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**Participation in the interactive discussion Practical Contributions that Civil Society can make to National Implementation and Regional Cooperation
December 10, 2007, Geneva**

Thank you Mr. Chairman. Let me say at the outset that INES is very grateful to you for the opportunity to take part in this interactive discussion.

In considering the Practical Contributions that Civil Society can make to National Implementation and Regional Cooperation, INES, as an international NGO of engineers and scientists, is particularly concerned about the possibility that developments in science and technology might be misused for malign purposes, and also that inadvertent creation of dangerous biological agents that might act as incentive for malign misuse.

We consider that several areas of national implementation have to be addressed to fulfil the obligations set out in Article IV. These include enactment of penal legislation designed to prohibit the activities specified in Article I, and also to implement additional understandings agreed at BTWC review conferences.

Article I with the General Purpose Criterion is one of the great strengths of the Convention, in effect embracing all developments in the life sciences, both present and in the future, to ensure that they are covered by the Convention. It is therefore essential that these provisions be implemented into penal legislation that includes enforcement capabilities, using the language of Article I. This legislation should be formulated so as to cover the activities of non-state actors as well as states.

However, even if legislation to implement Article I is in place, this does not obviate the need for thorough and timely review and assessment of new developments in science and technology, because under Article IV states parties to the BTWC have an obligation to take all “necessary measures” not only to “prohibit” but also to “prevent” the malign misuse of biological materials.

In this regard, an area of implementation that we feel needs to be addressed is the regulation of legitimate uses of science and technology. We are convinced that one of the most effective ways to do this would be through licensing of work. Such licensing can not only help ensure that the work is carried out only for peaceful purposes, but it can also raise awareness of potential risks and aid in monitoring compliance.

It is, however, most important that licensing include not only those facilities in which the work is being conducted, but also the work itself and the principal investigators that are responsible for conducting the projects.

INES would like to offer a practical suggestion how to do such licensing through the integration of provisions governing the peaceful use of science and technology into existing regulatory agencies.

Several states already regulate and enforce biosafety and biosecurity measures through national health or health and safety agencies. Within these regulatory systems, some states also issue permits (licenses) to allow specific work to be carried out in the areas of genetic engineering and work with pathogenic microorganisms.

We would like to suggest that the awarding of a permit or a license to principal investigators should be contingent upon the principal investigators having received instruction about the content of the BTWC and the obligations of the scientist under this treaty. These investigators should also have received instruction about dual-use aspects of science and technology research, as well as how to carry out risk assessment analysis directed at the dual use character of the work. These principal investigators should then be charged with communicating these concepts to other individuals involved in the research project.

INES is convinced that such instruction is necessary and that it would take little effort to integrate it into existing licensing processes.

Scientists working in relevant areas are generally acutely aware of biosafety aspects, but as has been determined in several recent assessments, the vast majority is unaware of the provisions of the BTWC, their obligations under the convention, and the possible dual-use aspects of their work.

Ideally, such instruction should be part of the mandatory curricula for life sciences students at universities. States Parties to the BTWC should feel the obligation to raise awareness of educational authorities for this need, for example by conducting seminars to this effect for the relevant authorities. Education is often exclusively in the hands of the different authorities within a country, but the federal government could offer incentives to these authorities for instituting such instruction in the curricula at their universities. And one effective incentive would be to make such instruction a mandatory prerequisite for obtaining a permit (license) to carry out work in the life sciences.

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