

**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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**Working paper submitted by France and the United Kingdom of
Great Britain and Northern Ireland**

CLARIFICATION VISITS: INITIATION

Replacement text for Article III, Section F, I, (B)

**PART A. PROCEDURES FOR CLARIFICATION VISITS TO DECLARED
FACILITIES**

1. The Technical Secretariat may initiate declaration clarification visit procedures whenever it discovers an anomaly or omission related to a facility declaration, examples of which may include failure to complete all questions in the declaration format; contradictory statements and data in the declaration format; exclusion of information that ought to have been included in the declaration format; or inclusion of information inconsistent with other data available to the Technical Secretariat.

2. If the Technical Secretariat identifies any anomaly or omission related to a facility declaration it shall in the first instance seek clarification from the State Party concerned. It shall do so in writing. The State Party concerned shall respond in writing within 20 days of receipt of such a written communication. The Technical Secretariat may request a consultation meeting with representatives of the State Party if the written response does not resolve the matter. Such a meeting shall be held at the offices of the National Authority of the State Party. The consultation meeting shall not exceed two working days. If the State Party, facility concerned and Technical Secretariat agree that a meeting is not needed, then a visit may proceed.

3. If the consultation meeting does not resolve the matter, the Technical Secretariat may request a clarification visit to the facility concerned. The Technical Secretariat shall notify the State Party in accordance with the provisions of Annex B of this Protocol. The notification shall include the reasons for the need to conduct a visit and the steps taken by the Technical Secretariat to resolve the matter with the State Party concerned and why these have been unable to clarify the situation. The notification shall also include a copy of the clarification visit mandate.

PART B. PROCEDURES FOR UNDECLARED FACILITIES

4. If the Technical Secretariat identifies any facility which it believes meets the criteria for declaration as specified in Article III, D, and that facility has not been declared by a State Party, it may begin the clarification procedures specified in paragraphs 6, 7 and 8 below to resolve the matter.

5. If a State Party has reason to believe that a facility meets the criteria for declaration as specified in Article III, D, and that facility has not been declared, it may request that the Technical Secretariat initiate on its behalf the clarification procedures specified in paragraphs 6, 7 and 8 of this section. The State Party shall submit all relevant supporting evidence in its request to the Director-General. Such evidence shall include a precise delimitation of the site where activities that should have been declared are believed to be taking place.

6. The Technical Secretariat shall in the first instance seek written clarification from the State Party concerned. If a request for clarification has come from another State Party, the Technical Secretariat shall seek a written explanation from the State Party from which clarification is sought within 48 hours of receipt of the request. The State Party shall provide an explanation in writing within 20 days of receipt of the written request for clarification. The Technical Secretariat may request a consultation meeting with representatives of the

State Party if the written response does not resolve the matter. Such a meeting shall be held at the offices of the National Authority of the State Party. The consultation meeting shall not exceed two working days.

7. The State Party, at its discretion, may invite the Technical Secretariat to conduct a visit in accordance with the provisions in Annex B, with a view to resolving the declaration anomaly or omission.

8. If the consultation meeting does not resolve the matter, the Technical Secretariat may request that a clarification visit be conducted at the facility in question. Such a visit may only be requested when the Technical Secretariat is satisfied that a visit is justified and that all reasonable steps have been taken to clarify the situation through the processes allowed for under this Article.

9. If the State Party believes that it has made every reasonable effort to resolve the matter it may refuse the clarification visit requested by the Technical Secretariat. The State Party shall submit a written explanation to the Technical Secretariat within 48 hours of receipt of the notification of intent to conduct a clarification visit. The Executive Council shall consider such a refusal as soon as possible and decide on any further action.

PART C. REPORTS

10. Unless otherwise specified, final reports shall not be circulated outside the Technical Secretariat. If the final report of a clarification visit to a declared or undeclared facility does not resolve the issue, or the facts established are of a nature to suggest that obligations undertaken under this Protocol have not been met, the Director-General shall inform the Executive Council immediately. The Director-General shall also inform the State Party concerned of his decision to submit the report to the Executive Council.

11. In the case of a clarification visit to an undeclared facility, the final report shall be provided to the Executive Council, the requesting State Party and to all States Parties upon request. If the requesting State Party believes that its concerns have not been resolved it may raise the matter at the Executive Council.

12. If the visited State Party believes that its views have not been fairly reflected in the report of either a visit to a declared or undeclared facility, it may submit its comments on the report in writing to the Director-General who shall forward them to the requesting State Party, and to the Executive Council.

13. The Executive Council shall consider reports when:

- (a) a clarification visit has been conducted at an undeclared facility;
- (b) a visited State Party submits comments as specified in paragraph 13 of this section, dissenting from the factual findings in the final report of a visit to a declared or undeclared facility;
- (c) the Technical Secretariat or a requesting State Party believes that a clarification visit has not resolved the matter; or
- (d) the circumstances specified in paragraph 11 of this section apply.

14. In all cases the Executive Council shall decide on any further action as appropriate.

PART D. CONDUCT OF CLARIFICATION VISITS

15. All visits shall be conducted in accordance with the provisions in Annex B.
