

**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**

BWC/AD HOC GROUP/WP.314
24 September 1998

Original: ENGLISH

Twelfth session
Geneva, 14 September - 9 October 1998

Working paper submitted by the United States of America

PROPOSED TEXT FOR ARTICLE III, SECTION F,
III. INVESTIGATIONS, SUBSECTION G

Delete paragraph 49.

Insert 49 bis. The receiving State Party shall provide access to areas external to buildings or other structures. The extent and nature of access to a particular area shall be negotiated between the investigation team and the receiving State Party on a managed access basis.

Insert at beginning of paragraph 50. The receiving State Party shall provide access within buildings or other structures for the sole purpose of enabling the investigation team to conduct the specific on-site activities identified in Annex D, Part II, paragraphs ... when it is impossible to conduct such activities outside of such buildings or structures.

Insert the following new paragraphs after paragraph 55. Renumber paragraphs under subsequent subheading [Facility] investigations [of any other alleged breach of obligations under the provisions of the Convention]

56. During the conduct of the investigation, the investigation team shall have the right to request access to buildings or other structures beyond that provided pursuant to paragraph 50. If the receiving State Party agrees to this request, the extent and nature of such access to the specific building or other structure shall be negotiated between the investigation team and the receiving State Party on a managed access basis. In the event the receiving State Party refuses the request, the investigation team may request a facility investigation pursuant to paragraph 57.

57. If the receiving State Party denies the investigation team's request to access buildings or other structures made pursuant to paragraph 56, the Director-General of the Organization shall have the right to submit to the Executive Council a written request to conduct a facility investigation. Such request shall include the name and location of the facility to be investigated, the requested perimeter for the proposed facility investigation, and the information indicating that this facility may be connected to the alleged non-compliance concern that prompted the field investigation.

58. Contemporaneously with submitting the Director-General's request to the Executive Council, pursuant to paragraph 57, the Director-General shall transmit a copy of the request to the receiving State Party. The receiving State Party shall acknowledge to the Director-General its receipt of the request within one hour.

59. Upon receipt of the receiving State Party's acknowledgement, pursuant to paragraph 58, the investigation team shall have the right to collect factual information, in accordance with ..., on vehicular exit activity from exit points for land, air, and water vehicles of the requested facility perimeter. The investigation team shall have the right to continue to collect such information until the Executive Council decides against carrying out the facility investigation in accordance with paragraph 60, or the facility investigation is completed.

60. The facility investigation shall proceed unless the Executive Council, not later than [48] hours after having received the facility investigation request pursuant to paragraph 57, decides by a ... majority of all its members against carrying out the facility investigation, if it considers the facility investigation request not to be supported by the information submitted by the investigation team. If the Executive Council decides against the facility investigation, perimeter monitoring shall be stopped, no further action on the facility investigation request shall be taken, and the States Parties concerned shall be informed accordingly.

61. A State Party that is a member of the Executive Council shall not have the right to vote on a request regarding a facility located in its territory or in any other place under its jurisdiction or control. If the State Party that submitted the request for a field investigation, pursuant to paragraph ..., is a member of the Executive Council, that State Party shall not have the right to vote on the Director-General's request to conduct a facility investigation. The receiving State Party and the State Party that submitted the request for a field investigation shall have the right to participate in any Executive Council deliberations on the request.

62. The investigation team shall begin the facility investigation [...] hours after the expiration of the [48] hour period established in paragraph 60.
