

Fourth Meeting

Geneva, 10-14 December 2007

Item 6 of the provisional agenda

**Consideration of ways and means
to enhance national implementation,
including enforcement of national legislation,
strengthening of national institutions and
coordination among national law enforcement institutions**

THE BTWC AND BIOINCIDENT AND BIOCRIME DATABASES

Submitted by Germany

1. In the margins of the Meeting of Experts 2007 and in one of its plenary sessions, two presentations by international organisations addressed the issue of planned databases dealing with bioincidents and biocrimes respectively. According to these presentations, both database concepts rely on the collection and storage of any information linked to illegal and alleged illegal biological activities, including hoaxes, as well as other unusual biological occurrences, including accidental and unusual outbreaks of diseases. Such data shall be provided by States and taken from public domain sources.
2. The planned databases are part of programmes for combating terrorism, especially bio-terrorism. Both organisations expect that the planned databases will help create an overview of the numbers and kinds of threats/risks linked to biological materials as well as terrorist activities. Given the several thousand hoaxes recorded worldwide after the US Anthrax crime in 2001 as well as the increasing number of natural outbreaks and spread of diseases, the ways and methods how reported incidents or crimes will be qualified as a real bioweapon threat or a real terrorist activity, and upon whose verdict, are crucial..
3. Reporting such data to international organisations may serve the requirement to produce an overview on worldwide alleged risks, threats and other activities. However, the question remains legitimate whether such a data collection, without assessing reported events as real bioweapon threats, serves the purposes of or even strengthens the BTWC.
4. The BTWC is no anti-terrorism convention. It is a treaty that prohibits and prevents the misuse of biosciences for weapons purposes. There is no doubt that the full national implementation of BTWC obligations and adequate penal and administrative enforcement prevent illegal access to biological materials for developing a bioweapon. However, national

implementation is an obligation based on the text of the Convention and not on external data of presumed risks and threats. On the contrary, any collection of data that neglects to qualify a reported event as a real threat creates - by the sheer number of hoaxes, natural and accidental outbreaks of diseases - the impression that the BTWC and its national implementation do not work. However, hoaxes and outbreaks of diseases are not a problem of the BTWC. For this reason, States should refrain from mixing up unverified bioincident and biocrime data with the BTWC and national implementation activities.

5. Despite the still unsatisfactory situation with regard to national implementation of the BTWC, the Convention has demonstrated its full validity in the past decades. Since the date the Convention came into force, the number of real bioweapon incidents and biocrimes has been extremely low. Also, the tremendous progress in biosciences since then has not harmed the BTWC. No recent developments in science and technology sidestepped the BTWC obligations. This does not mean that States should not be continually vigilant and follow new developments in science as well as real bioincidents closely. Nonetheless, from the BTWC perspective it must be very clear that maintaining and strengthening the validity of the Convention must be a process driven by the risks related to progress in biosciences as well as real, i.e. verified, threats and crimes. However, any linkage to unvalidated databases is deemed to be counterproductive and may do harm instead of strengthening the Convention.
