

**Eighth 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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Comprehensive consideration of all provisions of the Convention

**Strengthening the BWC: reflecting on the peer review
concept**

Submitted by Belgium, Luxembourg and Netherlands

Background

1. In our ever-changing international security context, biological threats and risks continue to evolve. The Biological and Toxin Weapons Convention (BWC) is pivotal to collectively mitigate these risks. To strengthen the Convention, States Parties have considered various ways to enhance national implementation and bolster mutual confidence in compliance over the past years¹. To this end, France sought to initiate a debate on the potential of developing a peer review system for the BWC during the 2011 Review Conference². To demonstrate the proposed mechanism, France consequently conducted a peer review pilot exercise in December 2013. It furthermore expressed hope that other States Parties would organize peer review exercises to broaden the understanding of the concept and facilitate its adaptation to the needs and realities of the BTWC membership³.

2. To contribute to the debate, the three Benelux-countries – Belgium, The Netherlands and Luxembourg – jointly conducted a peer review exercise in 2015⁴. The Benelux approach to the peer review concept involved declarations (in the form of the BWC

¹ As stipulated in the recommendations of the 7th Review Conference final document, States Parties would address the following under the Standing Agenda Item on strengthening national implementation: "ways and means to enhance national implementation, sharing best practices and experiences, including the voluntary exchange of information among State Parties on their national implementation, enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions" (BWC/CONF.VII/7, page 24).

² For reference: BWC/CONF.VII/WP.28

³ For reference: BWC/MSP/2013/WP.8, BWC/MSP/2014/WP.3, BWC/CONF.VIII/PC/WP.13

⁴ For reference: BWC/MSP/2015/MX/WP.13, BWC/MSP/2015/WP.12, BWC/CONF.VIII/PC/WP.13



Confidence Building Measures, CBMs), written and oral consultations and on-site visits to relevant facilities, as declared in Form A of the CBMs.

3. This working paper seeks to demonstrate the relevance of the peer review concept within the framework of the BWC and to alleviate possible concerns States Parties might have. Moreover, the paper aims to reflect on the approach taken by the Benelux-countries in conducting the joint peer review exercise and provide lessons learned. As one of the main characteristics of the proposed peer review mechanism is its flexibility in terms of format, scope and methods, such a reflection might prove useful for future exercises.

Relevance and value of the peer review concept for the BWC

4. Having conducted a peer review exercise, the Benelux-countries are convinced that this innovative concept has several advantages for States Parties and allows the latter to take concrete steps in view of bolstering mutual confidence in compliance within the framework of the BTWC.

Enhanced national implementation

5. Peer review exercises enable States Parties to share best practices and experiences and therefore provide for a mutual learning experience. They offer an opportunity for (informal) discussion, consultation and clarification by qualified experts to help States Parties improve their national implementation. Participating States Parties are thus enabled to reflect on their national implementation system and learn from other systems, thereby possibly gaining new insights that may strengthen or improve national implementation.

Improved transparency and confidence in compliance

6. The peer review mechanism provides a framework for the mutual assessment of States Parties' national implementation systems through sharing relevant information and experiences. Consequently, peer reviews broaden mutual understanding and increase transparency among participating states. This bolsters confidence in compliance and in the functioning of the Convention. This is especially the case when a peer review format combines an analysis of written statements/declarations (such as CBMs) and on-site visits to relevant facilities, as this allows a review of the conformity between the declaration and on-site reality.

Increased international cooperation

7. Peer review exercises provide a good opportunity to establish contacts between different national agencies and explore ways to increase international cooperation. Consequently, collaboration between States Parties and their respective national stakeholders can be developed and strengthened.

More awareness of the BTWC among national stakeholders

8. Peer reviews ensure that the Convention remains a living instrument among experts and practitioners within States Parties. By involving professionals working with biological agents in a peer review, the exercise contributes to increased awareness of the BTWC in general and of possible biosecurity-related risks in their profession. Peer review exercises can therefore sensitize national stakeholders to participate in future interagency efforts and exercises related to the Convention.

9. Due to its voluntary nature, the peer review mechanism allows for a wide degree of autonomy for the organizing State(s) to determine the format, scope and methods of the exercise. Thereby, it fully respects national sovereignty. This also means that attention can

be devoted to various aspects of national implementation, including relevant national legislation and regulations, specific focus-areas such as national export control systems, relevant research and development programs, and awareness-raising policies. Moreover, the proposed peer review mechanism is not intended as a substitute for verification. Rather, it is a way to take concrete steps towards enhanced national implementation and confidence in compliance.

The Benelux peer review concept

10. The Benelux peer review **format** involved declarations (in the form of the 2015 CBMs), written and oral consultations and on-site visits to national biological defence research programs as well as other relevant facilities as declared by the three countries in Form A of the CBM. The Benelux-countries chose to give a central role to the CBM in the peer review exercise, as this is the main declaration tool for relevant biotechnological capabilities, activities and BTWC implementation measures. Thereby, it represents a unique instrument that helps increase mutual trust and generates transparency. The peer review exercise provided an opportunity to mutually analyse and assess the respective CBM submissions and make better and more practical use of the information provided. This feedback cycle could increase their role and relevance as declaration tool within the Convention.

11. Considering the chosen format and the central role for the CBM submissions, the **scope** of the Benelux Peer Review exercise included two aspects of national implementation: (1) national biological defence research programs, research and development programs of national research centres and laboratories, as declared in Form A of the BTWC CBM and (2) national legislation, regulations and other measures, as declared in Form E of the BTWC CBM, with a particular focus on national oversight of biosafety and biosecurity measures and standards.

12. The main **actors** were three national Peer Review Teams that consisted of relevant national experts from Defence, (Scientific Institutes of) Public Health and Foreign Affairs. Most participating national experts were familiar with the BTWC through their annual contributions to the national BTWC CBM submission.

13. The **method** was an assessment of each country by the Peer Review Teams of the other two countries, which consisted of a "written phase" (exchange of written questions pertaining to each State's CBM) and a "meeting + visit phase". The assessment was based on the countries' declarations (Forms A and E of the 2015 CBM), on meetings in the participating countries and on visits to Form A facilities. The written phase took place between June and September 2015 and produced 12 documents: each country drafted two question lists directed to the other two countries and two documents answering the questions. The 3 meetings organized in November 2015 allowed further clarification of questions already touched upon during the written consultation. The visits furthermore enabled participating experts to broaden their understanding of the information provided in the CBMs at a much more concrete and applied level.

14. As a **result** of the Benelux peer review exercise, the three participating countries were able to provide one another with useful feedback regarding the respective CBM submissions and identify areas for improvement within the national implementation systems. By bringing together experts from different backgrounds and nationalities, the exercise constructively channelled their varying expertise and knowledge into an increased understanding of the Convention and recommendations that will strengthen its implementation.

Reflecting on the Benelux peer review concept⁵

15. The peer review format chosen by the Benelux-countries contributed to the previously specified goals, namely enhanced national implementation, greater transparency and confidence, increased cooperation and greater awareness of the BTWC among national stakeholders.

16. Firstly, the format allowed for reflection on **national implementation** systems through consultations on the basis of the respective CBMs. The general assessment showed that while biosafety standards were high and implemented at satisfactory levels in all three countries, there is still much to be gained in the field of biosecurity. It was moreover insightful to realise that, even though the Benelux-countries are close neighbours, each nation has a unique institutional architecture and administrative culture. Any international strategy to implement biosecurity measures should take these national differences into account. Furthermore, the peer review provided participating experts from the Netherlands Biosecurity Office with the opportunity to present tools developed to increase biosecurity awareness and to familiarize other experts with existing measures. Overall, the exercise was a useful experience that stimulated mutual learning and identified opportunities for further enhancement. The in-depth feedback and reflection on the national CBM submissions was valuable to improve the comprehensibility and relevance of this instrument. Recommendations as identified during peer review exercises could also form the basis for further international cooperation.

17. Secondly, the peer review was useful as an information-sharing experience that broadened understanding of the respective national implementation systems. The opportunity for participants to have access to all declared national facilities where biological defence research is conducted contributed to increasing **transparency** and strengthening mutual **confidence in compliance**. The on-site visits were regarded as a highly valuable and crucial element of the peer review, as these completed the feedback cycle and illustrated the declared information in the CBMs and the presentations by national stakeholders.

18. Thirdly, the peer review has established stronger inter-stakeholder contacts and **cooperation** between the Benelux-countries. Even though many participating experts had already been in contact with some of their Benelux-counterparts through other forms of international cooperation, this was the first time experts from various organizations in the three States were all brought together to share experiences and perspectives on biosecurity within the framework of the BTWC. The participants regarded their participation professionally rewarding and worth the effort. Moreover, strengthened relations between the participating organizations will be useful for future biosecurity-related matters.

19. Fourthly, while most participating national experts were familiar with the BTWC through the annual CBM submissions, they do not consider the BTWC one of their core-responsibilities. However, the peer review's focus on biosecurity fitted well with their current professional needs and interests. As a result of the exercise, **awareness** regarding the functioning of the Convention and its relevance of for their profession increased.

20. Lastly, there are several **lessons learned** to improve the chosen format. The chosen format would gain in effectiveness if visiting Peer Review Teams could meet ahead of a visit to a host country. This would enable them to run through issues requiring special

⁵ This working paper reflects on the effectiveness of the format chosen by the Benelux-countries and on the lessons learned. For reflection on the substance of the Benelux peer review exercise, such as the importance of biosecurity standards or the central role of the biosecurity professional, please see BWC/MSP/2015/WP.12.

attention and would make the visit more effective. Several participants also stressed the importance of sufficient time for Q&A and exchange of ideas during the presentations and visits. Some participants furthermore suggested that the respective one-day visit per country was too short and were interested in an even more thorough exchange.

Moving towards the 8th Review Conference

21. Apart from serving the national objectives of the three States Parties involved, the peer review exercise was conducted to contribute to the debate on the relevance of the concept in the run-up to the 2016 BTWC Review conference. By choosing a different approach than previously taken by France, the Benelux-countries hoped to add to the understanding of the peer review concept in general and to underline its adaptability and voluntary nature, while simultaneously showing its relevance within the framework of the BTWC. The Benelux-countries therefore strongly welcome the intentions and initiatives of several other States Parties to conduct further peer review exercises within the framework of the BTWC.

22. The Benelux-countries are highly convinced of the added value of the peer review concept to enhance national implementation and increase transparency and trust, thereby strengthening the Convention. The upcoming 8th Review Conference provides States Parties with the opportunity to strengthen the functioning of the BTWC and consolidate initiatives that contribute to this objective. The peer review mechanism is such an initiative and can provide new impetus to the Convention. Therefore, the Benelux-countries strongly advocate for addressing the issue of the peer review mechanism in the final report of the 8th Review Conference, which would in our view contribute to achieving concrete results at the Conference for a strengthened and more effective Convention.
