

**Ninth Review Conference of the States Parties
to the Convention on the Prohibition of the
Development, Production and Stockpiling
of Bacteriological (Biological) and
Toxin Weapons and on Their Destruction**

12 December 2023

Original: English

Geneva, 28 November–16 December 2022

Summary record of the 10th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 14 December 2022, at 10 a.m.

President: Mr. Bencini(Italy)
later: Ms. Rodríguez Ramírez (Vice-President) (Panama)

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Preparation and adoption of the final document(s) (*continued*)

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The meeting was called to order at 10.20 a.m.

Preparation and adoption of the final document(s) (continued) (BWC/CONF.IX/CRP.2)

Chapter III. Decisions and recommendations

1. **The President**, drawing attention to the draft final document of the Ninth Review Conference, which had been issued as document [BWC/CONF.IX/CRP.2](#) in English only, said that the draft was a consolidated version of the documents that had been circulated informally to the Conference by the facilitators, who had been appointed to help translate the views that had been expressed during the general debate into specific proposals for the final document. The compilation of the draft had been informed by the need to reach consensus. Proposals to which no objections had been made during the debate had been incorporated into the draft. Where two proposals had been made on the same issue, efforts had been made to reconcile them. Where reconciliation had not been possible, the secretariat had reverted to wording approved at the Eighth Review Conference. Proposals on which consensus would clearly never be reached had been left out. Considerable efforts had been made to ensure that the text reflected fairly the proposals made by the different groups of States. It had been edited in some places, and the paragraphs had been renumbered.

2. **Mr. In den Bosch** (Kingdom of the Netherlands) said that it was clear from a cursory reading of the draft, which would serve as a good basis for the rest of the Conference's work, that the secretariat had attempted to strike a fair balance between the proposals that had been made.

3. **Mr. Robatjazi** (Islamic Republic of Iran) proposed that the meeting should be suspended to give all delegations the opportunity to review the draft final document comprehensively.

The meeting was suspended at 10.25 a.m. and resumed at 11.05 a.m.

4. **Mr. Ward** (United States of America) said that his delegation was concerned about the ambiguity of the first sentence of section A, on international cooperation and assistance, in which it was stated that the Conference had decided to establish a mechanism to ensure the full implementation of international cooperation and assistance under article X. The sentence could be interpreted either as a decision to establish such a mechanism immediately or as an aspirational statement indicating the Conference's intention to establish the mechanism in the future. The group of experts should be entrusted with determining the modalities of the mechanism and the scope of its work. The group should be asked to determine what niche the mechanism established under the Convention would occupy in the broader global health landscape. Any duplication of activities should be avoided.

5. Broad statements suggesting that the Convention, which was an arms control treaty, was at the centre of efforts to promote assistance and cooperation in matters related to public health should also be avoided. The World Health Organization and other similar organizations were better placed to play that role. The introduction to paragraph 1 of chapter III should thus be amended to state that the Conference decided that an article X implementation entity should be established and that the group of experts should consider its mandate. Paragraph 1 (a) and (b) would be introduced by the phrase "the aim of such an entity is to", while paragraph 1 (c)–(e), which related to initiatives that the Conference wished to establish immediately, would be preceded by a separate introductory text. Paragraph 2, on the role of the group of experts in relation to the mechanism, would be deleted, since the changes introduced made it redundant.

6. **Mr. Kordasch** (Germany) said that, although his delegation welcomed the inclusion in chapter III of a number of proposals on which a decision could be taken immediately, parts of the draft required further discussion. The importance attached to subjects such as international cooperation and assistance, the subject of section A, was of particular concern. While article X was an important aspect of the Convention, which, for Germany, was first and foremost a disarmament treaty, it should not be given pride of place in the final document. Priority should be given to measures to promote compliance – for example, verification measures.

7. It was unclear what the composition of the steering group that was to elaborate an article X action plan would be and how the views of all States parties would be reflected in its work. In addition, while a voluntary trust fund such as the one proposed in section A could contribute to promoting the implementation of article X, it was not essential to the full implementation of that article.

8. His delegation welcomed the proposed decision to establish a mechanism for the review of scientific and technological developments relevant to the Convention. However, it was disappointing to see that many related proposals submitted during the discussions with the facilitators were not currently reflected in the text.

9. **Mr. Ogasawara** (Japan) said that his delegation supported the proposal made by the representative of the United States with regard to section A, which spoke to many of his country's own concerns about the text, in particular the need to avoid any overlap with the activities of relevant international organizations. Cross-referencing paragraph 2 and paragraph 24 (a), in section F, on the intersessional programme for 2023–2026, would be helpful. His country supported the establishment of a voluntary trust fund and an international assistance database, as proposed in paragraph 1 (c) and (d), respectively.

10. Although the overall structure of section B was sound, subparagraph (b) of paragraph 3, which referred to an open-ended scientific advisory body, was redundant, as a scientific advisory board open to all States parties was already proposed in subparagraph (a). The two subparagraphs should therefore be merged.

11. **Mr. Sánchez de Lerín García-Ovies** (Spain) said that voluntary contributions might not be sufficient to fund the new mechanisms that were proposed in section A of the draft document. For some countries, such as his own, the approval of voluntary contributions every year was not a given. The functions of the three mechanisms referred to in paragraph 3 (a)–(c) should be clearly differentiated in order to avoid any duplication of effort and to guarantee their efficiency. His delegation was concerned about the funding of those mechanisms, too.

12. **Mr. Benítez Verson** (Cuba) said that the draft final document omitted many of the proposals made by the Group of the Non-Aligned Movement and Other States. He hoped that future versions of the draft would be less partial. Nothing could justify the failure to refer to the harm caused by the imposition of unilateral coercive measures and other discriminatory limitations and restrictions by some States parties to the Convention, in contravention of article X.

13. Proposing that a group of experts rather than a working group should be tasked with strengthening the Convention during the intersessional period was inappropriate. The strengthening of the Convention was a complex task that involved diplomatic, political and legal matters and could not be left in the hands of technical experts.

14. Section B of chapter III should contain a proposal for the establishment of a single new body – namely, an open-ended scientific advisory group – not three separate ones. As for section A, the mandate of the proposed mechanism to ensure the full implementation of article X should be strengthened, as proposed by the Group of the Non-Aligned Movement and Other States. His delegation would present proposed wording in that regard in due course.

15. The decisions and recommendations that the Conference was being asked to adopt would have significant implications in terms of human and financial resources, which would result in a significant increase in the annual financial dues of States parties to the Convention. The Conference must allocate its limited resources prudently. His country was not opposed to a staffing increase in the Implementation Support Unit, which had been doing a good job. However, care should be taken in deciding on the number of meetings to be held during the intersessional period, since it would be difficult for developing States parties to participate on an equal footing with other States parties if too many meetings were planned. The secretariat should provide an estimate of the costs of the proposed intersessional work programme, including a breakdown of the cost per day of the proposed meetings.

16. **Mr. Bilgeri** (Austria) said that his delegation, too, would appreciate an estimate of the costs of the items proposed in chapter III. With regard to sections A and B, it appeared that the specifics of many of the proposals were to be decided upon at a later stage. While that approach had sometimes worked in the past, it was not suitable for all the proposals

currently before the Conference. Proposals that were fully fleshed out, such as those relating to the scientific and technology advisory process, for which a full set of documents had been prepared, should be adopted straight away. The proposals to establish a voluntary trust fund and an international assistance database under article X were also ready for adoption.

17. If the Conference decided to adopt broader proposals and to agree on the details later, the group of experts should be given a clear deadline by which to determine the mandate, composition and modalities of the mechanism for reviewing scientific and technological developments. As other delegations had noted, only one mechanism – ideally, however, an expert body – should be established under the scientific and technological advisory process. The current proposal to establish a mechanism for reviewing scientific and technological developments was nonetheless the result of lengthy discussions held over several years and reflected a compromise by many States parties. For that reason, his delegation would support the proposals under section B as presented. He encouraged other States parties to refrain from reiterating their well-known, long-standing national preferences and to support the compromise proposed in the draft.

18. **Mr. Domingo** (Philippines) said that his delegation welcomed the proposal to draft an article X action plan set out in paragraph 1 (b). The wording of the previous draft of chapter III, however, which had anchored the action plan not only to the first component of article X – the right to the fullest possible exchange between all States parties – but also to the second – the avoidance of any hampering of development and cooperation – should be restored.

19. Tasking a group of experts with working out the details of the proposed article X and science and technology mechanisms over the intersessional period could place too large a burden on the group and, if disagreements arose, lead to delays. Cross-referencing the paragraphs that related to the article X and science and technology mechanisms and section F, as recommended by the representative of Japan, could go some way towards allaying those concerns.

20. **Ms. Rodríguez Ramírez** (Panama) said that Panama fully supported the establishment of a mechanism to promote international cooperation and assistance under article X, irrespective of the form that such a mechanism eventually took. However, that mechanism should not be prioritized over a mechanism for reviewing scientific and technological developments relevant to the Convention. The Conference should adopt a decision to establish both mechanisms on an equal footing, and the time frame for their establishment should be earlier than the deadlines set out in section F.

21. **Ms. Stromšíková** (Czechia) said that, as the representative of Germany had stated, the primary purpose of the Convention should be reflected at the outset of the chapter. That would mean placing section F, on the intersessional programme for 2023–2026, at the beginning of the chapter, since that section referred to measures to address compliance and verification, which had been recognized by many States parties as a priority.

22. Her delegation reserved its position on the proposal in paragraph (1) (a) to establish a steering group for international cooperation until it became clear what the regional composition of the group would be, in particular in view of the establishment of a new regional group, the Group of One. Different formats for the steering group could be considered. The wording proposed by the representative of the United States allayed some of her delegation's concerns in that regard. As the representative of Cuba had noted, an open-ended working group should be set up to help strengthen the Convention during the intersessional period, not a group of experts.

23. With regard to section B, as the representative of Austria had pointed out, the relevant facilitator was in possession of draft terms of reference and rules of procedure for the mechanism for the review of scientific and technological developments relevant to the Convention. Those documents should be referred to in the next iteration of the draft final document. Lastly, the question of financial resources was tied up with the question of human resources. The Conference should carefully consider how many days of meeting time it would allocate for each of the bodies that it proposed to establish in order to ensure that delegations from countries that faced greater resource constraints were able to participate.

24. **Ms. Petit** (France) said her delegation agreed that the order of the different sections of chapter III needed to be reviewed. There was general agreement on the need to establish mechanisms to promote international cooperation and assistance and to review scientific and technological developments relevant to the Convention. However, it should be left to the Implementation Support Unit to determine how those mechanisms would operate. Many proposals on science and technology made by the facilitator had unfortunately not made their way into chapter III.

25. **Mr. Liddle** (United Kingdom) said that some of the proposed decisions contained in chapter III could be adopted, while others needed further work. In general, chapter III was well structured, but he wondered whether section E, on the outcome of the intersessional programme for 2017–2020, should perhaps appear at the opening of the chapter, since it was a summary of past achievements. It was certainly right to place sections F, on the intersessional programme for 2023–2026, and G, on the Implementation Support Unit, towards the end of the chapter. As the representative of Germany had suggested, international cooperation and assistance, the topic of section A, should not be the topic with which the chapter opened.

26. In section A, it would be preferable to refer consistently to “international cooperation and assistance” throughout rather than simply to “international cooperation”. The action plan proposed in paragraph 1 (b) should be formulated by States parties collectively, not by the steering group, even if it was then acted upon by the steering group. The purpose of the voluntary trust fund proposed in paragraph 1 (c) would be better captured if it were described as a fund to support international cooperation and assistance on peaceful biological activities rather than as a fund for the full implementation of article X.

27. The full extent of the progress made by the Conference on the scientific and technological advisory process over the course of the previous few weeks was not reflected in the current version of the draft document. His delegation had always rejected the idea that progress towards the implementation of article X (1) must be made at the same pace as progress towards the implementation of article X (2). If a decision was ready to be made, it should be made. Moreover, a proper review of scientific and technological developments would inform the future work of the Conference on all aspects of the Convention, including article X. The progress made in that regard during the current Conference should therefore be fully reflected in chapter III.

28. *Ms. Rodríguez Ramírez (Vice-President) took the Chair.*

29. **Mr. Rosandry** (Indonesia) said that, to strike the right balance between sections A and B, a more general and broader mandate should be given to the steering group proposed in paragraph 1 (a). However, matching the offers and requests in the database system and identifying and fostering complementarities between international cooperation activities should be the responsibility of the additional member of staff of the Implementation Support Unit proposed in paragraph 1 (e). In addition, a clear time frame for the establishment of the mechanism to promote international cooperation and assistance should be set. It was important to have a guarantee that the mechanism would be established in the near future.

30. Although establishing a mechanism to ensure the review of scientific and technological developments relevant to the Convention would be a good idea, it remained unclear how such a review would be carried out. Moreover, far too many bodies were proposed as part of that mechanism in the current draft of section B. Lastly, paragraph 24 (a), which fell under section F, should be amended to state that the group of experts would take measures to ensure the full and effective implementation of article X.

31. **Mr. Omarov** (Kazakhstan) said that the final paragraphs of sections A and B were somewhat ambiguous. The Conference was being asked to decide to establish new mechanisms; it was also being asked to request a group of experts to determine the mandates of those mechanisms. Moreover, the time frames for the work of the group of experts were unclear. The mechanisms might not be established until the Tenth Review Conference.

32. **Ms. Beşkardeş Karagöl** (Türkiye) said that her delegation welcomed the proposals to set up the mechanisms described in sections A and B. However, the mandates and methods of work of those mechanisms should be clearly defined. Her delegation was open to

considering the amendments proposed by the representatives of Japan and the United States. Its assessment of the proposals set out under section B would to a great extent be determined by the contents of the annex referred to in paragraph 4, which had not yet been made available. For that reason, her delegation seconded the call for an estimate of the costs of the proposals set out in chapter III.

33. **Mr. Ward** (United States of America) said that, regardless of whether the group of experts continued to be referred to as such or was given another name, the United States would provide experts to participate in its work, and he encouraged other States parties to do the same. The fundamental challenge that the Conference faced was to bring the Convention into the twenty-first century. Science and technology had evolved, as had the threat they could pose. Diplomats did not have a proper understanding of the issues on which the group of experts would be asked to work.

34. The Conference should try to ensure that the group of experts considered only four topics, so that two weeks could be dedicated to each topic. Each of the topics listed in paragraph 24 (a), (b) and (d) (measures to enhance international cooperation and assistance, measures to address compliance and verification and measures to improve confidence-building and transparency) would require two weeks to address. The consideration of the topics listed in paragraph 24 (e) and (f) (measures to achieve effective national implementation of the Convention and measures to strengthen assistance, response and preparedness under article VII) would not require two weeks each. The group might wish to organize one meeting at which a variety of other issues – for example, the governance of the Conference – could be addressed.

35. In the interest of keeping the number of topics to four, new language should be introduced stating that all meetings that took place must take scientific and technological developments into account, thus obviating the need for a separate meeting on the topic. Holding only four meetings, and wrapping up by the end of 2024, would make it possible to draft reports on the group's activities in early 2025. While his delegation supported the inclusion in chapter III of an item on international cooperation and assistance under article X, the first meeting of the group of experts should be on compliance and verification under article I. The second meeting could be dedicated to article X.

36. **Mr. Robotjazi** (Islamic Republic of Iran) said that, with regard to the structure of chapter III, the Conference should follow past practice and stick to the order of items agreed upon in the final documents of previous review conferences, beginning with the outcome of the intersessional programme for 2017–2020. The chapter should also have a separate section on the universality of the Convention.

37. His delegation had serious concerns about the proposed mechanism for the review of scientific and technological developments relevant to the Convention. It was premature to ask the Conference to decide to establish such a mechanism while there were still unresolved questions surrounding its mandate. A number of international organizations already had scientific advisory mechanisms. There was no reason to set one up under the Convention. The Conference's focus should be on the negotiation and conclusion of a legally binding protocol that included provisions on verification.

38. Moreover, the proposal to establish various bodies as part of the aforementioned mechanism was confusing. His delegation would not agree to the establishment of any closed or non-inclusive bodies. The significant financial implications of establishing a mechanism composed of various groups, bodies and boards was another issue that should be discussed before a decision was made. In addition, since the group of experts on strengthening the Convention would be tasked with the review of scientific and technological developments, there was no need for a separate mechanism to do the same thing.

39. As for section A, the mechanism referred to in paragraph 1 should be called a cooperation committee, and the mandate of that committee should be reinforced in order to guarantee its effectiveness and ensure the non-discriminatory and full implementation of article X. As it would be difficult to agree on the exact mandate of such a committee at the current Conference, however, agreement on that point could be reached by an ad hoc working group.

40. The proposal made by the United States representative to amend section A did not address the concerns of the States members of the Group of the Non-Aligned Movement and Other States. Decisions on the items described in paragraph (1) (d) and (e) – namely, the establishment of an international assistance database system and an additional position within the Implementation Support Unit – should be made only after the financial implications of the various items and the status and mandate of the cooperation committee had been made clear.

41. **Mr. Damico** (Brazil) said that, in the list of measures to be addressed by the group of experts, there was a good balance between initiatives to strengthen the implementation of article X and measures relating to scientific and technological developments relevant to the Convention. The measures to enhance international cooperation and assistance under article X were particularly important for the largest of the groups of which the Conference was composed – namely, the Group of the Non-Aligned Movement and Other States. However, the States parties in that Group would also stand to benefit from measures relating to scientific and technological developments.

42. His delegation agreed that efforts should be made to prevent any overlap between work done under the proposed article X cooperation and assistance mechanism and the work done in other relevant contexts. The objective of the mechanism, which could be defined in the mandate of the steering group that would be established to facilitate international cooperation, should be to complement initiatives relating to the Convention that had already been launched.

43. The Government of Brazil was developing an initiative relating to health that should be welcomed by the Conference. Other States parties might consider carrying out further initiatives during the intersessional period to develop the ideas formulated by Brazil.

44. His delegation would be grateful for an estimate of the additional costs that financial and institutional strengthening would give rise to. It would also be grateful for an indication of whether the scale of assessments used to determine the contributions made by States parties to the budget of the Conference would be the same for 2025 as it had been for the years 2022–2024.

45. **Ms. Boels** (Belgium) said that her delegation was pleased to note that chapter III contained clear language on article X, the intersessional programme and other matters. As some other delegations had mentioned, further consideration might be given to the order of the sections of chapter III. The Convention was primarily a disarmament treaty. Article X was a very important aspect of it, but it might be preferable to mention other core aspects of the Convention before article X.

46. Section B of the current version of chapter III, which addressed scientific and technological developments relevant to the Convention, did not reflect all the progress made by the Conference in that area. It would be useful to have an idea of the times of the meetings to be held during the intersessional period so that the costs of the different proposals could be estimated. It was surprising that chapter III contained no references to biosafety, biosecurity and biorisk management, particularly considering that a cross-regional group had systematically called for the development of standards in that area.

47. **Mr. Fetz** (Canada) said that his delegation agreed with the comments made by the United States delegation on the structure of the intersessional working group and the timing of its meetings. It also agreed that the nature and scope of the cooperation and assistance provided under the Convention should be clearly defined. The word “full” should be removed from the phrase “voluntary trust fund for the full implementation of article X” in paragraph 1 (c) of chapter III. The mechanism that the Conference was planning to establish was not the only way of providing assistance under article X. A great deal of bilateral and plurilateral work was also being done to implement the article, including through the Global Partnership against the Spread of Weapons and Materials of Mass Destruction.

48. On behalf of the Global Partnership, the Government of Canada had submitted a working paper detailing hundreds of projects relating to the implementation of article X. Canadian taxpayers contributed tens of millions of dollars every year to programmes for reducing the threat of biological weapons. Most of those programmes operated outside the

mechanisms of the Convention. The proposed article X steering group and the proposed science and technology review mechanism would complement rather than compete with each other. As other delegations had stated, the science and technology review mechanism would probably benefit developing countries more than developed countries. Canada intended to contribute to the voluntary trust fund established to implement article X, provided that it turned out to be a workable mechanism.

49. **Ms. Andarcia** (Bolivarian Republic of Venezuela) said that the draft text should have afforded greater prominence to the proposals made by the Group of the Non-Aligned Movement and Other States, including the proposal to negotiate a legally binding protocol, containing verification provisions as a means of sustainably strengthening the implementation of the Convention. The draft text might have included an acknowledgement of the need to eradicate all the current obstacles to international cooperation and assistance, including unilateral coercive measures, which were in clear violation of article X.

50. Her delegation was concerned to note the imbalance in the plans being made for the science and technology review mechanism and the international cooperation and assistance mechanism. As the Cuban delegation had noted, at least five bodies would be established to support the work of the science and technology review mechanism, including an unspecified number of temporary working groups. As that delegation had also noted, it would be more efficient, including from the point of view of resources, to establish an open-ended scientific advisory group. The task of strengthening the implementation of the Convention during the intersessional period should not fall solely to technical experts. The group established to strengthen the implementation of the Convention should therefore function as an open-ended group and should be named accordingly.

51. **Mr. Masmajan** (Switzerland) said that his delegation supported the President's approach of reverting to wording adopted at the Eighth Review Conference where there were differences of opinion on aspects of the draft text. It welcomed the proposal to establish a mechanism to facilitate international cooperation within the framework of article X; what that mechanism should be called was of secondary importance. Given that the steering group created as part of the mechanism would have to be formally established before it could draw up the action plan referred to in paragraph 1 (b), it would be better if the group of experts, rather than the steering group, drew up the action plan. As voluntary trust funds were complex mechanisms, it would probably not be possible to establish the fund referred to in paragraph 1 (c) without considerable preparation.

52. There was no conflict between the mechanisms referred to in sections A and B. On the contrary, the science and technology review mechanism would support the implementation of all the articles of the Convention, including article X. Paragraph 3 (a)–(c) of section B appeared to suggest that the science and technology review mechanism would consist of three different bodies, which was not what had been proposed. Unless he was mistaken, the agreed aim had been to establish a scientific advisory board comprised of two subsidiary bodies. The text of paragraph 3 would be clearer if the function and mandate of the science and technology review mechanism were specified in the first sentence of the paragraph.

53. **Mr. Kordasch** (Germany) said that he agreed with the Canadian delegation's view that the mechanisms referred to in sections A and B would complement each other. The language of section B did not properly reflect the discussions on the issue that had taken place in the plenary and the informal consultations. As the Swiss delegate had pointed out, the Conference had discussed establishing a scientific advisory board comprised of an open-ended advisory group and a scientific reporting committee. The language of section B should be amended to reflect the discussions that had taken place.

54. **Mr. Gómez Campo** (Colombia) said that his delegation was concerned to note that the impact on the budget of the decisions set out in chapter III had not been determined. Like many other countries, Colombia faced restrictions on the funds that it could allocate to multilateral organizations. It would have been useful if the draft text had included information on possible time frames for the establishment of the steering group, action plan and voluntary trust fund mentioned in section A. The promotion of the gender perspective should play a

part in all efforts to implement disarmament treaties. In that connection, the failure to make the gender perspective a cross-cutting theme of the draft text was disappointing.

55. **Mr. Vorontsov** (Russian Federation) said that the structure of chapter III should have been based on the structure of the final documents of previous review conferences. The final document of the Seventh Review Conference, for instance, had a very logical and clear structure, with an initial section on the outcome of the previous intersessional programme, followed by sections relating to the forthcoming intersessional programme, cooperation under article X, scientific and technological developments relevant to the Convention, the national implementation of the Convention, confidence-building measures, the promotion of universalization, the Implementation Support Unit and finances. The same structure should be used for the current final document.

56. The Russian delegation believed that sections A and B could be adopted only when all the likely consequences of the proposed decisions contained therein were known. It was clear from paragraphs 2 and 4 of chapter III that not all the specifics relating to the two mechanisms referred to in sections A and B had been defined. Efforts should therefore be made to work out all the details relating to the functioning of the international cooperation and assistance mechanism referred to in section A and the mechanism to ensure the review of scientific and technological developments relevant to the Convention referred to in section B.

57. The mechanism to facilitate international cooperation and assistance within the framework of article X should be a specific mechanism established under the Convention. It was not clear how the voluntary trust fund and the international assistance database mentioned in section A should be established. He was surprised to note that his delegation's proposal to establish mobile biosecurity teams tasked with implementing article X had not been included in the draft document.

The meeting rose at 1 p.m.