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Working paper submitted by the  
United Kingdom

**(G) ACCESS/CONDUCT OF INVESTIGATIONS INCLUDING MEASURES TO  
GUARD AGAINST ABUSE**

27. The investigated State Party shall provide access to the investigation team.

28. [subsuming 29, 30 and part of previous 32] The investigated State Party has the right under managed access to take such measures as are necessary to protect sensitive national security or commercial proprietary information, or to comply with any constitutional obligations with regard to proprietary rights or searches and seizures. This may include restricting access to any particularly sensitive site, area or information unrelated to the BWC. The extent and nature of access to a particular place or places will in such cases be negotiated between the investigation team and the investigated State Party on a managed access basis, so as to enable the investigation team to fulfil its mandate. Details of specific measures which an investigated State Party might, if necessary, take to this end are set out in the implementation Annex. If the investigated State Party provides less than full access to places, activities, or information, it shall be under the obligation to make all reasonable efforts to provide reliable alternative means to demonstrate compliance.

31. The investigation team shall conduct its investigation in the least intrusive manner possible consistent with its effective and timely implementation, and shall collect only relevant information necessary to clarify the specific non-compliance concern.

32. The investigation team shall have the right to request clarifications in connection with ambiguities that arise during an investigation. Such requests shall be made promptly

through the representative of the investigated State Party. The representative shall make every reasonable effort to provide the investigation team with such clarification as may be necessary to remove the ambiguity.

33. The investigation team may conduct any or all of the following on-site activities: interviewing, visual observation, identification of key equipment, auditing, medical examination and sampling and identification. These specific on-site activities shall be implemented in accordance with the principles set out above in this section and the detailed provisions in the Implementation Annex.

34. These provisions may not be invoked by the investigated State Party to conceal evasion of its obligations not to engage in activities prohibited under the Convention.

Annex on Implementation

[previous 32] The investigated State Party shall have the right, in accordance with the obligation to demonstrate compliance and the right if necessary to protect sensitive information, as set out in paragraphs 27-28 of Article II, Section I, to take specific measures which may *include* but are not limited to the following:

- (a) removal of sensitive papers from direct view;
  - (b) shrouding of sensitive displays, stores, and equipment;
  - (c) shrouding sensitive pieces of equipment, such as computer or electronic systems;
  - (d) logging off of computer systems and turning off data indicating devices;
  - (e) using random selective access techniques whereby the team is requested to select a given percentage or number of buildings of their choice to inspect; the same principle can apply to the interior and content of sensitive buildings or documents;
  - (f) in exceptional cases, limiting the number of team members who have access to certain parts of the site; and limiting the viewing angle;
  - (g) limiting the time investigation team members may spend in any area or building, while allowing the team to fulfil its mandate;
  - (h) the investigated State Party may at any time during the investigation notify products and processes in which it has a proprietary interest in order to help the team respect the investigated State Party's right to safeguard proprietary information. It may request that if a specific piece of information is released to the team, it should be accorded the most stringent protection measures within the Organization.
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