

**Seventh 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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**Review of the operation of the Convention
as provided for in its article XII**

**A peer review mechanism for the Biological Weapons
Convention: enhancing confidence in national
implementation and international cooperation**

Submitted by France

This document raises some points for further discussion. It is not our intention to propose it for adoption at the Review Conference but, rather, to initiate a debate that could then be continued during the forthcoming intersessional process.

I. Background of the proposal

1. Over the past 10 years, Member States have been looking for innovative ways to build confidence in the Convention's implementation. One option that has been mentioned from time to time but has never been seriously considered by States parties is the establishment of a peer review mechanism.¹
2. This type of mechanism has proved to be appropriate in other fields, including some areas related to international security. The Financial Action Task Force on Money-Laundering, in particular, has contributed to the development and promotion of national and international policies to combat money-laundering and terrorist financing since 1989. The introduction of a peer review mechanism has helped States parties involved in the Task Force to implement a set of recommendations that they themselves had developed.
3. The results achieved during the last intersessional process still need to be consolidated and discussed further, but they already form a solid basis for consensus-building regarding implementation procedures. In parallel with a renewed intersessional process, more proactive mechanisms for enhancing confidence among States parties could be explored, and the establishment of a peer review mechanism could be one option.

¹ This issue was raised recently in an article by R. Lennane entitled "Verification for the BTWC: if not the protocol, then what?" in *Disarmament Forum: Beyond the BTWC RevCon*, No. 1, 2011, pp. 39–50. We are indebted to the author for many of the ideas put forward in this working paper.

II. Possible features of a Biological Weapons Convention peer review mechanism

4. The overall aim of such a mechanism would be to provide for an assessment of the implementation of the Convention, thereby bolstering confidence among States parties.
5. The peer review mechanism would provide a framework for mutual assessments of the implementation of standards based on the common understandings reached during the intersessional process. These assessments could be based on a detailed, predetermined methodology and could include an analysis of States' written statements, as well as country visits. The assessment team could comprise State-appointed national experts and possibly representatives of the Implementation Support Unit.
6. The mechanism would function on a voluntary basis, with all assessments being initiated at the request of the State concerned. The State itself would decide upon the publication of the assessment mission's report, as well as upon the nature of the follow-up process.
7. The idea would be for the mechanism to apply to all States parties. At first it could, however, be introduced for a smaller group of interested States. States would have an incentive to participate, since undergoing an assessment would bolster confidence and create a more conducive environment for international cooperation. There could also be other incentives to participate, such as a system whereby assessment reports would be shared only among States that participated in the mechanism.
8. These assessments could cover various aspects of the implementation of the Convention that were addressed during the previous intersessional process, in particular: national legislation, biosecurity as such and biosecurity standards, national codes of conduct for scientists and operational planning. This approach would presumably not encompass the matters discussed in articles I and II of the Convention.
9. An incremental approach could be adopted. Given the vast spectrum of matters that could potentially be covered, it would be impossible to apply a fully standardized, comprehensive system to all the States involved. The exact form and scope of each assessment would need to be mutually agreed upon in advance by the States parties concerned.

III. Advantages of a peer review mechanism

10. The following advantages of a peer review mechanism are to be noted:
 - (a) **Enhancing national implementation.** The mechanism would permit effective action to be taken on the basis of the common understandings reached during the intersessional process and would contribute to their implementation through mutual assessments;
 - (b) **Enhancing confidence in compliance through transparency.** The mechanism would help allay any doubts that States might have concerning non-compliance with the Convention;
 - (c) **Enhancing international cooperation.** Enhanced confidence would create an environment that is more conducive to international cooperation;
 - (d) **Respecting States' sovereignty.** The voluntary nature of the mechanism would ensure respect for national sovereignty. The States concerned would be involved in every stage of the process: each assessment would be undertaken upon their request, and

they would be the ones to decide as to the publication of the assessment report, as well as in respect of any follow-up action;

(e) **No need for a new structure.** The mechanism would be based on existing structures, particularly the Implementation Support Unit.
