

**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 9th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 13 December 2022, at 3 p.m.

President: Mr. Bencini(Italy)

Contents

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

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of this Conference will be reissued for technical reasons after the end of the Conference.

Please recycle 



The meeting was called to order at 3 p.m.

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

Articles X and XI

1. **The President** invited delegations to resume their consideration of the document, which had been circulated informally in English only, containing chapter II, the Conference's final declaration, of the draft final document. The draft final declaration was based on the final declaration contained in the final document of the Eighth Review Conference ([BWC/CONF.VIII/4](#)).
2. **Ms. Rodríguez Ramírez** (Panama) said that her delegation wished to propose a new paragraph, paragraph 64 (f) ter, in which the Conference would encourage States parties in a position to do so to support existing youth-led networks such as the Youth for Biosecurity Initiative of the Office for Disarmament Affairs.
3. **Mr. Hasanli** (Azerbaijan), speaking on behalf of the Group of the Non-Aligned Movement and Other States, said that members of the Group had submitted a considerable number of proposals over the course of the Conference. Those proposals should be fairly reflected in the draft. In particular, he wished to reiterate the Group's long-standing proposal, which should be reflected in the draft text, to establish a cooperation mechanism under article X of the Convention.
4. **Ms. Lohman** (United States of America) said that her delegation would prefer to retain the text of paragraphs 58 and 60 as adopted at the Eighth Review Conference. It welcomed the addition to paragraph 59 of a reference to the achievement of the Sustainable Development Goals but was of the view that the addition would more accurately reflect the Conference's ambitions were it to indicate that increasing technological cooperation, not, as stated in the draft, narrowing gaps between developed and developing countries, supported the achievement of the Goals.
5. While it was important for the Conference to highlight the value of scientific and technological cooperation in the peaceful uses of biological agents and toxins, her delegation could not support the suggestion, contained in a proposed new paragraph, paragraph 59 bis, that developed countries had a special responsibility in that regard. The implementation of article X was the responsibility of all States parties.
6. Paragraph 71 quater, on means of further consolidating mechanisms to facilitate international cooperation, prejudged issues that were still under discussion. Her delegation would prefer simpler language that merely noted that the Conference had discussed means of facilitating international cooperation under the Convention without referring, as in the proposed text, to mechanisms whose function was to provide an overview of all cooperation activities under the Convention.
7. **Mr. Omarov** (Kazakhstan) said that he wished to reiterate his country's proposals for the establishment of an international agency for biological safety.
8. **Mr. Vorontsov** (Russian Federation) said that the proposed addition at the end of paragraph 58 stating that capacity-building assistance provided to requesting States parties was relevant to article X should be deleted. In paragraph 64 (a), the proposed reference to relevant professional and academic networks was superfluous and should be deleted. Paragraphs 65 bis, on life sciences research, laboratory biosafety and biosecurity and technical resources and tools, 71 bis, on the role of the Implementation Support Unit in supporting the capacity-building activities of the States parties, and 71 quater, on consolidating mechanisms to facilitate international cooperation, should also be deleted. His delegation would like for its proposal for the operationalization of mobile biomedical units to be reflected in the draft.
9. **Mr. Bilgeri** (Austria) said that the draft consolidated text reflected a large number of proposals submitted by a geographically diverse range of countries. His delegation's only concern was that the proposed amendments to paragraph 60 did not fit into the broader context of the paragraph as originally drafted.

10. **Mr. Masson** (France) said that his delegation supported the majority of the proposed amendments. It would shortly submit a proposal for an amendment to chapter II of the draft final document. The proposed amendment would contain a call for the establishment of an international online platform for biosecurity and biosafety.

11. **Ms. Stromšíková** (Czechia) said that her delegation was broadly satisfied with the amendments proposed to the sections of the draft text under discussion but agreed with the representative of Austria regarding paragraph 60. Some delegations were attempting to bring proposals that had already been rejected back to the table. In most cases, however, proposing for a second time language that had not enjoyed support the first time around was not conducive to the achievement of consensus. Her delegation was in favour of retaining paragraph 71 bis.

12. **Mr. Robotjazi** (Islamic Republic of Iran) said that his delegation did not support the proposed new final sentence of paragraph 58 or the new paragraph, paragraph 65 bis, with regard to which it had already expressed concern in the Committee of the Whole. Paragraph 71 quater should be replaced by a new paragraph that reflected the proposal to establish a cooperation committee under article X. The text would read: “The Conference recognizes the urgent need for the establishment of an effective cooperation committee under article X with a view to ensuring multilateral cooperation among all the States parties for peaceful purposes in an effective, full and non-discriminatory manner.”

13. His delegation also proposed the insertion of a new paragraph, paragraph 70 bis, which would read: “The Conference reaffirms that the States parties should not impose or maintain, under any circumstances, restrictions and limitations on trade in such areas as drugs, medicines, vaccines, diagnostics, biological agents, equipment and materials for peaceful purposes, in particular for treatment of patients.”

14. **Ms. Costa** (Uruguay) said that her delegation supported the proposal to establish a cooperation committee under article X. Her delegation also supported the inclusion of the reference in paragraph 59 to the Sustainable Development Goals, the reference in paragraph 64 (a) and (c) to strengthening ties with networks of international organizations and the proposal submitted by the delegations of Panama and Kenya on engaging youth in global biosecurity.

15. **Mr. Horna Chicchón** (Peru) said that his delegation, too, supported the establishment of an article X cooperation committee. It also supported the proposed reference to the relationship between article X and the Sustainable Development Goals. However, narrowing gaps between developed and developing countries and promoting peaceful uses of the life sciences within the context of article X should be said to contribute to the achievement of the Sustainable Development Goals, not, as stated in the current draft, to support it.

16. **Ms. Hill** (Australia) said that her delegation did not support the inclusion in paragraph 59 bis of a mention of what was referred to as developed countries’ special responsibility for strengthening scientific and technological cooperation in the peaceful uses of biological agents and toxins. The paragraph should be reformulated to emphasize the importance that the Conference attributed to cooperation.

17. The Australian delegation also objected to the inclusion of the new language at the end of paragraph 70 on removing restrictions on States parties that were, as stated in the paragraph, “contrary to the Convention”. In the context of that paragraph, the phrase “contrary to the Convention” had specific implications that her delegation did not agree with. In view of the important role played by the Implementation Support Unit, paragraph 71 bis should be retained.

18. **Mr. Domingo** (Philippines) said that his delegation supported the retention of paragraph 71 quater, which adequately reflected the position of the Group of the Non-Aligned Movement and Other States, and the inclusion of the references to the full, effective and non-discriminatory implementation of article X in paragraphs 58 and 60. His delegation was open to supporting the Peruvian delegation’s proposal for language referring to the Sustainable Development Goals in paragraph 59.

19. **Ms. Coelho** (Timor-Leste) said that her delegation supported the proposal, made by the representative of the Philippines, to keep paragraphs 44 ter and 47 ter unchanged. It was

important to encourage the promotion of capacity-building at the regional and subregional levels in order to enhance national preparedness for the threat of biological and toxic weapons and to recognize the role of regional organizations, initiatives and best practices in contributing to international response capacities.

20. **Mr. Benítez Verson** (Cuba) said that the means of consolidating the mechanisms to facilitate international cooperation activities within the framework of the Convention, mentioned in paragraph 71 quater, should explicitly include means of eliminating unilateral coercive measures and other restrictions and limitations contrary to article X.

Articles XII–XV

21. **Mr. Vorontsov** (Russian Federation) said that paragraph 77 bis should be amended to state that the Conference supported the establishment of a specialized body under the Convention to assess developments in areas of science and technology relevant to the Convention and to provide States parties with advice on scientific and technological developments relevant to the Convention. Paragraph 77 ter, in which States parties were encouraged to promote the equitable participation of women and men in decision-making within the Convention framework, should be deleted.

22. **Mr. Robatjazi** (Islamic Republic of Iran) said that paragraph 77 bis – the introduction of which his delegation could not support unless a paragraph calling for the establishment of a cooperation committee under article X was also introduced – should be amended to state explicitly that all the States parties could participate in the scientific advisory process mentioned in the paragraph. It should also include a second sentence in which the Conference stressed that the review of scientific and technological developments should not limit or hamper scientific progress and international cooperation for peaceful purposes. Paragraph 77 ter, which stated that the Conference encouraged States parties to promote the equitable participation of women and men in decision-making in the review conferences of the States parties to the Convention, including a gender-balanced bureau, and to actively support the participation of women in their delegations, including through the sponsorship programme, should end at the word “Convention”.

23. **Mr. Bilgeri** (Austria) said that paragraph 77 ter should be retained as it stood. As paragraph 77 bis had quite broad implications, it would better to discuss it, and the related proposals made by the delegations of Russia and Iran, when the Conference discussed chapter III of the draft final document.

24. **Mr. Benítez Verson** (Cuba) said that his delegation supported the adoption of the wording of paragraph 77 bis proposed by the delegation of the Islamic Republic of Iran. As the main purpose of the sponsorship programme referred to in paragraph 77 ter was to facilitate the participation of developing States parties in meetings held under the Convention, not to support the participation of women in the delegations of States parties to the Convention, it should not be mentioned in the paragraph, which concerned gender equity. The programme’s main purpose would be undermined if additional criteria for determining which States parties should benefit from the programme were introduced. Most developing States parties, including Cuba, whose request for assistance under the programme had been refused, had derived no benefit from the programme.

25. **Mr. Domingo** (Philippines), referring to the proposals for amendments to paragraph 77 bis made by the delegation of Iran, said that his delegation agreed that the scientific advisory process must be open to all States parties and must not hamper economic or technological development. However, the wording of the paragraph should be aligned with the wording of article X of the Convention, which stated that the Convention must be implemented “in a manner designed to avoid hampering the economic or technological development of States parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities”. His delegation supported the adoption of paragraph 77 ter as it was currently formulated.

26. **Mr. Park** (United States of America) said that his delegation supported the proposal for amendments to paragraph 77 bis made by the delegation of the Philippines.

27. **Mr. Robatjazi** (Islamic Republic of Iran) said that his delegation could not support the proposed amendments to paragraph 81. The previously agreed language for that paragraph should be restored.

Articles V and VI

28. **Mr. Vorontsov** (Russian Federation) said that paragraph 19 bis should be restored to the form previously proposed by his delegation, as, in its current form, it was lacking important information. The proposed addition to paragraph 20, in which the Conference encouraged States parties to share information, as appropriate, on actions taken to promote confidence-building under the Convention, should be deleted. The first sentence of paragraph 21 should be amended to state not only that the Conference stressed the need, as noted in the paragraph, for all States parties to deal effectively with compliance issues but also that it emphasized that failure to do so undermined the Convention and the arms control and disarmament process. After that sentence, there should be a new sentence in which the Conference, with a view to encouraging strict observance of the Convention, appealed to States parties to make all possible efforts to solve any problems that might arise in relation to the provisions of the Convention.

29. A new paragraph, paragraph 21 bis, should be added to the draft to note that neighbouring States, or States belonging to the same region, might also adopt measures consistent with the aims and objectives of the Convention in order to facilitate or complement the implementation of the decisions of the Third Review Conference with respect to article V. Paragraph 22 bis and the newly added third sentence of paragraph 24 should be deleted, as they were superfluous.

30. Paragraph 27 should be amended to note that the complaint lodged with the Security Council by the Russian Federation had been lodged in full accordance with article VI. It should be made explicit that the complaint had been lodged with regard to outstanding questions for the United States and Ukraine concerning the fulfilment of their respective obligations under the Convention in the context of the operation of biological laboratories in Ukraine.

31. The first part of the second sentence of paragraph 27 should state that, on 27 October 2022, the Security Council had considered the complaint. The words “submitted by the Russian Federation”, which qualified the draft resolution mentioned in the second sentence, should be deleted. There should be a footnote providing the full results of the vote on the draft resolution. A third sentence, in which the Conference noted that no further decisions to resolve the situation and reach consensus on the outstanding issues had been made, should be added to the paragraph.

32. **Mr. Komisarenko** (Ukraine) said that the reference to biological laboratories in Ukraine, in paragraph 19 bis, was absurd. The entire issue was of no importance. All countries had biological laboratories. At the formal consultative meeting of States parties to the Convention held in 2022, the majority of the delegates had stated that there were no data of any kind indicating that Ukraine had any laboratories developing biological weapons. Ukraine had never developed, stored or had anything to do with biological weapons, and there was no justification for any suggestion that it had.

33. **Mr. Poor Toulabi** (Kingdom of the Netherlands) said that it was important to ensure that the reference to the formal consultative meeting of States parties that was made in paragraph 19 bis and the reference to the Security Council meeting made in paragraph 27 were kept as brief and factual as possible. Paragraph 19 bis, as it was currently worded, was entirely factual and should be retained. Some of the proposed amendments to paragraph 27 would not be factual and should not be adopted. That paragraph should be retained in its current form.

34. **Mr. Domingo** (Philippines) said that his delegation supported the retention of paragraphs 22, 22 bis and 23, which referred to confidence-building measures, but proposed that the final document should include a clear statement to the effect that such measures were not a substitute for a comprehensive legally binding protocol that included verification mechanisms. Paragraph 29 should be retained as it currently stood, and paragraph 19 bis should be based on previously agreed language. With regard to paragraph 27, the President

might consider conducting consultations with the delegations of the Russian Federation and Ukraine with a view to arriving at language on which both parties agreed.

35. **Mr. Bilgeri** (Austria) said that the review of the operation of articles V and VI should indeed be as factual as possible. He had strong reservations about some of the amendments proposed by the delegation of the Russian Federation, including the proposed amendments to paragraph 21 bis. Efforts should be made to avoid politicizing the forum so that it could focus on more important issues, such as scientific development under article X and verification.

36. **Ms. Stromšíková** (Czechia) said that, as the consultation process described in paragraph 19 bis was complete, her delegation would oppose any further proposals concerning that paragraph or paragraph 27. No evidence had been provided to justify the additional language, and the more concise the two paragraphs were, the more likely it was that the Conference would reach consensus. In the second sentence of paragraph 27, the detailed information on the voting at the Security Council might be omitted. The amended sentence would read: "On 2 November 2022, the draft resolution submitted by the Russian Federation was taken up by the United Nations Security Council and not adopted."

37. **Mr. Vorontsov** (Russian Federation) said that the Conference should actively discuss, as had been intimated in paragraph 19 bis, the issue of biological laboratories in Ukraine. Any failure to reach consensus on that issue would be detrimental to its work.

38. His delegation proposed the addition of a third sentence to paragraph 22. In that proposed addition, which was based on language proposed previously by the delegations of the Russian Federation and Cuba, the Conference would note that confidence-building measures were no substitute for a verification mechanism and could not be a tool to assess compliance. A new paragraph, paragraph 26 bis, should be introduced to state that the Conference supported the adoption of new forms to be used in conjunction with the confidence-building measures in place in respect of military biomedical activities conducted by a reporting State on the territory of other States and vaccine production facilities.

39. In the section on article V, it supported the inclusion of wording proposed previously by the Group of the Non-Aligned Movement and Other States. That addition would state that proposals for peer-based compliance assessment had been evaluated at the Seventh Review Conference, that there had been no consensus on them and that there were serious difficulties with such proposals, not least as putting them into practice could create a false sense of security. His delegation would also welcome the inclusion of the sentence calling on States parties involved in any case brought to the consultative mechanism to cooperate and act in a transparent manner and provide convincing explanations with a view to reaching consensus and solving the problems, questions and claims raised.

40. In relation to article VI, he proposed inserting a new paragraph, paragraph 27 bis, in which the Conference would reaffirm the importance of article VI, which provided that any State party that found that any other State party was acting in breach of its obligations under the Convention could lodge a complaint with the Security Council. Lastly, he proposed the addition of two more new paragraphs – namely, paragraph 31 bis, which would reflect the Conference's support for the establishment and employment of multipurpose biomedical rapid reaction units to facilitate the implementation of article VI, and paragraph 31 ter, according to which the Conference would support the elaboration of concrete guidelines and procedures to initiate and conduct investigations under article VI.

41. **The President** said that extensive proposals should be submitted in writing to the secretariat as soon as possible.

42. **Mr. Poor Toulabi** (Kingdom of the Netherlands) said that any language on confidence-building measures that referred to activities on the territory of other States would not be in keeping with the views that had been expressed during the general debate. Moreover, chapter III of the draft final document, specifically the section on the intersessional programme, already included language on the strengthening of confidence-building measures.

43. Several delegations had recognized the potential utility of the proposed biomedical rapid reaction units, provided that their establishment and employment remained a national

prerogative. However, his delegation did not believe that they would facilitate the implementation of article VI and therefore did not support the proposed introduction of paragraph 31 bis.

44. **Mr. Park** (United States of America) said that his delegation did not agree with the many proposals made by the delegation of the Russian Federation. Both the article V consultation process and the work of the Security Council were complete, and paragraphs 19 bis and 27 should contain nothing but factual statements. Paragraph 27, which stated that the Conference noted with concern that the Russian Federation had lodged a complaint against the United States and Ukraine under article VI, could be amended to remove the words “with concern”.

45. **Mr. Robotjazi** (Islamic Republic of Iran) said that his delegation supported the proposals made by the delegation of the Russian Federation in respect of paragraph 21. In paragraph 22, a phrase should be added at the end of the first sentence. In that additional phrase, the Conference would note that the confidence-building measures adopted at the Second and Third Review Conferences were of a voluntary nature.

46. The third sentence of paragraph 23 contained language very similar to that of paragraph 22 bis and should therefore be deleted. In the fourth sentence, the word “critical”, which was used to describe the importance of confidence-building measures, should be deleted. The phrase “in order to enhance transparency and to build confidence” should also be deleted, as similar language appeared in other paragraphs.

47. His delegation could not support the proposed addition to paragraph 25, as it preferred to retain the language adopted at the Eighth Review Conference. It supported the proposal of the delegation of the Philippines to adopt language emphasizing that confidence-building measures, while important, were not a substitute for a legally binding protocol that included verification mechanisms.

48. In the section on article VI, he proposed to add a new paragraph, paragraph 31 bis, which would read: “The Conference notes the discussion regarding the need for the establishment of an independent and impartial mechanism, within the framework of the Convention, for consideration and investigation of complaints of breach of obligations deriving from the provisions of the Convention.”

49. **Mr. Benítez Verson** (Cuba) said that, given the sensitivity of the subject addressed in paragraphs 19 bis and 27 – biological laboratories in Ukraine – it would be extremely difficult for the delegations concerned to reach consensus on the language. He therefore encouraged the President of the Conference to hold direct consultations with those delegations.

50. At the end of paragraph 22 bis, there should be a sentence stating that the Conference recognized that confidence-building measures could not be a tool to assess compliance, for which the only effective method was a legally binding verification mechanism. His delegation agreed with the proposal to delete the word “critical” from paragraph 23, in reference to the importance of confidence-building measures. Although Cuba recognized the value of such measures, it was of the view that they were limited in scope and that more measured language would be appropriate.

51. **The President** said that he planned to take up certain matters relating to articles V and X with interested delegations once the Conference had had the opportunity to discuss them in plenary.

52. **Mr. Bedi** (India) said that he was concerned about paragraph 23, in which the submission of reports on confidence-building measures was described as an important political commitment. It was not clear that all delegations agreed with that description.

53. **Mr. Berkat** (Algeria) said that his delegation, too, was of the view that voluntary transparency measures were no substitute for a verification mechanism. It supported the proposal to add a new sentence under paragraph 22 bis concerning a legally binding verification mechanism and proposed that the sentence should emphasize the vital importance of such a mechanism.

54. **Mr. Umetsu** (Japan), noting that the Committee of the Whole had held difficult discussions on paragraphs 19 bis and 27, said that the paragraphs should remain as factual as possible. Regarding the proposal by the representative of Iran to insert a phrase concerning what the representative had referred to as the voluntary nature of confidence-building measures, he stressed that Japan had already made its position clear in that regard and that the proposed wording did not enjoy full support.

55. **Mr. Masmеjean** (Switzerland) said that, while his delegation was prepared to accept paragraphs 19 bis and 27 as currently worded, it would also be willing to support the sensible approach proposed by the delegations of the Philippines and Cuba.

56. **Ms. Andarcia** (Bolivarian Republic of Venezuela) said that her delegation supported the proposal by Cuba to add a new sentence to paragraph 22 bis that would reflect the long-standing position of the Group of the Non-Aligned Movement and Other States on the nature of confidence-building measures. Her delegation supported the remarks of the representative of Algeria on the same subject.

57. **Mr. Dzwonek** (Poland) said that his delegation supported the factual language of paragraphs 19 bis and 27 as they stood. It did not wish to see the paragraphs amended.

58. **The President** said that the proposals submitted by delegations would be consolidated in a revised version of the draft, which would be shared with them in advance of the next plenary meeting of the Conference.

The meeting rose at 4.45 p.m.