockpiling, acquisition, retention, or transfer of agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention;
- (ii) Cover agents and toxins relevant to humans, animals and plants;
- (iii) Criminalize the use of agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention;
- (iv) Regulate transfers of relevant biological agents and toxins and related equipment, domestically and internationally;
- (v) Prohibit assisting, encouraging or inducing others to breach any of the prohibitions of the Convention;
- (vi) Ensure measures are sufficient for prosecuting unauthorised activities;
- (vii) Specify penalties on conviction of breaching the prohibitions of the Convention, and ensure such penalties are commensurate with the associated risks.

3. In addition, depending on their national circumstances and legal and constitutional processes, States Parties should consider how best to ensure that their national measures:

- (i) Cover: possession of an unreasonable quantity or type of agent; possession of an agent with intent to use it as a weapon; the actual use of a biological weapon; and hoaxes;
- (ii) Encompass relevant developments in science and technology, as well as intangible resources and technologies;
- (iii) Regulate activities involving certain agents;
- (iv) Include provision for offences by corporate bodies as well as individuals, and for extraterritorial application;
- (v) Authorize the government of the State Party to halt suspect activity and to interdict activities prior to the actual use of a biological weapon;
- (vi) Include powers of search for obtaining evidence in cases of suspected breaches of the legislation;
- (vii) Protect confidential and sensitive information.

4. When regulating transfers and establishing or updating export / import controls, States Parties should:

- (i) Develop controls on transfers, internal and external to the state, which would ensure a robust and secure chain of custody between approved or authorised people and facilities;
- (ii) Establish flexible and regularly updated lists of relevant agents and toxins, related genetic material, and equipment to be subject to licensing prior to transfer;
- (iii) Cover the re-export, trans-shipment and transit of relevant resources;
- (iv) Establish or maintain procedures for obtaining licenses, from the relevant government agencies, to transfer relevant resources;
- (v) Require exporters (if authorised) to provide appropriate end-use certification for each transfer;
- (vi) Regulate the safety and security of transport of transferred material, whether it be by rail, road, air, waterway or by sea;
- (vii) Ensure transferred material arrives only at the intended destination, perhaps through requirements, or a notification system, to document receipt;
- (viii) Ensure incidents of non-compliance are reported.

5. In addition, depending on their national circumstances and legal and constitutional processes, States Parties could consider ensuring that their regulations on transfers:

- (i) Address intangible resources and technologies, perhaps by maintaining records of electronic transfers;
- (ii) Identify national (and international, where appropriate) facilities involved in relevant transfers, imports and exports, perhaps through registration;
- (iii) Ensure all persons transferring items to another seek a licence where they suspect or have been informed by government that the item concerned could be used in contravention of the Convention, including through "catch-all" clauses;
- (iv) Are developed and maintained through a partnership with industry and academia to ensure the clarity and continued relevance of transfer and import / export regimes, perhaps including the development of best-practices;
- (v) Incorporate well-established risk management approaches as fully as possible;
- (vi) Handle information derived from the regulation of transfers and import / export controls, perhaps including data repositories of critical buyers and users to monitor for suspect procurement activities.

6. States Parties should inform the Implementation Support Unit of their national measures, and provide copies of legislation, regulations, etc, where possible.

Managing and coordinating the operation of national measures

7. When developing a domestic mechanism to implement the obligations of the Convention, States Parties should consider how best to:

- (i) Enhance coordination and cooperation between domestic agencies, harmonising and reinforcing national arrangements and preventing duplication or loopholes, perhaps through a central authority or lead organisation;
- (ii) Promote cooperation and coordination between traditional security agencies and other relevant agencies (such as health and agriculture) to take advantage of existing technical and administrative expertise and practices;
- (iii) Clearly detail the division of responsibilities and outline a framework for effective coordination, possibly through the creation and deployment of a national BWC implementation plan or strategy;
- (iv) Apply well established or standardised risk management approaches, including intention assessments, capability assessments, vulnerability assessments and an assessment of consequences;
- (v) Oversee relevant scientific and technological activities, possibly through the creation of national standards, surveillance of biological experiments,

determining administrative responsibilities for conducting such work, or national bioethics committees;

- (vi) Ensure whole-of-state uniformity and integration of implementation and enforcement (particularly important for federated states);
- (vii) Improve dialogue and communication between national authorities (or their functional equivalents) and all relevant domestic stakeholders, such as science and industry;
- (viii) Make use of resources and expertise available from international organizations and activities, including the BWC meetings of experts and the Implementation Support Unit.
- (ix) Stimulate the development of national human resources in peaceful biological work;
- (x) In collaboration with the relevant stakeholders, develop best practices and engender an atmosphere of self-governance to ensure coverage of unforeseen developments which might temporarily fall outside of formal regulations or guidelines.

Enforcing national measures

8. To ensure effective enforcement of their legislative and regulatory measures, States Parties should:

- (i) Build capacity to collect evidence, identify suspect personnel and facilities, develop early-warning systems and coordinate between relevant agencies (such as police, prosecution, health and security fields);
- (ii) Verify compliance with the relevant national measures, possibly including an national inspection system;
- (iii) Develop and adopt best practices for relevant law-enforcement activities and customs controls, and for educating and training law-enforcement personnel in relevant areas;
- (iv) Strengthen networks between relevant institutions, and create protocols for activities involving both health and law enforcement agencies, such as investigations;
- (v) Ensure enforcement agencies receive the necessary scientific and technological support to deal with highly technical issues;
- (vi) Take advantage of resources offered by international organisations, such as Interpol;
- (vii) Integrate measures to deal with biological weapons into national disaster and/or counter-terrorism plans;
- (viii) Ensure there are no gaps in how prohibitions are enforced.

Reviewing the efficacy and efficiency of national measures

9. As implementing the Convention is a continuing process, States Parties should regularly review the efficacy and efficiency of their national measures, including by:
- (i) Ensuring a national contact point has been designated and a lead agency has been identified;
 - (ii) Reviewing national legislative, regulatory and administrative means and complementary measures used to implement the Convention, including their continued relevance in light of scientific and technological developments;
 - (iii) Ensuring the national framework minimises the possibility of biology being used for purposes prohibited by the Convention, while promoting the uses of biological science and technology for peaceful purposes, in accordance with Article X of the Convention;
 - (iv) Updating lists of agents and equipment relevant to safety, security and transfer regimes;
 - (v) Implementing additional measures as required;
 - (vi) Informing the Implementation Support Unit of any changes or updates.

Agenda Item 6 - Regional and sub-regional cooperation on implementation of the Convention

10. Regional and sub-regional cooperation can complement and reinforce national measures, which remain the obligation of States Parties. In this context, States Parties should:
- (i) Address the full range of issues pertinent to implementing the Convention, including: criminalizing prohibited activities; disease surveillance, detection, diagnosis, and containment of infectious diseases; education, outreach and awareness raising; relevant developments in science and technology; the regulation of transfers and export / import controls; the safety and security of biological materials; and the submission of confidence-building measures;
 - (ii) Develop a common understanding on a mechanism to harmonize the implementation of the Convention through increased international cooperation and exchanges between national authorities (or their functional equivalents) for sharing successful experiences, offsetting national weaknesses and promoting mutual trust;
 - (iii) Build upon shared languages, legal and cultural traditions, as well as similar biotechnological status and histories of cooperation, to develop common approaches to implementing the Convention, possibly through exploratory or consultative visits;

- (iv) Ensure that national measures provide similar degrees of protection and security in all States Parties and contribute to the peaceful development of the biological sciences, especially among neighbouring States Parties;
 - (v) Ensure implementation of the Convention is placed on the agendas of regional meetings and activities, including ministerial and high-level regional consultations;
 - (vi) Coordinate regional activities, including national workshops, national conferences, regional security meetings, and "specific issue" regional meetings as well as activities at the expert level;
 - (vii) Develop regional and sub-regional risk management approaches, tailored to the specific needs of the region;
 - (viii) Engage with, and ensure effective communication between, regional resources not usually involved with security or counter-proliferation activities (such as those concerned with public health) which may have relevant expertise or technical knowledge;
 - (ix) Where possible, provide technical assistance to States Parties requesting it, including: financial support; joint projects, research and development programmes; workshops and seminars; exchanges of scientists; electronic information networks; exhibitions; trade activities; capacity building; and sharing expertise;
 - (x) Offer sustained technical support to assist in the enactment of national implementation measures, the adoption of administrative measures, and capacity-building in areas such as customs controls.
 - (xi) Keep the Implementation Support Unit informed of regional and sub-regional activities, and make use of the Unit and relevant regional organizations to help coordinate and harmonize such activities.
-