



Permanent Mission of Italy
UN - Geneva



PERMANENT MISSION OF ROMANIA
to the United Nations Office at Geneva
and the International Organizations in Switzerland

To the Permanent Representatives 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

Geneva, 29 April 2022

Excellency,

We have the honour of writing to you in our capacity as Vice-Chairpersons of the Preparatory Committee to the Ninth Review Conference of the Biological Weapons Convention.

We would like to take this opportunity to thank all participating delegations for the constructive spirit in which they conducted the resumed meeting of the Preparatory Committee from 4 to 11 April 2022. The Committee was able to fulfil all the procedural tasks entrusted to it and also witnessed a substantive general exchange of views. We were particularly pleased that States Parties were able to devote a significant amount of time to a very rich and substantive comprehensive consideration of all provisions of the Convention.

An advance version of the final procedural report of the Preparatory Committee has already been circulated by the Implementation Support Unit and the final version in all six official languages of the United Nations will be issued shortly.

According to the decision of the 2020 Meeting of the States Parties, at the conclusion of the meeting of the Preparatory Committee, "the Chairperson would present under their own responsibility, for consideration of delegations ahead of the Ninth Review Conference, a summary report without prejudice to perspectives, recommendations, conclusions and proposals presented by delegations or that prejudices the final outcome of the Review Conference".

In the absence of a Chairperson, in our capacity as Vice-Chairpersons and with a view to facilitating preparations for the Review Conference, we have prepared a concise and factual record of the proceedings of the Preparatory Committee which would hereby like to share with all delegations. In particular, the following sections summarize and synthesize substantive discussions under agenda items 5 and 7 thematically, as many issues cut across different Articles of the Convention and some States Parties frequently highlighted the linkages between Articles.

I. Cooperation and assistance

1. The importance of strengthening international cooperation and assistance under Article X through concrete measures to be adopted at the Review Conference, was highlighted. Some States Parties proposed to develop a mechanism for the full, effective and non-discriminatory implementation of Article X and emphasized that international cooperation and assistance for purposes consistent with the Convention should not be hindered. In this regard, an institutional mechanism to follow-up and review the effective and full implementation of the transfer-related issues was proposed. Some States Parties expressed their views referring to the negative impact on Article X implementation caused by the imposition of "unilateral coercive measures" with some calling for the creation of a dispute settlement mechanism.

2. Several additional proposals were presented to strengthen the implementation of Article X. These included the establishment of a cooperation committee and the creation of a cooperation officer post in the Implementation Support Unit, the establishment of a cooperation fund or voluntary trust fund, the adoption of an Article X Action Plan and the creation of an international online platform for biosafety and biosecurity.

3. It was highlighted that a range of activities are already conducted within the framework of Article X. Some States Parties noted the role of Article X in strengthening international and national capacities for tackling outbreaks of infectious diseases. The cross-cutting nature of cooperation and assistance was noted, as were the linkages between this Article and others in the Convention, in particular Article VII, while stressing the difference in nature and scope between the articles of the Convention. Further discussions on various aspects could build common ground for strengthening implementation of Article X. In this regard, suggestions included the strengthening of existing measures, including most notably the further improvement of the existing Article X Database.

4. States Parties noted positively the support provided under the BWC Sponsorship Programme which had allowed the participation of experts from around 20 developing States Parties in the Preparatory Committee.

II. National implementation

5. States Parties noted the value of elaborating further the existing common understandings related to national implementation. Proposals were made for the Review Conference to take further steps to promote and strengthen the implementation of Articles III and IV of the Convention.

6. With regard to Article III, discussions focused on national legislation, national export controls, cooperative activities and on the establishment of a non-proliferation export control and international cooperation regime under the framework of the Convention which was supported by some States Parties.

7. Some proposals involved new voluntary initiatives such as peer review mechanisms, voluntary visits and exchanges of information, and voluntary exercises to build confidence and transparency. In this regard, a number of States Parties proposed the establishment of an exchange platform for voluntary transparency exercises. While different views on the value of these initiatives were expressed, States Parties acknowledged that such activities are neither a substitute for verification nor comparable with a compliance mechanism.

8. Some initiatives were related to several provisions of the Convention pertaining to national implementation, international assistance and cooperation, confidence-building and capacity development. It was noted that comprehensive plans at the national level can aid implementation, as well as the identification of requirements for assistance.

III. Consultation and cooperation, including CBMs

9. It was noted that in the absence of a verification regime it is important to build confidence in compliance and enhance information sharing between States Parties. Many States Parties referred to the need to establish a legally-binding instrument including a verification regime and several expressed a willingness to explore the issue of verification in detail in a future work programme.

10. Proposals were made to enhance the consultation process under Article V of the Convention by further elaborating possible ways to develop bilateral and multilateral consultation mechanisms in order to provide a framework to address implementation challenges that may affect States Parties. It was suggested to review the procedures for the implementation of Article V, particularly taking into account possible implications for the organization of consultative meetings of the current financial rules of the United Nations. It was also recommended that discussions on Article V should be included in a future work programme.

11. Proposals were made to enhance the utility and use of CBMs by States Parties, as well as to increase participation through a step-by-step approach. The increase in the number of CBMs submitted in recent years was positively noted, as was the development of the electronic CBM platform. Some States Parties noted that CBMs are neither declarations nor a substitute for verification of compliance with the Convention. Some amendments and technical refinements to the type and range of information requested in CBM forms were suggested and it was noted that exploration of such refinements should take place before the Review Conference.

IV. Investigating possible breaches of the Convention

12. Some States Parties underlined the necessity of clarifying some definitions and the scope of Article VI, and others noted that divergences within the Security Council may render Article VI ineffectual. Some States Parties therefore highlighted the United Nations Secretary-General's Mechanism to investigate the alleged use of chemical, biological and toxin weapons which can be activated without approval by the Security Council. Other States Parties called for the establishment of a robust investigation mechanism within the Convention, with the creation of a group of governmental experts to consider and agree on concrete guidelines and procedures to initiate and conduct investigations under Article VI as a possible first step.

13. It was noted that in investigating a disease outbreak, taking into account the particular circumstances, the measures taken may differ on the technical and organisational levels depending on whether the outbreak was deliberate or natural. Some States Parties proposed that the operational capabilities of the United Nations Secretary-General's mechanism should be enhanced.

V. Provision of assistance

14. It was noted that while providing or supporting assistance to any State Party exposed to danger as a result of violation of the Convention is a key obligation under Article VII, there is a lack of detailed procedures and mechanisms for the operationalization of Article VII. Voluntary guidelines to aid a State Party when submitting a request for assistance under Article VII to the United Nations Security Council were therefore suggested and received broad support. Several States Parties referred to the potential coordinating role that the United Nations could play, and therefore called for enhanced coordination between relevant international organizations.

15. A database open to all States Parties for matching specific offers and requests for assistance under Article VII was discussed and received wide support. Creation of an institutional mechanism for the practical implementation of Articles VI, VII and X was proposed. Different views were expressed on a proposal to establish mobile biomedical units.

16. Transferable lessons for assistance, response and preparedness from the COVID-19 pandemic were also highlighted. In particular, several States Parties emphasized the importance of strong national health systems in responding to deliberate biological events and the need for capacity-building in developing States Parties. To support such capacity-building, some States Parties proposed the establishment of a voluntary trust fund.

VI. Geneva Protocol and universalization

17. The Preparatory Committee discussed the relationship between the Convention and the 1925 Geneva Protocol. Some States Parties noted the disparity in membership between the two instruments. For example, 40 BWC States Parties are not parties to the Geneva Protocol. Such States were encouraged to join the Geneva Protocol, and those who had joined with reservations to the Protocol were encouraged to withdraw them as soon as possible.

18. Adopting an Action Plan for the universalization of the Convention was also proposed. Its implementation should be regularly reviewed at dedicated sessions or working group meetings.

VII. Science and technology

19. It was noted that science and technology is relevant to most Articles of the Convention and that the Review Conference was specifically mandated by Article XII and by the Eighth Review Conference to take into account any new scientific and technological developments. In this regard, it was recognized that developments since the Eighth Review Conference have brought both potential risks and benefits to the Convention. Many States Parties expressed the view that Article I of the Convention remains comprehensive in its scope and that all relevant developments are covered by the Convention.

20. As regards the process of reviewing science and technology within the framework of the Convention, some States Parties underlined that the present review process does not effectively keep pace with relevant developments and is not responsive to the needs of States Parties. A variety of proposals were therefore made to improve the review mechanism by more frequent, systematic and structured assessment of relevant science and technology developments.

21. To this end, the establishment of some form of scientific advisory mechanism was suggested and several concrete proposals were presented. These proposals offered various options on *inter alia* the composition, scope, costs, guidance and coordination, input and reporting in relation to a potential new mechanism and provided a basis for further consideration to enable appropriate actions at the Review Conference. Different views were expressed on the need for a science and technology officer post within the Implementation Support Unit.

22. Proposals also addressed mechanisms for the oversight of scientific research, and education about dual-use risks. In particular, many States Parties expressed support for the Tianjin Biosecurity Guidelines for Codes of Conduct for scientists and for possible action on the Guidelines that could be taken by the Review Conference, including their endorsement. Some States Parties also noted the value of biorisk management standards and the importance to advance discussions on biological risk assessment and management.

VIII. Follow-on action after the Review Conference

23. The Preparatory Committee also considered possible follow-on action after the Ninth Review Conference. These proposals addressed the future programme of work, the Implementation Support Unit, financial issues and gender.

Future programme of work

24. Different views were expressed on the previous intersessional programme, from 2018 to 2020. While many delegations acknowledged the large number of proposals made and substantive discussions which took place, it was also noted that no consensus could be reached on substantive outcomes. Some States Parties noted that insufficient time had been allocated to the previous intersessional programme. It was also noted that any future substantive discussions, for example negotiation of a legally-binding instrument or more in-depth discussions on science and technology or cooperation and assistance, would have consequent financial implications for which States Parties would need to prepare.

25. Emphasizing first and foremost the importance of finding common ground on substance, various options for a future intersessional programme were discussed. It was underlined that any such future programme would have to allow for balanced consideration of issues relating to all provisions of the Convention.

26. While some States Parties emphasized the supremacy of the Review Conferences, others proposed to give the annual Meetings of States Parties of a future intersessional programme carefully delegated decision-making authority. Alternatively, some States Parties proposed to establish an open-ended working group to negotiate a legally-binding instrument strengthening the Convention, while others called for concluding an appropriate multilateral verification agreement. Furthermore, a two-pronged approach was proposed, involving the adoption of some near term, more operational measures while establishing a new expert group looking into ways to strengthen implementation of the Convention, increase transparency and enhance compliance

Implementation Support Unit

27. States Parties expressed their appreciation for the work of the Implementation Support Unit and acknowledged its contribution to the administration and implementation of the Convention. Some States Parties proposed a modest reinforcement of the Implementation Support Unit commensurate to any possible expanded mandate to be agreed by the Review Conference. Suggested additional tasks included, in particular, science and technology and cooperation and assistance. Proposals were also made for additional databases to be established and maintained by the Unit. It was noted that any such additional tasks would need to be properly discussed and planned, particularly with regard to possible financial implications.

Financial issues

28. Many States Parties referred to financial issues, including challenges caused by late payment of assessed contributions and called on all States Parties to fulfil their financial obligations in full and on time. Several States Parties acknowledged the positive impact of the financial measures adopted by the 2018 Meeting of States Parties, including the Working Capital Fund. Some States Parties suggested that the Fund should only be financed from assessed contributions from States Parties.

29. It was noted that any expansion of the intersessional work programme and of the Implementation Support Unit would have consequent financial implications for all States Parties which would need to be properly considered, although it was also noted that impact of any increases on individual States Parties would be modest given the large membership of the Convention. Several States Parties expressed support for an increase in the resources invested in the Convention.

Gender

30. Several States Parties emphasized the importance of including gender considerations within the Convention, including promoting women's participation and leadership at the BWC-related meetings and activities. It was noted that biological weapons can have different effects on men, women and children. Many States Parties supported efforts to increase participation of women in the implementation of the Convention and to continue discussing the issue in a future work programme.

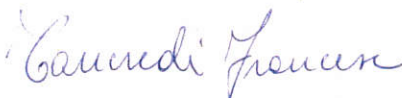
In conclusion, we would like to reiterate our gratitude to delegations for their active participation in the Preparatory Committee, particularly for the working papers that were submitted and which together with oral statements have served as the basis for this summary. It was clear from the discussions that there are some areas which have seen a large number of proposals during the intersessional programme, indicating a considerable interest to make progress. At the same time, some States Parties emphasized the need to review the Convention in its entirety with a view to a comprehensive and balanced process and outcome.

Meeting on the occasion of the fiftieth anniversary of the Convention's opening for signature, the Preparatory Committee provided an opportunity to take stock of the work of the previous intersessional programme and to exchange views on proposals for the upcoming Ninth Review Conference and a possible subsequent work programme. Overall, discussions showed a strong commitment by all States Parties to the Convention and to a successful outcome for the Review Conference. While the current geopolitical climate is challenging, the Convention has weathered similar situations in the past and has emerged stronger.

With the decision of the Preparatory Committee that the Ninth Review Conference will take place from 28 November to 16 December 2022, we have gained some more time to prepare for this important meeting. However, the time is still relatively short and several other important meetings are scheduled to take place between now and November. It is therefore vital that we maintain our momentum and make best use of the time remaining.

The President-Designate of the Ninth Review Conference, Ambassador Leonardo Bencini of Italy, will take up his post in Geneva in the third week of May and will be very keen to hear from delegations about their views on the Review Conference.

Please accept, Excellency, the assurances of our highest consideration.



Tancredi Francese



Florian Antohi