《关于禁止发展、生产和储存细菌(生物) 及毒素武器和销毁此种武器的公约》 缔约国正式协商会议

Distr.: General 19 September 2022

Original: Chinese and English Chinese and English only

2022年会议 2022年8月26日及2022年9月5至9日,日内瓦 临时议程项目6 俄罗斯联邦向美国和乌克兰提出的关于在乌克兰生物实验室

运作方面履行《公约》规定的各自义务的未决问题

李松大使在《禁止生物武器公约》缔约国正式协商会议上的发言和 关于美国生物军事活动的问题单

中国提交

主席先生:

- 1. 中国代表团祝贺你就任本次协商会议主席,对你引导会议有序开展表示赞赏。中方将全力配合你的工作,共同致力于通过此次会议,妥善处理有关遵约关切。
- 2. 生物安全没有国界。中国国家主席习近平提出全球安全倡议,强调要共同维护世界和平安宁,共同应对包括生物安全在内的全球性问题。中方期待与各方一道,通过这次会议,进一步加强《禁止生物武器公约》的权威性和有效性。

主席先生,

3. 中国一贯主张全面禁止和彻底销毁包括生物武器在内的一切大规模杀伤性武器。俄罗斯指控美国从事违反《公约》的活动,中方对此高度关注。实际上,对于美国的生物军事活动,国际社会早有关切。中方支持缔约国按照《公约》第五条、第六条以及第二次、第三次审议大会成果文件的规定,以严肃、认真的态度进行审议,致力于得出经得起历史考验的结论,并采取必要的后续行动。





- 4. 本次会议受到《公约》缔约国高度重视和广泛参与,体现了缔约 国在当前复杂国际形势下致力于团结应对生物安全挑战的决心,显示 了各方尊重和利用《公约》现有机制,致力于澄清和解决重大遵约关 切,确保《公约》有效运行的共同意愿。
- 5. 中国代表团认真听取了俄罗斯代表团所作陈述,以及美国、乌克兰代表团介绍的美、乌在乌境内生物实验室开展合作的有关情况。三国代表团的介绍和互动,有助于各方从不同角度增进对相关问题的了解和认识。然而,与其他一些代表团的感觉一样,中方认为,俄方提出的一系列具体问题,尚未得到美方更有针对性的回应。美国作为《公约》缔约国和存约国,理应正视国际关切,作出遵约表率,结合俄方提出的一系列材料和问题单,作出更加全面、深入的澄清,给缔约国和国际社会一个明确的交代。
- 6. 从会议情况看,尽管直接当事方之间进行了陈述和澄清,但缔约国显然难以就明确结论达成共识。对俄方提出的有关问题单,以及美方、乌方提供的大量介绍性材料,与会各国代表团也需要报回首都进行认真研究。我们期待有关各方就具体问题继续保持协商和澄清,并鼓励其他缔约国进一步提交书面意见,或提出希望得到进一步澄清的问题。根据过去两天会议的情况,中方也形成了初步问题单,将与我的发言一道,作为本次会议工作文件提交。
- 7. 我们认为,本次会议结束后,在《公约》框架内,各方可根据协商和澄清情况,考虑通过专家组等形式开展技术评估;必要时,还可研究针对美方生物军事活动开展国际独立调查的可能性。所有这些,目的只有一个,那就是对所有问题进行全面澄清,确保全面严格履约,维护和加强《公约》的有效性和权威性。
- 8. 会议期间,不少代表团在发言中都谈到根据《公约》第十条加强 生物安全等领域国际合作的重要性。中方对此表示支持。同时我愿指 出,缔约国履行禁止生物武器的《公约》义务和促进生物科技、生物

安全领域国际合作,二者互不矛盾,相辅相成。我们既要坚决反对以防扩散为名制约和平利用、生物安全领域的国际合作,又要严格防止以生物安全合作为幌子,开展《公约》禁止的活动。

主席先生,

- 9. 本次会议进一步凸显加强《公约》机制的重要性和紧迫性。对此,中方提出两项主张:
- 10. 第一,加强建立信任措施机制。自愿性透明对增进互信、解决关切具有重要意义。中方继续倡议在建立信任措施表格中,增加"缔约国在其他国家开展的生物军事活动"项目。我们注意到,美方在就其生物军事活动陆续作了一些澄清,但并未彻底解决国际社会关切,澄清过程中还出现不少不一致的内容。这充分说明增设上述项目、实现连续宣布的可行性和必要性。希望美方作为境外生物军事活动最多的国家,支持上述倡议并自愿、率先做出宣布。
- 11. 第二,尽快谈判建立公约核查机制。从这两天会议情况看,当前事态主要根源在于有关缔约国之间缺乏互信、《公约》缺少核查机制。我们再次呼吁各方相向而行,推动第九次审议大会作出决定并成立特设机制,以2001年接近达成一致的草案为基础,重启有法律约束力的核查议定书谈判。我们也再次敦促美方停止独家反对立场,积极支持和参加上述谈判。

谢谢, 主席先生。

附件

关于美国生物军事活动的问题单

基于俄罗斯提交的材料¹和美国所作的回应,中方提出以下与美国遵守《禁止生物武器公约》义务相关的问题:

- 一、美国国防部和乌克兰卫生部2005年8月签署《关于防止可用于发展生物武器的技术、病原体和专业知识扩散的合作协议》(文件1)。
- (一)《协议》第四条第4款规定,乌卫生部须将所有危险病原体存在美乌合作的指定实验室。²第四条第5款规定,乌卫生部须上交美国防部索要的危险病原体菌株副本和传染病监测数据。³俄国防部披露称,超过1.6万份生物样本被运出乌。⁴美方回应称,自乌运出病原体样本和数据转运不多,对国际合作至关重要。⁵

问题:美方从乌克兰转运了多少病原体和数据?存储在美国内什么设施,是否包括军事设施?具体用于何种用途?

(二)《协议》第五条第1款规定,美国防部有权对乌设施所有

_

¹ 为叙述便利,下文将俄方提交的材料按照顺序分别命名为"文件1-9" (document 1-9)。

² "The Ministry of Health of Ukraine or its designated agent shall consolidate and store all dangerous pathogens at secure centralized laboratories designated in writing by the Parties that have received or are receiving the U.S. Department of Defense assistance under this Agreement." Article IV, Paragraph 4, 2005 Agreement.

³ "The Ministry of Health of Ukraine shall transfer to the U.S. Department of Defense requested copies of dangerous pathogen strains collected in Ukraine for cooperative biological research in the centralized laboratories in Ukraine and in U.S. Department of Defense-designated laboratories in the United States for prophylactic, protective or other peaceful purposes...The Ministry of Health of Ukraine shall share with the U.S. Department of Defense data generated by the infectious disease surveillance network of the Ministry of Health of Ukraine or its designated agents in order for the Parties to better detect, diagnose and monitor disease outbreaks in Ukraine." Article IV, Paragraph 5, 2005 Agreement.

⁴ "The U.S. and its allies have managed to export at least 16,000 bio-samples from Ukraine..." Briefing of the Chief of Nuclear, Biological, Chemical and Radiological Defence Troops of the Russian Federation Lieutenant General Igor Kirillov, September 3, 2022.

⁵ "Sample transfers under the 2005 Agreement...have been infrequent and always conducted with the consent of the Ukrainian government...Such exchanges of pathogen samples and data are considered essential for international cooperation..." *Response by the United States of America to the request by the Russian Federation for a Consultative Meeting under Article V of the BWC*, ^{August} 22, ²⁰²², pp. 5-6.

材料、培训、服务进行审计与检查。⁶第五条第2款规定,美国防部代表有权参与乌设施所有相关活动。⁷

问题:美方如何确保在乌生物活动的和平性质?"审计与检查"方式是什么、结果是什么?如美方能够通过"审计与检查"确保遵约,为何反对谈判《禁止生物武器公约》核查议定书并接受国际核查?在缺乏核查机制的情况下,美方如何证明自身遵约?

(三)《协议》第七条第2B款规定,乌政府不得公开披露美国防部认定的"敏感信息"。⁸第七条第4款规定,美国防部能获取作为"乌国家秘密"的特定信息和技术。⁹

问题:美方认定"敏感信息"的标准是什么?迄今有多少此类"敏感信息"没有公开?这些"敏感信息"以及与之相关的活动是否符合《禁止生物武器公约》,美方如何证明?

二、俄方提交的材料(文件2)显示,为进一步执行上述《协议》, 美自2015年3月将相关合作列入"生物协同计划"(Cooperative Biological Engagement Program, CBEP),具体由美博莱克威奇公司(Black & Veatch)执行。¹⁰乌卫生部2018年12月一份报告(文件3)¹¹显示,参与"生物协同计划"的乌卫生部抗鼠疫科研所保存包括

⁶ "The U.S. Department of Defense has the right to audit and examine material, training of personnel, and services provided in accordance with this Agreement to facilities in Ukraine for the duration of the Umbrella Agreement." Article V, Paragraph 1, 2005 Agreement.

⁷ "The U.S. Department of Defense representatives shall also have the right to participate in all aspects of implementation of contracts and related activities at facilities in Ukraine pursuant to the terms of this Agreement." Article V, Paragraph 2, 2005 Agreement.

⁸ "Information marked or designated by the U.S. Department of Defense as 'sensitive' should be withheld from public disclosure by the Government of Ukraine." Article 7, Paragraph 2B, 2005 Agreement.

⁹ "During implementation of this Agreement, access to certain information and technology considered 'state secret of Ukraine' may be provided to the U.S. Department of Defense in accordance with the provisions of the 'Law of Ukraine on State Secret'." Article 7, Paragraph 4, 2005 Agreement.

¹⁰ "...in order to further implement the provisions of the implementing Agreement (of 2005), the U.S. Defense Threat Reduction Agency...signed a contract HDTRA1-08-D-0007-004 of 6 March 2015 under the 'Cooperative Biological Engagement Program' (CBEP) with Black & Veatch Special Projects Corp...for the implementation of the Technical Assistance Project for the institutions of the Ministry of Defense of Ukraine..." *Document* 2, p. 1.

¹¹ Report on the Results of Inspection Regarding Storage Procedures for the Microbial Strain Collection of National Heritage (Property).

炭疽在内大量危险病原体,¹²曾发生实验室安全事故,¹³且存在违反病毒保存条件、¹⁴缺乏保存状况记录、¹⁵部分毒株用途不明¹⁶等诸多问题。

问题:美方称与乌合作旨在"减少生物威胁", ¹⁷为何连合作设施的安全也无法保证?美方提供的资金在确保实验室安全方面投入了多少?是否按照美国内的安全标准来实施?有没有对乌方隐瞒相关风险和事故?

三、俄方提交的材料(文件4)显示,至2020年10月,美国防部在"生物协同计划"框架下对乌总投资约3180.7万美元,主要用于对特别危险疾病做出快速反应,以及收集、处理、保存和运输临床样本。¹⁸该计划初始投资约253.5万美元,自2015年以来多次延期、追加投资和调整合作名单,2017年一次性追加了2927.2万美元投资。¹⁹

问题:美方为何在2017年大幅追加投资?追加的投资主要用于什么领域?是否包含将乌生物样本运往美国的费用?

四、俄方提交的材料(文件5)显示,美在乌开展P-781(研究蝙蝠)、UP-4(研究候鸟迁徙)等研究项目。

¹² "The Institute's museum possesses a significant collection of human pathogens, which is partially classified as a scientific facility of national heritage." *Document 3*, p. 8.

¹³ "In April 2017, while working in the laboratory with the museum strain of tick-borne encephalitis virus, an accident occurred, which resulted in an employee becoming infected, indicating an insufficient level of ensuring the biological safety requirements while working with biological material in the institute's laboratories." *Document 3*, p. 5.

¹⁴ "The Institute violates recommended conditions for the storage of virus collection (e.g., in 2017, arboviruses were stored at the temperature of -35°C instead of the required -70°C for at least 4 months)." *Document 3*, p. 8.

¹⁵ "The Institute lacks documented information regarding the actual state of the collection strains and their suitability for use, especially given the absence of evidentiary record regarding the need to maintain a large number of test-tubes with different passages of the same strains." *Document 3*, p. 8.

¹⁶ "The issue of their intended purpose/use has not been resolved and the accompanying documentation has not been properly formalized." *Document 3*, p. 9.

¹⁷ "The purpose of the 2005 Agreement is explicitly to reduce and eliminate the risk of biological weapons development and proliferation." *Response by the United States of America to the request by the Russian Federation for a Consultative Meeting under Article V of the BWC*, August 22, 2022, p. 4.

^{18 &}quot;...to ensure rapid response to outbreaks of particularly dangerous diseases in order to safely collect, process, store and transport clinical samples." *Document 4*, p. 1.

19 *Document 4*, p. 2.

问题: 美方在乌开展的研究是否在美国内都是不被禁止的?

五、俄方提交的材料(文件7)显示,美专利商标局于2015年3月授予一项"毒蚊空中释放系统"(Toxic mosquito aerial release system)专利,该系统能够通过无人机培养并投放携带病原体的蚊子,可使敌军大面积感染疟疾等烈性传染病,20达到低成本传播致死性疾病消灭敌人的目的。21专利文件称,一旦调整或清除法律限制,该技术以后可用于军事用途。22美方回应称,美方经调查确认专利中的系统并未付诸生产。23

问题:美国是《禁止生物武器公约》的缔约国,美专利部门为何批准该专利申请?美方称,该申请由私人实体提出、不代表美国政府, ²⁴但该申请人是否有美国军方背景?研究过程中是否得到了美官方支持或协助?美方称,将该专利付诸生产违反美国履行《禁止生物武器公约》的国内法,²⁵此点是否已告知申请人?美官方是否将该专利和技术投入军事生产与应用?美方在军控遵约报告中多次对他国开展生物"研究"提出"遵约关切",按照同样的逻辑,该专利相关的"研究"是否也构成"遵约关切"?第三、第四、第六、第七和第八次审议大会已指出,超出正当需要的释放病原体的"实验"不符合

_

²⁰ "With the toxic mosquito aerial release system, large masses of people can be immunized or enemy troops can now be wiped out or rendered useless without having to risk or endanger our own troops.""For military purposes, the mosquitoes may be used to deliver an agent such as malaria to create sickness, or they could use much more toxic or highly contagious agents and viruses." *Document 7*, p. 4.

²¹ "It is a way to administrative curative or immunological injection, to administer calmative agents, or to administer deadly disease to wipe out and disable the enemy at a minimal cost." *Document 7*, p. 4.

p. 4. 22 "...it could later be adapted for military uses should legal restraints be altered or eliminated." *Document* 7, p. 3.

²³ "Subsequent investigation has confirmed that no such device was constructed in the case of this particular patent." *Response by the United States of America to the request by the Russian Federation for a Consultative Meeting under Article V of the BWC*, ^{August} 22, ²⁰²², p. 9.

²⁴ "...this one was filed by a private entity and not on the behalf of the United States government." *U.S. Statement to the Article V Consultative Meeting Under the* BWC, September 5, 2022, p. 1.

²⁵ "While an individual or entity may be able to hold a patent for an invention of the type discussed here as a domestic legal matter, production of such an invention for use as a weapon would violate the relevant laws implementing the United States' obligations under the BWC..." U.S. Statement to the Article V Consultative Meeting Under the BWC, September 5, 2022, p. 2.

《禁止生物武器公约》第1条, 26 该专利是否涉及此类"实验"?

_

²⁶ "Experimentation involving open-air release of pathogens or toxin harmful to humans, animals and plants that have no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I." *Additional understandings and agreements reached by previous Review Conferences relating to each article of the Convention (BWC/CONF.IX/PC/5)*, January 10, 2022, p. 4.