Eighth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

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English only

Preparatory Committee
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Item 7 of the agenda
Comprehensive consideration of all provisions of the Convention

Strengthening confidence-building measures in regard to dual use materials

Submitted by Germany

Introduction

1. In the intersessional period between 2012 and 2015, the dual use aspect of hazardous biological materials was one of the key items of discussions with respect to developments in life sciences and technologies, export control, awareness raising and education. More than 25 working papers were submitted by States Parties from all regional groups addressing all aspects of dual use risks. Against the backdrop of the rapid development of life sciences and technologies, major concerns were expressed with regard to risks linked to synthetic biology, synthetic genomics, dual use research of concerns and other dual use developments, which are primarily based on the use of chemically synthesised genetic sequences.

2. Since the CBMs' establishment in 1986/87, the annual number of States Parties submitting CBMs has not exceeded 75 (in 2016). Although recent years suggest a more optimistic outlook, the fact that CBMs are submitted annually by less than 40 per cent of the States Parties indicates the necessity to collectively adjust the structure and substance of the CBMs to ensure increased commitment by all States Parties and therefore an increase in overall transparency and confidence.

3. Progress was achieved at the Seventh Review Conference adopting technical adjustments and the deletion of Part D (Formerly "active promotion of contacts", which is now to be found in general form in the preface). Certain modalities agreed upon still require further clarification and extension to ensure that the CBMs' value can be sustained, however. To this end, Germany suggests the amendments and extensions set forth in this working paper and stands ready to constructively discuss any other proposals by States Parties prior to and during the upcoming Eighth Review Conference in November.

4. Building upon the previously submitted working paper by Norway, Switzerland and Germany (BWC/CONF.VII/WP.9) outlining a "synopsis of all proposals" for revising the

CBMs, this working paper contains a selection of updated adjustments that shall inject fresh impetus into consensus among the collective of States Parties. In this regard, Germany would like to stress that it sees the implementation of the Convention's provisions (including the submission of CBMs) as a national responsibility. However, as stated in BWC/CONF.VII/WP.14, confidence-building and addressing compliance represent two distinct approaches. CBMs for their part serve as means to contribute to the former.

In detail

5. Aspects of national legal implementation of objectives contained in Articles I, III and IV of the BTWC are addressed in Form E of the CBMs. With regard to controls of transfer, Form E refers to microorganisms and toxins. When Form E was agreed upon in 1991, micro-organisms were understood as naturally occurring materials. Today, however, it is genetically modified organisms and synthesised genetic sequences which create major additional dual-use risks. Consequently, we see a need to adjust Form E to correspond to today's scientific developments and capabilities.

6. The discussion of science and technology during the intersessional process has demonstrated that States Parties are highly aware of the additional risks originating from developments in the field of genetic engineering of microorganisms and the resulting availability of synthetic DNA. These risks are frequently being addressed in awareness-raising and education programmes. The Australia Group, an export control regime aiming to counter the spread of technologies and materials used for chemical and biological weapons through coordinated export controls, already reflects dual use risks from genetically modified hazardous organisms and specific genetic elements from hazardous organisms (synthesized or cut out from natural DNA).

7. Consequently, Germany suggests amending CBM Form E to include information on the export control of genetically modified organisms and specific genetic elements linked to export controlled microorganisms and toxins. Germany will submit a proposal to the Eighth Review Conference to amend Form E by section (e) as below in bold.

Form E

Declaration of legislation, regulations and other measures

Relating to	*Legislation*	*Regulations*	*Other measures*	*Amended since last year*
(a) Development, production stockpiling, acquisition or retention of microbial or other biological agents, or toxins, weapons, equipment and means of delivery specified in Article I	Yes/No	Yes/No	Yes/No	
(b) Exports of micro-organisms and toxins	Yes/No	Yes/No	Yes/No	
(c) Imports of micro-organisms3 and toxins	Yes/No	Yes/No	Yes/No	
(d) Biosafety and biosecurity	Yes/No	Yes/No	Yes/No	

Relating to	*Legislation*	*Regulations*	*Other measures*	*Amended since last year*
(e) Exports of genetic elements or genetically modified organisms that contain nucleic acid sequences associated with the pathogenicity of any of the microorganisms addressed under (b) or coding for any of the toxins addressed under (b), or for their sub-units	**Yes/No**	**Yes/No**	**Yes/No**	