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Promoting international cooperation on peaceful uses in the context of international security

Promoting international cooperation on peaceful uses in the context of international security

Report of the Secretary-General

Summary

The present report outlines the views and recommendations of Member States on all aspects of promoting international cooperation on peaceful uses in the context of international security, including identifying undue restrictions on exports to developing countries of materials, equipment and technology for peaceful purposes, possible measures to achieve a balance between non-proliferation and peaceful uses, and the way forward.

* [A/77/50](#).



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I. Introduction

1. In its resolution [76/234](#) on promoting international cooperation on peaceful uses in the context of international security, the General Assembly:

(a) 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, in particular not to maintain any restrictions incompatible with the obligations undertaken (para. 1);

(b) Requested the Secretary-General to seek the views and recommendations of all Member States on all aspects of promoting international cooperation on peaceful uses in the context of international security, including identifying undue restrictions on exports to developing countries of materials, equipment and technology for peaceful purposes, possible measures to achieve a balance between non-proliferation and peaceful uses, and the way forward (para. 2);

(c) Also requested the Secretary-General to submit a report containing the views and recommendations to the General Assembly at its seventy-seventh session for further discussion by Member States (para. 3).

2. Pursuant to that request, the Secretariat sent a note verbale dated 24 January 2022 to Member States, inviting them to provide information on the subject by 31 May 2022. The replies received are contained in section II below. Any views received after 31 May 2022 will be posted on the website of the Office for Disarmament Affairs in the original language of submission. No addendum will be issued.

II. Replies

A. Governments

Australia

[Original: English]
[19 May 2022]

As referred to in the note verbale contained in document ODA/2022-00036/PICIT, in its resolution [76/234](#), the General Assembly requested that the Secretary-General seek the views and recommendations of Member States on all aspects of promoting international cooperation on peaceful uses in the context of international security.

Australia submits the following comments in its national capacity but also drawing on its unique role and deep knowledge, experience and responsibility as permanent Chair of the Australia Group, an export control regime. To help Member States' understanding, a section is also included containing an overview and explanation of why the Australia Group was created and how it operates. There are close similarities and parallels with the other export control regimes.

Australia agrees with most of the principles in the preambular paragraphs of resolution [76/234](#), in particular on the crucial challenges that the proliferation of weapons of mass destruction poses for international peace and security, and the obligation of all Member States to help to prevent that proliferation. Australia also strongly agrees with regard to the important role that the peaceful use of science and technology plays in economic and social development.

The premise of resolution 76/234 – that the export control regimes formed to help to prevent the proliferation of weapons of mass destruction discriminate against and impose undue restrictions on exports to developing countries – is incorrect. Australia therefore welcomes this opportunity to correct inaccuracies, to outline its views and to recommend a more constructive way forward. The export control regimes in fact provide the confidence, trust and assurance necessary to make cooperation involving potentially sensitive dual-use items possible. Australia therefore voted against the draft resolution at the 17th plenary meeting of the First Committee and the plenary meeting of the seventy-sixth session of the General Assembly, in 2021.

The inherent objective of resolution 76/234 undermines the effectiveness of the Nuclear Suppliers Group (established in 1974 to help to prevent the proliferation of nuclear weapons), the Australia Group (established in 1985, which works to prevent the proliferation of chemical and biological weapons) and the Missile Technology Control Regime (formed in 1987 to limit the proliferation of missiles that can be used to deliver weapons of mass destruction). This resolution risks weakening a vital, practical component of current global arrangements to counter the proliferation of such weapons, diminishing security for all. It sends the wrong message at a time when several States (and non-State groups) are continuing to seek to acquire, grow or employ capabilities related to such weapons. We must do our utmost to restrict and reduce these weapons' role in global affairs.

Resolution 76/234 also infringes a fundamental principle of the United Nations. It risks eroding the basic sovereign right of all Member States to determine how best to safeguard their national security by regulating their own industries and exports, including in collaboration with other States, to avoid contributing inadvertently to the proliferation of weapons of mass destruction.

Australia recommends that the international community focus instead on further expanding and strengthening existing non-proliferation arrangements while continuing to safeguard legitimate trade. This focus could include a multilaterally based approach to identifying needs and providing capacity-building assistance to those States not yet implementing effective export controls.

Key issues and recommendation

The failing of resolution 76/234 is its claimed aim to enhance developing countries' access to goods, materials or technologies for peaceful purposes. The export control regimes do not impose any impediments on trade for peaceful purposes. There is no evidence to support the assertion that exports to any developing or other country for peaceful purposes have ever been denied as a result of an exporting State's collaboration in the Australia Group or other export control regimes. For example, exports of potentially sensitive items on the Group's control lists are only refused if a participating State's own national export licensing authorities determine, on the basis of all of the information available to them, including from other Group partners, that there is an unacceptable risk of those exports being used in or diverted to a suspected weapons of mass destruction programme. Resolution 76/234 will do nothing to change that.

A likely consequence of this resolution, however, would be to unnecessarily impede access to exports for legitimate, peaceful purposes. If successful in limiting the ability or willingness of regime participants to share sensitive information with confidence (e.g. by demanding participation and transparency from all States, including those seeking weapons of mass destruction), the resolution will force national export control authorities to adopt more conservative standards in order to ensure that their exports do not contribute to the proliferation of such weapons,

resulting in more cautious, risk-averse decisions and an increase in possibly unnecessary export refusals.

Australia recognizes the role of science and technology as an important underpinning and enabler for the social and economic development of all States, but this development should be advanced vigorously in more-relevant United Nations and other forums, for example the Second Committee. Pursuing it in the context of disarmament and national security will only raise unnecessary challenges, sensitivities and distractions.

Australia has carefully considered what would make the most substantive, practical contribution to advancing global objectives on the non-proliferation of weapons of mass destruction without damaging the current structures that have been helping to thwart proliferation.

A key challenge is the emergence of major new producers, exporters or transshippers of potentially sensitive dual-use materials, equipment and technology. While those States might aim to implement their own national export control systems, to do so by relying only on their own information and resources would be exceedingly difficult and would likely result in their export licensing decisions being either unnecessarily restrictive of legitimate trade, too permissive, or wilfully ignorant of the risks, thereby aiding proliferation.

Australia therefore recommends a more constructive approach, achieving a balance that recognizes the crucial role of the existing regimes but also supports those countries that are not yet willing or able to contribute effectively as part of those regimes.

Australia would be open to exploring, with others, how the United Nations could play a greater role in facilitating or brokering capacity-building for States to strengthen national export control arrangements. The Security Council Committees established pursuant to resolutions [1540 \(2004\)](#) and [1718 \(2006\)](#), respectively, offer a useful model for how such multilateral cooperation could operate and contribute to international peace and security. If such a model were considered, it could operate under a tightly focused mandate to identify risks and needs and to facilitate or broker capacity-building for States to rectify significant shortcomings in their national export control arrangements. Priority could be given to identifying and giving earliest attention and aid to the export control arrangements of States that could produce the most substantial improvements in reducing proliferation and enhancing global security.

While inevitably requiring greater international transparency and cooperation, such a model could go a long way towards realizing calls previously issued, including by the Security Council, for all States to implement effective export control measures to help to prevent the greater challenge posed by the proliferation of weapons of mass destruction.

Australia, including in its capacity as permanent Chair of the Australia Group and in cooperation with other members of the international community, would stand ready to support this work with a view to encouraging and helping all Member States to better meet their international non-proliferation obligations and, in so doing, enhance security for all.

Australia Group

Like many countries, Australia has been a staunch and highly active advocate and contributor over many decades in support of strengthening global norms and structures pertaining to the non-proliferation of weapons of mass destruction. This

work is critical to the peace, stability and security of all members of the international community.

Australia has therefore become a party to the primary treaties and a participant in the key supporting institutions that work to prevent the proliferation or use of such weapons. These include the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, the Treaty on the Non-Proliferation of Nuclear Weapons, Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, the South Pacific Nuclear Free Zone Treaty, Comprehensive Nuclear-Test-Ban Treaty and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

Australia has also been an active proponent of the counterproliferation efforts of the United Nations itself, including in the First Committee and through support for the various non-proliferation-related Committees established pursuant to relevant Security Council resolutions, such as resolution [1540 \(2004\)](#), which requires Member States to develop and enforce national measures to prevent the proliferation or use of weapons of mass destruction and their means of delivery, in particular by non-State actors, and resolution [1718 \(2006\)](#), requiring Member States to, inter alia, prevent the supply, sale or transfer through their territories of items related to such weapons to the Democratic People's Republic of Korea. Both resolutions, regularly reviewed and renewed by the Council, require Member States to be able to implement effective export control measures.

In line with its strong non-proliferation credentials, Australia also actively participates in each of the informal multilateral export control regimes: the Nuclear Suppliers Group, the Australia Group and the Missile Technology Control Regime. All three regimes work to complement the international treaties on the non-proliferation of weapons of mass destruction and assist participating and other States to implement their international and domestic obligations. All three were created and have continued to evolve as a practical response to revelations of new threats and gaps that were being exploited by those seeking such weapons in violation of international treaties, law and norms.

The Australia Group is unique in its capacity as the only export control regime of the three to have a permanent Chair – a role fulfilled by Australia since the Group's inception. The Chairs of the other regimes change annually. Australia also provides a permanent secretariat for the Group. While not commenting here on behalf of all of the Group's countries, these dual roles give Australia particular insights and credibility to speak on how this export control regime operates and on its activities, guidelines and principles. The Nuclear Suppliers Group and the Missile Technology Control Regime operate along essentially the same lines and were formed for very similar reasons.

The Nuclear Suppliers Group, for example, was formed in reaction to a country conducting a surprise nuclear explosion, demonstrating that it had nuclear weapons and shocking the international community. The Missile Technology Control Regime was created in response to the awareness that several countries were developing ballistic missiles that could carry weapons of mass destruction. These programmes threatened international peace and security.

The Australia Group was created following allegations that chemical weapons were being used in the Iran-Iraq war. The Secretary-General initiated an investigation pursuant to General Assembly resolution [37/98 D](#). United Nations team members from Australia, Spain, Sweden and Switzerland confirmed that chemical weapons

were being used by Iraq, resulting in many casualties. It also became clear that Iraq was trying to build a chemical sector using mostly unwitting engineering companies.

In response, in August 1984, Australia placed export controls on eight dual-use precursor chemicals that Iraq was known to be seeking for chemical weapons purposes. Fourteen other countries followed suit, placing similar controls on a number of precursor chemicals. These export controls gave the respective national Governments the regulatory tools to ensure that legitimate trade would not contribute to Iraq's chemical weapons programme.

It was subsequently realized that, despite these export controls, precursors were still being obtained and used to produce chemical weapons. Variations among countries' national export controls, as well as the use of intermediaries, front companies and other means, helped with efforts to "shop around".

Australia proposed an informal meeting of 15 countries¹ in an effort to harmonize their various national export control lists. At the first meeting, in June 1985, it was agreed that chemical weapons proliferation posed a serious international security challenge. Hence, the Australia Group was born as an informal, non-binding partnership of those 15 original participants.

The basic principles agreed at that first meeting were that the Group should not inhibit legitimate trade and that export control decisions remained the exclusive sovereign right of the individual exporting State. No Group participant could veto or dictate another's export decisions. It was also agreed that participating in the Group did not accord any right to controlled goods, equipment or technologies from any of the other participating members. The Group does not discriminate between Group and non-Group member countries.

The Group was formed to facilitate the sharing of information and to help the export licensing authorities in each of the participating States to make better-informed decisions. This information-sharing cooperation extended to the compilation of common export control and warning lists of sensitive chemical-weapons-precursor chemicals and other dual-use chemical materials and production equipment, to serve as a guide for national export control authorities. Group participants have also shared information on the constantly shifting deceptive tactics used by actors seeking weapons of mass destruction. To ensure that the inclusion of items on the control lists is necessary, appropriate and will not inhibit legitimate trade, each new item must be agreed to by consensus. Importantly, this information-sharing is also crucial to avoiding erroneous refusals of exports for legitimate, peaceful uses. These basic principles continue to guide the Group today.

It soon became clear that the Group's harmonized export controls were having some success and that Iraqi chemical weapons production had slowed.

However, further concerns led to the adoption by the Security Council of resolution [620 \(1988\)](#) in August 1988, in which it, inter alia, condemned the use of chemical weapons in violation of the 1925 Geneva Protocol, encouraged the Secretary-General to promptly investigate any allegations by Member States of the use of chemical and biological weapons and called upon "all States to continue to apply, to establish or to strengthen strict control of the export of chemical products serving for the production of chemical weapons".

¹ Australia, Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, United Kingdom and United States.

This resolution prompted Group participants to develop and adopt, in 1993, a broader range of control lists covering precursor chemicals and dual-use production equipment, as well as four lists of items relevant to biological weapons.

Since then, the number of States participating in the Group has grown to 42 plus the European Union, with the most recent additions being Mexico and India. Moreover, many non-Group States have largely recognized that the export control measures developed by the Group have raised the barriers to chemical and biological weapons proliferation, including chemical and biological weapons terrorism, with most States parties to the Biological Weapons Convention and the Chemical Weapons Convention using them as an international benchmark to implement their own non-proliferation obligations. Many non-Group countries, for example, now use the Group's regularly updated control lists (through the adoption of the European Union export control lists) to apply their own sovereign export control arrangements for the non-proliferation of chemical and biological weapons.

Group participants understand how challenging it can be to implement export controls successfully, which requires complex risk-based assessments. These include determining whether to permit exports of sensitive dual-use items, given ongoing efforts by would-be proliferators to obscure exports' true final destination and use. It is difficult for any country to make these assessments alone, relying only on its own resources and information.

Group participants also recognize that the effectiveness of the Group's various control lists and other non-proliferation measures derives primarily from their collective application, which has become increasingly important as a result of the globalization of the chemical and biological sciences and industries, as well as the growing number of countries outside the regimes that have become potential inadvertent suppliers of proliferation-sensitive dual-use items.

The participants in the three export control regimes are regularly assessing, responding to and improving their own procedures and measures to rectify gaps and address newly emerging threats, including through ongoing internal capacity-building activities, to enable participants to implement their own national export controls as effectively as possible.

Most importantly, the Group's permanent Chair and other participating countries also undertake extensive international outreach to explain its activities and to encourage and support non-Group countries to implement similar non-proliferation measures, to help them to meet their own non-proliferation obligations. The Group makes its handbooks, guidelines and common control lists of items of potential proliferation concern publicly available for use by non-Group countries.

The Group's outreach has been focused, in particular, on major and newly emerging producing, exporting or trans-shipment countries, such as India (in the lead-up to its successful request for admission to the Group in 2018) and China (in the form of frequent outreach visits and consultation). Engagement is considered with a possible view to the country's potential future participation, if and when it decides it is ready and it is assessed as meeting the selection criteria.

As well as allowing non-Group States free access to its control lists and other extensive information relating to its objectives and activities, the Group also adopts a transparent approach to accepting new participants. The membership criteria is publicly available on its website (www.australiagroup.net). The criteria are designed to be transparent and inclusive while balancing the need to safeguard the membership's agility and effectiveness as a like-minded group that shares a common commitment to engaging constructively, pragmatically and effectively to prevent chemical and biological weapons proliferation.

The criteria include being a party, in good standing, to the Biological Weapons Convention and the Chemical Weapons Convention and willing to participate in the Group in a primarily technical, collaborative and non-politicized way that will strengthen rather than detract from its effectiveness. They also require implementation of a national export control system for all items on the Group's control lists, supported by demonstrable licensing and enforcement measures. The expansion of the Group, including most recently India, has proven that the Group is inclusive to all States that meet these criteria.

Belarus

[Original: Russian]

[16 May 2022]

The Republic of Belarus considers it important to further develop and strengthen international cooperation on peaceful uses in the context of international security.

Global efforts to prevent the proliferation of weapons of mass destruction and their means of delivery should not hamper international cooperation on the exchange of materials, equipment, information and technology for peaceful purposes.

The obligations to facilitate the fullest possible exchange of relevant equipment and materials, and scientific and technological information about their use for peaceful purposes and the right to participate in such exchanges, without prejudice to disarmament and non-proliferation obligations, are set forth in the Treaty on the Non-Proliferation of Nuclear Weapons (article IV), the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (article VI) and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (article XI).

Multilateral export control regimes (the Nuclear Suppliers Group, the Zangger Committee, the Missile Technology Control Regime, the Australia Group and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies) are an important element of the global architecture for international security and non-proliferation, supporting and complementing the fundamental treaties and agreements in this area. Nevertheless, they must not become instruments for imposing arbitrary and discriminatory restrictions on the export of materials, equipment and technology to third countries for peaceful purposes.

One of the most serious obstacles to international cooperation on peaceful uses in the context of international security is the imposition of unilateral coercive measures by individual States or groups of States against third countries. These measures can take many forms, from bans on the export of materials, equipment and technology to political, economic and other kinds of pressure to discourage potential exporters from supplying countries that are subject to sanctions.

The Republic of Belarus categorically rejects unilateral coercive measures as the gravest violation of the rules and principles of international law, and intends to oppose such a harmful practice in every possible way.

In the view of Belarus, efforts should be made to achieve a balance between non-proliferation and peaceful uses in the context of international security. This can be achieved only through a transparent and inclusive multilateral process. The potential of multilateral disarmament platforms should be fully leveraged to enable substantive discussions on this topic and to raise broad awareness of the need to expand and deepen international cooperation on peaceful uses in the context of international security.

Belgium

[Original: English]
[18 May 2022]

Belgium shares the view that international cooperation on peaceful uses should be promoted. Thanks to a voluntary contribution of 2 million euros, Belgium is one of the major donors of the new Centre for Chemistry and Technology of the Organisation for the Prohibition of Chemical Weapons, which will play an important role in international cooperation through training activities and scientific support. Belgium is also an important contributor to the International Atomic Energy Agency's technical cooperation programme, paying its target rate in full and on time and adding additional voluntary contributions to support the use of nuclear technologies to meet energy needs, improve health, protect the environment and fight zoonotic diseases, et cetera.

It should be noted that multilateral export control regimes set out rules to guarantee that trade in strategic goods can proceed without increasing the risk of the proliferation of sensitive materials and technologies. Robust and trustworthy export controls play an essential role in preventing the proliferation and diversion of sensitive items for the purposes of weapons of mass destruction and terrorism. The regimes' effective functioning also facilitates legitimate trade.

The multilateral nature of these regimes ensures that countries can participate on an equal footing and voice potential concerns. The regimes have also shown transparency in reaching out to non-participating States in order to inform them about changes in the control lists, to provide explanations, to address membership issues and to answer questions that non-participating States might have about implementation. All these principles were high on the agenda during Belgium's term as Chair of the Nuclear Suppliers Group for the period 2020–2021.

Considering the importance of export controls for the maintenance of international peace and security, and in view of the data demonstrating that the effect of export controls on trade and peaceful uses of sensitive technology is minimal, Belgium is concerned about the mention of "undue restrictions" on exports of sensitive items in General Assembly resolution [76/234](#). We do not believe that export control regimes impose "undue restrictions" on the export of sensitive materials, nor do we see the need for a new framework for dealing with these issues. We also note that the Security Council, through the adoption of its resolution [1540 \(2004\)](#), has made it a legal requirement for all Member States to implement effective export controls in order to prevent illicit exports of sensitive goods to non-State actors. Similar obligations stem from the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

Cambodia

[Original: English]
[26 May 2022]

Science and technology hold the key to the progress and development of any nation, as they play a fundamental role in wealth creation, the improvement of quality of life, and real economic growth and transformation in any society. At the same time, they may also bring about risks and disaster if not properly or peacefully used. Therefore, in the context of international security, science and technology are always

taken up as hot topics for discussion in national and international forums, including United Nations events, with a view to striking a balance between security risks and sustainable development. In the spirit of General Assembly resolution 76/234 on promoting international cooperation on peaceful uses in the context of international security, and as a sponsor of the resolution, Cambodia wishes to share the views and recommendations set out below.

1. International cooperation in science and technology is important and is one of the most crucial factors for national development. Each nation may need to rely on science and technology to develop itself, even countries that have abundant natural resources. All States, especially developing ones, have a dire need for science and technology to enhance the development of their economies and societies. Therefore, promoting international cooperation for peaceful purposes and the sharing of scientific and technological achievements is very significant in speeding up the development of all and collectively realize the Sustainable Development Goals.

2. As a developing country, Cambodia supports the use of science and technology for peaceful purposes. Cambodia is at the early stage of technological adoption and economic digitalization based on the principles of national sovereignty, mutual respect and win-win cooperation. In this regard, in the context of developing countries, international cooperation must be bolstered in the area of capacity-building and technology transfer, including unrestricted exports of materials, equipment, and technology for peaceful uses, avoiding discriminatory behaviour or double standards, and should be based on country preference so that developing countries can fairly benefit from the advancement of science and technology with a view to achieving global growth and prosperity.

3. The sharing of scientific and technological knowledge for peaceful purposes has been restricted for global security reasons. The transportation of materials to and the sharing of technology with developing countries have been tightened. Even worse, some countries have unreasonably disrupted the sharing process of science and technology for peaceful purposes, which undermines the legitimate rights of all nations, in particular the developing world, where demand for science and technology is high, to boost their economic and social development.

4. It is true that science and technology can threaten global security owing to the fact that they can be used to develop weapons of mass destruction. However, international cooperation for peaceful purposes and the sharing of the knowledge of science and technology should not be interrupted because of this concern, which could slow down the development process of all countries, especially the developing ones. In this regard, we should all balance global security and development by initiating a mechanism that can ensure global security and enhance development by promoting international cooperation for peaceful purposes and the sharing of the knowledge of science and technology.

5. Cambodia strongly supports multilateralism as a guiding principle for the promotion of peaceful uses of science and technology. The establishment of an international legal framework and cooperation mechanisms will enable all countries to join any discussion in a transparent manner, providing them with more opportunities to learn and share experiences and to build trust among them, so that no country is left behind in the area of technological advancement. Similarly, harmful security risks associated with the use of science and technology will be minimized in an effective and timely manner. To this end, standards and regulations on the peaceful use of science and technology should be developed on the basis of existing rules and models, such as the Charter of the United Nations and the World Trade Organization, etc. Accordingly, laws, regulations and normal practices in various countries will need

to be harmonized in order to smoothen the implementation of the above-mentioned frameworks.

Canada

[Original: English and French]

[31 May 2022]

Canada has long been active in the promotion of international cooperation on export controls and is a key global contributor to the peaceful uses of nuclear energy. The promotion of the peaceful uses of nuclear energy and technologies is an important part of fulfilling our obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, and, in all our engagements, we maintain our international nuclear security obligations with the utmost regard.

Canada recognizes the important role of the multilateral export control regimes in balancing non-proliferation and diversion concerns against legitimate research and trade. Canada fully and unequivocally supports the work of the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group, Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and the Zangger Committee.

The multilateral export control regimes have language in their guidelines to avoid constraining peaceful uses and basic scientific research. In balancing non-proliferation considerations and development considerations, non-proliferation must always be of the greatest importance. Where there is a concern about non-proliferation controls hindering legitimate commerce or stifling scientific innovation for peaceful ends, the concern is best brought to the attention of the existing multilateral export control regimes.

Canada fully supports the work of these regimes and rejects the notion that guidelines built on consensus create “undue restrictions” on exports of sensitive items. It is simply untrue and amounts to an attempt to undermine the existing export control regimes.

General Assembly resolution [76/234](#) creates a disappointing politicization of export control regimes and their work, when these groups strive to remain apolitical and focused on the technical nature of their work. This politicization undermines international science and technology cooperation, as collaboration is impossible in the absence of a suitable framework that enables it.

At the core of this resolution is the idea that the current system of multilateral export control regimes is fundamentally flawed and that, rather than addressing that issue, Member States would find it simpler and more effective to start anew. Doing so would not address any flaws in the current system, let alone provide the opportunities to improve it. The guidelines proposed by the various regimes are negotiated by concerned parties under the principle of consensus. The resolution further infers that the export control authorities of Member States do not perform their task correctly, on the basis that export control decisions and the implementation of States’ various guidelines are non-legally binding and fall to the national competence of States, taking into account their national, regional and international obligations.

The various multilateral export control regimes are open to membership on the basis of transparent, objective and non-discriminatory criteria. Multilateral export control regimes bring together suppliers of sensitive technologies from all parts of the world and are open to membership to interested parties by consensus of existing members. Guidelines and control lists are researched, discussed and agreed to by consensus, and the implementation of these guidelines is the responsibility of each

State. Multilateral export control regimes contact non-participating States to inform them of changes to the control lists, provide explanations, address membership issues and answer any questions that such States may have about implementation. All States, whether they take part in a particular regime or not, benefit from the guidelines of the regimes and can choose to apply the publicly available control lists. This openness and transparency is at the heart of the success of these regimes.

While the regimes are non-legally binding, Security Council resolution [1540 \(2004\)](#) is the core legally binding element of the international non-proliferation architecture. All Member States must implement effective export controls in order to prevent illicit exports and the diversion of sensitive goods for non-peaceful purposes. This obligation is universally accepted. There has been no finding in the three comprehensive reviews of the resolution that any undue restriction on export controls exists.

The regimes serve as the technical instruments that enable us to fulfil our international obligations and commitments. There is a direct link between the voluntary regimes and the legal requirements for all Member States to put in place export controls, which stem from their obligations under certain instruments of international law, including the Non-Proliferation Treaty, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and Security Council resolution [1540 \(2004\)](#).

Without comprehensive and rigorously implemented export controls, we risk enabling the proliferation and diversion of sensitive items for the purpose of weapons of mass destruction and terrorism. The clear guidelines and lists of sensitive items developed by the regimes give the exporting States the necessary assurances that exports of sensitive products to trusted recipients are for peaceful uses and will not undermine international peace and security.

Beyond facilitating trade and industry interests, the regimes conduct important outreach to industry, academic and research institutions, and civil society in order to discuss the application of published guidelines, and those best practices are shared among members of a given regime. This transparency and commitment to outreach allows all States and relevant stakeholders to be informed of arrangements and ensure that trade in sensitive materials for legitimate purposes continues unhindered, in compliance with international obligations and commitments.

There is little to be gained by the creation of a parallel non-proliferation system in a General Assembly framework in addition to the existing non-proliferation treaties and conventions, as well as to relevant Security Council resolutions, forums and processes. Proposals such as General Assembly resolution [76/234](#) will only undermine the good functioning of the existing multilateral export control regimes.

Canada, along with international partners, seeks to build support for a new effort to promote the global understanding of the benefits of cooperation on peaceful uses in order to raise awareness of the potential impact of nuclear technology on national development and economic priorities through a new programme, the sustained dialogue on peaceful uses. This programme will be announced at the upcoming tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in August 2022, and creates a framework for a practical approach to raising international awareness of the potential benefits of the peaceful uses of nuclear energy, science and technology. The broad programme is intended to bring together traditional and non-traditional stakeholders, including partner Governments, foundations, research institutions, laboratories, international organizations, initiatives, private corporations and other interested parties in a cooperative effort to

identify new opportunities to expand the peaceful uses of nuclear energy. The programme will also seek to help to identify opportunities to build national capacity to accept and sustain assistance and cooperation on peaceful uses. This dialogue will avoid duplication with existing structures, in close consultation with the International Atomic Energy Agency (IAEA), to ensure that it will complement and enhance assistance made available under the IAEA technical cooperation programme.

In summary, and in response to the request of the Secretary-General to seek the views and recommendations of Member States on General Assembly resolution [76/234](#), Canada recommends extending support to the existing non-proliferation framework under the multilateral export control regimes to address any perceived concerns with the non-proliferation architecture, and stresses the need for all Member States to ensure the full implementation of obligations under Security Council resolution [1540 \(2004\)](#), as well as the universalization of relevant non-proliferation and disarmament treaties.

China

[Original: Chinese]
[22 April 2022]

A. Summary

In accordance with resolution [76/234](#) of the United Nations General Assembly, States are to submit their views and recommendations to the Secretary-General of the United Nations on all aspects of “promoting international cooperation on peaceful uses in the context of international security”. China holds that utilizing science and technology for peaceful purposes and conducting relevant international cooperation are inalienable rights of all countries conferred by international law. Against the background of a new era, the international community urgently needs to strengthen planning and coordination, effectively promote international cooperation on the peaceful uses of science and technology and relevant international cooperation, jointly safeguard universal security and share the achievements of development.

The highest current priority is the need to initiate and sustain an open, inclusive and just dialogue process within the framework of the General Assembly, to fully assess the current state of and challenges to peaceful uses and relevant international cooperation. As we affirm and uphold existing international treaties, organizations and mechanisms and fulfil relevant international obligations, we need to sort through the challenges facing the international community, establish guiding principles, and take tangible actions to promote peaceful uses and relevant international cooperation. In particular, the long-standing concerns of developing countries should be addressed by building consensus through dialogue and consultation and removing undue restrictions, thereby ensuring that they fully enjoy their right to the peaceful use of science and technology and better achieving the Sustainable Development Goals while maintaining international peace and security.

B. The importance of promoting peaceful uses and relevant international cooperation

Through decades of discussion and practice, the international community has concluded a series of legal and political instruments and established the basic principle for peaceful uses, namely, maintaining international peace and security by guarding against the proliferation of weapons of mass destruction and their means of delivery, while also ensuring the legitimate right of States to utilize science and technology for peaceful purposes and carry out relevant international cooperation in order to promote sustainable economic and social development. While enjoying the

right to peaceful uses, States also have the responsibility and obligation to promote peaceful uses and relevant international cooperation. This principle has been affirmed repeatedly by such international legal instruments as the Treaty on the Non-Proliferation of Nuclear Weapons (the “Non-Proliferation Treaty”), the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the “Biological Weapons Convention”) and the Convention on the Prohibition of the Development, Production and Stockpiling and Uses of Chemical Weapons and on Their Destruction (the “Chemical Weapons Convention”), as well as by resolutions and documents of the General Assembly, the United Nations Security Council and other relevant international organizations.

Throughout human history, science and technology have always been a key driving force for economic and social progress. In a globalized world, national economies are highly interdependent and global industrial and supply chains are deeply intertwined. Scientific and technological development and industrial transformation are on the rise in the nuclear, biological, chemical, aerospace, information and communications fields. Promoting the peaceful use of science and technology in relevant fields, enhancing international exchanges and cooperation, and sharing scientific and technological outcomes play important roles in realizing the Sustainable Development Goals and in ensuring that States fulfil their international non-proliferation and other obligations. The coronavirus disease (COVID-19) pandemic makes it all the more urgent for the achievements of science and technology to be shared with developing countries, the better to tackle development challenges and bridge the yawning gaps they face in technology and development.

C. Assessment of the current status of peaceful uses and relevant international cooperation

1. Over the years, through such international organizations as the United Nations, the International Atomic Energy Agency and the Organisation for the Prohibition of Chemical Weapons, as well as through regional organizations and bilateral channels, the international community has achieved significant progress in conducting international cooperation around the peaceful uses of science and technology. The outcome documents of each of the review conferences for the Non-Proliferation Treaty, the Biological Weapons Convention and the Chemical Weapons Convention have provided positive appraisals of the political commitments and concrete efforts of States to promote international cooperation on peaceful uses and relevant international cooperation, and have stressed the importance of these efforts in realizing the purposes and goals of the aforementioned international legal instruments.

As the era unfolds, the consensus of the international community on the significance of peaceful uses grows over time, the aspirations of developing countries to promote relevant international cooperation intensifies and their needs become more diverse, along with steadily increasing funds and human resources from assistance providers and greater stakeholder participation in international cooperation. All parties have carried out useful discussions and explorations regarding such important issues as the scope of peaceful uses, the relationship between peaceful uses and non-proliferation-related export controls, the role of peaceful uses in sustainable development, the methods and channels for carrying out international cooperation and the real challenges faced by peaceful uses.

It is worth noting that in the field of international cooperation on peaceful uses, increasing attention is being paid to integrating resources and enhancing efficiency by means of cross-cutting and cross-mechanism partnerships. For example, nuclear technology is widely used in health care, food and agriculture, environmental

protection and other fields, thus playing an important role in promoting sustainable development and human welfare. The peaceful uses of biotechnology are instrumental in the improvement of global public health. In the context of COVID-19, international cooperation within the framework of the Biological Weapons Convention has become more closely connected with the efforts of the World Health Organization, the Food and Agriculture Organization of the United Nations and the World Organization for Animal Health.

2. On the other hand, developing countries are facing serious challenges in avoiding discrimination when they take part in international cooperation on peaceful uses. The root causes of these challenges lie in the fact that, proceeding from a Cold War mentality and geopolitical motivations, certain States ignore the legitimate right of developing countries to peaceful uses as well as their own international responsibilities and obligations to promote peaceful uses. They deviate from the original purpose of maintaining international security and preventing the proliferation of weapons of mass destruction, and even describe the science and technology sector as a battlefield upon which “democracy confronts authoritarianism”, label other States as “techno-authoritarian”, politicize scientific and technological issues, and impose undue restrictions on peaceful uses. Most conspicuous of these are:

- Recklessly discrediting and suppressing foreign Governments and entities under such pretexts as non-proliferation, national security, and human rights and values, *inter alia*.
- Covertly expanding the scope of control, abusing the principle of “catch-all” controls on exports, ignoring the need for legitimate and reasonable end-uses, and disrupting or obstructing the normal import and export of items and technologies not on the control lists.
- Fabricating a variety of discriminatory export control blacklists and implementing illegal unilateral sanctions and long-arm jurisdiction.
- Promoting decoupling in science and technology, excessively restricting or even blocking the normal transfer of technology to specific States in such areas as artificial intelligence, the digital economy, semiconductors, nuclear energy, aerospace and biomedicine.
- Disrupting or even obstructing normal scientific and technological exchanges and cooperation projects under the pretext of controlling the “intangible transfer of technology”; using stigmatization, background checks, visa refusals and other means to obstruct scientific researchers’ normal interactions, academic exchanges and participation in international conferences; and restricting normal overseas study programmes.
- Pushing to transform existing non-proliferation-related export control regimes into a new “Coordinating Committee for Multilateral Strategic Export Controls (COCOM)”, and roping in allies to form various small cliques in an attempt to multilateralize their own unilateral policies and measures.
- Obstructing the participation of developing countries in setting standards and rules related to science and technology sector, particularly with regard to emerging technologies.

These wrong practices have not only seriously undermined the legitimate rights and interests of developing countries, but also fundamentally shaken the legal basis for promoting international cooperation on peaceful uses, intensifying the concerns of developing countries regarding the lack of guarantees for their right to peaceful uses, and obstructing discussion by the international community of promoting peaceful uses and relevant international cooperation. These wrong practices have also

seriously damaged confidence in normal international economic and trade exchanges as well as in scientific and technological cooperation among States.

The wrong practices of certain States have long stirred broad concerns within the international community. The Movement of Non-Aligned Countries has voiced serious concerns over undue restrictions on peaceful uses in the outcome documents of every one of its summits since its 1998 summit in Durban. Developing countries have repeatedly called, within the framework of the United Nations as well as those of relevant treaties and organizations, for the removal of discriminatory export control measures. The arbitrarily intensified restrictive measures taken by certain States in their implementation of the sanctions resolutions of the United Nations Security Council have further escalated humanitarian crises in the countries and regions concerned, and have drawn the strong condemnation of the international community. In the context of COVID-19, many developing countries have pointed out that their access to the supplies, medicines, and vaccine research and development technologies they need to combat the epidemic have been repeatedly stymied, along with the profound impact on the effectiveness of their efforts in that regard.

As the largest developing country, China has also been harmed by the wrong practices of certain States. In recent years, certain States have repeatedly clamoured for “technological decoupling” from China and, by such means as formulating sanctions and control lists and revising export control rules, have attempted to cut off the channels through which China acquires technologies, products and equipment in the semiconductor, biomedical and other sectors. Certain States even bring political pressures to bear on other countries, in order to massively interfere with the normal trade and science and technology cooperation of those countries with China, obstructing the export to China of high-tech products from companies in the countries concerned and even restricting normal interactions among scientific researchers. China has repeatedly voiced its serious concerns over these issues and has taken necessary countermeasures.

3. The existing non-proliferation-related export control regimes, namely the Nuclear Suppliers Group (NSG), the Wassenaar Arrangement (WA), the Missile Technology Control Regime (MTCR) and the Australia Group (AG) play important roles in achieving the objectives of non-proliferation. Their best practices and control lists are valued and drawn upon by many countries, including China. China will stay committed to promoting the sound and sustainable development of NSG and upholding the authority of the international nuclear non-proliferation regime. China is also willing to conduct dialogue and develop relations with WA, MTCR and AG in the spirit of equality and mutual benefit.

The purposes and goals of these regimes all highlight the importance of peaceful uses. For example, NSG emphasizes the need to ensure that international trade and cooperation in the nuclear field is not damaged. WA emphasizes that it is not targeted at any State and does not impede the civilian transfer of dual-use products and technologies. MTCR emphasizes that it has no intention of blocking national space programmes or international cooperation in such programmes. AG emphasizes that its guidelines are not intended to impede trade or international cooperation in biological or chemical-industry fields.

But on the other hand, the above-mentioned existing regimes also face developmental challenges of their own. Despite their outreach efforts, the issue of their inadequate inclusiveness and transparency has not been fully resolved. The control of certain items and technologies concerns the vital interests of all countries. Developing countries have been calling continuously for the removal of undue restrictions on normal personnel exchanges, scientific and technological communications and international trade. Scientific and technological advancement

requires timely updating of the export control standards and lists in different fields, in order to implement necessary controls and at the same time avoid hampering the application and sharing of scientific and technological achievements. These issues should be resolved by joint negotiations among exporters, importers and users, rather than being solely decided by States members of the regimes concerned. Certain States are attempting to remodel existing regimes along the lines of a new “COCOM”, further exacerbating the inherent problems of these regimes and very likely resulting in their being pushed in the wrong direction. Other States members of these regimes should remain on high alert against such attempts.

D. Basic principles to be followed in promoting peaceful uses and relevant international cooperation

China advocates that all countries should proceed from a spirit of “Peaceful Uses for the Benefit of All Humanity”, and jointly abide by and promote the following principles:

1. Practice true multilateralism; uphold the principle of shared consultation, contribution and benefits; effectively ensure that all countries enjoy the legitimate right to the peaceful use of science and technology; and work together to promote peaceful uses and relevant international cooperation.
2. Give full play to the role of the United Nations as the most universal international organization and the core platform of global governance; and conduct regular and comprehensive dialogues in an open, inclusive and just manner to promote peaceful uses and relevant international cooperation.
3. Make full use of existing international, regional and bilateral treaties, organizations, mechanisms and arrangements; and promote peaceful uses and relevant international cooperation within their respective mandates in order to make them mutually complementary with the dialogue within the framework of the United Nations General Assembly.
4. Take a well-coordinated approach to the planning of security and development; continuously promote peaceful uses and relevant international cooperation; and facilitate the attainment of the Sustainable Development Goals while effectively addressing the security challenges posed by scientific and technological progress.
5. Strike a balance between non-proliferation-related export control and peaceful uses. Non-proliferation goals should not be achieved at the cost of the right to peaceful uses, and upholding the legitimate right to peaceful uses does not prejudice the fulfilment by States of their international non-proliferation obligations and the exercise of their national sovereignty over export controls.
6. Non-proliferation-related export control should not become an ideological and geopolitical tool. All States should ensure that their policies, laws and practices do not conflict with the promotion of peaceful uses and relevant international cooperation, and should abolish excessive and unreasonable restrictions.
7. Maintain a goals-oriented and results-oriented approach; fulfil obligations and commitments through concrete actions; strengthen cross-cutting and cross-organizational collaboration; integrate resources and enhance efficiency on a global scale; and continue to promote peaceful uses and relevant international cooperation.

E. Future directions for promoting peaceful uses and relevant international cooperation under new circumstances

1. Promote dialogue within the framework of the United Nations General Assembly. Explore the following approaches, based on General Assembly resolution [76/234](#) on promoting international cooperation on peaceful uses in the context of international security: holding an annual meeting of the First Committee or a joint annual meeting of the First and Second Committees of the General Assembly; holding a high-level thematic conference every two years at the General Assembly; establishing a Group of Governmental Experts or an Open-ended Working Group within the framework of the General Assembly; encouraging Member States to submit reports to the Secretary-General every two years; and requesting the Secretary-General to submit a report to the General Assembly on that basis.

2. Make full use of the review mechanisms of existing treaties and conventions. Conduct a comprehensive review of peaceful uses and relevant international cooperation within the respective mandates of the 2022 Tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the Ninth Review Conference of the Parties to the Biological Weapons Convention, as well as the 2023 Fifth Review Conference of the Parties to the Chemical Weapons Convention, and assign the highest priority to that review in the follow-up review process. Encourage States to draw up action plans on promoting peaceful uses and relevant international cooperation in the outcome documents of the aforementioned review conferences. Strengthen coordination with the 2030 Agenda for Sustainable Development and the related Technology Facilitation Mechanism. Optimize the dispute settlement mechanisms of the aforementioned treaties and conventions to resolve differences through dialogue and consultation.

3. Optimize the existing non-proliferation-related export control regimes. Encourage NSG, WA, MTCR and AG to admit all interested and eligible States in accordance with the principle of openness. Encourage those regimes to further enhance their transparency, and to inform the international community of their efforts to achieve their goals and objectives through participation in the above-mentioned dialogue process of the General Assembly and the treaty review conferences. In particular, in reporting their moves to tighten controls on certain items and technologies, they should explain the rationality of the relevant decisions, while seeking the views and recommendations of other States.

4. Explore the feasibility of establishing confidence-building measures. Encourage Member States to report, on a voluntary basis, on their national implementation measures, progress and action plans for promoting peaceful uses and relevant international cooperation, as well as on their needs and difficulties with regard to participating in relevant international cooperation on peaceful uses, through the medium of their national reports submitted to the Secretary-General.

5. Explore the feasibility of establishing a new global regime. Look into the establishment, through multilateral negotiations, of a universal, comprehensive and non-discriminatory regime within the framework of the General Assembly. Its main responsibilities could include serving as a platform for regular dialogues and policy coordination, sharing and integrating resources and requirements for peaceful uses and relevant international cooperation and assistance, establishing and managing a voluntary fund to promote peaceful uses and relevant international cooperation, and hosting discussions on universally applicable export control rules and control lists.

6. Urge more stakeholders to participate. Encourage all countries to broaden the scope of their publicity and implementation efforts to increase the general public's understanding of the importance and validity of peaceful uses. Bring the business and

scientific communities and relevant non-governmental organizations into the dialogue and cooperation processes.

Cuba

[Original: Spanish]

[31 May 2022]

Cuba neither possesses nor intends to possess weapons of mass destruction. It strongly supports their total and complete prohibition and elimination in a transparent, verifiable and irreversible manner, within time frames agreed upon multilaterally. We are committed to fulfilling our obligations as a party to the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and the Treaty on the Prohibition of Nuclear Weapons, among other instruments. The provisions on international cooperation contained in these legal instruments must be fully implemented in a non-discriminatory manner.

The dual-use nature of these technologies and materials, by itself, should not hinder in any way the free and full exchange of technologies between the States parties to the various instruments, especially with developing countries, many of which have fledgling programmes with peaceful purposes in areas such as biotechnology and industrial chemistry.

Cuba has the necessary export and import control mechanisms in the nuclear, biological and chemical fields. These mechanisms do not limit or undermine the promotion of international cooperation as a path to development, as they allow for imports of dual-use products and materials, whose peaceful use is subsequently verified.

We support the identification of measures that undermine normal international exchange and cooperation for peaceful purposes in the field of disarmament, non-proliferation and arms control. On that point, we emphasize that non-proliferation control arrangements should be transparent and open to participation by all States and should ensure that no restrictions are imposed on access to materials, equipment and technology for peaceful purposes required by developing countries for their sustainable development.

The economic, commercial and financial blockade imposed by the Government of the United States of America against Cuba constitutes an obstacle to international cooperation for peaceful purposes and violates the provisions in this regard contained in international legal instruments such as the Chemical Weapons Convention and the Biological Weapons Convention. Cuba systematically endures limited access to state-of-the-art or more efficient technologies, due to the intensified United States blockade and its extraterritorial nature. Such limitations have even directly affected the procurement of verification equipment, which would contribute to monitoring of the peaceful use of dual-use technologies and materials and to non-proliferation as promoted by those instruments.

The set of unilateral coercive measures represented by the blockade limits access to technologies and components containing more than 10 per cent of United States inputs.

Examples of the losses caused by the blockade policy in the field of chemistry from January to July 2021 in Cuba include:

- The companies Importadora Exportadora de la Industria Química (Quimimpex), Mixta Productos Sanitarios and Mixta Oxicuba lost significant income owing to reduced exports of goods and services, the geographical relocation of trade, monetary-financial losses and losses resulting from the impossibility of accessing United States technology. The lost income amounts to \$4,206,740.
- The difficulties experienced in accessing the North American market to purchase raw materials, spare parts and equipment disproportionately increase transportation costs and unnecessarily delay the arrival of supplies, which must be purchased mainly in Europe and Asia.
- Cuba has to purchase products in high industrial demand, such as calcium chloride, the San Nopco brand defoamer, and bladders, at a price exponentially higher than they could be purchased in United States markets. This also applies to supplies such as cutting and welding equipment, cooling tower gaskets and cryogenic perlite, which results in additional costs for the country.
- The difficulty in purchasing computer equipment with superior hardware performance for the Cuban chemical industry, which includes the installation of servers and access to spare parts to replace obsolete technology, has resulted in estimated losses of \$300,000.
- The restrictions on Cuban Internet Protocol (IP) addresses due to the blockade make it impossible to access consultation sites, technical forums, sites providing training for information technology staff, data downloads or online classes and seminars, which has a detrimental effect on the Cuban chemical industry.

Concrete and recent examples of the impact of the blockade on the field of biology are as follows:

- From April to December 2020, the Government of the United States deliberately blocked the import of supplies needed to tackle the coronavirus disease (COVID-19) pandemic. This was seen, for example, on 18 November, when the Department of Transportation denied, on the orders of the State Department, a request from IBC Airways and Skyways Enterprises to operate humanitarian cargo flights to Cuba.
- The extraterritorial application of the blockade has continued to impede the access of Cuba to medical technologies containing more than 10 per cent of United States parts and components, as well as the procurement of over 30 products and supplies that are urgently needed for COVID-19 prevention and treatment protocols.
- In particular, the German companies Sartorius and Merck, as well as Cytiva and other regular providers of laboratory material, reagents and supplies, stopped their shipments to Cuba in 2020 owing to the tightening of the blockade. During the period, the country was unable to obtain a total of 32 pieces of equipment and supplies related to the production of candidate vaccines against COVID-19 or to the conduct of phases necessary for the completion of the clinical trials of the vaccine, including equipment for the purification of the candidate vaccines, accessories for production equipment, filtration tanks and capsules, potassium chloride solution, thimerosal, bags and reagents.
- The resulting impact on the health sector amounted to \$198.3 million between April and December 2020. This exceeds the figure reported for the period April 2019 to March 2020 by \$38 million, despite covering a shorter time frame (nine months only).

In the nuclear field, the secretariat of the International Atomic Energy Agency faces continuing and increasing difficulties in procuring the scientific equipment

approved in the context of the projects with Cuba. United States companies, or those with United States capital participation, cannot sell such equipment to Cuba as a result of the blockade. One consequence of this situation is that implementing our projects is more expensive, since equipment must be purchased from further afield.

These measures also have an impact on courses organized by United States institutions and on nuclear equipment sold by United States companies and subsidiaries located in third countries, since these are prohibited in the case of Cuban experts and companies, in blatant violation of article IV, paragraph 2, of the Treaty on the Non-Proliferation of Nuclear Weapons.

We call for the lifting of unilateral coercive measures and other restrictions that are contrary to and incompatible with the obligations of the parties to facilitate international cooperation for peaceful purposes.

Egypt

[Original: English]
[31 May 2022]

Summary

The General Assembly, in its resolution [76/234](#), decided to include in the provisional agenda of its seventy-seventh session an item entitled “Promoting international cooperation on peaceful uses in the context of international security”.

The resolution requested the Secretary-General to submit a report containing the views and recommendations of Member States on all aspects of promoting international cooperation on peaceful uses to the General Assembly at its seventy-seventh session, for further discussion by Member States.

While international political and legal endeavours addressing proliferation risks witnessed substantial progress, other efforts aimed at availing peaceful uses of different technologies, in particular developing States, are still lagging behind. In this regard, it is quite important to stress that non-proliferation concerns should never be utilized as a political tool, in particular through the concept of the export control regime, to hinder unrestricted access by all Member States to peaceful uses of various technologies.

Export control regimes are generally characterized by a lack of transparency and a deficit of inclusiveness with regard to their membership. Such regimes were mainly developed outside the appropriate negotiating bodies of the United Nations, resulting in non-inclusive like-minded arrangements that do not necessarily reflect the collective common interest of the general membership of the United Nations, yet the absence of transparency, political impartiality and, in several cases, consistency and compatibility with universally agreed rules and norms, remains a challenge characterizing export control regimes.

Access to various applications of peaceful uses of technology is fundamentally associated with achieving the development goals to which developing States aspire. This fundamental association is clearly envisioned in the 2030 Agenda for Sustainable Development, which underlines the crucial potential of science and technology for achieving the Sustainable Development Goals. Goal 17 (Partnerships for the Goals) and places cooperation on science and technology for development, with its target 17.6 calling for enhanced international cooperation and access to science, technology and innovation.

Several international legal instruments clearly embrace a very delicate structural balance, simultaneously affirming the goal of non-proliferation and the inalienable

right of access by States parties to peaceful uses of certain technologies. Among such treaties lies the Treaty on the Non-Proliferation of Nuclear Weapons.

Egypt is a staunch advocate for the promotion of international cooperation on peaceful uses in an inclusive, transparent and effective manner. Our strong desire for closer cooperation in the nuclear field is premised on two major underpinnings:

(a) The need to uphold the inalienable right to develop research and applications of peaceful uses without discrimination, including the fullest possible exchange of equipment, materials and scientific and technological information;

(b) The recognition of the significant and indispensable role of the relevant specialized and other international organizations in promoting and developing the application of science and technology in pursuit of sustainable development, in particular the International Atomic Energy Agency (IAEA).

Inalienable right to peaceful uses of nuclear energy

1. The inalienable right to develop research, production and use of nuclear energy for peaceful purposes is based on solid legal foundations. It constitutes one of the main fundamental pillars of the Non-Proliferation Treaty.

2. It is stated in article IV, paragraph 1, of the Treaty that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination.

3. In calling upon States parties to undertake its action 47, the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons confirmed that the choices and decisions of each State party in the field of peaceful uses on nuclear energy should be respected, without jeopardizing the State's policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and the State's fuel cycle policies and selected energy mix.

4. Furthermore, in article III, paragraph 3, of the Treaty, it is stated that safeguards should be implemented in a manner that will "avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes".

5. The safeguards required under article III shall be implemented in a manner designed to comply with article IV of the Treaty and to avoid hampering the economic or technological development of the parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear materials and equipment for the processing, use or production of nuclear materials for peaceful purposes.

6. Accordingly, the balance between non-proliferation and peaceful uses shall always be premised on the fundamental need to uphold the inalienable right of all State parties to the Treaty. Any policy decision or arrangement that amounts to a reinterpretation of or restriction on this right must be resisted.

7. With that being said, it is pertinent to reiterate the following:

(a) Egypt categorically rejects the call by some Member States to impose the conclusion of an additional protocol as a condition on the advancement of international cooperation in the field of peaceful uses;

(b) Export controls arrangements should be transparent and open to participation by all States and shall not lead to the establishment of a discriminatory and selective regime;

(c) Nuclear security should not be used as a pretext for the imposition of constraints on the inalienable right to peaceful uses. Such a pretext runs in total contravention of the basic principle that the primary responsibility for nuclear safety and security rests solely and entirely with that State. It is pertinent to highlight here that it was not the civilian nuclear facilities but the military use of nuclear material which posed and still pose the greatest security risk.

Contribution of peaceful uses to sustainable development and the role of the relevant international organizations

8. The attainment of the Sustainable Development Goals is premised on the role of science and technology as strategic enablers for socioeconomic development. Nuclear technologies and applications play an essential part in this regard and can be better leveraged to address many developmental needs and challenges.

9. IAEA is the competent authority and principal international organization responsible for nuclear technology transfer, as referred to in article IV, paragraph 2, of the Non-Proliferation Treaty. It has an important role in contributing to international cooperation for the further development of nuclear energy for peaceful purposes. Egypt recognizes and supports the important work of IAEA in the pursuit of peace and sustainable development.

10. By article III.A of the Statute of the International Atomic Energy Agency, IAEA is authorized to “encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world” and to “foster the exchange of scientific and technical information on peaceful uses of atomic energy”.

11. IAEA plays a vital role through its technical cooperation programme and its other statutory promotional activities in the transfer of nuclear technology and the sharing of nuclear knowledge with developing countries. The technical cooperation programme shall be carried out in accordance with the Statute, the revised guiding principles as contained in IAEA document INFCIRC/267 and the decisions of the IAEA policymaking organs.

12. Egypt, as a recipient of and contributor to IAEA promotional activities, remains concerned, however, about the lack of sufficient funding available for IAEA to meet the increasing number of requests for the transfer of nuclear technology. It is expected that demand for IAEA assistance and services will continue to grow. The expected growing trend has not been met with a commensurate increase in the regular budget or in the technical cooperation fund targets of IAEA.

13. While Egypt supports the resource mobilization efforts of both traditional and non-traditional donors aimed at providing a creative solution to the problem of limited financial and human resources, it cautions against the overreliance on extrabudgetary contributions to the various peaceful uses activities to the detriment of the main priorities and needs stipulated by the broader membership of the international organizations responsible for the promotion of these uses, in particular IAEA.

14. Egypt believes that in charting the way forward to promote peaceful uses, the best course of action is to work on increasing the regular budget allocated to financing the promotion of peaceful use activities within the relevant international organizations. This belief is underpinned by the need to preserve the impartiality and professionalism of these organizations and to reject the politicization of their work,

which could be negatively affected by the overreliance on extrabudgetary contributions.

15. Egypt follows closely the cross-organizational cooperation between IAEA and other relevant organizations and partners with a view to spread peaceful uses across many development sectors. Such partnerships are aligned with the ongoing endeavours to enhance international cooperation on peaceful uses. However, they shall proceed in a manner that respects the mandates of the respective organizations and avoids duplication.

Germany

[Original: English]

[30 May 2022]

In its resolution [76/234](#) on promoting international cooperation on peaceful uses in the context of international security, adopted on 24 December 2021, the General Assembly requested the Secretary-General to seek the views and recommendations of all Member States on all aspects of promoting international cooperation on peaceful uses in the context of international security, including identifying undue restrictions on exports to developing countries of materials, equipment and technology for peaceful purposes, possible measures to achieve a balance between non-proliferation and peaceful uses, and the way forward, and to submit a report containing the views and recommendations to the Assembly at its seventy-seventh session, for further discussion by Member States.

The present paper represents the national contribution by Germany of its view on promoting international cooperation on peaceful uses in the context of international security.

Germany fully aligns itself with the joint reply of the European Union delivered on the issue.

In addition, Germany would like to stress the points set out below.

The implementation of the aims of the resolution would substantially undermine the functioning of the existing non-proliferation architecture created by the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and other international treaties.

It would do so by questioning the legitimacy of the existing international rules and regimes that govern the flow of sensitive technology and goods. These rules and regimes have found international recognition, in particular by the Security Council, most notably but not only in Council resolution [1540 \(2004\)](#).

General Assembly resolution [76/234](#) might therefore considerably harm the peace and stability so far ensured by the existing non-proliferation architecture.

All parties to treaties, such as the Non-Proliferation Treaty, the Chemical Weapons Convention, the Biological Weapons Convention, etc. have undertaken not to transfer or in any way assist the transfer or obtaining of weapons of mass destruction. It remains every State party's responsibility to ensure that it lives up to these undertakings. In other words, it is every State party's sovereign decision to determine whether a particular transfer of goods or technology may be considered compatible with the obligations of non-proliferation. Security Council resolution

1540 (2004) expressly requires Member States to implement effective export controls in order to prevent illicit exports of sensible goods to non-State actors.

Technical in character, the export control regimes have established transparent standards for effective export controls, thus actually enabling the safe transfer of sensible goods and technology. There is no factual evidence of “undue restrictions” supposedly hampering peaceful uses as mentioned in the preamble of General Assembly resolution 76/234.

With the Security Council Committee established pursuant to resolution 1540 (2004) and its review process, the Council has created a forum and a mechanism that enable the international community to evaluate, discuss and, if necessary, adapt non-proliferation policies.

Ireland

[Original: English]
[31 May 2022]

Ireland recognizes export controls as central to the countering of the proliferation and diversion of sensitive items for the purposes of weapons of mass destruction and to the overall preservation of international peace and security. Robust and effective export controls serve to facilitate, not hinder, legitimate trade.

A strong, trustworthy multilateral export control framework is vital. Indeed, export controls are legal requirements, stemming from obligations under instruments of international law, such as the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and Security Council resolution 1540 (2004).

Export controls play an essential role in the implementation of such disarmament and non-proliferation instruments. Specifically, the day-to-day risk assessments, control lists, information exchange and other export licensing processes, which underpin export controls and the multilateral export control regimes, are critical in helping to combat illicit diversion.

Multilateral export control regimes play a crucial role in preventing the proliferation and diversion of sensitive items for the purposes of weapons of mass destruction and terrorism. Regimes such as the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group, the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and the Zangger Committee provide valuable assistance in facilitating international cooperation on peaceful uses by, inter alia, setting out guidelines and control lists that facilitate legitimate trade by giving the necessary assurances to exporting States that may be considering whether to export sensitive goods and technologies for peaceful purposes.

Ireland strongly supports each of these regimes, and we note that their membership opportunities are based on transparent, objective and non-discriminatory criteria.

In this regard, Ireland is concerned that General Assembly resolution 76/234 may give rise to an unnecessary politicization of export controls and thus ultimately undermine international cooperation on science and technology, as this is an area which requires strong and dependable export controls.

Ireland could not support the idea contained in the draft resolution submitted to the First Committee that export control regimes and related arrangements “unduly restrict” the export of sensitive technologies. Our firm view is that export control regimes play an essential role in the prevention of the proliferation of weapons of mass destruction and their means of delivery, in addition to facilitating legitimate trade.

We emphasize that resolution [76/234](#), which would seek to undermine the functioning and legitimacy of export control regimes, will not increase the exchange of sensitive goods and technologies for peaceful uses.

Instead, if such regimes are undermined, it will only serve to discourage States in engaging in such exchanges, by unnecessarily increasing the risk of proliferation and diversion.

Ireland remains in full support of international cooperation on peaceful uses. However, we cannot accept the text of a resolution which may present a false dichotomy between peaceful uses of nuclear, chemical and biological material on the one hand, and export control measures and regimes on the other. We instead call for the strengthening of multilateral export control regimes in order to ensure that they can be efficient, and trustworthy and keep pace with advancements, and to ensure that they can continue to contribute to international peace and security.

Italy

[Original: English]

[31 May 2022]

The present national submission is aimed at responding to the note verbale contained in document ODA/2022-00036/PICIT and to the call issued by the Secretary-General pursuant to General Assembly resolution [76/234](#) on promoting international cooperation on peaceful uses in the context of international security.

Italy expresses its firm support for multilateral export control regimes as valuable tools to enhance and reinforce the international non-proliferation architecture, including the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and, more recently, Security Council resolution [1540 \(2004\)](#) and its follow-on resolutions:

(a) The essence of non-proliferation efforts is to firmly take into account the inherently dual-use nature of the science and technology underlying biological, nuclear and chemical weapons. When the same applications can be used legitimately to save lives and misused to cause mass destruction, multilateral export control regimes play a crucial role in preventing technology from being diverted and used maliciously, controlling access to strategic items and promoting trade for peaceful purposes. In fact, not only does this interplay of laws, policies and procedures enable legitimate trade in controlled items, it also allows for international cooperation on peaceful uses by all;

(b) In this regard, Italy encourages multilateral export control regimes as means to build trust and sustain international trade and development. In our view, trust plays a central role in driving development, and lifting obligations that stem from such regimes would not ultimately result in an increased volume of international trade, science and technology cooperation, but rather in a deficit of trust and predictability.

With regard to the content and scope of General Assembly resolution 76/234, Italy fully aligns itself with the joint reply of the European Union that was delivered on the issue. In addition, Italy would like to stress the following:

(a) Resolution 76/234 seems to question the legitimacy of existing international rules (such as Security Council resolution 1540 (2004)) and regimes regulating the trade of sensitive technologies and goods. Its implementation could end up infringing the basic sovereign right of all Member States to establish how best to safeguard their own national security and increasing the risk of some exports being diverted and used in weapons of mass destruction programmes;

(b) Multilateral export control regimes are in fact informal groups of States that coordinate export controls (and related strategic trade control instruments) on “proliferation-relevant” goods and technologies. They are not treaties and do not impose legally binding obligations on their participants, who must, however, comply with United Nations resolutions, such as the above-mentioned Security Council resolution 1540 (2004);

(c) The mandate of such regimes is simply to facilitate the harmonization of export control policies and the implementation of national controls, as well as to provide a forum for coordination, information-sharing and the creation of international standards for the trade in strategic goods and technologies. In our view, therefore, there is no reason for the mention of “undue restrictions” allegedly hampering peaceful uses in the preamble of General Assembly resolution 76/234;

(d) When appropriately designed, carefully targeted and effectively applied, export controls can reveal and block proliferation efforts. Therefore, a very large number of countries have been using regime best practices to establish proper national export controls. Many countries would also like to formally join the regimes, but the internal consensus voting rule unfortunately makes increasing the membership quite difficult;

(e) The key functions of such regimes include maintaining and updating common control lists, exchanging information, developing and publishing guidance documents on the implementation of export controls and outreach to non-members. The usefulness of the regimes has not been disputed by anyone over the past years, and it is universally recognized that they can prevent terrorists from acquiring components of weapons of mass destruction;

(f) Export control efforts have been facing a growing number of challenges over the past several years. Emerging technologies, such as additive manufacturing, synthetic biology robotics and artificial intelligence, are widely viewed as generating potential new threats (or amplifying existing ones) that demand prompt, broad action (often also requiring detailed reviews of threat assessments to discern the necessity and appropriateness of controls);

(g) The speed at which developments in these areas are advancing is placing an additional burden on the ability of States’ export control systems to respond in an effective and proportionate manner. Moreover, items of concern are increasingly transferred in intangible forms thanks to digital information-sharing means. They are therefore difficult to intercept, but regimes are producing and sharing guidance material and “best practices documents” on the implementation of controls on intangible technology transfers;

(h) In Italy’s view, the universalization of regime export control standards is key to limiting proliferation effectively. As mentioned above, States should react to rapid technological developments that pose proliferation risks, by following regime “best practices”. Regimes should keep their “open door” policy and continue to promote regional and bilateral outreach and transparency activities, which should

help to reduce non-member misconceptions about the value of adopting regime guidelines and control lists. We encourage the United Nations to invest its resources and skills to enhance such efforts.

Italy strongly believes that safe and secure international cooperation on peaceful uses of nuclear, biological and chemical technology must be promoted and strengthened so that these applications further contribute to the health and prosperity of humanity and the preservation of our planet:

(a) A firm commitment to research, technological innovation and the enhancement of health and educational standards for the benefit of future generations inspires our country's action in this field, with a view to implementing and achieving the 2030 Agenda for Sustainable Development and the Sustainable Development Goals;

(b) In the context of the International Atomic Energy Agency (IAEA), for instance, in 2022, Italy will renew its contribution to the technical cooperation fund, amounting to almost 3 million euros. Italy has already resumed hosting foreign researchers in its laboratories, universities and medical centres. In addition, a two-year Master of Advanced Studies in Medical Physics programme, run jointly by the International Centre for Theoretical Physics and the University of Trieste, continues to enable young graduates to become clinical medical physicists in their home countries. As a further demonstration of our commitment to promoting capacity-building worldwide, Italy continues to fund the International School on Nuclear Security, jointly run by IAEA and the International Centre for Theoretical Physics. In this regard, the School is highly valued by developing and emerging countries and represents a model for capacity-building worldwide that could be applied to other sensitive technology areas.

In conclusion, and in response to the Secretary-General's request, Italy rejects any connections between multilateral export control regimes, undue restrictions on international trade and the right to economic and social development, in particular that of developing countries. Our country remains fully and constructively committed to: pursuing an open and transparent dialogue and exchange of views in all relevant forums; supporting and advancing the international non-proliferation architecture; and preserving international trade, science and technology cooperation and equitable development for all.

Japan

[Original: English]
[31 May 2022]

The views and recommendations of Japan are set out below.

1. The international export control regimes significantly contribute to maintaining international peace and security.

- International export control regimes play an essential role in preventing the proliferation of weapons of mass destruction and their means of delivery, as well as conventional weapons, thereby contributing to international peace and security.
- The regimes also complement the implementation of international treaty obligations on non-proliferation, including the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, the Convention on the Prohibition of the

Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and Security Council resolution 1540 (2004).

2. Undermining the international export control regimes would constrain developing countries' access to technologies for peaceful use.

- The international export control regimes do not inhibit international development or cooperation on the peaceful uses of technology.
- The confidence, trust and assurance provided by the international export control regimes are critical to enabling peaceful cooperation involving advanced technologies. The regimes substantially contribute to facilitating and promoting international trade in potentially sensitive dual-use items by allowing for the sharing of guidelines and good practices, which help all countries to examine the proliferation risks before issuing an export license.
- Discrediting the function of the regimes would impair non-proliferation efforts aimed at curbing attempts to acquire capabilities related to weapons of mass destruction and would erode confidence in trade, ultimately undermining international trade and cooperation on science and technology.

3. Outreach activities to enhance export control capacity should be further promoted.

- The international community should redouble its efforts to provide capacity-building in order to assist States that are not yet implementing effective export controls. Such efforts should also be aimed at promoting the recognition that rigorous export controls foster confidence among trade or investment partners and create a favourable environment for further economic growth, rather than impeding trade and investment.
- From this perspective, Japan has been hosting the Asian Senior-level Talks on Non-Proliferation and the Asian Export Control Seminar to strengthen international cooperation on non-proliferation in Asia and to raise awareness of export control efforts.
- Furthermore, Japan contributed to the trust fund for global and regional disarmament activities of the Office for Disarmament Affairs in order to support the implementation of Security Council resolution 1540 (2004). Japan welcomes the appointment of the 1540 regional coordinator for the Asia and Pacific region under the fund.
- With a view to supporting domestic implementation by Member States, Japan believes that the operations of the Security Council Committee established pursuant to resolution 1540 (2004) must be enhanced.

Kazakhstan

[Original: English]
[23 May 2022]

Rapid climate change and destructive human intervention in the natural environment are leading to a sharp increase in the likely emergence and spread of new dangerous pathogens. In the context of wider turbulence and global instability and the need for international safety, there is a growing need for the United Nations to address biological safety as an emerging global security threat. It is also necessary to promote international cooperation on the peaceful uses of emerging technologies, including biological advances.

There is, simultaneously, a heightened threat of biological weapons being used for bioterrorism and warfare. Many of the microorganisms and toxins that may be used as biological weapons can be easily acquired and mass-produced. The dissemination of these agents in aerosol form by terrorists can produce mass casualties and overwhelm our current public health system. Some biological agents, such as *Bacillus anthracis* (anthrax) and botulinum toxin, are considered far more likely than others to be used as biological weapons. The smallpox virus, which was apparently produced in mass quantities, may also be a serious threat. The release of such agents could go undetected for several hours or days and would be followed by mass illnesses that require a highly skilled first line of response to be mounted by the public health community. Therefore, rapid epidemiological investigation to identify the nature of the outbreak of the disease would be critical for limiting casualties. For many but not all biological agents, there are medical treatments that can greatly lower the mortality associated with exposure.

In the light of the aforementioned possible threats and perilous circumstances, the President of the Republic of Kazakhstan, Kassym-Jomart Tokayev, at the seventy-fifth session of the General Assembly, proposed to establish a specialized agency, the International Agency for Biological Safety. The activities of this agency will be guided by the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, signed in 1972.

The proposal for the establishment of the International Agency for Biological Safety is based on Kazakhstan's conviction that modern global threats, as exemplified by the coronavirus disease (COVID-19) pandemic, require a collective and collaborative approach – at the national, regional and international levels – for the safety of all humankind.

The proposal is intended to address the existing gaps:

1. The dangers of mass infections, of which the COVID-19 pandemic has provided ample illustration, and the risks associated with not having a response prepared to counteract the potentially destructive force of bacteriological weapons;
2. The inherent weakness of the Biological Weapons Convention does not close the loophole of possible bioterrorism with dangerous bacteriological agents falling into the hands of irresponsible and criminal non-State actors or international terrorists;
3. The disruptive and destructive controversies that can erode international solidarity, for example the numerous suspicions and accusations that the coronavirus disease (COVID-19) virus was human-made and that the pandemic leaked from a laboratory or was part of a biological weapons programme. This underscores the urgent need for a competent international body to fight disinformation related to biosafety events;
4. The risks to the population of a country posed by the stockpiling and possible release into the environment of harmful pathological agents, in the process of research and development for peaceful purposes. Full consideration needs to be given to the dangers connected with advances in the biosciences and biotechnology;
5. COVID-19 has exposed a substantial trust deficit when it comes to the outbreak or misuse of major pathogens. The laboratory-controlled possession of and research and development related to, pathogens of infectious diseases is necessary for the purposes of preventing and combating these same diseases. Compliance/non-compliance with the Biological Weapons Convention is,

therefore, determined partially by the intended use of pathogens or equipment, and not the mere fact of their possession (as is the case for chemical weapons). This makes verification and trust between countries, non-governmental organizations, experts and scientists all the more complex and difficult;

6. In this context, the mission of the proposed Agency is to advance peace and the health and well-being of all by initiating and ensuring safety and control measures related to potential biological and biotechnological threats. The mandate will also focus on promoting biological developments for peaceful purposes only.

In its activities, the Agency will be guided by the goals and principles of the Charter of the United Nations with a view to maintaining peace and international security and strengthening international cooperation in order to ensure biological safety. It is proposed that the Agency might be accountable to the Security Council as the main body for maintaining peace and international security.

The main emphasis of the Agency's activities is defined as preventing the diversion of biological developments for military purposes, and promoting biological research and development.

The Agency would need to cooperate closely with the World Health Organization (WHO) and other international organizations in relation to human, animal and plant-related diseases. The creation of the new Agency should be coordinated with the ongoing reforms of WHO not only so as to avoid duplication but also to enhance functional complementarity.

The legal basis for the establishment and operation of the Agency is the Biological Weapons Convention.

An important element of the Agency's work should be to develop the Catalogue of Confidence-building Measures, which can provide the necessary predictability and transparency with regard to the biological activities of States.

The Agency is proposed as an organization affiliated with the United Nations and associated with it by a special agreement, providing periodic reports on its work to the Security Council and the General Assembly.

The Agency will also work closely with:

1. The United Nations Office for Disarmament Affairs, which serves as the secretariat for the Biological Weapons Convention;
2. The Organisation for the Prohibition of Chemical Weapons, as the international chemical weapons oversight body, which has advanced laboratories with the capacity to conduct biological research;
3. The International Atomic Energy Agency (IAEA), as the international nuclear oversight body, which offers an integrated, multisectoral and interdisciplinary approach in the fight against zoonotic diseases through the new Zoonotic Disease Integrated Action (ZODIAC) initiative.

The Agency would be an intergovernmental organization composed of all interested States, primarily the States parties to the Biological Weapons Convention. When developing the Agency's charter, emphasis should be placed primarily on ensuring the health and safety of human life and on the exchange of scientific and technological information on studies of dangerous pathogens and measures to combat them. The charter should also delineate subsequent steps to develop a system of guarantees for the use of scientific developments for peaceful purposes only (similar to IAEA).

Given the fragmentation of a considerable degree of biotechnology research and its lack of transparency, it is necessary to develop comprehensive global principles for its management and regulation. These norms should be supported by a flexible safety and security regulatory framework.

The Agency would be funded through Member State dues in accordance with the United Nations scale of assessments. Financial and administrative issues will require additional negotiations after the conceptual agreement is secured.

Kazakhstan is open to proposals from Member States and the expert community and is committed to transparent discussion and constructive work with a gradual approach to the implementation of this initiative.

Kenya

[Original: English]
[31 May 2022]

1. Background: context of the non-proliferation regime, including nuclear non-proliferation

Weapons of mass destruction are a serious international concern and have been for over a century at least. After the First World War, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare prohibited the use of chemical and biological warfare. The advent of nuclear weapons, with their extraordinary destructive capacity, made the proliferation of weapons of mass destruction an even greater concern after the Second World War.²

Moreover, from a geopolitical perspective, during the post-cold-war period, the dangers of the proliferation of weapons of mass destruction have increased for a number of reasons, including regional tensions, the dissolution of the Soviet Union (and resulting looser controls over weapons scientists and dangerous materials) and the ready availability of sensitive technologies.³

The international community has responded to challenges in two major ways. First, there has been the establishment of multilateral international treaty regimes designed to prevent the proliferation of weapons of mass destruction. Building upon this first approach, non-treaty arrangements were concluded, generally known as “suppliers’ clubs”, with the aim of preventing the proliferation of technologies and equipment that could be used by “non-State actors” to develop such weapons and/or associated delivery systems.⁴

Multilateral treaties intended to prevent the proliferation of weapons of mass destruction and to mitigate risks associated with chemical, biological, radiological and nuclear terrorism include the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. Within the purview of nuclear non-proliferation and testing, while promoting progress in nuclear disarmament, key treaties include the Treaty on the Non-Proliferation of Nuclear

² Vladimir A. Orlov, “Illicit nuclear trafficking & the new agenda”, *IAEA Bulletin* 46/1 (June 2004).

³ *Ibid.*

⁴ These arrangements include the Australia Group (chemical and biological technology); the Zangger Committee and the Nuclear Suppliers Group (nuclear) and the Missile Technology Control Regime.

Weapons, the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, the Comprehensive Nuclear-Test-Ban Treaty and the Treaty on the Prohibition of Nuclear Weapons, which entered into force on 22 January 2021.

Nuclear Non-Proliferation and Nuclear Disarmament

i. Treaty on the Non-Proliferation of Nuclear Weapons

The Non-Proliferation Treaty opened for signature in 1968 and entered into force on 5 March 1970. One hundred ninety-one States have become parties to the Treaty, including the five nuclear weapon States, making it the most widely adhered-to Treaty in the field of nuclear non-proliferation, peaceful uses of nuclear energy and nuclear disarmament.⁵

The Treaty is a landmark international treaty, the objective of which is to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament. It is regarded as the cornerstone of the global nuclear non-proliferation regime and the drive towards nuclear disarmament.

Under the Treaty, non-nuclear-weapon States parties have committed themselves to not manufacturing or otherwise acquiring nuclear weapons or other explosive nuclear devices, while nuclear weapon States parties have committed themselves to not in any way assisting, encouraging or inducing any non-nuclear-weapon State party to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices.

To further the goal of non-proliferation and as a confidence-building measure between States parties, the Treaty establishes a safeguards system under the responsibility of the International Atomic Energy Agency (IAEA).

IAEA is mandated to promote non-proliferation in conformity with the policies of the United Nations to further safeguard worldwide disarmament. In the pursuit of the goals of non-proliferation and nuclear disarmament, the role of IAEA, is to provide, through its activities related to verification and safeguards, the necessary assurances that States are complying with the nuclear non-proliferation and arms control commitments that they have undertaken.⁶

The Treaty therefore represents an attempt to strike a balance between promoting cooperation in the field of peaceful nuclear technology and equal access to it⁷ for all States parties, and establishing a safeguards system to prevent the diversion of fissile material for weapons use.

ii. United Nations efforts towards promoting non-proliferation and nuclear disarmament

Security Council resolution 1540 (2004)

Security Council resolution 1540 (2004), as read together with resolution 1373 (2001), is concerned with the non-proliferation of weapons of mass destruction.

⁵ Nuclear weapon States under the Treaty on the Non-Proliferation of Nuclear Weapons are defined as those which have manufactured and exploded a nuclear weapon or other nuclear explosive devices prior to 1 January 1967. There are five such States parties to the Treaty.

⁶ Statement made on 5 March 1999 by the Director General of the International Atomic Energy Agency, Mohamed El Baradei, entitled "The peaceful uses of nuclear energy".

⁷ Article IV of the Non-Proliferation Treaty recognizes the inalienable right of all States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for such purposes.

In resolution 1540 (2004), the Security Council affirmed that the proliferation of chemical, nuclear and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security.

The resolution requires all States to, inter alia:

- Refrain from providing any form of support to non-State actors⁸ that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.
- Take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, and combat the illicit trafficking in such weapons.

Security Council resolution 1887 (2009)

Security Council resolution 1887 (2009) is concerned with the maintenance of international peace and security in relation to nuclear non-proliferation and disarmament and builds on the overriding tenets of resolution 1540 (2004).

Resolution 1887 (2009) promotes the non-proliferation of nuclear weapons in accordance with the Non-Proliferation Treaty in order to strengthen international peace and security. In it, the Security Council reaffirmed the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction.

Cumulatively, these resolutions address, among other things, the threat of nuclear terrorism and nuclear proliferation and call for national, regional and international cooperation to strengthen the global response to these challenges and threats to international security.

iii. Regional approaches to nuclear non-proliferation and nuclear disarmament

African Nuclear-Weapon-Free Zone Treaty

Regional nuclear-weapon-free zones/disarmament measures have been established to strengthen global nuclear non-proliferation and disarmament norms and consolidate international efforts towards peace and security. Article VII of the Non-Proliferation Treaty permits groups of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

The establishment of the African nuclear-weapon-free zone constitutes an important step towards strengthening the non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament and enhancing regional and international peace and security.

The Treaty of Pelindaba contains a set of prohibitions relating to, inter alia, the renunciation of nuclear explosive devices, prevention of stationing of nuclear explosive devices, prohibition of testing of nuclear explosive devices and prohibition of dumping of radioactive wastes.⁹

Article 9 of the Treaty of Pelindaba outlines a verification regime that mirrors the IAEA safeguards system established under the Non-Proliferation Treaty. Each party is obligated to conclude a comprehensive safeguards agreement with IAEA for

⁸ According to Vladimir A. Orlov, "Illicit nuclear trafficking and the new agenda", non-State actors (transnational organized criminal communities and international terrorist networks) have become increasingly prominent in their role(s) in contributing to the unauthorized access to and proliferation of sensitive materials, technologies and weapons. The risk that these actors pose has been magnified greatly since the 9/11 terrorist attacks.

⁹ Articles 3, 4, 5 and 7 of the African Nuclear-Weapon-Free Zone Treaty.

the purpose of verifying compliance with undertaking related to the conduct of activities for the peaceful use of nuclear energy.

2. General Assembly resolution 76/234: highlights

General Assembly resolution 76/234 on promoting international cooperation on peaceful uses in the context of international security was adopted on 24 December 2021. In it, the Assembly:

- i. Reaffirmed the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation, in all aspects, of all weapons of mass destruction, and reaffirms support for the multilateral treaties that support these goals;
- ii. Reaffirmed that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security;
- iii. Recognized the inalienable right of all States to participate in the fullest possible exchange of equipment, materials and scientific and technological information for peaceful purposes, in accordance with relevant international obligations;
- iv. Reaffirmed that preventing the proliferation of nuclear, chemical and biological weapons should not hamper international cooperation on materials, equipment and technology for peaceful purposes, while the goals of peaceful utilization should not be misused for proliferation purposes;
- v. Noted with concern that undue restrictions on exports to developing countries of materials, equipment and technology for peaceful purposes persist;
- vi. Emphasized the importance of promoting international cooperation for peaceful purposes.

3. Submission of views and recommendations on General Assembly resolution 76/234

Against the preceding background in sections 1 and 2 above, the General Assembly, in its resolution 76/234, requested the Secretary-General to seek the views and recommendations of all Member States on all aspects of promoting international cooperation on peaceful uses in the context of international security, including identifying possible measures to achieve a balance between non-proliferation and peaceful uses. Our views follow below.

From a contextual standpoint, the African continent has benefited immensely from the peaceful applications of nuclear energy and nuclear technologies.¹⁰ It is recognized that peaceful applications continue to support Africa's development goals (Agenda 2063 and the Sustainable Development Goals).

At the same time, however, a number of challenges that stifle the full optimization of peaceful nuclear energy and nuclear technology use in Africa have been identified.

¹⁰ Wilton Park, Government of Canada and African Commission on Nuclear Energy, "In support of Africa's Agenda 2063: pathways forward for expanding peaceful uses of nuclear energy and nuclear technology in Africa" (February 2020). The report served to consider the successes and challenges related to peaceful uses of nuclear energy and nuclear technologies in Africa, and to identify pathways for expanding and strengthening the contribution of these peaceful applications to support Africa's development agenda. See also Wilton Park, "How to prepare for NPT RevCon success" (December 2020).

General Assembly resolution 76/234 reflects the need to strike a balance between the two equally significant goals of the non-proliferation of nuclear, chemical and biological weapons and the fostering and facilitating of the economic and social development of Member States through the peaceful uses of nuclear technology. It is implicit, therefore, that within the framework of the non-proliferation regime, in particular as espoused in the Non-Proliferation Treaty, there has at times been a stronger predilection towards an emphasis on the non-proliferation and disarmament pillars of the Treaty, leaving the promotion of cooperation on peaceful nuclear energy uses at the periphery of the regime.

We make the following submissions and views towards trying to redress this seeming imbalance and emphasizing the role that promoting peaceful nuclear energy (and nuclear technology use) plays in supporting non-proliferation goals and objectives. The prevailing discourse on the challenges identified with regard to strengthening peaceful nuclear energy and nuclear technology use in Africa provides the undercurrent for the views below:

- i. Regular ministerial-level meetings to be conducted (in collaboration with IAEA and the African Union) on the contribution of nuclear science and technology and the IAEA technical cooperation programme to addressing development challenges;
- ii. Senior policymakers, in particular in Africa, are needed to champion the benefits of peaceful uses of technology for development during Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and similar forums in areas including agriculture, food security, water resource management, environmental sustainability and human health. This augurs well with regard to the need to re-frame the conversation revolving around nuclear technologies as a tool for development and a catalyst for the development process in Africa;
- iii. Improving and formalizing of coordination at an institutional level between various entities, including IAEA and the African Union through the African Commission on Nuclear Energy, as well as the African Regional Cooperative Agreement for Research, Development and Training relating to Nuclear Science and Technology¹¹ to concretize the benefits gained from peaceful nuclear uses. The African Commission on Nuclear Energy, established by the Treaty of Pelindaba, is recognized by the African Union Commission as the specialized African Agency for nuclear activities on the continent. With this unique regional positioning, the African Commission on Nuclear Energy plays a key role in advancing the peaceful application of nuclear science and technology in Africa. Moreover, as Africa's regional treaty on non-proliferation, the Pelindaba Treaty, like the Non-Proliferation Treaty, also codifies the rights of all States, in their respective regions, to make full use of nuclear technologies to enhance economic and social development;
- iv. There is need to build on existing efforts in regional and international cooperation on peaceful uses of nuclear technology for sustainable development in Africa by fully leveraging the institutional framework through the African Union, African Commission on Nuclear Energy, the African Regional Cooperative Agreement for Research, Development and Training relating to Nuclear Science and Technology, and international partners, such as IAEA. Full

¹¹ An intergovernmental Agreement established by African Member States to strengthen and enlarge the contribution of nuclear science and technology to socioeconomic development on the African continent.

appreciation of the roles of existing regional and international organizations is therefore especially key;

v. Establishing and implementing robust national policy, legal and planning frameworks for integrating nuclear technology into the national agenda. Developing policy and strategy frameworks that support the development and application of nuclear science and technology as a mechanism for development helps to re-frame the conversation around nuclear technology by shifting away from weapons use. Embedding the country programme frameworks, which are prepared in collaboration with the IAEA secretariat, and clearly identifying national priorities for peaceful nuclear uses can complement policy establishment efforts;

vi. Effective and efficient promotion of peaceful uses of nuclear technology, including national, regional and international cooperative partnerships, requires strengthened sustainability of peaceful nuclear applications. Sustainability can be viewed through a prism of four layers, namely economic sustainability, political sustainability, institutional sustainability and social sustainability;¹²

vii. While IAEA plays a critical role in supporting nuclear non-proliferation and nuclear disarmament activities, countries must recognize that the safeguards system remains only a single component of a set of mutually reinforcing measures towards non-proliferation. Export controls, as supplemented further by strong regional and global security arrangements, also support the objectives of the Non-Proliferation Treaty towards non-proliferation and the promotion of cooperation in peaceful nuclear uses initiatives.

Kenyan perspective: steps taken to support nuclear non-proliferation and disarmament

In conclusion, Kenya has been an IAEA member State since 1965 and has demonstrated commitment to utilizing nuclear energy and nuclear technology exclusively for peaceful uses.

Kenya has remained steadfast in its long-standing commitment to nuclear disarmament, non-proliferation and a world free of nuclear weapons, as most recently exemplified in its vote for the adoption of the Treaty on the Prohibition of Nuclear Weapons. Kenya supports the peaceful research and development of nuclear energy for peaceful purposes in accordance with the Non-Proliferation Treaty, to which it has been a party since 1970. In a bid to strengthen regional non-proliferation efforts, Kenya has also signed and ratified the Treaty of Pelindaba, which in turn supports the strengthening of regional non-proliferation and disarmament efforts. Kenya has also made significant strides towards developing legal and regulatory infrastructure supporting peaceful nuclear energy use and the implementation of IAEA safeguards (with close consideration of IAEA guidance) in its enactment of the Nuclear Regulatory Act, 2019. This piece of national legislation complements Kenya's obligations under international non-proliferation treaties.

Striking a balance between non-proliferation goals and the promotion of regional and international cooperation in peaceful uses of nuclear energy and nuclear

¹² See Wilton Park, Government of Canada and African Commission on Nuclear Energy, "In support of Africa's Agenda 2063", p.5. "Economic sustainability" includes considerations around long-term financing; "political sustainability" means high-level political commitment at the national, regional and international levels towards fully capitalizing on the benefits of peaceful uses for development; "institutional sustainability" places focus on developing regulatory infrastructure; and "social sustainability" strengthens the public's understanding and acceptance of the benefits of nuclear technology for development.

technology will require a concerted effort and discourse among countries with a view to inculcating a critical underlying tenet of the Non-Proliferation Treaty and non-proliferation regime: that no particular goal or objective is greater or more important than the other and that cooperation in peaceful uses of nuclear technology in fact serves to strengthen nuclear non-proliferation goals, not detract from them.

Malaysia

[Original: English]
[31 May 2022]

Introduction

The General Assembly, in its resolution [76/234](#), requested all Member States to submit views and recommendations to the Secretary-General on all aspects of promoting international cooperation on peaceful uses in the context of international security.

Malaysia's viewpoints

Science, technology and innovation are important enablers that drive economic growth, especially in addressing national issues and challenges. Malaysia aims to become a high-tech nation by the year 2030 and aspires to be a country that innovates, creates and develops its own technology and no longer exists as a mere consumer of technology. Therefore, efforts to mainstream science, technology and innovation as the main driver of economic growth have been made in order to remain globally competitive. The National Science, Technology and Innovation Policy for the period 2021–2030 was formulated to strengthen the position of science, technology and innovation in the development and growth of an innovation-based economy and to create a society that is able to apply science and technology in daily life.

To achieve these goals, it is important for Malaysia to have access to scientific and technological developments and achievements. In this regard, Malaysia would like to reiterate the importance it attaches to the inalienable rights of all States parties to the three agreements mentioned below to:

(a) Develop research, production and use of nuclear energy for peaceful purposes, without discrimination, as enshrined in article IV of the Treaty on the Non-Proliferation of Nuclear Weapons;

(b) Conduct research with, to develop, produce, acquire, retain, transfer and use chemicals for peaceful purposes, as enshrined in article XI of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

(c) 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, as enshrined in article X of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

Malaysia acknowledges that the proliferation of weapons of mass destruction is one of the non-traditional security threats that continuously affect its interests. The loosening of control elements in the movement of dual-use components has contributed to the proliferation of such weapons. In relation to this, there are concerns about the use of chemical, biological, radiological, nuclear and explosive weapons by terrorists in this country. This matter is being viewed so seriously by the Government

of Malaysia that it is currently upgrading capabilities and coordination for responding to the possible threats and disasters related to such weapons.

However, Malaysia is of the view that no efforts or steps should be taken by any parties that could be interpreted as affecting the right to peaceful uses of science and technology. All States must adhere to the fundamental principles stipulated in relevant agreements and treaties related to the peaceful uses of nuclear energy, chemicals and biological agents, specifically, and science and technology, generally, while preventing the proliferation of weapons of mass destruction.

Way forward

In order to ensure that these principles are not abused, Malaysia believes that States must exercise full transparency in their nuclear, chemical and biological programmes; subject those programmes to the full scope of the relevant monitoring bodies; adhere to the provisions of the related treaties; and gain the confidence and trust of the international community in the peaceful nature of their programmes.

Malaysia will continue to encourage all States to subscribe to these fundamental principles, which are the necessary foundation for the development and peaceful uses of science and technology.

Malaysia calls on developed countries to promote international cooperation through the transfer of technology, material and equipment for peaceful purposes in related fields and the removal of all discriminatory restrictions that are contrary to the spirit of the relevant treaties.

Malaysia is committed to its adherence to and implementation of the obligations under any treaties and agreements to which it is a party, to prevent the proliferation of weapons of mass destruction.

Mexico

[Original: Spanish]
[31 May 2022]

Mexico is submitting this document in accordance with United Nations General Assembly resolution [76/234](#), entitled “Promoting international cooperation on peaceful uses in the context of international security”, in which the Secretary-General is requested to seek the views and recommendations of all Member States on all aspects of promoting international cooperation on peaceful uses in the context of international security, including identifying undue restrictions on exports to developing countries of materials, equipment and technology for peaceful purposes, possible measures to achieve a balance between non-proliferation and peaceful uses, and the way forward.

Mexico believes that a more secure and peaceful world must be based on respect for international law and international cooperation. Mexico is also fully committed to strengthening the international disarmament and non-proliferation regime, to multilateral efforts to achieve general and complete disarmament, and to actions to prevent the proliferation of weapons of mass destruction and the diversion of dual-use goods and technologies.

In this context, as a State party to multilateral disarmament and non-proliferation treaties, Mexico reiterates the importance of complying with, and guaranteeing the effective and full implementation of, the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production

and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. These legally binding disarmament instruments also lay the foundations for preventing the proliferation and diversion of dual-use materials, goods and technologies.

Mexico recognizes that the proliferation of weapons of mass destruction and their means of delivery represents a threat to international peace and security, in part owing to the likelihood of their acquisition and use by non-State actors.

Mexico therefore supports the implementation of global non-proliferation efforts, in particular the effective implementation of United Nations Security Council resolution 1540 (2004), as well as the implementation of the guidelines of the multilateral strategic trade control regimes.

In accordance with its national position in favour of disarmament and non-proliferation, while serving as an elected member of the Security Council, Mexico assumed the position of Chair of the Security Council Committee established pursuant to resolution 1540 (2004) in January 2021. Mexico has sought to contribute to the effective implementation of resolution 1540 (2004), given the current challenges facing the international community, in order to achieve a more peaceful and secure world.

Furthermore, mindful of its international obligations as a State party to the main multilateral disarmament and non-proliferation treaties, as a sign of its commitment to non-proliferation and with the aim of ensuring that exports of nuclear material and dual-use goods and technologies do not contribute directly or indirectly to the manufacture of weapons of mass destruction or their means of delivery, Mexico has joined various strategic trade control regimes since 2014. In particular, it has joined the Nuclear Suppliers Group, the Australia Group and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

Mexico is convinced that these strategic trade control regimes encourage secure and transparent trade by providing certainty as to the origin, destination and end use of dual-use goods and technologies.

As a State party to the Non-Proliferation Treaty and a State member of the International Atomic Energy Agency (IAEA), Mexico recognizes and reaffirms the inalienable right of all States to develop and use nuclear energy for peaceful purposes. Mexico also reiterates that this right should be monitored by IAEA. For this reason, Mexico has signed a safeguards agreement with IAEA, thus upholding its commitment to the non-proliferation regime.

For Mexico, strategic trade controls and comprehensive safeguards are key elements of the non-proliferation regime under the Non-Proliferation Treaty and are also fundamental to cooperation on the peaceful use of nuclear energy.

Mexico believes that the cooperation offered by IAEA is essential to strengthening national capacities and guaranteeing the right of States to develop, use and benefit from nuclear energy for peaceful purposes.

Mexico has advocated the strengthening and universalization of the Biological Weapons Convention. Mexico considers it important to strengthen the regime under the Convention, in particular the aspects related to international cooperation, the provision of assistance and international cooperation in detecting and monitoring suspicious disease outbreaks.

Mexico considers it essential to promote multilateral cooperation in order to strengthen the response to, and the management and mitigation of, possible crises or emergency situations, and reduce existing inequalities between States that are more

scientifically and technologically developed and those that are in the process of developing their capacities in this area.

Reaffirming the commitment of Mexico to arms control, disarmament and the prevention of the proliferation, in all its aspects, of weapons of mass destruction, which are a threat to international peace and security, and its support for multilateral treaties and strategic trade control regimes aimed at preventing the proliferation of nuclear, chemical or biological weapons, Mexico has adopted various domestic laws and regulations that facilitate full compliance with the commitments made.

In particular, Mexico established an Export Control Committee. This interministerial body coordinates the actions of the different Mexican governmental agencies in charge of implementing strategic trade control regimes, determines the list of dual-use goods that require a licence for export, and coordinates inter-institutional efforts to make risk assessments, taking into account the use and final destination of the goods.

Recognizing the right of States to participate in the exchange, for peaceful purposes, of scientific and technological advances and developments, Mexico reaffirms the importance of regulating and enhancing the transparency of the use of dual-use goods and technologies, and assessing their impact on international security, in order to prevent their diversion for the development of weapons of mass destruction. Mexico reiterates the importance of, and remains committed to, ensuring that all trade, exchanges, research and transfers involving dual-use goods and technologies are used for the development of States and their communities, helping to consolidate international peace and security.

Netherlands

[Original: English]

[31 May 2022]

The Netherlands supports international cooperation on peaceful uses

- The Netherlands fully supports the notion that international cooperation on peaceful uses should be promoted.
- Through various multilateral forums and regimes, the Netherlands is committed to the promotion of the responsible use of technology. Through the existing export control regimes, the Netherlands facilitates global trade of dual-use and munitions goods and emerging and conventional technologies of concern to national security and foreign policy. This commitment also follows from the relevant treaties, such as under article VIII.A, paragraph 21 (g), of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.
- Moreover, the Netherlands actively supports the role of the International Atomic Energy Agency (IAEA) and the Organisation for the Prohibition of Chemical Weapons (OPCW) in developing countries. Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons guarantees the right to peaceful uses of nuclear energy and technologies, and facilitates the access thereto.
- The commitment of the Netherlands' is shown by our country's financial support for the IAEA Technical Cooperation Fund, the Renovation of the Nuclear Applications Laboratories and projects that are part of the IAEA Nuclear Security Information Portal. Moreover, the European Union and its member States are the largest donor to the OPCW Centre for Chemistry and Technology, which provides training facilities for developing countries. In addition, through

its Chemical, Biological, Radiological and Nuclear Risk Mitigation Centres of Excellence and the Peer to Peer Arms Trade Treaty programme, the European Union also supports partner countries with setting up or enhancing their export control systems.

Multilateral security framework enables technology transfers for peaceful uses

- Over decades, the international community has developed an international security framework for peaceful uses and the transfer of sensitive items and technology. International law and the relevant treaties are the starting point of the existing security framework.
- Especially in the light of the rapid technological developments, we see the existing multilateral export control regimes as an important contribution to international trade and global security, as these regimes are best equipped to achieve the objective.
- The regimes guide trade in sensitive items and technology for peaceful uses and are an important and tested element of the international security framework.
- The main objective of the multilateral export control regimes is to facilitate trade by identifying, monitoring and mitigating risks multilaterally, in line with the existing treaties on non-proliferation.
- The international security framework and related treaties and regimes contribute to the prevention of the proliferation of weapons of mass destruction and their means of delivery, and to greater transparency and responsibility in transfers of conventional arms and dual-use technologies.
- The multilateral export control regimes build confidence and trust among trading partners and provide exporting companies with a clear and predictable framework for research and development and trade in new technologies. Thus, the regimes promote innovation and responsible trade in knowledge and technology.
- The Netherlands is and will remain an active member of the multilateral export control regimes and values the preservation by its trade partners of the resulting principles and objectives where trade for peaceful uses is concerned.
- The multilateral export control regimes promote the efficient and reliable transfer of technology to the benefit of all countries. All States that are connected through trade benefit from the accumulation and exchange of information on responsible end-use and trade partners that takes place within the framework of the regimes.

Recommendations

- In our view, the General Assembly resolution on promoting international cooperation on peaceful uses creates a false dichotomy between peaceful uses of nuclear, chemical and biological material and dual-use technologies, on the one hand, and export control measures and regimes, on the other. The Netherlands rejects any action that is aimed at undermining or that risks weakening the existing export control and non-proliferation instruments.
- Instead, the Netherlands calls for the safeguarding and strengthening of the existing international framework, which is essential for international trade, stability and peace, including for helping developing countries in acquiring access to technologies for peaceful uses.
- Moving forward, the Netherlands stresses that discussions on the transfer of sensitive items and technology and trade for peaceful uses and alleged undue

restrictions should take place within the Second Committee (Economic and Financial Committee), not the First Committee.

New Zealand

[Original: English]

[31 May 2022]

Background

As requested in General Assembly resolution [76/234](#), New Zealand is pleased to provide the Secretary-General with its views on “all aspects of promoting international cooperation on peaceful uses in the context of international security, including identifying undue restrictions on exports to developing countries of materials, equipment and technology for peaceful purposes, possible measures to achieve a balance between non-proliferation and peaceful uses, and the way forward”.

Relationship between export controls and cooperation for peaceful purposes

New Zealand strongly supports efforts to strengthen international cooperation with a view to advancing the implementation of the Sustainable Development Goals. We regret, however, the implication in resolution [76/234](#) that international cooperation on peaceful uses is incompatible with export controls. Rather than preventing or hindering cooperation for peaceful uses, it is New Zealand’s view that export controls play a necessary role in enabling it. From our perspective, it is not a question of achieving a “balance” between non-proliferation and peaceful uses, but rather of ensuring that proliferation risks are addressed through export controls so that cooperation for peaceful uses can occur.

Importance of export controls

Consideration of this issue is taking place against the backdrop of increased geostrategic competition; ongoing efforts by some State and non-State actors to challenge and erode existing international rules, norms and institutions; a rise in authoritarianism; and the erosion of freedoms. In this environment, it is clearer than ever that the transfer of materials, equipment and technology can be used for peaceful purposes, such as sustainable development, or misused for purposes that undermine national, regional or international security and have negative humanitarian consequences. New Zealand does not share the premise of resolution [76/234](#) that facilitating the former requires the abandonment of efforts to prevent the latter.

As drafted, we regret that resolution [76/234](#) appears to be an initiative that would undermine efforts to prevent the proliferation of weapons and sensitive technologies. In particular, we do not support the resolution’s criticism of the export control regimes that have been established to uphold our shared non-proliferation objectives – regimes of which New Zealand is a member and strong supporter.

The restrictions that such regimes impose on exports of weapons, sensitive technologies and dual-use items make an important contribution to national, regional and global non-proliferation efforts. Dismantling them would have negative implications for international peace and security and for the global rules-based order, not least given the current international security situation and emerging challenges arising from the misuse of new dual-use technologies.

At the same time, we have seen no evidence to suggest that undermining the existing export control regimes would have any positive impact on sustainable development. Instead, we would anticipate a negative effect, noting the important role these regimes play in providing the trust and confidence needed to facilitate peaceful

cooperation involving potentially sensitive dual-use items. Non-proliferation regimes are critical to enabling international trade, science and technology cooperation for peaceful purposes by providing reassurance that technology and materials will not get into the wrong hands, leading to misuse.

Robust export controls: a binding international obligation

There is a requirement for robust and trustworthy export control systems across all Member States in order to prevent illicit exports of goods. Security Council resolution [1540 \(2004\)](#), for example, serves as a vital legally binding component of the international non-proliferation architecture. New Zealand's application of the standards and guidelines agreed by the existing multilateral export control regimes is the primary mechanism through which we fulfil our international obligations and commitments relating to non-proliferation and counterproliferation. This is our national prerogative, reflecting our commitment to being a responsible exporter of military and dual-use goods and technology and of other goods to military and police end users.

Strengthening export controls

It is New Zealand's view that there is much that can be done to strengthen the existing export control regimes. While continuing to safeguard legitimate trade, there should be a focus on further strengthening and updating existing non-proliferation arrangements, including by considering how to widen membership and adherence. For example, there could be merit in developing mechanisms to identify needs and facilitate capacity-building to help States not yet implementing effective national export control arrangements.

Effective verification is fundamental to the success of export control, arms control and counterproliferation agreements and arrangements. It supports transparency, increases compliance and boosts confidence among States, thereby facilitating technology transfers. Existing mechanisms should be reinforced, and new verification regimes should be developed where there are gaps or to complement new control mechanisms. Enhanced transparency could help to monitor the efficacy of export controls based on global flows of proliferation-sensitive goods.

Information-sharing and best practice guidelines are also fundamental to improving export control systems, raising risk awareness and building trusted relationships. New Zealand also recognizes that new arrangements may be needed in relation to new technologies or domains, such as those pertaining to outer space or cyberspace.

Conclusion

New Zealand recognizes that developing countries may have concerns about access to technology for sustainable development and peaceful purposes, but does not agree with the suggestion in General Assembly resolution [76/234](#) that undermining the existing export control regimes will address these concerns. Instead, New Zealand would advocate an inclusive approach to strengthening export controls as a contribution to facilitating international cooperation for peaceful purposes.

Nicaragua

[Original: Spanish]
[10 March 2022]

The Government of Reconciliation and National Unity has the honour to transmit the comments and recommendations of the Republic of Nicaragua for the

report of the Secretary-General pursuant to resolution 76/234, on promoting international cooperation on peaceful uses in the context of international security.

As a developing country, Nicaragua has always fought for its right to development in its national capacity and as part of the Group of 77 and China and the Movement of Non-Aligned Countries. Our priority is the eradication of poverty and the comprehensive achievement of the 17 Sustainable Development Goals. This can be achieved only through international cooperation and insofar as developed countries meet their official development assistance commitments. Nicaragua also upholds the right to the peaceful use of science and technology.

Developing countries have the most urgent needs. In addition, we are facing major challenges, repercussions and consequences as a result of climate change and the coronavirus disease (COVID-19) pandemic. It is therefore urgent to eliminate illegal sanctions and unilateral coercive measures, trade restrictions and discrimination, and the barriers imposed by large countries as part of their export controls. We advocate a fair, open and transparent multilateral system.

For the benefit of developing countries, our country is committed to achieving the balance that should exist between non-proliferation and international cooperation for peaceful uses, which should complement each other.

We consider it timely to promote these discussions on international cooperation in the United Nations system, primarily in the General Assembly and at relevant conferences and meetings.

Norway

[Original: English]
[30 May 2022]

The Secretary-General has, in the note verbale contained in document ODA/2022-00036/PICIT, pursuant to General Assembly resolution 76/234, sought the views and recommendations of all Member States on all aspects of promoting international cooperation on peaceful uses in the context of international security, including identifying undue restrictions on exports to developing countries of materials, equipment and technology for peaceful purposes, possible measures to achieve a balance between non-proliferation and peaceful uses, and the way forward.

Norway is a firm believer in and supporter of international cooperation for non-proliferation. The non-proliferation system includes a number of treaties to which Norway is a party and organizations and other regimes to which Norway is a member, including:

- Australia Group
- Missile Technology Control Regime
- Nuclear Suppliers Group
- Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction
- Treaty on the Non-Proliferation of Nuclear Weapons

The export control system is intended to ensure that dual-use items do not contribute to the proliferation of weapons of mass destruction (nuclear, chemical and biological weapons) or their means of delivery. While efforts to prevent the transfer of goods and technology that can lead to the proliferation of such weapons are based on the multilateral export control regimes, Norway's export control rules are determined by national policy decisions. Export control at the national level is a means of ensuring compliance with international treaties dealing with the non-proliferation of such weapons, especially the Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological Weapons Convention.

Export control regimes have become increasingly important as a result of technological advances and emerging proliferation threats. The Security Council has referred to guidelines and lists of goods developed under various export control regimes as prohibited items for transfer to countries such as the Democratic People's Republic of Korea and the Islamic Republic of Iran. The development and maintenance of appropriate export controls is furthermore listed as a domestic measure to be established by States in Security Council resolution [1540 \(2004\)](#) on the non-proliferation of such weapons.

General Assembly resolution [76/234](#) on promoting international cooperation on peaceful uses in the context of international security was presented in the First Committee of the General Assembly, which deals with disarmament, global challenges and threats to peace that affect the international community and seeks out solutions to the challenges in the international security regime.

Norway aligned itself with the European Union's explanation of vote in the First Committee, in which it emphasized that the "resolution creates a false dichotomy between peaceful uses of nuclear, chemical and biological material on the one hand, and export control measures and regimes on the other hand". Together with a majority of Member States, Norway was not able to support resolution [76/234](#).

Norway is among States parties to the Non-Proliferation Treaty that have endorsed a working paper on facilitating dialogue to support enhanced peaceful uses cooperation as envisioned under article IV of the Treaty. This initiative not only demonstrates the commitment to expanding access to the benefits of peaceful uses, but further demonstrates that robust non-proliferation is practically beneficial for promoting and implementing peaceful uses cooperation in support of development.

Norway fully believes that all countries should be able to benefit from advanced technologies, wherein lies the potential for advancing health and prosperity. Advanced technologies can also be employed to solve common and global challenges and assist in the fulfilment of the Sustainable Development Goals. In this regard, we recall the work of the International Atomic Energy Agency, in particular the technical cooperation programme and the Peaceful Uses Initiative, to which Norway provides funding.

While emerging and advanced technologies carry a hope for a better future, embedded in their nature also are risks that may contribute to the proliferation of nuclear, radiological, biological or chemical weapons. Norway finds no evidence that the non-proliferation system, including the multilateral export control regimes and Security Council resolution [1540 \(2004\)](#), impedes international cooperation on materials, equipment and technology for peaceful purposes or represents restrictions on any country's economic development.

The present submission is made in the context of a deteriorating international security environment. Norway believes that adhering to, upholding and strengthening the existing non-proliferation system is crucial for our common security and will contribute to global prosperity. Current events offer a clear example that global

security is a common good, the weakening of which has tangible implications for sustainable development. We remain committed to working with the Secretary-General and all Member States to reinforce the existing non-proliferation system while ensuring that developing countries have access to the benefits of advanced technology.

Pakistan

[Original: English]
[29 April 2022]

General Assembly resolution [76/234](#) on promoting international cooperation on peaceful uses in the context of international security was adopted on 24 December 2021.

The resolution highlights the significance of safeguarding the legitimate rights of all States to peaceful uses. In it, the General Assembly urged Member States, without prejudice to their non-proliferation obligations, to take concrete measures to promote international cooperation in materials, equipment and technology for peaceful purposes. The resolution also highlights the urgent need for a comprehensive and holistic approach to strike a proper balance between non-proliferation and peaceful uses of science and technology for the benefit of mankind.

In view of the above key elements of the resolution and its principled position regarding equitable, non-discriminatory and peaceful uses of technology, material and equipment, Pakistan sponsored the resolution.

Science and technology have been recognized as critical enablers for the achievement of socioeconomic development of countries as well as for the realization of the Sustainable Development Goals. The technology revolution embraces every aspect of life, and the acquisition of advanced technologies and their applications is indispensable for the national development and progress of all States.

The pandemic has underscored the vital importance of a technology nexus in ensuring health security but also facilitating all aspects of life, including education, businesses and societal activities. It has also changed the way we look at technology as a facilitator of socioeconomic progress, enabling public service delivery and fundamental societal functions during emergency and normal circumstances. The rise of vaccine nationalism amid the pandemic response necessitates cooperative forums for providing technology access to the developing world.

Pakistan is a strong advocate of utilizing technology for peace, progress and prosperity for all. Pakistan believes in an equitable and non-discriminatory approach to advancing the universally shared goals of non-proliferation and the promotion of peaceful uses of technology and scientific information. We believe that considerations of safety and security should facilitate, not hinder, the pursuit of peaceful uses of technology for promoting the development agenda.

It is unfortunate that developing countries continue to face considerable challenges in their legitimate quest to develop science and technology for peaceful purposes. Discriminatory derogation from non-proliferation norms, discriminatory exceptions for political or commercial reasons, and disregard for any equitable criteria have undermined the credibility and legitimacy of the existing export control regimes.

International law recognizes the inalienable right of the States to have access to technologies, equipment, materials and information for peaceful purposes, while remaining cognizant of the risks related to the proliferation of weapons of mass destruction and their means of delivery.

For example, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, as well as the nuclear Treaty on the Non-Proliferation of Nuclear Weapons, strike a balance between non-proliferation obligations and access to concerned technologies for peaceful uses. In fact, the right to have access to relevant technologies for peaceful uses is one of the pillars of the treaties and the fundamental bargain underpinning the international acceptance of these treaties. One challenge, however, is that these instruments, except for the Chemical Weapons Convention, while stipulating non-proliferation controls, do not specify the items, technologies and materials over which such controls have to be exercised. As a result, the implementation of adequate export controls has been left to national-level or exclusive cartels of suppliers which define the scope of and guidelines for export controls. This has given rise to legal and political anomalies and imbalances.

Imbalance between rights and obligations

The first level of imbalance relates to the rights and obligations of the States. While all States parties to various arms control, non-proliferation and disarmament treaties and conventions are bound by all the obligations stipulated in such instruments, the right to have access to technologies is circumscribed by the decision of a few technology holders and members of the supplier cartels which operate outside the framework of these treaties and conventions. Because of the non-inclusive nature of the export control regimes, States that are not members of these regimes, while accepting all the obligations of non-proliferation instruments, do not have any voice with regard to the rules governing access to technologies for peaceful uses. This has severely undermined the balance between the rights and obligations of the States under these instruments.

Arbitrariness

At the second level, the exclusive supplier cartels and their individual member States are known for inconsistent application of their own standards – the standards which have been agreed among a select group of States outside the treaty framework. Very frequently, decisions are based on political and commercial considerations rather than objective criteria-based and technical evaluations. Technology denials have become the norm. In many cases, denials for basic dual-use items with applications in human health, safety and education undermine States' rights to peaceful socioeconomic development. The abuse of "catch-all" provisions in national export controls, as well as guidelines of the exclusive export control regimes, has led to denials of very basic items, which do not qualify to be on the control lists owing to their commonplace peaceful applications.

Such denials have less to do with proliferation concerns and are more related to political and commercial considerations.

Contrary to the claim that objective case-by-case consideration is given to each export application, countries and control regimes are known to maintain announced and unannounced lists of entities and countries for which there is a presumption of technology denial or additional cumbersome procedures for access to technology. This has led to denials of technology to the listed countries regardless of the merits of the case, end-use assurances and the recipient State's readiness to facilitate end-use inspections and post-shipment verifications.

Certain countries have abused export controls through the imposition of unlawful unilateral sanctions. Some of the export control regimes had their genesis in

the Cold War era, when a group of States came together to deny technology to another bloc of States. We see the continuation of the same policies in the present in terms of calls for technology decoupling with other States.

Such narrow and discriminatory approaches will have increasingly enlarged impacts as we enter the new era of scientific and technological advances and the significantly accelerating pace of development of emerging technologies, such as artificial intelligence, quantum computing, big data, the Internet of Things, e-government services, blockchain technology and digital finance. The developing countries are likely to be left even further behind if timely and effective efforts are not made to ensure that the legitimate right to peaceful uses of science and technology is equitably available to all by removing undue restrictions on access to equipment, material and scientific and technological information for peaceful purposes.

Exceptionalism and discriminatory waivers

At the third level, the exemptions and waivers in national export controls or guidelines of the export control regimes have dealt a serious blow to the credibility of the regimes. Such exceptions and double standards, contrary to the stated non-proliferation objectives of the export control regimes, undermine the image of these regimes as rules-based arrangements concerned with global security and stability, rather painting them as instruments for furthering the political and commercial interests of a handful of States. This provides an excuse for would-be proliferators to justify their non-compliance with the international non-proliferation instruments.

The 2008 exemption to the guidelines of the Nuclear Suppliers Group for one specific country is a glaring example of such discrimination and double standards. It has undermined not only the non-proliferation objectives of the Nuclear Suppliers Group but also strategic stability in South Asia. Nuclear cooperation agreements finalized pursuant to this exemption have enabled the exempted country to purchase nuclear fuel from the global market and build up strategic uranium reserves without adequate safeguards against diversion. Moreover, it has freed up the entirety of the country's domestic uranium for weapons production.

This is an important example of the ways in which discrimination in "peaceful uses" has accentuated regional instability, accelerated the nuclear weapons programme of a State and eroded the global non-proliferation regime.

Recommendations

General Assembly resolution [76/234](#) on promoting international cooperation on peaceful uses in the context of international security is indeed a timely initiative and reflects the view of the Member States regarding the need for streamlining the mechanisms for international cooperation for the realization of the inalienable and legitimate right of all States to have access to science and technology for socioeconomic development.

To that end, there is an urgent need for the following actions in the framework of the United Nations:

- (i) Reaffirmation of the inalienable right of all States to have access to knowledge, technologies, materials and goods for peaceful socioeconomic development pursuits;
- (ii) Adoption of an agreed, criteria-based and non-discriminatory approach to promoting access to technologies for peaceful purposes and the fullest possible cooperation to bridge the technological gap between the developed and developing countries;

- (iii) Establishment of a consultative process, in the form of an open-ended working group, for developing recommendations for more equitable access to technologies for peaceful uses consistent with the non-proliferation obligations of States;
- (iv) Restoration of the balance between the rights and obligations of States under international arms control, non-proliferation and disarmament treaties and conventions by developing consensus-based, universal and non-discriminatory guidelines and control lists involving all States parties to such instruments.
- (v) Universalization of export control regimes based on United Nations agreed guidelines for access to technologies for peaceful uses and doing away with arbitrary entity listings, as well as exceptions and waivers to the present set of non-treaty-based guidelines agreed between select groups of countries.
- (vi) Working towards a United Nations-based review mechanism for denial cases that deprive countries of technologies needed for essential socioeconomic development pursuits.

Philippines

[Original: English]
[31 May 2022]

The peaceful use of technology is an inalienable right of all States and is crucial to the achievement of the Sustainable Development Goals, especially for developing countries.

This principle is enshrined in various conventions dealing with international peace and security including, but not limited to, the Treaty on the Non-Proliferation of Nuclear Weapons of 1968, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 1972, and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 1993.

The General Assembly, in its resolution [32/50](#), adopted on 8 December 1977, declared that the use of nuclear energy for peaceful purposes was of great importance for the economic and social development of many countries; that all States had the right, in accordance with the principle of sovereign equality, to develop their programme for the peaceful use of nuclear technology for economic and social development, in conformity with their priorities, interests and needs; and that all States, without discrimination, should have access to and should be free to acquire technology, equipment and materials for the peaceful use of nuclear energy. In the resolution, it also declared, however, that international cooperation on peaceful use of nuclear energy should be under agreed and appropriate international safeguards applied through the International Atomic Energy Agency (IAEA) on a non-discriminatory basis to prevent effectively the proliferation of nuclear weapons.

The General Assembly, in its resolution [76/234](#), adopted on 24 December 2021, took forward the foregoing principles, affirming the inalienable right of all States to participate in the fullest possible exchange of equipment, materials and scientific and technological information for peaceful purposes, in accordance with relevant international obligations, while also reaffirming that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constituted a threat to international peace and security.

This balance between the inalienable right of all States to peaceful uses is likewise reflected in the legally binding Security Council resolution [1540 \(2004\)](#), in

which it was affirmed that the prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation.

The Security Council, in its resolution 1540 (2004), decided, among other things, that all States, in accordance with their national procedures, should take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including by establishing appropriate controls over related materials. To this end, the resolution mandates States to:

- (a) Develop and maintain appropriate effective measures to account for and secure items in production, use, storage or transport;
- (b) Develop and maintain appropriate effective physical protection measures;
- (c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation consistent with international law;
- (d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

Effective domestic controls also require a national list that identifies whether items are, among other things, dual-use or military goods and should therefore be subject to controls, with a view to preventing their diversion towards the development of weapons of mass destruction, their delivery systems or their underlying technologies. To this end, some States have formed multilateral export control regimes that provide annually updated lists of items that have been identified to be subject to their national export control measures.

The Republic of the Philippines believes that it is important for the report of the Secretary-General to uphold this balance between the inalienable right of all States to peaceful uses and the value of facilitating international cooperation thereon, and the need to maintain international peace and security by upholding the international community's non-proliferation obligations.

Concrete measures to promote international cooperation for peaceful uses

In the first operative paragraph of resolution 76/234, the General Assembly 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, in particular not to maintain any restrictions incompatible with the obligations undertaken.

The Philippines actively promotes international cooperation on peaceful uses in the context of the Non-Proliferation Treaty, the Biological Weapons Convention and the Chemical Weapons Convention at both the multilateral and regional levels. It has undertaken and continues to undertake the following concrete measures in this regard:

1. The Philippines participates actively in the IAEA technical cooperation programme, not only as a recipient of technical assistance through various national,

regional and interregional projects, but also as a provider. The Philippines deploys experts to other countries as part of IAEA technical assistance, hosts IAEA training, workshops and other capacity-building events, and receives fellows from other developing countries, thereby promoting South-South cooperation. The Philippine Nuclear Research Institute serves as an IAEA Collaborating Centre on harmful algal blooms. The Philippines also undertakes cooperative research projects (research and development) in partnership with IAEA.

2. The Philippines, through the Philippine Nuclear Research Institute, participates actively in the Association of Southeast Asian Nations Network of Regulatory Bodies on Atomic Energy. The Philippines is also a State party to the Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology for Asia and the Pacific. Under the Agreement, States parties develop and implement cooperative research and development and training activities in the Asia-Pacific region under the auspices of IAEA. In 2019, the Association of Southeast Asian Nations signed a practical arrangement with IAEA to promote cooperation in nuclear science and technology, applications, nuclear safety, security and safeguards.

3. In the context of peaceful uses of biological technologies, the Philippines participates actively in multilateral processes related to the implementation of the Biological Weapons Convention and has emphasized the importance of international cooperation and assistance. The Philippines helped shepherd the establishment of a database on international cooperation and assistance in the context of article X of the Convention and has undertaken voluntary financial contributions to support its enhancement. At the recent meetings of the Preparatory Committee to the Ninth Review Conference of the Parties to the Convention, the Philippines, together with the Republic of Finland, the Republic of Georgia and the Kingdom of Norway, submitted a working paper outlining proposals to enhance the institutional machinery of the Convention in the context of cooperation and assistance under article X ([BWC/CONF.IX/PC/WP.9](#)). This working paper builds on concrete ideas to advance international cooperation on peaceful uses of life sciences that were incubated during the Meeting of Experts on Cooperation and Assistance, with a Particular Focus on Strengthening Cooperation and Assistance under Article X that were held in 2018, 2019 and 2020 (2021) within the ambit of the current intersessional programme of the Convention. The Philippines chaired the Meeting of Experts in 2018.

4. The Philippines supports international cooperation on the peaceful uses of chemistry through its active engagement in the work of the Organisation for the Prohibition of Chemical Weapons (OPCW). The Philippines has undertaken voluntary financial contributions to support the construction of the OPCW Centre for Chemistry and Technology, which aims to strengthen OPCW capability against new and emerging chemical weapons threats and to support capacity-building among OPCW member States. Although OPCW is primarily designed to eradicate chemical weapons and prevent their re-emergence, it also contains important provisions relating to the promotion of free trade in chemicals and the open exchange of information and knowledge about the peaceful application of chemistry. The Philippines supports the work of OPCW on promoting chemistry for peace.

Concrete measures that uphold national non-proliferation obligations

The Philippines enacted Republic Act No. 10697, entitled “An Act Preventing the Proliferation of Weapons of Mass Destruction by Managing the Trade in Strategic Goods, the Provision of Related Services, and for Other Purposes”, in 2015. This law is also known as the Strategic Trade Management Act.

In the Act, it is declared a policy of the Philippines to be free from weapons of mass destruction in its territory, consistent with the national interests, to fulfil its international commitments and obligations, including under Security Council resolution 1540 (2004), to take and enforce effective measures to establish domestic controls to prevent the proliferation of weapons of mass destruction and their means of delivery, and to maintain international peace and security and promote economic growth by facilitating trade and investment through responsible management of strategic goods and the provision of related services.

The Philippines' enactment of the Act highlights that strategic trade management, including export control regimes, is subject to the sovereign prerogative of individual States. Export control measures do not inherently constitute undue restrictions on international cooperation for peaceful uses. They are concrete sovereign expressions of national commitments to their non-proliferation obligations.

The Act mandated the creation of the Strategic Trade Management Office under the Department of Trade and Industry. The Office serves as the executive and technical agency of the national Government for the establishment of management systems for the trade of strategic goods. It has powers over registration, maintenance of a comprehensive database information system on strategic goods and on persons engaged in the trade of strategic goods and the provision of related services, issuance or denial of issuance of authorization for the trade of strategic goods and the provision of related services, as well as to conduct investigations into violations and to undertake enforcement.

The Act also created the National Strategic Goods List, which describes with specificity the strategic goods that are subject to authorization. The same legislation provides that the List be in conformity with international commitments and non-proliferation obligations pursuant to bilateral and multilateral treaties, international conventions and international non-proliferation regimes. Annexes 1 and 2 of the List are adopted from the European Union Common Military List and Dual-Use List. In addition, annex 3 of the List contains the list of goods under Philippine unilateral controls for national security, foreign policy, anti-terrorism, crime control and public safety.

The importance of multilateral export control regimes

The Philippines recognizes multilateral export control regimes as voluntary and non-binding technical agreements among major supplier States to prevent the proliferation of weapons of mass destruction and their means of delivery, related equipment and technology. Their implementation is subject to the sovereign prerogative of their respective member States. They are expert-driven technical arrangements that have evolved to become important components of global non-proliferation norms.

The Philippines does not consider multilateral export control regimes to be undue restrictions on peaceful uses. The Philippines' National Strategic Goods List benefits from the four multilateral export control regimes, namely the Nuclear Suppliers Group, the Wassenaar Arrangement, the Australia Group and the Missile Technology Control Regime. Most countries use these regimes' lists and corresponding guidelines as the basis for their export control measures, ensuring that similar policies are mainstreamed and that trade regulations do not conflict and create additional trade barriers.

Weapons of mass destruction, their means of delivery, related equipment and technology are rapidly developing and getting more sophisticated. Multilateral export control regimes have technical experts and dedicated committees to consider these developments and update the lists of items to be controlled. The regular review of

regime lists by technical experts assures that the process is technically driven and non-arbitrary, minimizing undue political influences.

The Philippines is currently exploring the possibility of membership in one of these multilateral export control regimes. It seeks to leverage its strategic trade regime and membership in the regimes as tools to attract investments in high-value technology.

Undue restrictions

Controls on the export of technologies could constitute undue restrictions if undertaken unilaterally and for coercive political purposes outside the scope of legitimate national security exigencies or international efforts on the non-proliferation of weapons of mass destruction. While such controls fall within the sovereign prerogative of the exporting State, their arbitrary and politically motivated implementation could impose undue restrictions on peaceful uses.

In this regard, national regulations on trade in sensitive technologies that are crucial for peaceful uses, such as rare earth metals, must be formulated and implemented on a predictable and apolitical basis to address the legitimate concerns of end users, without prejudice to national security imperatives. The Philippines welcomes pronouncements by some officials of exporting States that recognize trade in rare earths as an important factor in pursuing sustainable development and that it must therefore not be used as a geopolitical bargaining chip. These policy pronouncements must always be implemented at the technical level.

Recommendations and way forward

National strategic trade controls should continuously respond to evolving threats to international security. It is equally important to ensure that global processes, including multilateral export control regimes, remain technically driven. Measures should be explored to make these groups more inclusive, especially with regard to relevant information that could advance national controls on transferring and using strategic goods. Furthermore, unilateral measures must not unduly restrain international cooperation on peaceful uses.

International cooperation on peaceful uses would benefit from the strengthening of international organizations that are committed to maintaining the proper balance between peaceful uses and non-proliferation, such as IAEA and OPCW, and the institutionalization of the Biological Weapons Convention. It would also benefit from regional cooperation and bilateral partnerships.

The international community should remain committed to a global governance regime underpinned by predictable rules that apply to all, not by a network of transactional relations based on shifting geopolitical interests.

Republic of Korea

[Original: English]
[31 May 2022]

As a party to major disarmament and non-proliferation treaties and conventions and a member of four multilateral export control regimes, the Republic of Korea has been actively participating in global efforts to prevent the proliferation of weapons of mass destruction, sharing the view that it poses a direct threat to both national and international security.

The current multilateral export control regimes have been effectively contributing to not only preventing proliferation of nuclear, chemical and biological

weapons and other sensitive materials, technology and equipment, but also deterring potential cases of illicit nuclear and missile development and procurement of related materials.

To do its share in strengthening the existing framework, the Republic of Korea has served as chair of the Security Council Committee established pursuant to resolution [1540 \(2004\)](#) (2013–2014), the Nuclear Suppliers Group (2003–2004 and 2016–2017) and the Missile Technology Control Regime (2004–2005 and 2016–2017). It has also organized various export control outreach programmes for developing countries and for those planning to build nuclear power plants.

Given that the Democratic People's Republic of Korea continues to enhance its nuclear and missile capabilities, it has become more important than ever that the international community preserve and reinforce the existing disarmament and non-proliferation system and export control regimes.

In this regard, the Government of the Republic of Korea shares the same concerns as other Member States over General Assembly resolution [76/234](#), on promoting international cooperation on peaceful uses in the context of international security, namely that the resolution may risk weakening the current export control architecture and undermining non-proliferation efforts.

The Republic of Korea recognizes the need to promote international cooperation on materials, equipment and technology for peaceful purposes, yet the premise of resolution [76/234](#), that the current export control regimes impose undue restrictions either in a persistent manner or in a discriminatory manner, is ill-founded.

The existing export control arrangements are a key instrument for establishing a set of universal requirements for non-proliferation. For instance, the Nuclear Suppliers Group has contributed to making the full scope safeguards of the International Atomic Energy Agency a universal rule. The Republic of Korea, together with other partner countries, will also continue its active contribution to the international community's efforts, such as the Agency's technical cooperation programme and the sustained dialogue on peaceful uses initiative, which will be announced at the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in August 2022, so that more countries enjoy the benefits of the peaceful uses of the nuclear energy under the existing Non-Proliferation Treaty regime.

Therefore, the Republic of Korea looks forward to collaborating with relevant States in enhancing the effectiveness of existing non-proliferation tools.

Russian Federation

[Original: Russian]
[5 May 2022]

The Russian Federation is fully committed to the ambitious goals of General Assembly resolution [76/234](#), in which the Assembly emphasized the importance for all Member States to fulfil their international obligations to prevent the proliferation of weapons of mass destruction, expressed support for the multilateral treaties in this area and, at the same time, reaffirmed the inalienable right of the States Members of the United Nations to participate in the fullest possible exchange of equipment, materials and scientific and technological information for peaceful purposes.

We fully share the view that urgent measures are needed to effectively ensure that international industrial, scientific and technological cooperation is non-discriminatory, given that such cooperation has a direct and tangible effect on the sustainability of global development. We believe that it is high time for the world to

recognize that the creation of unilateral and multilateral artificial barriers to legitimate inter-State cooperation in highly technical fields – a practice that is becoming widespread – is unacceptable.

It is crucial to categorically reject attempts by individual countries to assume the right to impose their policies upon other States and to determine the viability of, and set the acceptable parameters for, their cooperation with foreign partners, turning non-proliferation into a punitive tool and a means of silencing dissent, creating obstacles to mutually beneficial cooperation in manufacturing that are unjustified and illegal under international law, and limiting legitimate access to modern and advanced scientific and technological applications. The progress achieved and the advanced know-how that is in demand in the context of global development should not become an instrument for political blackmail and manipulation by any party, a “bargaining chip” in unfair economic competition or a lever for exerting pressure and settling scores with States that are out of favour.

Striking a careful balance between non-proliferation efforts and the securing of the legitimate rights and interests of the States Members of the United Nations in scientific and technological cooperation is a crucial global task. Our national approaches in this regard are clearly reflected in the foreign policy framework approved by Decree No. 640 of the President of the Russian Federation dated 30 November 2016.

While rigorously fulfilling its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, consistently advocating the universalization of those international legal instruments and urging other States to fully comply with their requirements, Russia firmly believes that non-proliferation efforts should not undermine legitimate cooperation and exchanges for peaceful purposes. This is one of the basic tenets enshrined in the Non-Proliferation Treaty (articles III and IV), the Biological Weapons Convention (article X) and the Chemical Weapons Convention (articles VI, VII and XI), which provide for the promotion and deepening of scientific and technological cooperation, and for treaty provisions to be implemented in such a manner as to avoid creating obstacles to the economic or technological development of States.

In both legal and practical terms, the implementation of non-proliferation commitments by States should not become an insurmountable barrier to cooperation between interested countries. Solid conditions for the establishment, development and deepening of such cooperation are established through, among other things, the development and national implementation of export control measures, which involve the creation and improvement at the local level of effective government regulation of the transfer of sensitive goods abroad with the aim of preventing the proliferation of weapons of mass destruction and their means of delivery, and are thus not a restrictive, but a permissive tool. Export control regulations have nothing to do with sanctions policies.

The export control obligations of States are derived from article III (2) of the Non-Proliferation Treaty, article III of the Biological Weapons Convention and articles I (1) (a), VII and XI of the Chemical Weapons Convention. Export controls should remain exclusively an instrument of non-proliferation and be aimed at preventing specific objective risks, and should not be targeted against individual countries. This is the only way to achieve an effective link between non-proliferation

and cooperation on the peaceful use of modern and advanced technologies and applications.

Following the spirit and letter of the aforementioned international legal instruments, the Russian Federation makes extensive and intensive efforts to provide technical assistance to foreign countries, both through multilateral formats and on a bilateral basis.

The root causes of the problems raised by the General Assembly in its resolution [76/234](#) lie in the desire of certain countries, in violation of the relevant provisions of the Non-Proliferation Treaty, the Biological Weapons Convention and the Chemical Weapons Convention, to maintain their technological superiority by any means possible and to strengthen claims to long-term political and economic dominance. The pretexts used by such countries to restrict access to their advanced know-how are usually not non-proliferation imperatives, but rather far-fetched accusations of violations of human rights and other “values”, phobias about existential threats allegedly emanating from other countries and the challenges of stifling their competitors and excluding them from the market.

The proponents of this approach, which is based not on law but on rules of some kind, do not bother to provide any evidence, sacrificing the non-proliferation nature of export controls. The related tools are being targeted at specific countries, lists of goods and technologies subject to licensing are being redrawn as lists of prohibitions and sanctions, and “catch-all controls” are being applied to virtually any shipments to countries “of concern”.

The destructive impact of unilateral sanctions policies on the integrity of the global economic system and supply chain security is alarming and troubling. Such opportunistic policies have nothing to do with non-proliferation. They undermine the efforts of responsible States towards strengthening international security, demonize law-abiding countries, seek to force the whole world to follow the decisions made by certain actors, discredit the very idea of export control in the eyes of the international community, and run counter to the requirements of the Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological Weapons Convention.

Furthermore, such policies contradict the generally accepted international rules and principles in the area of non-proliferation, putting them at risk of being eroded, and undermine the efforts of the international community to enhance their effectiveness and universalization. Obstructing international cooperation on peaceful uses is nothing but a deliberate attempt to undermine the achievement of the agreed Sustainable Development Goals, behind which are opportunistic political motives and the desire to turn the field of technology into another arena of conflict among States Members of the United Nations.

The Russian Federation is convinced that the fulfilment by all countries of their obligations under international treaties and conventions in good faith and without any exceptions, and the rejection of the policy of technological containment and isolation, the practice of imposing sanctions in circumvention of United Nations Security Council decisions and the division of countries into “friends” and “foes” will promote further unity among the world community and the harmonized development of all countries and peoples. All Member States should approach the tasks of strengthening security and ensuring sustainable economic and industrial development in an equally serious and responsible manner, and take a balanced approach to scientific and technological progress and the protection of the interests of the State and society. The world needs a cohesive agenda on this issue, one that responds to its desire to put the power of progress and the potential of modern technology to work for the common good.

Saudi Arabia

[Original: Arabic]

[27 May 2022]

- The Kingdom of Saudi Arabia supports the resolution entitled “Promoting international cooperation on peaceful uses in the context of international security”.
- Saudi Arabia stresses that all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons have an equal right to peaceful uses of nuclear technology.
- Saudi Arabia affirms what is provided for in article VI of the Treaty regarding nuclear disarmament and the cessation of the arms race, and the international efforts needed to make the world safer.
- All States must cooperate to make the Treaty universal.
- We must expedite achievement of the ultimate goal of the Treaty, which is the complete global elimination of nuclear weapons.
- We stress that nuclear technology suppliers must abide by their obligations under the Treaty to make nuclear technology for peaceful purposes available to States parties without additional restrictions.
- We call on all States that are not parties to the Treaty to accede thereto as non-nuclear States and place all their nuclear facilities under the comprehensive safeguards system of the International Atomic Energy Agency.
- With regard to identifying undue restrictions on exports to developing countries of materials and equipment for peaceful purposes, Saudi Arabia emphasizes that States that impose agreements outside the Treaty framework that create obstacles to access by developing countries to technologies they need to continue on the path to sustainable development must be reminded of the importance of adhering to one of the cornerstones of Treaty, which is that States parties to the Treaty should be provided with nuclear technology without additional conditions outside the Treaty framework or restrictions that prevent them from exercising their rights to peaceful uses of nuclear technology.
- With regard to possible measures to achieve a balance between non-proliferation and peaceful uses, Saudi Arabia emphasizes the importance of establishing nuclear-weapon-free zones that will provide non-nuclear States with a security guarantee that nuclear technology will not be misused for weapons purposes. Such a guarantee is currently lacking in the Middle East region.
- We stress the responsibility of each State to prevent access by non-State entities to weapons of mass destruction (chief among them nuclear weapons), the components thereof, or the means of financing them, in compliance with Security Council resolution [1540 \(2004\)](#).

Spain

[Original: Spanish]

[31 May 2022]

Spain shares and fully supports the content of the report prepared by the European Union.

The Government of Spain fully participates in the efforts of the international community to prevent and combat the proliferation of weapons of mass destruction,

an essential part of the maintenance of international peace and security, in compliance with the relevant obligations established by the main instruments on the matter, such as the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and Security Council resolution 1540 (2004).

The Spanish authorities exercise control over trade in materials and technologies that could be used in the development of weapons of mass destruction or their means of delivery. This control is governed by Act No. 53/2007, of 28 December 2007, on the control of foreign trade in defence and dual-use material, and its implementing regulation, Royal Decree No. 679/2014, of 1 August 2014. It was the result of an analysis by the Interministerial Board for the Regulation of Foreign Trade in Defence and Dual-Use Material and was approved by resolution of the Secretary of State for Trade, minimizing the risks of diversion for proliferation purposes of exports originating in Spain of materials and technology in the nuclear, chemical or biological fields, among others, and ensuring that they are used for legitimate industrial or research purposes.

Spain does not do this work in isolation. Spanish regulations incorporate the multilateral agreements adopted in the international regimes for the control of exports of dual-use materials and technologies. This is done through European Union law, in particular Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items.

As a sign of its commitment to the fight against the proliferation of weapons of mass destruction, Spain is an active member of all existing international export control regimes: the Australia Group (since its creation in 1985), the Nuclear Suppliers Group (since 1988), the Zangger Committee (since 1993), the Missile Technology Control Regime (since 1990) and the Wassenaar Arrangement (since its creation in 1996). Far from hindering or limiting trade and cooperation, the establishment of control lists within these regimes responds to the desire to facilitate legitimate trade in technologies and products by limiting controls to those products and technologies that could contribute to proliferation. These regimes also have objective criteria for the participation of new members and are governed by the consensus rule.

Spain strongly supports international cooperation in the nuclear, chemical and biological fields and participates in efforts to promote it. For example, it contributes to the Technical Cooperation Fund of the International Atomic Energy Agency, as well as to the construction and implementation of the future centre for chemistry and technology of the Organisation for the Prohibition of Chemical Weapons. It also provides technical assistance to third countries in the field of export controls, sharing its experience and know-how and contributing to improving the capacity of States to combat the proliferation of weapons of mass destruction.

No report of a relevant international body points to undue restrictions on cooperation on peaceful uses derived from the application of export controls on dual-use materials and technologies. No impartial observer can claim that the efforts of Spain to control exports of dual-use materials and technologies have led to any undue restrictions. In 2020, applications relating to exports of dual-use materials or technologies were denied for a value amounting to a mere 0.0206 per cent of exports from Spain of goods to destinations outside the European Union during that period. Denials are always based on an interdepartmental analysis of the risk of diversion, on

the basis of the principle of legal certainty for the operator, and are processed through Spanish administrative law.

The Government of Spain will continue to participate actively in international export control regimes, exercising its national responsibilities in this area and promoting capacity-building in other States, with the conviction that by doing so it is making a significant contribution to combating the proliferation of weapons of mass destruction and to international peace and security, while maintaining legitimate cooperation in the peaceful uses of materials and technologies.

Sweden

[Original: English]

[31 May 2022]

Sweden aligns itself to the reply of the European Union to resolution [76/234](#) entitled “Promoting international cooperation on peaceful uses in the context of international security” and is pleased to submit the following reply in its national capacity.

Sweden wishes to reiterate that it fully supports the view that international cooperation on peaceful uses should be promoted. The multilateral export control regimes bring together the main producers of sensitive technologies from all parts of the world and are open to membership based on transparent, objective and non-discriminatory criteria. Guidelines and control lists are agreed by consensus, and extensive outreach is performed to ensure transparency and awareness of the regimes’ important work. As described in the joint reply of the European Union, the European Union is providing widespread support to countries interested in setting up or enhancing their own export control systems.

Sweden expresses its concern with the underlying premise of resolution [76/234](#), that current export control arrangements lead to “undue restrictions” on exports to developing countries. Export controls on dual-use items are not disproportionate or discriminatory, nor do they inhibit sustainable development. As demonstrated by the data presented in the joint reply of the European Union, denied exports amount to only 0.02 per cent of total extra-European Union exports.

For all States to enjoy the benefits of peaceful technological cooperation, exporting States must be confident that their technology and products will not be used for illegitimate purposes. The multilateral export control regimes give that confidence – with minimal impact on legitimate trade. The regimes provide trust, confidence and assurances. These attributes do not hinder trade – they are conducive to it, especially trade in sensitive goods and technology.

By working instead to strengthen existing export controls globally, where the existing export control regimes should remain essential, the international community can truly improve and facilitate international cooperation on peaceful uses of technology.

In addition, Sweden wants to highlight the technical nature and expertise of the multilateral export control regimes. The development of the control lists is, fundamentally, a technical matter aimed at ensuring effective and proportionate responses to proliferation concerns. Rapid technological advancements must be addressed with timely controls and with high precision. By carving out only the most sensitive features of products and technologies, the control regimes assure that the scope of export controls do not go beyond what is absolutely necessary. Thus, the controls are having only a minimal impact on regular trade.

Sweden is concerned that a process based on the resolution's unfounded presumption about export controls' "undue restrictions" on trade will unnecessarily politicize export controls which are necessary for upholding States' legal obligations to prevent the proliferation of weapons of mass destructions.

Export controls and the export control regimes should be further strengthened. The European Union – through its Partner-to-Partner Export Control Programme – supports capacity-building of export control systems in third countries. The European Union's dual-use regulation, including its control list (which is a consolidated compilation of the lists of all major control regimes), has served as a legislative model for many States. The European Union is prepared to do more in this regard. Finally, Sweden also stresses the need for the full implementation of the obligations under Security Council Committee established pursuant to resolution [1540 \(2004\)](#) and the universalization of all relevant non-proliferation and disarmament treaties.

Sweden supports international cooperation on the facilitation of the peaceful use of technology within the framework of relevant international conventions and existing disarmament and non-proliferation regimes. Sweden supports, inter alia, the sustained dialogue on peaceful uses, which is a good example of how access to peaceful uses of nuclear technology can be improved. The dialogue seeks to promote global understanding of how nuclear technologies can be used to meet development goals and how experiences and best practices can be shared, as well as to identify new potential donors and resources which can be directed to projects on peaceful uses.

Switzerland

[Original: English]
[31 May 2022]

Switzerland is fully committed to maintaining and strengthening the existing global non-proliferation architecture, including through its active participation in all export control regimes. All States parties to treaties such as the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction have an obligation to ensure that they do not directly or indirectly transfer weapons of mass destruction or in any way assist anyone in acquiring them. At the same time, States parties also commit themselves to facilitating international cooperation and trade in sensitive goods for peaceful purposes.

We consider that export control regimes are a key contribution to the achievement of both non-proliferation and peaceful use objectives, as they strike a balance between these two seemingly competing aims. Internationally harmonized export controls, when implemented effectively at the national level, contribute to preventing the proliferation of weapons of mass destruction, including their means of delivery, as well as destabilizing accumulations of conventional weapons, while at the same time enabling and safeguarding international cooperation and trade in sensitive goods for peaceful purposes. Accordingly, export control regimes contribute not only to the enhancement of international peace and stability and the implementation of Security Council resolution [1540 \(2004\)](#) and Security Council embargoes, but also facilitate international cooperation on peaceful uses.

Switzerland is neither aware of nor would it support or implement undue international restrictions on exports to developing countries of sensitive goods for peaceful purposes. We are of the view that General Assembly resolution [76/234](#) wrongly challenges the balance struck by export control regimes. Individual trade

restrictions that are considered undue can be discussed bilaterally and/or in the appropriate multilateral bodies, such as the World Trade Organization. Switzerland disclaims any attempts that risk undermining the effectiveness, efficiency and legitimacy of established export control regimes.

Switzerland looks forward to continued cooperation within the existing export control regimes: the Nuclear Suppliers Group, the Australia Group, the Wassenaar Arrangement and the Missile Technology Control Regime. As the future Chair of the Missile Technology Control Regime for the period 2022–2023 and an active participant in all regimes, Switzerland will also continue to support the different regimes' outreach activities, with the aim of further enhancing transparency and the understanding of the regimes' purpose and functioning among non-participating States.

Syrian Arab Republic

[Original: Arabic]

[31 May 2022]

1. With regard to the role played by international cooperation and the sharing of scientific and technological advances in achievement of the Sustainable Development Goals in Syria, the undue restrictions caused by abuse of export controls and the illegal unilateral sanctions imposed on the Syrian Arab Republic:

The Syrian Government is making efforts to address global challenges and achieve sustainable development by promoting peaceful uses of scientific and technological applications as means of implementing the 2030 Agenda for Sustainable Development. It is trying to secure medical and pharmaceutical technology, equipment and supplies needed to save the lives of those most in need. That includes CT scanners, linear particle accelerators, and mammogram and X-ray equipment; medicines and pharmaceutical drugs used in radio- and chemotherapy for certain deadly diseases that are not available on the domestic market; and vaccines and treatment protocols. However, the unilateral restrictions and sanctions are preventing the Syrian Arab Republic from obtaining and importing essential materials, equipment and technology used for peaceful purposes in the health sector. That includes, inter alia:

- Spare parts for cyclotrons (for the manufacture of radioactive pharmaceuticals)
- Spare parts for electronic accelerators (for the sterilization of medical materials)
- Cobalt 60 sources for irradiation plants (for the sterilization of medical instruments and food substances)
- Cobalt 60 sources for cancer treatment machines
- Iridium 192 sources for the treatment of cancerous tumours (especially cervical cancer)
- Spare parts for non-operational radiotherapy devices (for treatment of cancer) and equipment for the maintenance and operation of old machines in State hospitals (for the treatment cancer and non-cancer cases)
- Chemical and biochemical substances and kits (for various analyses for medical treatment and diagnosis of rare diseases)

These unilateral restrictions and sanctions also hinder Syrian Government efforts to employ information and communications technology and obtain advanced computers and other equipment for national statistical and data management systems to develop evidence-based national development policies and plans to achieve the

Sustainable Development Goals. The Syrian Government is seeking to use such technology in several areas, including health care, distance learning, medical studies (technical and pharmaceutical), agricultural research on crop diversity and seeding, and other research addressing food insecurity in the face of crop shortages, scarcity of water resources and climate change.

At the same time, these restrictions and sanctions are curtailing the right of the Syrian Arab Republic to use geospatial applications of space science and technology (space imaging techniques) to manage natural disasters and other applications related to Earth observation and demographic change to formulate development policies that would contribute to the goals of global conferences held by the United Nations to address various aspects of economic, social and cultural development, in particular as relates to the eradication of poverty and food insecurity.

In the area of emergency response and protecting the climate and citizens from the impacts of chemical, biological and radioactive substances, unilateral restrictions and sanctions imposed on Syria are undermining its legal rights to access crucial materials, equipment and technology needed for nuclear and radiological analysis and the monitoring of radioactive materials and radiation pollution to protect people from radiation. These include the following:

- Electrical and electronic equipment for radiospectrometers (signal amplifiers, spectrometer voltage generators, software) used in radiometrics and the identification of toxins and impact elements (environmental research)
- Benchmark samples for calculating concentrations of toxins and impact elements in environmental samples
- Sources and X-ray equipment for oil, gas and industrial facilities to check leaks and damage to oil and gas pipelines
- Radiation protection devices (devices for locating radioactive substances and measuring radiation contamination)
- Radiation measurement devices and detectors (gamma, alpha, beta and X-rays) (for neutralizing radioactive samples, determining element concentration in samples, and protecting against radiation)
- Radioactive point sources for calibrating radiometers

2. With regard a comprehensive approach to strike a proper balance between non-proliferation and peaceful uses of science and technology, and increasing the effectiveness of the United Nations, treaty bodies and other organizations:

The Government of the Syrian Arab Republic is working to strengthen partnerships with States and the country teams of United Nations organizations operating in Syria to secure necessary materials and technologies, particularly with regard to the needs of the health sector and centres and clinics for the treatment of cancer and other diseases. Unfortunately, the unilateral sanctions are hindering the response to the urgent humanitarian needs of the Syrian people. Humanitarian agencies are not able to make use of humanitarian exemptions under the unilateral coercive measures being applied to Syria because banks are unwilling to take risks and insurance and shipping companies and suppliers of humanitarian products are reluctant to supply humanitarian necessities to Syria, including medical equipment and other technology for peaceful purposes.

3. With regard to promoting discussion of international cooperation on peaceful uses in the General Assembly; highlighting the importance of peaceful uses at the review conferences for the nuclear, chemical and biological weapons conventions; promoting increased transparency and expanded membership in export control

systems; exploring possibilities for formulating confidence-building measures; and facilitating the participation of multiple stakeholders in that process:

As a developing country that for the past 10 years has been subjected to a war in which terrorists have used various types of chemical and radiological weapons, the Syrian Arab Republic should be regarded as a primary stakeholder in the development of export control systems for these technologies and materials so as to prevent their use in terrorist operations against civilians. The Syrian Government considers it to be of the utmost importance to promote discussion of international cooperation to share scientific and technological advancements in monitoring technology among the relevant government bodies and agencies. That would enhance the security of Syria, a country that has long suffered from terrorism, as well as strengthen international peace and security. However, such discussion must lead to effective measures to prevent the restrictions and unilateral sanctions against Syria that curtail the rights of the Syrian people, who are suffering under the weight of these sanctions from higher rates of disease and death, as well as economic and social impacts and the destruction of infrastructure, which is the biggest obstacle to the return of refugees, emigrants and displaced persons.

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[9 May 2022]

This national submission from the United Kingdom responds to the note verbale regarding the submission of the report of the Secretary-General on General Assembly resolution [76/234](#), on promoting international cooperation on peaceful uses in the context of international security. While this resolution passed, a majority of countries either voted against or abstained. This indicates widespread concern about aspects of this resolution which propose a weakening of the current non-proliferation and arms control international architecture.

As the world bears witness to Russia's unprovoked, premeditated and reprehensible attack against a sovereign democratic state, the role of the First Committee – strengthening and shaping the international security architecture – is even more crucial. As we enter a period of significant uncertainty and instability, we must stand together in solidarity with Ukraine and its people. They are fighting not only for their country but also on our behalf, in defence of international norms, law and human rights.

The international community has a responsibility to support this defence of the international system by strengthening international non-proliferation and its constituent parts, buttressing global security when it is at its most vulnerable. We must also use non-proliferation as a framework to accelerate efforts to address the direct effects of Russia's appalling prosecution of this war on the Ukrainian people and its wider impact on the developing countries most vulnerable to rising costs of fuel and food.

Both the coronavirus disease (COVID-19) pandemic and the Russian war against Ukraine present significant challenges to sustainable development. These are compounded by climate change, which presents an unparalleled threat to the globe. The challenges of poverty reduction are set in the context of deteriorating global security, which itself is undermining efforts to secure universal prosperity. The Russian invasion of Ukraine is a symptom of a wider weakening of the structures established by the international community to prevent these egregious acts. It also fits a general trend of increasing levels of conflict globally. Furthermore, as we move towards a multipolar world, an intensification of competition between States and with

non-State actors is inevitable. Weapons of mass destruction have been used in Syria, Malaysia, Russia and the United Kingdom in recent years. Alongside State-based threats, terrorist groups continue to aspire to acquire and then use weapons of mass destruction, presenting a significant and persistent threat to domestic security.

Alongside more traditional areas of non-proliferation concern, there is the growing opportunity and challenge presented by cybertechnology. The proliferation of cybercapabilities, along with the growing, everyday reliance on digital infrastructure, will increase the risks to national resilience and of behaviours that are not consistent with responsible State behaviour and respect for human rights in cyberspace. A further major issue is how cybertools and offensive capabilities may interact directly and indirectly with other weapon systems and critical national infrastructure. In this context, there is the potential for cyberthreats and irresponsible behaviour to compound issues of inadvertent escalation or miscalculation.

As noted in the United Kingdom's Integrated Review 2021, science and technology "will bring enormous benefits but will also be an arena of intensifying systemic competition".

The sharing of technology and expertise is and will continue to be central to efforts to overcome sustainable development challenges. The United Kingdom and other countries are already engaged in sustained efforts to facilitate this, with tangible outcomes. But this must be done within the framework of a strong international security architecture. Any attempt to weaken this architecture, by reducing or limiting the checks on technological transfer, risks the escalation and intensification of conflict around the world, ultimately undermining strategic stability, domestic security and, hence, sustainable development.

The international non-proliferation system, and all the elements that contribute to it, underpins and is critical to strengthening international security. The system is aimed at ensuring the responsible transfer of certain technologies and items that could be exploited to spread, augment or develop new types of weapons of mass destruction, their means of delivery and advanced conventional weaponry. In doing so, it plays a crucial role in maintaining global stability. The system also provides a level of assurance of end use, giving States the confidence to transfer technology, facilitating exports around the world. The system comprises a number of regimes and organizations that have either an explicit non-proliferation focus or elements that contribute to the objectives of the system.

Key elements include the following multilateral export control regimes:

- Nuclear Suppliers Group
- Australia Group
- Missile Technology Control Regime
- Wassenaar Arrangement

Relevant arms control regimes:

- Treaty on the Non-Proliferation of Nuclear Weapons
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction

These are supported by various organizations that have an ancillary role in reducing technology proliferation, such as the International Atomic Energy Agency, and initiatives aimed at advancing responsible State behaviours in cyberspace.

The international community must continue to work together to improve and strengthen existing regimes and develop new tools in areas where restrictions are limited or non-existent, while reinforcing efforts to facilitate the peaceful transfer of technology in support of sustainable development in parallel. Key challenges to address are the following:

- Verification supports transparency, increasing compliance, and thereby boosting confidence between States, and facilitating technology transfers. However, issues persist with the effective implementation of verification. Recommendations:
 - Strengthen nuclear and chemical weapon verification and reinvigorate Biological Weapons Convention negotiations, with the aim of securing international agreement for an effective and robust verification mechanism
 - The international community should invigorate work to interrogate the opportunities presented by technology in order to improve the effectiveness of verification while reducing the burden on States
- Diversion of technology for legitimate commercial use to weapons programmes of concern and malign non-State actors continues. Recommendation:
 - Increase confidence of ultimate end-user and in-country controls implemented in the export destination through additional domestic layers of scrutiny that complement international regime obligations
- Dual-use technology presents particular issues for listing and, therefore, control owing to its dual-use nature (both applicable to commercial and military endeavours). This hinders both the identification of sensitive technologies of concern and the subsequent application of controls. Recommendation:
 - Accelerate efforts to improve listing processes so as to increase efficiency, responsiveness to technological change and targeting. This should be supported by improved best practice sharing across non-proliferation regimes
- Financial situation of a number of key international non-proliferation regimes is fragile. Non-payment or delayed payment of contributions by some States parties/members are the main causes. Substantial financial shortfalls have serious short-term consequences for the operation and ability of these regimes to fulfil key functions, and have longer-term implications for their viability. Recommendation:
 - Alongside encouraging all States to pay their contributions on time and in full, there is value in an exchange of good financial management best practice across all regimes
- Cybercapabilities present a challenge to non-proliferation owing to the comparative ease of development and a degree of inherent opacity. However, neither of these traits create an insurmountable challenge. Recommendations include:
 - Pursue opportunities to introduce proportionate non-proliferation controls and standards and to advance responsible State behaviour in cyberspace
 - Develop a clear set of standards for responsible State behaviour in cyberspace

While tackling these challenges, the United Kingdom, along with many other States, remains committed to identifying opportunities to facilitate the use of advanced technology safely, securely and peacefully to meet the Sustainable Development Goals. These efforts extend to the transfer of sensitive technologies and information within the existing non-proliferation framework.

The United Kingdom and other countries are working within the non-proliferation architecture to facilitate the transfer of sensitive technologies as mandated under article IV of the Non-Proliferation Treaty. The sustained dialogue on peaceful uses initiative demonstrates that robust non-proliferation controls are not a blocker and that they actually provide the required framework in which to support technology transfer in support of development. It has the potential to provide the international community with a model for future initiatives.

International security is a key pillar of the world's fight against poverty and the achievement of the Sustainable Development Goals. The weakening of the non-proliferation system would not only undermine international security but also impede the transfer of sensitive technology for peaceful uses. The international community's response to this resolution should be twofold: (a) to increase the robustness of non-proliferation regimes; and (b) to intensify efforts to use the international non-proliferation framework to facilitate the transfer of sensitive technology for peaceful uses.

United States of America

[Original: English]
[31 May 2022]

The United States strongly supports broad and equitable access to goods and technologies that facilitate current and future economic development. All countries should benefit from technologies that hold the promise to enrich lives, create prosperity and solve global challenges, and should do so with the reassurance that they are not undermining their security or that of other countries. That is precisely why some of these technologies are export controlled, so that Governments may responsibly evaluate a potential transaction's risks related to health, safety, human rights, international security or regional stability. Thus, the idea that countries need to "balance between non-proliferation and peaceful uses" is a false dichotomy. Instead, the two objectives are connected: countries need the assurance that technologies will be used and shared in ways that conform with non-proliferation legal obligations and policy commitments. Doing so does not limit global access to technology – it expands it.

A robust national export control system allows the implementing Government not only to evaluate controlled exports for their contribution to national security but also to consider whether a specific proposed transaction may contribute to end uses of foreign policy concern. These mechanisms inhibit transfers to end users seeking technology to perpetuate authoritarian objectives. With the continued evolution of emerging technologies, such as artificial intelligence applications to surveil populations, national export controls are a critical mechanism to prevent acquisition by end users who may be singled out by the foreign recipient for human rights abuses.

To mitigate the risk that technology could be misused, the United States and many other countries from around the world have adopted non-proliferation-focused export control rules and procedures. These rules and procedures do not constitute a ban on such exports, but instead establish conditions designed to ensure that those exports will not contribute to the spread of weapons of mass destruction and destabilizing military capabilities. To date, United States export regulators have approved the vast majority of proposed technology exports. The imposition to maintain this stable security environment is also minimal: export controls apply to 1 per cent or less of all global trade and, within that, export licence applications across the decades have been denied at single-digit percentage rates.

The critical importance of export controls (which affect a narrow slice of commercial activity) is also borne out in other United Nations authorities. For example, Security Council resolution 1540 (2004) is a vital, legally binding component of the international non-proliferation architecture. All States Members of the United Nations are required to implement effective export controls in order to prevent unauthorized exports of sensitive goods to non-State actors. This obligation is universally accepted and there are no findings in the comprehensive reviews of Security Council resolution 1540 (2004) that undue restrictions exist through export controls that inhibit sustainable development. In short, this People's Republic of China resolution would launch a process to address a problem that does not exist and one that would almost certainly undermine critical international norms enshrined in Security Council resolution 1540 (2004). Based on these existing facts and circumstances, the United States believes that decisions about which technologies and goods require non-proliferation export licences and how those licences are adjudicated are and should remain matters of national security and national discretion. That sovereign discretion has been shown to be essential to the effectiveness of existing mechanisms that help prevent potentially sensitive technologies from falling into the hands of terrorists or other actors pursuing programmes and weapons capabilities that exacerbate regional tensions and imperil global stability.

To continue and expand the safe transfer of sensitive technologies for peaceful uses, we believe that countries should exercise their ability to increase their cooperation within multilateral structures already in place. These structures are based on the solid foundation of the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. Regarding peaceful uses of nuclear technology, the United States is a leading global partner in cooperation that promotes the peaceful application of nuclear energy, science and technology through bilateral, regional and international channels. We are also the largest contributor to the International Atomic Energy Agency (IAEA) technical cooperation programme, having provided over \$270 million to the Technical Cooperation Fund since 2010. We have also, in that time, provided over \$126 million in other financial and in-kind support to the peaceful uses work of IAEA and over \$130 million to the IAEA Peaceful Uses Initiative. However, we continue to seek to do more to advance cooperation in this area. As a new effort for the upcoming Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the United States has worked with other States parties to the Non-Proliferation Treaty to develop a proposal on sustained dialogue on peaceful uses for the upcoming tenth Review Conference, described in more detail below.

The United Nations has underscored the importance of export control principles in many different forums, and the idea of "undue restrictions" runs counter to legally binding United Nations agreements already in place. For example, Security Council resolution 1540 (2004) requires all States Members of the United Nations to prevent the transfer across borders of weapons of mass destruction-related goods and know-how by and to non-State actors, and specifically calls upon Member States to adopt export control lists and conduct outreach to industry and other private actors so that they understand their export control obligations. Security Council Committee established pursuant to resolution 1540 (2004) outreach supports Member States in fulfilling requirements related to the resolution, as does the United States, the European Union, Japan and others.

Commitment to peaceful uses of nuclear energy under article IV of the Treaty on the Non-Proliferation of Nuclear Weapons

The United States continues to seek new and meaningful ways to expand the access to benefits of peaceful uses of nuclear energy, pursuant to our commitments under the Non-Proliferation Treaty. In collaboration with international partners, we are seeking to build support for a new effort to promote global understanding of the benefits of peaceful uses cooperation, as envisioned under article IV of the Treaty, thus raising awareness of the potential impact of nuclear technology on national development and economic priorities. This new sustained dialogue on peaceful uses programme will be announced at the upcoming tenth Review Conference in August 2022. The dialogue is a practical approach to building awareness of the potential benefits of peaceful uses and identifying new resources to support greater access to these benefits. It aims to continue a robust international dialogue on the peaceful uses of nuclear energy, science and technology, focused on advancing international awareness of the important contribution of peaceful uses, promoting greater acceptance of peaceful uses benefits and identifying new opportunities for cooperation. The programme is intended to join stakeholders, including partner Governments, foundations, research institutions, laboratories, international organizations, initiatives, private corporations and others engaged in areas of work related to the application of peaceful uses, in a cooperative effort to identify new opportunities and resources to meet national, regional and international priorities that are otherwise unmet owing to scale, time or other factors. The programme will also seek to help identify opportunities to build national capacity to accept and sustain peaceful uses assistance and cooperation. This dialogue will avoid duplication with existing bureaucratic structures, consulting closely with IAEA to ensure that the new effort will complement and enhance assistance made available under the IAEA technical cooperation programme and the Peaceful Uses Initiative, programmes to which the United States continues as the largest donor of extrabudgetary contributions.

What are the control regimes?

Export control regimes set standards of practice and promote robust but proportional controls on dual-use and munitions goods and technologies. These controls are crucial to prevent proliferation of weapons and sensitive technologies to terrorists and malign actors, ultimately reinforcing global and regional security and stability. The United States and other nations complement the purpose of these treaties and arrangements by coordinating national export controls to help ensure would-be proliferators cannot “shop around” for sensitive goods and technology. These coordinating bodies of the non-proliferation export control regimes, such as the Nuclear Suppliers Group, are critical for implementing the above-mentioned treaties.

Multilateral non-proliferation regimes, which work in partnership between developed and developing countries from around the world, have created an environment where global, high-technology trade can flourish. These regimes have established standards for the responsible trade in sensitive technologies and for the identification of equipment, goods, and technologies that warrant additional non-proliferation scrutiny and export restraint. These standards are enshrined in and inform national policies – including controls lists – and help to provide clarity to industry regarding what types of transactions are permissible or could pose risks, and confidence to Governments that expanding trade will not impair international security. The regimes are designed both to safeguard broad access to mature and new technologies and to expand such access through safe and responsible means. The erosion of these regimes would undermine that confidence and would inhibit – not expand – the peaceful uses of the technologies involved.

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies: formed in 1996, the Wassenaar Arrangement's purpose is to contribute to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use (i.e. those having both civil and military uses) goods and technologies to prevent destabilizing accumulations of those items. The Wassenaar Arrangement establishes lists of items to which participating and adherent States apply export controls. Governments implement these controls to ensure that transfers of the controlled items and know-how do not contribute to the development or enhancement of military capabilities that undermine the goals of the Arrangement and are not diverted to support such capabilities. In addition, the Arrangement controls are an integral part of the global fight against terrorism. The Arrangement imposes some reporting requirements on its 42 participating States. It also establishes common best practices, such as those for intangible technology transfer, objective analysis for review of export licences, and enforcement awareness. The policies of the Arrangement are not directed against any State or group of States. All measures are implemented based on national discretion and in accordance with national legislation. More information is available on the Arrangement's website www.wassenaar.org.

The Nuclear Suppliers Group: the Nuclear Suppliers Group is comprised of 48 participating Governments and was established in 1974 to focus on preventing the proliferation of nuclear weapons. The Group's guidelines expand on the understandings of the Zangger Committee about how to implement the export control requirements under article III (2) of the Non-Proliferation Treaty. The Group's guidelines provide common standards for participating Governments to apply to transfers of nuclear material, facilities, equipment and technology to help to ensure that such transfers will not contribute to the proliferation of nuclear weapons or other nuclear explosive devices or be diverted to acts of nuclear terrorism. These guidelines also provide standards for controlling transfers on nuclear-related dual-use materials, equipment and technology to help to ensure that they will not contribute to a nuclear explosive activity, an unsafeguarded nuclear fuel-cycle activity or acts of nuclear terrorism. The guidelines are updated regularly to respond to changes in technology and proliferation challenges and to help to facilitate nuclear trade for peaceful purposes. They are available on the Group's website www.nuclearsuppliersgroup.org.

Australia Group: the Australia Group was formed in 1985 after Iraq's use of chemical weapons during the Iran-Iraq War (1980–1988). Today, the Group is composed of 42 participating countries. The Group is an informal forum of countries which, through the harmonization of export controls, seeks to ensure that exports do not contribute to the development of chemical or biological weapons. Coordination of national export control measures assists the Group's participants to fulfil their obligations under the Chemical Weapons Convention and the Biological Weapons Convention to the fullest extent possible. The Group's participants apply a set of guidelines to the transfer of items on the Group's control lists, which represent the international benchmark for controlling the export of chemical or biological weapons-related chemicals, pathogens, toxins, equipment, materials, technology and software that could contribute to chemical or biological weapon activities. These guidelines further constitute a set of standards to which non-Group participants are increasingly adhering. Widespread adoption of these standards has made it more difficult and costly for proliferators to acquire the dual-use items necessary to aid and develop chemical or biological weapons programmes. The control lists and guidelines, as well as handbooks and other information materials, are available on the Group's website www.australiagroup.net.

Missile Technology Control Regime: The Missile Technology Control Regime was formed in the wake of the “war of the cities” Scud and free rocket over ground (FROG) missile attacks against civilian targets on both sides of the Iran-Iraq War. Today, the Regime is composed of 35 partner States. It is an informal political understanding among States seeking to limit the risks of the proliferation of weapons of mass destruction by controlling exports of goods and technologies that could contribute to delivery systems (other than manned aircraft) for such weapons. The Regime’s partners control a common list of items (the Missile Technology Control Regime annex) which includes the key equipment, software and technology needed for missile development, production and operation, according to a common export control policy (set out in the Regime’s guidelines). The Regime’s controls extend to ballistic missiles, space launch vehicles and unmanned aerial vehicle systems, including cruise missiles, target drones and reconnaissance drones. The adoption of the Regime-based export controls has significantly reduced the availability of missile-relevant equipment and technology to programmes of concern and made it more difficult, time-consuming and costly for proliferators to acquire or produce Regime-class missiles and related equipment and technology. Over time, the Regime has become the de facto international standard for responsible missile-related export behaviour. The guidelines and annex are available on the Regime’s website www.mtcr.info.

Multilateral export control regimes contribute to regional and international security and stability

The export control regimes do not represent the monopolizing of technology by a small group of advanced countries, but rather the efforts of diverse groups of countries that share a commitment to preventing potentially dangerous items or technologies from being diverted to end users of concern. Over the past several decades, these regimes have been a key component of the global security architecture. These multilateral non-proliferation export control regimes establish best practices and help participating States to establish robust controls on dual-use and munitions goods and technology that can be used in manners that present national security and foreign policy concern. Rather than limit peaceful uses, these controls facilitate legitimate global trade and help promote regional stability and security, while helping to prevent the proliferation of weapons and sensitive items and know-how. The multilateral regimes promote consistent export control implementation among regime participants and adherents so that Governments review sensitive exports according to similar standards and established non-proliferation criteria, thus levelling the playing field for all States.

These regimes are not treaties and do not impose legally binding obligations on their participants. The regimes supplement the obligations of States parties to the Non-Proliferation Treaty, the Biological Weapons Convention and the Chemical Weapons Convention by aiming to prevent a State’s exports from undermining international peace and security. The regimes are also a mechanism for identifying and recommending controls for multilateral consideration on specifically described goods and technology that, if transferred, could threaten international security and stability or contribute to terrorism. Significantly, each of the multilateral regimes strictly excludes applying export controls to information in the public domain, including basic scientific research that would unnecessarily hamper collaboration across borders.

The non-proliferation export control regimes provide confidence and make international commerce in sensitive items possible, while preventing the small fraction of high-technology trade where there is a clear proliferation risk. Countries that apply similar export controls can have confidence that goods in either country

will not be misused or diverted to unauthorized end uses. This confidence, in turn, facilitates peaceful cooperation that otherwise might be inhibited by concerns about diversion, misuse and proliferation. One example is nuclear reactors, which have a diverse range of applications, including neutron beam research for material studies and radioisotope production for medical and industrial use. The existing nuclear non-proliferation regime supports the exchange of sensitive nuclear equipment, material and technology needed for such reactors, assuring, through the application of safeguards and other non-proliferation conditions, that nothing is diverted to undeclared nuclear activities. In another example, government review of exports for equipment using radio frequency to counter improvised explosive devices clearly supports antiterrorism efforts globally by facilitating export to proper end users.

The regimes are not an impediment to this thriving international cooperation, but instead provide the confidence that makes such cooperation possible. Eroding the regimes – through a United Nations review of their standards or efforts to create alternative global export mechanisms – would reduce the voluntary and effective cooperation that allows the vast majority of high-technology trade to pose little proliferation risk.

For example, the United States has a history of supporting voluntary licensing agreements that have made a positive impact on global health. In 2010, the National Institutes of Health made the first contribution to a newly established Medicines Patent Pool through a royalty-free licence agreement for patents related to an HIV medicine. This Medicines Patent Pool is a United Nations-backed public health organization, which also facilitates licensing for the World Health Organization coronavirus disease (COVID-19) Technology Access Pool (C-TAP). More recently, at the second Global COVID-19 Summit on 12 May, the United States announced its commitment to share critical COVID-19 technologies, including a stabilized spike protein that is used in many COVID-19 vaccines, through C-TAP. In total, including the stabilized spike protein technology, the National Institutes of Health have licensed 11 COVID-19 research tools and early-stage vaccine and diagnostic candidates to the Medicines Patent Pool through C-TAP. The licences will allow manufacturers from around the world, particularly those in low- and middle-income countries, to work with the Medicines Patent Pool and C-TAP in order to use these technologies to develop and produce COVID-19 vaccines, therapeutics and diagnostics.

Specifically, this proposal would launch a process that would undermine existing multilateral export control regimes because it could result in a process that allows the unrestricted transfer of sensitive items and technology under the guise of “peaceful uses”. In doing so, it would sidestep and marginalize the existing export control regimes covering military and dual-use items that have established unprecedented levels of multilateral cooperation on export controls and developed transparent standards that inform members’ and adherents’ national licensing structures.

Under the current system, exporting States control and regulate their sensitive exports on a national basis and often coordinate their actions with other like-minded States, with many following standards established by the export control regimes. Replacing the regimes with a new arrangement that would approve licences would substitute multilateral judgments for national decisions on export controls, impeding the ability of States to take unilateral export control actions consistent with their national security interests. Abandoning the existing export control regimes would come at a great cost of enabling proliferation, insecurity and armed conflict, and would not necessarily expand developing countries’ access to goods and technologies for peaceful uses. Without such rules, some technology holders might further restrict sensitive exports for fear of inadvertently proliferating weapons of mass destruction-related technologies or being accused of facilitating military-related exports.

Alternatively, other less responsible countries may view this as an invitation to engage in riskier trade that proliferates weapons and technology in a manner that is currently constrained by virtue of membership in the export control regimes or by export controls modelled on their standards.

This makes it all the more important to maintain and fortify existing export control structures, which contribute to a secure environment in which companies that deal in sensitive items can trade confidently, knowing that recipients cannot divert their products in ways that would contribute to weapons of mass destruction, advanced conventional weapons, terrorism or regional destabilization. The guidelines for each regime are publicly available, are implicitly endorsed in various Security Council resolutions and are open to all countries to adopt.

Venezuela (Bolivarian Republic of)

[Original: Spanish]
[31 May 2022]

The world is facing major challenges in maintaining international peace and security, which, together with the coronavirus disease (COVID-19) pandemic, represent major challenges for humanity. The Bolivarian Republic of Venezuela reaffirms its support for the efforts made to maintain an open, inclusive and fair dialogue within the General Assembly on the situation of and challenges relating to peaceful uses and international cooperation.

In that regard, the Bolivarian Republic of Venezuela considers that the aspirations of States to have access to technologies for peaceful purposes are legitimate. Venezuela maintains that the use of science and technology for peaceful purposes and relevant international cooperation are inalienable rights of all States under international law. In this context, the international community has an urgent need to strengthen coordination and effectively promote international cooperation on the peaceful use of science and technology in a joint effort to safeguard international security and the right to sustainable development.

The promotion of the peaceful use of science and technology in relevant areas and the enhancement of exchanges and cooperation play an important role in the realization of sustainable development and in ensuring that States fulfil their international disarmament and non-proliferation obligations. The COVID-19 pandemic makes it even more urgent for developing countries to have equal access to scientific and technological achievements in order to address their socioeconomic challenges and close existing gaps in science and technology-related issues. In particular, the concerns of developing countries must be addressed by building consensus through dialogue and consultation and by removing undue restrictions with a view to ensuring their full right to the peaceful use of science and technology, in the hope of achieving sustainable development while maintaining international peace and security.

The Bolivarian Republic of Venezuela supports the responsibility of States to promote peaceful uses and international cooperation in the international agreements to which it is a party in the field of international security and the non-proliferation of weapons of mass destruction, including the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, as well as the resolutions and documents of the General Assembly, the Security Council and other relevant international organizations.

Venezuela reaffirms its rejection of undue restrictions against developing countries on exports of materials, equipment and technology for peaceful purposes, in particular, the application by some States of the illegal and arbitrary imposition of unilateral coercive measures. These acts undermine the legitimate rights and interests of developing countries, eroding the basis for promoting peaceful uses and international cooperation.

The Bolivarian Republic of Venezuela notes that unilateral coercive measures and other illegal measures are currently being used as weapons in the pursuit of geopolitical and economic objectives to force the political will of sovereign and independent nations and to curb their industrial development and technological progress, and our country has been a victim of such measures in recent years.

The application of unilateral coercive measures prevents the full achievement of economic and social development, and has a negative impact on the exercise and full enjoyment of human rights. Similarly, interference in the internal and sovereign affairs of States, added to the imposition of unilateral coercive measures of an economic, financial or commercial nature, in addition to representing a human rights violation, deliberately leads to the exacerbation of conflicts and crises.

Venezuela advocates open, inclusive and fair dialogue within the framework of the General Assembly with the aim of assessing the current status and challenges to peaceful uses and international cooperation, in particular the concerns of developing countries regarding the removal of undue restrictions in order to guarantee the full right to the peaceful use of science and technology, achieve sustainable development and ensure the maintenance of international peace and security.

Lastly, the Bolivarian Republic of Venezuela reaffirms its full commitment to multilateral diplomacy aimed at guaranteeing the maintenance of international peace and security in accordance with Bolivarian peace diplomacy. Consequently, we urge all Member States to work together within the framework of multilateralism to ensure that United Nations measures and actions are more coherent, fluid and effective in preventing and resolving conflicts.

B. European Union

[Original: English]
[31 May 2022]

Robust and trustworthy export controls play an essential role in preventing the proliferation and diversion of sensitive items for weapons of mass destruction and terrorist purposes. Their effective functioning also facilitates legitimate trade.

Multilateral export control regimes enable the implementation of international treaty obligations on the non-proliferation of weapons of mass destruction and conventional weapons and support the implementation of Security Council resolutions on the maintenance of international peace and security by preventing the diversion of sensitive materials, technology and equipment to end users of concern. They set clear guidelines and develop lists of sensitive items that give the exporting States necessary assurances that exports of sensitive products to trusted recipients are for peaceful uses and will not undermine international peace and security. The multilateral export control regimes provide confidence and facilitate international trade in sensitive items by looking into the proliferation risk before issuing an export licence. The regimes are a technical instrument to fulfil our international obligations and commitments. The European Union would like to stress that there is a legal necessity for export controls stemming from obligations under certain instruments of international law, including the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling

of Bacteriological (Biological) and Toxin Weapons and on their Destruction, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and Security Council resolution [1540 \(2004\)](#).

Multilateral export control regimes bring together the main producers of sensitive technologies from all parts of the world and are open to membership on the basis of transparent, objective and non-discriminatory criteria. Guidelines and control lists are agreed by consensus and are implemented in accordance with national laws and practices. Furthermore, outreach is carried out to non-participating States, industry, academic and research institutions, and civil society in order to inform them about changes to the control lists, give explanations, address membership issues, exchange views and answer any questions they might have about implementation. This transparency allows all States and relevant stakeholders to be informed of the arrangements and ensures that trade in sensitive material continues unhindered for legitimate purposes, in compliance with international obligations and commitments. Moreover, export control regimes include provisions for the regular revision and updating of control lists. In this regard, they are able to adapt to changes in global trade and keep pace with technological advancements.

The European Union fully supports the view that international cooperation on peaceful uses should be promoted. The European Union provides significant financial and political support to the International Atomic Energy Agency (IAEA) and the Organisation for the Prohibition of Chemical Weapons (OPCW) for their work in third countries to promote and build capacity for peaceful uses. For example, the European Union and its member States are the largest donors to the OPCW Centre for Chemistry and Technology that will provide improved training and capacity-building facilities for developing countries. The European Union and its member States are also among the largest contributors to the IAEA technical cooperation programme. The European Union is providing widespread support to partner countries in setting up or enhancing their own export control systems, through the Chemical, Biological, Radiological and Nuclear Centres of Excellence in 64 countries and the European Union Partner-to-Partner Export Control Outreach Programme. We are pleased that many countries have benefited from these European Union-funded projects. The European Union stands ready to consider any proposal for cooperation in the area of export control and to work together to ensure that export controls support, rather than hinder, the peaceful use of technology. Export control generates trust, and trust is the most solid foundation for trade and for peace.

The European Union ensures that export controls are proportionate and targeted and do not hinder legitimate trade. The data speaks for itself. The total value of trade subject to control in the European Union for 2019 (latest available data) exceeded €50 billion, representing 2.2 per cent of total extra-European Union exports, while only a negligible – in trade terms – portion of exports were denied: 603 exports were denied in 2019, representing 0.02 per cent of total extra-European Union exports.

Considering the importance of export controls for the maintenance of international peace and security, and considering the data demonstrating that the effect of export controls on trade and peaceful uses of sensitive technology is minimal, the European Union is concerned that resolution [76/234](#) mentions “undue restrictions” on exports of sensitive items. This assertion is not based on facts. There are no findings in the comprehensive reviews of Security Council resolution [1540 \(2004\)](#) that “undue restrictions” exist where export controls would inhibit sustainable development. The resolution could therefore give rise to an unnecessary politicization of the multilateral export control framework and, ultimately, undermine international trade, science and technology cooperation, as this requires robust and trustworthy export control systems. Proposals seeking to question the functioning of the regimes

and their legitimacy will not make States more prone to export sensitive goods; rather, the opposite is true. The resolution could imply that the export control authorities of the States Members of the United Nations do not exercise their task correctly, considering that export control decisions fall within the national competence of States, based on their national, regional and international obligations. The resolution overall could portray a false dichotomy between peaceful uses of nuclear, chemical and biological material, on the one hand, and export control measures and regimes, on the other.

In summary, and in response to the request of the Secretary-General to seek the views and recommendations of Member States on aspects of promoting international cooperation on peaceful uses in the context of international security, the European Union proposes the further strengthening of multilateral export control regimes. The European Union supports capacity-building of export control systems in third countries, stresses the need for full implementation of Security Council resolution [1540 \(2004\)](#) obligations and the universalization of relevant non-proliferation and disarmament treaties.
