

Ninth 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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Item 12 of the agenda

Follow-up to the recommendations and decisions of the Eighth Review Conference and the question of future review of the Convention

Promoting International Cooperation on Peaceful Uses under the Framework of the Biological Weapons Convention

Submitted by China

1. The States Parties to the Convention undertake to facilitate, and have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes, and to promote international cooperation in the development and application of scientific findings in the field of bacteriology (biology) for peaceful purposes. China advocates pursuing development and security in a well-coordinated way. While preventing bacteriological (biological) agents and toxins from being used as weapons, efforts should also be made to facilitate the peaceful uses of bio-science and technology, so as to achieve the objective and purpose of the Convention, reinforce the mechanism of the Convention, as well as improve global biosafety and biosecurity governance.

2. China put forward the proposal to establish a non-proliferation export control regime under the framework of the Convention at the 2015 Meeting of States Parties and submitted the working paper on the establishment of a Non-proliferation Export Control and International Cooperation Regime at the Eighth Review Conference in 2016. States Parties are advised to discuss relevant issues and to fully tap the resources of existing international regimes and organizations. Since then, China has conducted wide-ranging and in-depth dialogues with States Parties on the establishment of a Non-proliferation Export Control and International Cooperation Regime, and fully adopted constructive inputs of other States Parties, especially those from developing countries.

3. In 2021, the 76th session of the United Nations General Assembly (UNGA) adopted the Resolution entitled Promoting International Cooperation on Peaceful Uses in the Context of International Security (A/RES/76/234), which underlined the importance of promoting international cooperation on peaceful uses in the context of international security and urged States Parties to take concrete measures to facilitate international cooperation on materials, equipment and technology for peaceful purposes without prejudice to their international obligations of non-proliferation. In November 2022, the First Committee (Disarmament and International Security) of the 77th session of the UNGA, for the second consecutive year, adopted the resolution of the same title submitted by China and co-sponsored by other 22 UN Member States.

4. China encourages the international community to actively implement the UNGA Resolution and to: (1) initiate an open and inclusive dialogue process within the framework of the UNGA and the Convention; (2) strike a balance between non-proliferation and peaceful uses; (3) ensure developing countries' right to the peaceful use in various fields, *inter alia*, the bio-science and technology; (4) achieve the objective and purpose of the



Convention; and (5) continuously promote the peaceful uses and universal sharing of bio-science and technology.

5. It is of great significance to discuss, establish and improve non-proliferation export control and international cooperation regime under the framework of the Convention for maintaining global security and promoting the development of bio-science and technology.

6. The report of the UN Security Council 1540 Committee states that export controls and related material protection in the biological area are the least reported.¹ The Sixth, Seventh and Eighth Review Conferences call “for appropriate measures, including effective national export controls, by all States Parties to implement this Article (Article III), in order to ensure that direct and indirect transfers relevant to the Convention, to any recipient whatsoever, are authorized only when the intended use is for purposes not prohibited under the Convention.”² Report of the 2015 Meeting of States Parties states that “to further reinforce efforts to enhance national implementation and sharing of best practice and experiences, States Parties agreed on the value of: (iv) export controls on sensitive materials.”³ The Report of the 2020 Meeting of Experts indicates “the importance of establishing a structured, comprehensive export control for equal implementation of all Articles under the Convention” and reiterates “the suggestion of multilaterally negotiated guidelines to address the objective of non-proliferation through export controls, to preserve integrity and balance within the Convention.”⁴

7. The realization of non-proliferation goal should not impede peaceful uses of bio-technology and related international cooperation among States Parties. Article X, as one of the key article of the Convention highlighting international cooperation, plays an important role in enhancing the universality of the Convention. The Second, Third, Fourth, Sixth, Seventh and Eighth Review Conferences state that States Parties “should not use the provisions of this Article (Article III) to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, equipment and materials under Article X.”⁵ The Sixth, Seventh and Eighth Review Conferences urge “all States Parties possessing advanced bio-technology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, particularly with countries less advanced in this field.”⁶

8. Regrettably, discussions on making relevant rules and institutional arrangements of the Convention have been for a long time on stagnation, thus a unified rule as well as an implementation mechanism embodying the equality of rights and obligations, universally abode by States Parties, is yet to be established. Some countries adopt discriminatory practices and impose restrictions on legitimate transfers of bio technologies and items. It has been a standing concern of developing countries. The Non-Aligned Movement (NAM) has voiced strong concerns over undue restrictions on peaceful uses in each and every outcome document of its summit since its 1998 summit in Durban. The final document of the 2019 NAM Summit in Baku states that “undue restrictions on exports to developing countries of material, equipment and technology, for peaceful purposes persist...Non-proliferation control arrangements should be transparent and open to participation by all States, and should ensure that they do not impose restrictions on access to material, equipment and technology for peaceful purposes required by developing countries for their continued sustainable development.”⁷ The summary report of the 2019 Meeting of Experts on cooperation and assistance states “the existence of multilateral export control regimes which impose restrictions on the legitimate trade in drugs, medicines, vaccines, diagnostics, biological agents, equipment and/or materials for peaceful purposes”.⁸

¹ S/2014/958, p. 3; S/2016/1038, p. 21.

² BWC/CONF.IX/PC/5, p. 6.

³ BWC/MSP/2015/6, p. 21.

⁴ BWC/MSP/2020/MX.3/2, p. 12.

⁵ BWC/CONF.IX/PC/5, p. 6.

⁶ BWC/CONF.IX/PC/5, p. 19.

⁷ *Final Document of the 18th Summit of Heads of State and Government of the Non-Aligned Movement, 2019*, p. 90.

⁸ BWC/MSP/2019/MX.1/2, p. 9.

9. The global COVID-19 pandemic has further highlighted the insufficient technological capacity of developing countries to address biosafety and biosecurity risks. The participation of developing countries in international cooperation on peaceful uses of biotechnology without discrimination faces serious challenges. The summary report of the 2020 Meeting of Experts on cooperation and assistance underlined “the need to focus on strengthening international cooperation and assistance to ensure all States Parties, particularly developing States, have access to equipment, materials and scientific and technological information relevant to the Convention” during the COVID-19 pandemic.⁹ Some States Parties reiterated “the proposal to establish a non-proliferation export control and international cooperation regime under the framework of the Convention.”¹⁰

10. China actively supports a range of initiatives proposed by the NAM countries, including giving top priority to the full, effective and non-discriminatory implementation of Article X. On the basis of the previous working papers submitted to the Convention, China has further proposed the promoting of international cooperation on peaceful uses under the framework of the Convention. It aims to encourage States Parties to fully exchange views on peaceful uses of bio-science and technology and related international cooperation and to further discuss about the establishment of a non-proliferation export control and international cooperation regime under the framework of the Convention, thus providing an institutional guarantee for the realization of dual objectives of non-proliferation and international cooperation on bio-science and technology applications.

11. The Ninth Review Conference will be the best opportunity to start rule-making and institutional building for improving the global non-proliferation and international cooperation on bio-science and technology applications in a more balanced approach. To this end, China hopes that the Ninth Review Conference take the following actions:

(a) Conduct a comprehensive review of the peaceful uses of bio-science and technology and related international cooperation under the framework of the Convention. Identify and address the needs in terms of equipment, materials and scientific and technological information regarding the use of bacteriological (biological) agents and toxins for peaceful purposes. Identify and overcome the obstacles hampering the full, effective and non-discriminatory implementation of Article X of the Convention, including by taking stock of the denial cases of States Parties. The resolution of these issues should remain one of the top priorities in the following review processes.

(b) Encourage States Parties to continue exchanging views on the issue of establishing a Non-proliferation Export Control and International Cooperation Regime under the framework of the Convention, authorizing to establish an open-ended working group to discuss issues such as the structure, control list and transfer dispute settlement mechanism of the regime.

(c) Encourage the ISU and States Parties to hold seminars and fully exchange their views on promoting the peaceful uses of bio-science and technology and related international cooperation.

(d) Encourage States Parties to support the establishment of a Fund for Peaceful Uses of Bio-science and Technology and International Cooperation under the framework of the Convention, which aims to provide targeted funding for research, assistance and exchanges relevant to the Convention.

(e) Encourage the international community to strengthen its support for peaceful uses and related international cooperation, including raising awareness of the importance of peaceful uses and related international cooperation among governments, industries, science communities and relevant non-governmental organizations, and encouraging active participation in relevant discussions and practices.

(f) Make full use of resources of existing international regimes and organizations, and conduct exchanges and cooperation with, inter alia, the WHO, FAO, WOA (OIE), UNSC 1540 Committee, and the Australia Group (AG). Welcome the AG to present its efforts to the international community, including its work as well as the rationality of its

⁹ BWC/MSP/2020/MX.1/2, p. 8.

¹⁰ BWC/MSP/2020/MX.1/2, p. 10.

decisions on strengthening controls over certain items or technologies. Encourage the AG to listen widely to the views and suggestions of States Parties which are not its members.
