

Working Group on the Strengthening of 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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Agenda item 6

Identifying, examining and developing specific and effective measures, including possible legally-binding measures, and making recommendations to strengthen and institutionalize the Convention in all its aspects within the mandate of the Working Group

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. It has been repeatedly underscored at the Review Conferences of the Convention that the realization of non-proliferation goal should not impede peaceful uses of biotechnology and related international cooperation among States Parties.¹

2. Regrettably, as for the promotion of international cooperation on peaceful uses, 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 biotechnologies and items. The Non-Aligned Movement (NAM) has voiced strong concerns over undue restrictions on peaceful uses in each and every outcome document of its summits since its 1998 summit in Durban. The unimpeded access for developing countries to participate, in a non-discriminatory manner, in the peaceful uses of biotechnology and in related international cooperation, faces severe challenges.

3. The 76th and 77th 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, A/RES/77/96), which noted that undue restrictions on exports to developing countries of materials, equipment and technology for peaceful purposes persist; emphasized the importance of promoting international cooperation for peaceful purposes and the need for further deliberation on this important topic within the framework of the United Nations in an open and inclusive way and utilizing existing international, regional and bilateral mechanisms and arrangements; urged all Member States, without prejudice to their non-proliferation obligations, to take concrete measures to promote international cooperation on materials, equipment and technology for peaceful purposes.

¹ Final documents of the Second, Third, Fourth, Sixth, Seventh and Eighth Review Conferences.



4. China welcomes all parties to actively support and participate in the follow-up process of the UNGA Resolution, and jointly promote peaceful uses and international cooperation, inter alia, in biological field. China encourages States Parties to: (1) initiate an open, inclusive and impartial dialogue process within the framework of the Convention; (2) strike a balance between non-proliferation and peaceful uses; (3) ensure developing countries' right to the peaceful uses 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. At the Ninth Review Conference, States Parties have reached a broad consensus on promoting international cooperation on peaceful uses, and decided to develop with a view to establishing a mechanism open to all States Parties to facilitate and support the full implementation of international cooperation and assistance under Article X2. China believes that it provides an important basis and impetus for strengthening the rules and institutions of the Convention, as well as for improving the international cooperation on bio-science and technology applications and the global non-proliferation in a more balanced approach.

6. China supports the proposals raised by the NAM States Parties to establish a Cooperation Committee, as well as to set up an Action Plan to carry out the Article X of the Convention. China also supports the proposal of establishing an International Agency for Biological Safety (IABS), put forth by the President of the Republic of Kazakhstan Kassym-Jomart Tokayev during the 75th session of the UNGA, and encourages all parties to fully discuss this initiative at the Convention meetings and on other platforms.

7. China has submitted a working paper (BWC/CONF.IX/WP.34) to the Ninth Review Conference, which reviews the relevant discussions at different platforms, especially at the previous BWC meetings³ and the UN Security Council 1540 Committee⁴, refers to the final document of the 2019 NAM Summit in Baku⁵, advocates promotion of international cooperation on peaceful uses of bio-science and technology, encourages States Parties to fully exchange views and to discuss about the establishment of a Non-proliferation Export Control and International Cooperation Regime under the framework of the Convention, which would provide an institutional guarantee for the realization of dual objectives of non-proliferation and peaceful uses of science and technology. China stands ready to engage constructively with all parties to further improve this proposal.

8. In conclusion, China expects the Working Group to fully utilize this opportunity to discuss, in an extensive manner, the establishment of a mechanism for international cooperation and assistance, with a view to making pragmatic and operational recommendations for the future work. To this end, China proposes:

(a) Take into consideration all relevant proposals forwarded by States Parties to strengthen the international cooperation and assistance, especially the proposal of the NAM to establish a Cooperation Committee; and to establish a mechanism with the following mandates:

- i. Promote the full, effective and non-discriminatory implementation of Article X.
- ii. Conduct a comprehensive review of the peaceful uses of bio-science and technology and related international cooperation under the framework of the Convention, with a view to promoting, in the fullest possible, the exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and relevant international cooperation; 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

² BWC/CONF.IX/9, page 11.

³ BWC/CONF.IX/PC/5, page 6, 19; BWC/MSP/2015/6, page 21; BWC/MSP/2020/MX.3/2, page 12; BWC/MSP/2019/MX.1/2, page 9; BWC/MSP/2020/MX.1/2, page 8, 10.

⁴ S/2014/958, page 3; S/2016/1038, page 21.

⁵ *Final Document of the 18th Summit of Heads of State and Government of the Non-Aligned Movement, 2019*, page 90.

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.

- iii. Assist developing countries in their capacity building, with a view to empowering them enjoy the dividends of biotechnology development, through measures that include, but not limited to:
 - Conduct assessments of practical needs of developing countries and research on more targeted and concrete measures for cooperation and assistance based on these assessments, in order to support their capacity building, *inter alia*, bridging gaps in their domestic governance, legislation and expertise;⁶
 - Strengthen the operationalization of the Assistance and Cooperation Database and make concrete proposals on improving the utilization rate, timeliness and ease of use of the database;⁷
 - Organize workshops and seminars on promoting the peaceful uses of bio-science and technology for the purpose of more exchanges and cooperation among States Parties.
- iv. Boost the support of the international community for peaceful uses and related international cooperation, including raising awareness of the importance of peaceful uses and related international cooperation among governments, industries, science community and relevant non-governmental organizations, and encouraging active participation in relevant discussions and practices.
- v. Conduct exchanges and cooperation with existing international organizations and regimes, *inter alia*, the WHO, FAO, WOAHA, UNSC 1540 Committee; welcome related multilateral non-proliferation export control regimes to present their efforts to the international community, including their work as well as the rationality of their decisions on export controls over certain items or technologies, and welcome them to listen widely to the views and recommendations of States Parties which are not their members.
- vi. Submit report to the Meeting of States Parties and the Review Conference⁸ on its recommendations to ensure the full, effective and non-discriminatory implementation of Article X of the Convention. Form an Action Plan with concrete measures, time frames and evaluation methods.

(b) Explore to establish a Non-proliferation Export Control and International Cooperation Regime, and discuss issues such as its structure, control list and transfer dispute settlement mechanism.

(c) Explore to establish a Fund for Peaceful Uses of Bio-science and Technology and International Cooperation, which aims to provide targeted funding for seminars, workshops, assistance and exchanges relevant to the Convention.

(d) Discuss arrangements related to the above-mentioned mechanisms, including the composition of members, rules of procedure, frequency of meetings, source of funding, decision-making, as appropriate, bearing in mind such basic principles as professionalism, independence and consensus-based approach, with reflection of geographical and gender balance and full representation of developing countries.

⁶ BWC/CONF.IX/WP.33, page 2.

⁷ *ibid.*

⁸ Working Paper submitted by the Republic of Azerbaijan on behalf of the NAM and other States Parties, “*International cooperation, assistance and exchange in the use of biological sciences and technology for peaceful purposes. Proposal for the establishment of a Cooperation Committee*” (BWC/CONF.IX/WP.56).