
**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**

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Summary record of the 2nd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 30 November 2022, at 3 p.m.

President: Mr. Bencini(Italy)

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

Consideration of issues identified in the review of the operation of the Convention as provided for in its article XII and any possible consensus follow-up action

1. **The President** said that, at their Meeting in 2017, the States parties had decided to request the Ninth Review Conference to consider the work and outcomes it had received from the Meetings of States Parties and the Meetings of Experts and decide by consensus on any relevant input from the intersessional programme and on any further action. The former Chairs of the Meetings of States Parties would therefore inform the Conference of the work done and the deliberations conducted during the Meetings on which subsequent decisions might be based.
2. **Mr. Singh Gill** (Envoy of the Secretary-General on Technology), speaking via video link, said that, during the 2017 Meeting of States Parties, which he had chaired, it had been possible to reach a consensus on the intersessional process, in line with the request from the Eighth Review Conference. The present Ninth Review Conference was the outcome of that process. The Convention was unique among treaties in being aimed at the elimination of a whole category of weapons of mass destruction; its value had been underlined by the coronavirus disease (COVID-19) pandemic, which had affected the entire international community. He urged the States parties to come together and agree on a substantive intersessional process and a direction for work under aegis of the Convention.
3. **Mr. Gjorgjinski** (North Macedonia) said that, in general, the States parties had, together, accomplished much in terms of substance in recent years, but had not managed to make proper use of that achievement. The introduction of the intersessional process had brought about a new division of responsibilities; for instance, the decision that the five Meetings of Experts should be chaired by experts, rather than by the Chair of the Meeting of States Parties, had established a clear line between the technical and the political. The resulting expert discussions, truly technical in nature, had explored many issues in much greater depth than had previously been possible. In 2018, a specific request had been made to the experts to make genome editing a focus of their discussions. The outcome had been a precise mandate on a novel issue that had then been built on in subsequent meetings.
4. The arrangement had also made it possible to resolve some very complex financial issues which had threatened to completely derail the meetings: the experts had first managed to properly understand the problem and then shown flexibility in resolving it. The resulting complex package of decisions had set the Convention on a better financial footing.
5. However, no way had been found to build on those substantive discussions, nor even to recognize that they had taken place. Regret for what might have been done twenty years previously still represented a significant obstacle. The concerns raised at that time in terms of trust, cooperation and mutual respect were still valid and should not be ignored, but a way must be found to move forward. The advances in the life sciences that had been made since then were some of the most consequential in the history of humanity and would produce unprecedented benefits. It would, however, be naive to think that every outcome of those developments would be positive. There was great potential for misuse and the Convention was best placed to properly address the dangers.
6. On the positive side, the current structure of the Convention machinery was logical, with the Convention itself at the top, as the keystone holding the structure together; a Review Conference taking place every five years to review developments in the interim period and to set the framework for the following five years; an annual Meeting of States Parties to implement that framework; five Meetings of Experts to address issues identified as being of common interest; and an Implementation Support Unit to provide support for the work.
7. However, the links within the structure were weak: although an issue could be moved from the political framework to the expert level, which would then send information and advice back to the political level, it proved difficult, even where there was general agreement on most points, to elicit the small compromises that were needed. There had been times when that had proved possible: in 2018, on the finances for the Convention machinery, exchange had led to understanding between the accountants and the diplomats; similar efforts were needed in other areas. For example, while some considered that the Meetings of States Parties

should have decision-making competence, others thought that only the Review Conferences should have that prerogative. A closer examination of the issue might produce an agreement whereby decisions on specific matters could be taken in the Meetings of States Parties, as had been the case in 2018. There was a need for a discussion to identify such areas and other areas for which the Review Conferences should retain decision-making powers. If the States parties remained fixated on what might have been, rather than what was now possible, another twenty years might easily slip by without any results being achieved. Such a missed opportunity would be seen as the responsibility not of those who had gone before, but of those taking part in the present Conference.

8. **Mr. Hwang** (France), speaking via video link, said that, as Chair of the Meeting of States Parties in 2019, he had benefited from the efforts of the two previous Chairs, who had left him the structure of the intersessional process and a stabilized financial situation. The decision that the Meetings of Experts would address five separate topics had meant that all the provisions of the Convention could be covered. He appreciated the rich nature of the discussions in that forum, which offered a platform for experts from around the world to work together, both formally and informally. Experts from different regional groups had often shared a common vision and produced joint or complementary proposals.

9. He agreed, however, that it had been problematic to reconcile the approach to substantial issues of the meetings of experts with that of the annual Meetings of States Parties; in 2019, it would not have been appropriate to reword the many proposals submitted by the experts with the aim of making the Convention operational. It would equally have been an error not to bring those proposals to the Meeting of States Parties, in order to find a way of reflecting and identifying the useful parts of the experts' discussions. He had thus attempted to do that by including them as an annex to the report of the Meeting of States Parties. In the form of an aide-memoire, the document listed all the proposals made by the experts throughout the year, and had been submitted not by only him, as Chair of the Meeting of States Parties, but also by the five Chairs of the Meetings of Experts, meaning that it was also a transregional paper, a living document, that should be updated in subsequent years.

10. The proposals were grouped according to the topics discussed: the section on cooperation and assistance comprised nine proposals related to article X; the section on science and technology contained three proposals on operationalizing article XII; section three, on national implementation, had nine proposals on operationalizing articles III, IV and V; the fourth section, comprising eight proposals, addressed assistance and response in relation to article VII; and, lastly, the section on institution-strengthening consisted of eight proposals related to articles V, VI, XI and XII. None of the proposals were contradictory and many were complementary; some were ripe for agreement to be reached but others still raised reservations. If progress was to be made during the Conference, the proposals would need to be considered again in detail.

11. The aide-memoire had been tabled during the 2019 Meeting of States Parties and approved by consensus by all but one State party, which had not provided any reasoned argument for its rejection, even though it came just a few minutes after the document had been approved.

12. A second important lesson he drew from his experience as Chair concerned the methodology of the intersessional process. At the end of his mandate, he had sent out a paper outlining considerations by the Chair, which addressed ways of improving the intersessional working procedure. In his view, the Ninth Review Conference should endeavour to reflect on possible improvements, particularly those aimed at ensuring continuity throughout the three years of the procedure. The work of the five Meetings of Experts was complementary and the Chairs should work together as a team. It was also very important to aim for a gender balance, including between the Chairs. Consideration might be given to the possibility of instituting a troika with the aim of improving continuity. He encouraged participants to reread the aide-memoire and the paper on improving working methods.

13. **The President**, observing that Ambassador Mailu of Kenya, who had chaired the Meeting of States Parties in 2020, was unfortunately unable to attend the present meeting, said that the speakers had provided a helpful insight into the work conducted under the

previous intersessional programme. He invited the representatives of the States parties to share their views on that programme.

14. **Mr. Robotjazi** (Islamic Republic of Iran) said that, during the Meetings of States Parties in both 2019 and 2020, one delegation had proposed the inclusion of a substantive part in the annual report. However, the delegations of certain countries from a certain regional group had objected to the proposal and to the inclusion of substantive conclusions or recommendations in the annual reports; it was those same delegations that were now advocating that the Meetings of States Parties should have decision-making powers.

15. Secondly, the decision adopted during the 2018 Meeting of States Parties was purely organizational, pertaining to the financial issues that the Convention was facing at the time. The Implementation Support Unit and the Chair of the Meeting of States Parties had been asked to provide options for stabilizing the financial situation; the proposed measure had been endorsed by the States parties, but that decision could clearly not be considered to be substantive.

16. **Mr. Sánchez de Lerín García-Ovies** (Spain) said that the former Chairs of the Meetings of States Parties had provided useful input for the work of the Review Conference. The 2019 document mentioned by Ambassador Hwang had described initiatives that were still being used as working instruments in assessing the many proposals made. The proposals currently on the table should be discussed and analysed, with the aim of achieving compatibility between them, finding consensus and thus strengthening the Convention. If progress was to be achieved, the intersessional process should be focused on decision-making; isolated discussions that did not lead to forward movement should be avoided.

17. Secondly, the Convention should be strengthened through the systematization of work during the Review Conferences, including in respect of implementation at national level. That would require funding but also, and most importantly, cooperation between all parties, in order to enhance capacity to respond to any incident or biorisk.

18. **Mr. Gjorgjinski** (North Macedonia) said that he agreed with the representative of the Islamic Republic of Iran on the need to clearly define substantive decisions. A decision on such a definition could be taken in the context of the present Review Conference, as had been done during the Eighth Review Conference in respect of finances, which meant that the 2017 Meeting of States Parties had been empowered to produce an intersessional programme. At that same Meeting, the States parties had mandated the Chair of the 2018 Meeting to produce an information paper and the 2018 Meeting to decide on financial matters. Thus, the present Review Conference could, similarly, produce a framework for the type of decisions that the Meetings of States Parties could adopt.

The meeting rose at 3.35 p.m.