

**AD HOC GROUP 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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Article III - F. Visits and Investigation - I. Visits

Clarification Visits

[Basic Principle]

1. For the purpose of ensuring accurate declarations by States Parties, the Technical Secretariat shall conduct, in accordance with the provisions in this section, visits to facilities of States Parties (hereinafter referred to as Clarification Visits), regardless of whether they have been declared or undeclared.

[Prior Consultation]

2. In cases where the Technical Secretariat, as a result of its own examination or upon request of any State Party in accordance with paragraph 3, considers that there is any undeclared facility which might have to be declared, or that there is any ambiguity, uncertainty, anomaly or omission in a declaration submitted by a State Party, it shall enter into consultations with the State Party concerned through ordinary channels of communication to resolve the matter.

3. In cases where a State Party considers that another State Party has not declared a facility which might have to be declared or that any ambiguity, uncertainty, anomaly or omission exists in a declaration submitted by another State Party, it shall have the right to request in writing that the Technical Secretariat enter into consultations with the State Party concerned in accordance with paragraph 2. However, the State Party which has not submitted its initial declaration or has not taken necessary measures in accordance with the decision of

the Executive Council pursuant to paragraph 25 shall not exercise this right until the initial declaration is submitted and/or the necessary measures are taken pursuant to paragraph 25.

4. If the State Party requested for consultations pursuant to paragraph 2 considers that the matter cannot be resolved through the ordinary channels of communication, it may propose the Technical Secretariat to conduct consultations in its capital. The period of these consultations shall not exceed [24] [48] hours after their commencement.

5. If the consultations referred to in paragraph 2 have been requested by a State Party in accordance with paragraph 3 and the matter concerned has been resolved through those consultations, the Director-General shall inform the State Party of the result of consultations.

[Preparation of Implementation Plan of Clarification Visits]

6. In cases where the matter cannot be resolved within [14] days through the consultations referred to in paragraph 2, which may include the consultations in capital pursuant to paragraph 4, the Technical Secretariat shall prepare a draft Implementation Plan of Clarification Visits listing the facilities of States Parties to which the Technical Secretariat considers it necessary to conduct visits in order to ensure accurate declarations. The draft Implementation Plan shall contain, *inter alia*, the specific points which should be clarified by each individual visit as well as the results of the preceding consultations related to each planned visit.

7. In preparing a draft Implementation Plan of Clarification Visits, the Technical Secretariat shall pay due regard to the following priorities:

(a) First priority facilities: any facilities of States Parties not having submitted their initial declarations;

(b) Second priority facilities: any undeclared facilities of States Parties having submitted their initial declarations;

(c) Third priority facilities: any declared facilities of States Parties.

8. A draft Implementation Plan of Clarification Visits shall comprise with a list of proposed Clarification Visits to be carried out during the period after a [quarterly] session of the Executive Council to which the draft Plan is submitted until [14] days before the next [quarterly] session of the Executive Council.

9. In preparing a draft Implementation Plan of Clarification Visits, the Technical Secretariat shall ensure that the total number of Clarification Visits through one fiscal year shall not exceed [20] and that a State Party shall not receive more than two visits through the same fiscal year. However, the limitation of two visits per one State Party per fiscal year shall not apply to the State Party which has not submitted its initial declaration or has not taken necessary measures in accordance with paragraph 25.

10. A draft Implementation Plan of Clarification Visits shall be submitted to a [quarterly] session of the Executive Council by the Technical Secretariat. It shall be prepared not later than [14] days in advance of a [quarterly] session of the Executive Council.

[Examination of Implementation Plan of Clarification Visits]

11. A prepared draft Implementation Plan of Clarification Visits shall be immediately transmitted to the members of the Executive Council and a State Party, any facility of which is sought to be visited in the Plan. If a visit in the draft Plan is related to the request for consultations by a State Party in accordance with paragraph 3, the draft Implementation Plan shall also be transmitted to that State Party.

12. During the period after the completion of preparation of a draft Implementation Plan of Clarification Visits until its adoption by the Executive Council, the Technical Secretariat and the State Party, any facility of which is sought to be visited in the draft Implementation Plan, may continue their consultations to resolve the matter. The Technical Secretariat shall promptly delete the facility concerned from the draft Implementation Plan and inform the members of the Executive Council and the State Party of this deletion if it considers that the matter has been resolved through those consultations. If a State Party has requested the consultations pursuant to paragraph 3, it shall also be informed of this deletion.

13. The Executive Council shall examine and consider the necessity of the visits to facilities listed in a draft Implementation Plan of Clarification Visits. A draft Implementation Plan shall be adopted during the same [quarterly] session of the Executive Council to which it has been submitted unless the Executive Council decides against adopting it by [a two-thirds majority] [a majority] of its members.

14. When the Executive Council decides against adopting a draft Implementation Plan of Clarification Visits, the Technical Secretariat shall promptly prepare a revised draft Implementation Plan and submit it to the same [quarterly] session of the Executive Council to which the original Implementation Plan has been submitted. A revised draft Implementation Plan shall be adopted in accordance with the procedure provided in paragraph 13.

15. The Director-General shall inform all the States Parties of the Implementation Plan of Clarification Visits after its adoption by the Executive Council.

[Notification of Clarification Visit]

16. The Director-General shall notify the visited State Party of the visit at least [7] [14] days in advance of the planned arrival of the visit team at the point of entry in accordance with the provisions in the Annex.

[Activities involved in Clarification Visit]

17. The visit team may interview facility personnel, audit documentation and records, visually observe the visited facility and carry out other activities as agreed between the visit team and the visited State Party. These activities shall be conducted in accordance with the principle of managed access and after consultations with the visited State Party.

18. Sampling shall not be conducted unless offered by the visited State Party. Even in a case where sampling is offered, analysis of samples shall be performed in the territory of the visited State Party and under the terms agreed by the visited State Party.

19. The period of visit shall not exceed [48] [72] hours. The "Period of visit" means the consecutive period of time from the arrival of the visit team at the visited facility until the completion of their visit activities provided in paragraphs 17 and 18. The period of visit may

be extended once within the maximum length of _____ days by agreement between the visit team and the representatives of the visited State Party.

20. The size of the visit team shall be no more than [5] persons. The team shall not be divided into two or more sub-groups unless agreed by the visited State Party.

[Debriefing]

21. Within [24] hours after completion of the visit, the visit team shall meet with representatives of the visited State Party and the personnel responsible for the visited facility, to review the findings of the visit team and clarify any ambiguities. This meeting shall not exceed 2 hours. After the meeting, the visit team shall provide to the representatives of the visited State Party its preliminary report in written form according to a standardized format. The preliminary report shall only contain the factual findings of the visit team. In order to indicate that he has taken note of the contents of the report, the representative of the visited State Party shall sign the report.

[Final Report and its Review]

22. Not later than 10 days after the visit, the visit team shall prepare a draft report on the activities conducted by the visit team and the factual findings of the visit team, and transmit it to the visited State Party. The visited State Party may submit to the Technical Secretariat any written comments on the factual findings not later than 10 days after receipt of the draft report.

23. The visit team shall submit a draft final report to the Director-General not later than 30 days after the visit. Any written comments, which the visited State Party may make in accordance with paragraph 22, shall be annexed to it.

24. The Director-General shall prepare a final report and submit it to the earliest [quarterly] session of the Executive Council for its consideration. If the Director-General considers it necessary that the visited State Party redresses its declaration by revising or supplementing it or submits a new declaration, the Director-General shall include in its final report the details of, and reasons for, the points on which the declaration concerned should be redressed or a new declaration should be submitted.

25. The Executive Council shall consider the final report of the Director-General and, if it deems it appropriate, decide by [a two-thirds majority] [a majority] of its members on necessary measures such as revision of, or addition to, the declaration concerned or submission of a new declaration and the time limit of its fulfilment. The Director-General shall inform the visited State Party of the decision. If such decision is made on a case where a visit has been conducted based on request by a State Party in accordance with paragraph 3, the Director-General shall also inform that State Party of the decision. The visited State Party shall take the necessary measures in accordance with this decision.

26. The Director-General shall submit an annual report on the implementation of Clarification Visits to the Executive Council during the last [quarterly] session of the fiscal year.
