Chemical and Biological Threats: The Relevance of a Universal Criminalization Convention to 1540 Implementation

Catherine A. Jefferson
Harvard Sussex Program
Harvard Sussex Draft Convention

- Harvard Sussex Program proposal for a new international treaty criminalizing chemical and biological weapons:

  Draft Convention on the Prevention and Punishment of the Crime of Developing, Producing, Acquiring, Stockpiling, Retaining, Transferring or Using Biological or Chemical Weapons
Relevance to 1540

1. National implementation of appropriate and effective laws – HSDC would support this goal and create a more comprehensive and unified legislative system.

2. HSDC sets out provisions pertaining to jurisdiction according to principles of territoriality, nationality, protection, and passive personality and, in cases involving actual use of CBW, universality.
Relevance to 1540

3. HSDC contains provisions dealing with matters of extradition and protection of the accused.

4. HSDC applies to all individuals including those acting in an “official capacity, under the orders of a superior, or otherwise in accordance with internal law.”
Adoption of the HSDC would thus assist Member States in implementing aspects of their legal obligations pertaining to 1540. International criminalization would also strengthen the regime against CBW by placing a new dimension of constraint on their development and use.