Establishing a Non-proliferation Export Control and International Cooperation Regime under the Framework of the Biological Weapons Convention

Submitted by China and Pakistan

1. In order to improve global biological non-proliferation, facilitate international biotechnology cooperation, achieve the objective and purpose of the Convention, and strengthen global bio-security governance, China raised the proposal of “establishment a non-proliferation export control regime under the framework of the Convention” at the Meeting of States Parties 2015 and submitted the relevant working paper.

2. Since the Meeting of States Parties 2015, China has conducted comprehensive and in-depth discussion with States Parties on the establishment of a non-proliferation export control regime. Many States Parties brought forward constructive opinions and suggestions. Based on the opinions drawn from other States Parties and considering the starting point of this proposal, China decides to adjust its name as “a non-proliferation export control and international cooperation regime”.

3. It is imperative to establish “a non-proliferation export control and international cooperation regime” under the framework of the Convention. In the context of persistent threats posed by traditional biological weapons and increasing rampancy of terrorist activities, biological non-proliferation is of great significance to safeguarding global security and stability. Final Document of the Seventh Review Conference calls 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. Report of the Meeting of States Parties 2015 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.

4. On the other hand, the realization of non-proliferation aim should not impede transfers of bio-items and technologies for peaceful purposes among States Parties. International cooperation, as one of the Articles of the Convention, plays an important role...
in enhancing the universality of the Convention, and it has been a standing concern of developing countries. The epidemics of Ebola haemorrhagic fever and the spread of other highly infectious diseases highlight the deficiency of developing countries’ technical capacities and their urgent need to strengthen to deal with bio-security risks. Report of the Meeting of States Parties 2014 states that States Parties noted the value of: (a) Avoiding imposing restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials under Article X.

5. However, discussions on making relevant rules and institutional arrangements of the Convention have been for a long time in 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. Developing countries, while increasing their non-proliferation inputs on biological field on one hand, are unable to fully enjoy dividends brought by international bio-technology cooperation on the other hand, resulting in hurting their non-proliferation enthusiasm.

6. The aim of China’s proposal to establish a non-proliferation export control and international cooperation regime under the framework of the Convention is to provide an institutional guarantee for the realization of two objectives of biological non-proliferation and bio-technology international cooperation.

7. It is feasible to establish “a non-proliferation export control and international cooperation regime” under the framework of the Convention. For years, States Parties have established national export control regimes. The establishment of the relevant regime can fully use as reference the prevailing international practices, such as list control and end-user certificate. Meanwhile, in order to remove the discriminatory hurdle and to facilitate the international cooperation, the regime should, during the design phase, ensure the equality of rights and obligations.

8. The Eighth Review Conference of the Convention will provide an opportunity to start rule-making and institutional building for improving the global biological non-proliferation and enhancing the international bio-technology cooperation. To this end, States Parties should:

   (a) Exchange views, under relevant agenda item for the Eighth Review Conference of the Convention, on the issue of establishing “a non-proliferation export control and international cooperation regime” under the framework of Convention;

   (b) Establish an open-ended working group authorized by the Eighth Review Conference to discuss the issues such as the structure, control list and transfer dispute settlement mechanism of the regime; and

   (c) Fully tap the resources of existing international regimes and organizations, and conduct exchanges and cooperation with the UNSCR 1540 Committee, the Australia Group, etc.