

# ***THE NAIROBI ANNOUNCEMENT***

## **CONSENSUS STATEMENT OF THE AFRICA BIOSECURITY PROJECT**

This statement reflects the summary consensus of the participants of the Africa Biosecurity Project (ABP) attending the Nairobi workshop, 23 – 25 July, 2007.

The participants recall that most African States are parties to the Biological Weapons Convention (BWC), the Chemical Weapons Convention (CWC), and the OAU Convention on the Prohibition and Combating of Terrorism. The participants further recall that all African States, like all States everywhere, have profound obligations pursuant to United Nations Security Council Resolution 1540 to prevent proliferation of weapons of mass destruction to non-State actors. Each of these international instruments expounds powerful international norms against the intentional infliction of catastrophic harm in violation of international law, whether by States, terrorists, or criminals. Moreover, each of these international instruments calls upon States Parties to take affirmative steps to implement extensive legal measures to make them effective.

The participants gratefully acknowledge the important support of the Carnegie Corporation of New York and its support for the four-region study of national legislation for preventing bioviolence. In the sub-Saharan African region, nine national legal systems were studied and reports prepared. It is for the purpose of summarizing the conclusions of that study and considering future initiatives that this workshop was convened.

The participants acknowledge the groundwork achieved at the Uganda workshop in 2005 which produced the *Kampala Compact*.<sup>\*</sup> The participants further acknowledge that the current study is the first of its kind to draw attention to these specific issues of bioviolence prevention. Moreover, participation in this study of national legislation has:

1. Enriched the participants' understanding of issues related to bioviolence and national legislation for preventing biothreats;
2. Generated a technical working group of experts in Africa that can be a useful resource in this issue arena; and
3. Initiated outreach efforts to wide networks of institutions and leaders.

The participants unanimously concur that bioviolence threatens pressing dangers to public health, environmental protection, and sustainable development for current and future generations.

The participants recognize that national legislation concerning biosecurity is a critical component of achieving security from bioviolence threats. Moreover, national legislation is critical for criminalizing wrongful activity related to bioviolence and for enabling law enforcers to interdict bioviolence. Finally, national legislation is mandatory for attaching appropriate and effective penalties to violation of international norms and obligations.

The participants realize that there is considerable national legislation and there are many research institutes that have relevant expertise, yet there are real structural impediments to legislative progress and there is insufficient policy appreciation of the strategic importance of biosecurity and the need for comprehensive legislation. The culmination is national legislation

that is, by and large, inadequate for prevention and interdiction of bioviolence. This is especially a problem in view of the pervasive void of international strategies for preventing bioviolence.

The participants considered the following six action items:

1. Dissemination of ideas, interaction with AU, regional orgs., & trans-national institutions
  - a. Produce:
    - i. a formal document for publication and distribution that summarizes the national reports (1 September, 2007);
    - ii. Make full reports available electronically
    - iii. Contact FES, KAS, Pew Trust, others to solicit interest for publishing reports in full
  - b. Identify ongoing conferences, workshops etc. where these ideas & research might be disseminated
  - c. Outreach/engagement to civil society, the private sector, and research institutes & NGOs, including:
    - i. NEPAD
    - ii. ICRC – Addis office
    - iii. ADB
    - iv. International Conference of The Great Lakes Region, Burundi
    - v. UNDP & UNEP & FAO & WHO
    - vi. ICSU Africa (Pretoria)
    - vii. Family Health International
    - viii. Third World Network
    - ix. Regional organizations for environmental protection
  - d. Explore potential of a dedicated website
  - e. Compile network of experts with contact information
2. Continuation of legislation study –
  - a. Analysis of how laws are implemented and enforced, including licensing of and physical security at biolaboratories
  - b. Compare and synthesize biosafety legislation; identify lessons for biosecurity
  - c. Study methods for strengthening police, penal measures
  - d. Develop a *Model Law on Biosecurity* with particular focus on identifying how that law might be implemented in major legal systems throughout Africa
3. Conduct a census of biocapabilities in Africa, including the location and quantity of pathogens, sophisticated biolaboratories, and equipment that might be critically used to prepare bioweapons; develop a system to gather/analyze information about trans-national movement of pathogens, equipment, and research. *Contact organizations listed in 1.C.*
4. New Study:

- a. Identify legal criteria and mechanisms for determining State compliance with biosecurity standards and norms as defined by international organizations
  - b. Analyze methods to correlate demonstration of compliance with benefits to developing States such as access to science investment
5. Lessons learned from CWC national implementation\*\*
  - a. This group recommends that the OPCW dialogue with the ABP about engaging the AU concerning this study
6. Regional Workshop to consider an initiative for a regional biosecurity *compact*