

**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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Great Britain and Northern Ireland**

CLARIFICATION VISITS: PROCEDURES

For insertion as a new section at the end of Annex B.

PROCEDURES FOR CLARIFICATION VISITS

I. GENERAL PROVISIONS

1. Clarification visits shall only be conducted by designated members of the Organization staff. The visiting team shall not exceed five personnel.
2. The Technical Secretariat shall notify the visited State Party seven days before the arrival of the visiting team at the Point of Entry. The State Party shall acknowledge the receipt of a notification by the Technical Secretariat of an intention to conduct a clarification visit, not later than one hour after receipt of such notification.
3. The visiting team may bring Global Positioning Systems (GPS), cameras, tape recorders and personal computers from the list of approved equipment to the facility. GPS shall only be used to confirm the location of the facility. Tape recorders shall only be used for collecting factual information for the visit report.
4. The visited State Party shall provide or arrange for the amenities necessary for the visiting team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other tasks, in-country transportation, working space,

lodging, meals and medical care. In this regard, the visited State Party shall be reimbursed by the Organization for such costs incurred by the visiting team.

5. The duration of the visit, exclusive of the preparation of the preliminary findings, shall not exceed three working days and be conducted in the normal working hours of the facility. The duration of the visit may be extended by mutual agreement of the visiting team and visited State Party.

Mandate

6. The Director-General shall issue a mandate for the clarification visit which shall specify the anomaly, omission or other issue which needs to be clarified in regard to the facility or facilities, location or locations to be visited. The mandate shall contain specific questions to be addressed in order to address the declaration anomaly or omission. The facility, facilities, location or locations to be visited, shall be specified as precisely as possible in the mandate.

7. In the case of a suspected undeclared facility, the mandate shall in addition require the visiting team to determine whether any activities within the location included in the visit request meet any of the declaration requirements specified in Article III, D.

II. GENERAL OBLIGATIONS AND RIGHTS OF FACILITIES HOSTING CLARIFICATION VISITS

Obligation to provide access

8. In the case of a visit to a declared facility the visited State Party shall provide access within the facility. A declared facility is defined as: the triggered function, that is the function of the facility that relates to a trigger defined in Article III, D of this Protocol, together with any associated scientific or technical functions at the location, and which are essential to its aims and objectives and/or its day to day operation. These may include in conformity with the mandate, parts of the facility that deal with operating records, medical

records, tests involving animals, quality control tests, or health and safety aspects of the triggered function. The extent and nature of access to a particular area or areas at the declared facility shall be negotiated between the visiting team and the visited State Party on a managed access basis.

9. Where the facility includes functions other than those declared, the visited State Party shall additionally provide a brief description of the range of activities and offer a tour if it deems it appropriate.

10. If the visit is being conducted in connection with a facility which is believed to be subject to the declaration provisions of this Protocol but has not been declared, the visited State party shall provide access within the area or areas specified in the visit request. The extent and nature of access within such an area or areas shall be negotiated between the visiting team and visited State Party.

Visited State Party rights

11. The visited State Party has the right under managed access to take such measures as are necessary to protect national security and commercial proprietary information. These provisions may not be invoked by the visited State Party to evade its obligations to clarify any declaration anomaly or omission related to its declaration obligations.

12. The visited State Party shall receive copies, at its request, of the information and data gathered about the facility by the visiting team.

13. The visited State Party shall have the right to object to questions posed to the facility personnel if those questions are deemed not relevant to the visit. If the visiting team leader objects and states their relevance, the questions shall be provided in writing to the visited State Party for reply. The visiting team may note in the final report any refusal to permit interviews or to allow questions to be answered and any explanations given.

Obligation to provide alternative clarification

14. If the visited State Party provides less than the full access to places, activities, or information relevant to the visit mandate, it shall make every reasonable effort to provide alternative means to clarify any question raised by the visiting team.

15. The visited State Party shall make every reasonable effort to demonstrate to the visiting team that any object, building or structure, document, container or vehicle to which the visiting team has not had full access, or which has been protected in accordance with paragraph 29, is not connected to the declaration anomaly or omission related to the visited State Party's declaration obligations.

Other obligations

16. The visited State Party shall take all necessary measures to ensure the safety of the visiting team. Due regard shall be paid to the visiting team's vaccination certificates.

III. PRE-VISIT ACTIVITIES

Briefing

17. The visited State Party shall provide a facility briefing to the visiting team prior to access, which shall not normally exceed three hours. This briefing shall address the declaration anomaly or omission related to the clarification visit request and include at a minimum the information specified in Annex It may also include details on the availability of facility personnel and records, and may include an indication of areas the visited State Party considers sensitive or not related to the purpose of the visit.

Initial plan

18. After the facility briefing the visiting team shall prepare an initial plan which specifies the activities it wishes to carry out, including the specific areas of the facility, documentation

and personnel to which access is desired, and whether the visiting team intends to divide into subgroups. The initial visit plan shall be made available to the visited State Party.

IV. VISITING TEAM RIGHTS AND OBLIGATIONS

Rights of access

19. The visiting team shall have the right to access to the facility, subject to the provisions in paragraph 29. The items to be examined may be chosen by the visiting team.

20. The visiting team shall have the right to interview facility personnel in the presence of representatives of the visited State Party with the purpose of establishing relevant facts. The visiting team shall only request information and data which are relevant for the conduct of the visit.

21. The visiting team shall have the right to audit any documentation and records relevant to the visit mandate subject to managed access provisions. Arrangements may be made to give access to documents held in locations other than the visited facility.

22. The visiting team shall have the right to request clarifications in connection with ambiguities that arise during a visit and which are relevant to the visit mandate. Such requests shall be made promptly to or through the representative of the visited State Party. The representative of the visited State Party shall make very reasonable effort to provide the visiting team with such clarification as may be necessary to resolve the issue.

23. The visiting team shall have the right to request access to other parts of the facility or location in which the facility is situated. Access shall be by agreement of senior facility personnel.

Obligation to minimize inconvenience

24. The activities of the visiting team shall be so arranged as to ensure the timely and effective discharge of its duties in the least intrusive manner possible, and with the least possible inconvenience to the visited State Party and disturbance to the facility or area visited.

25. The visiting team shall avoid unnecessarily hampering or delaying the operation of the facility and avoid affecting its safety. In particular, the visiting team shall not operate any facility equipment.

Obligation to observe facility health, safety and GMP regulations

26. In carrying out their activities, the visiting team shall observe established working practices at the facility, whether instituted for the protection of personnel, of animals, of plants, of the environment, or of the processes performed or their products.

V. SAMPLING AND PHOTOGRAPHY

27. Sampling shall only be conducted if offered by the visited State Party, deemed useful by the visiting team, and can be completed within the time frame for the visit unless otherwise agreed. Any mutually agreed sampling and analysis shall be performed by facility personnel on facility equipment, but in the presence of the visiting team.

28. The visiting team may request the visited State Party to provide a photograph of any object or building. Photography shall be at the discretion of the visited State Party.

VI. MANAGED ACCESS

Illustrative measures

29. The visited State Party may take measures to protect national security and commercial proprietary information, and to maintain any established working practices as specified in paragraph 26. Such measures may include:

- (a) removal of sensitive papers from office spaces;
- (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 visiting team is requested to select a given percentage or number of buildings of their choice to examine; the same principle can apply to the interior and content of sensitive buildings (rooms or laboratories) or documents;
- (f) in exceptional cases, giving only individual visiting team members access to certain parts of the facility; and limiting the viewing angle;
- (g) specifying the route to be taken inside buildings;
- (h) limiting the time the visiting team may spend in any area or building, or looking at a document;
- (i) use of video cameras, 35mm photographs and supporting documentation in combination where access by members of the visiting team to areas at the facility is limited or prevented because it would conflict with the normal operational requirements of the facility;
- (j) the visited State Party may at any time during the visit specify products and processes in which it has a proprietary interest in order to help the visiting team respect the visited State Party's right to safeguard proprietary information. The visited State Party may request that if a specific piece of information is released to the visiting team, it should be accorded the most stringent protection measures within the Organization.

VII. REPORTS

Reports of preliminary findings

30. Upon completion of the visit the visiting team shall meet with representatives of the visited State Party at the visited facility to review the preliminary findings of the visiting team and to clarify any remaining ambiguities. The visiting team shall provide to the visited State Party its preliminary findings in written form, together with a list and copies of documents gathered, and other material that it proposes to remove from the facility. The document shall

be signed by the visiting team leader. In order to indicate that the visited State Party has been given sight of the contents of the document, the visited State Party representative shall countersign it. This meeting shall be completed not later than 24 hours after completion of the visit.

Final factual report

31. Not later than 10 days after the visit, the visiting team shall prepare a factual draft report on the activities conducted and on their findings. It shall only contain facts relevant to the clarification of the anomaly or omission related to the declaration obligations of the State Party concerned. It shall also contain a factual description of the degree and nature of access and cooperation provided by the visited State Party.

32. The draft final report shall immediately be submitted to the visited State Party. Any written comments, which the visited State Party may make shall be reflected in the report, and if necessary contained in a separate Annex. Any sensitive information provided by the visited State Party shall be contained in a separate Annex and shall be retained within the Technical Secretariat. The final report together with any annexed comments made by the visited State Party shall be submitted to the Director-General not later than 30 days after the visit.
