

**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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REPORT ON TWO TRIAL VISITS BASED ON A TRANSPARENCY VISIT CONCEPT

I. Introduction

On 14/15 and 17/18 June 1999, the German Government organized two trial visits based on a new non-challenging, non-intrusive and non-confrontational transparency visit concept which was presented to the Ad Hoc Group in working paper BWC/AD HOC GROUP/WP.380. The visits took place at an industrial production facility using different types of fermenters up to 700 litres and at a military medical biodefence research and development facility. The purpose of these trial visits was to assess whether the objectives set out in the new concept could be achieved and to test and evaluate the concepts and the language which are set out in the rolling text of the BTWC draft protocol for the declaration triggers and the declaration formats.

According to the concept the purpose of the visits shall be, in cooperation with the State Party to be visited:

- To enhance transparency of declared facilities and activities;
- To promote accuracy of the declarations; and
- To ensure that the Technical Secretariat acquires and retains a comprehensive and up-to-date understanding of the different types of facilities and activities declared globally.

All the basic documents for the conduct of the trial visits such as declaration triggers, declaration formats, definitions, etc. were drawn up on the basis of the rolling text. For the reason that a number of brackets and proposals are contained in the rolling text at this stage of the negotiations, a clean text version was drawn up including the most demanding and restrictive version of the elements of the draft text.

The visited production facility met the requirements of two triggers. In the first line it possessed the physical safety features of a "High biological containment (BL 3) - laboratory/facility", but it was also triggered as an "Other production facility". However, the work

conducted at this facility covered risk group 1 and 2 microorganisms only. On the other hand, the military medical biodefence facility, which was declared under the “Current defensive programmes” trigger, showed the physical safety features of a BL 2 - laboratory. The work carried out at this facility included besides risk group 2 also inactivated risk group 3 agents.

II. Preparation

For the preparation of the trial visits the following documents were handed out to the facilities to be visited, and, for the current biodefence activities part, to the Ministry of Defence:

- The visit concept;
- All declaration triggers;
- The declaration formats;
- A list of definitions; and
- The list of agents.

Based on these documents the production facility and the military facility made their assessments which triggers applied to their activities and provided the filled-in facility declaration formats. In addition, the Ministry of Defence provided the filled-in declaration formats for the “Past offensive and/or defensive programmes” as well as for the “Current defensive programmes”. Both the facilities to be visited and the Ministry of Defence did not receive any advice or assistance how to fill in the declaration formats.

The visiting team consisted of three persons who were invited from three States Parties to the Convention participating in the negotiations in Geneva. Two of them had a professional background in microbiology and molecular biology, one had a military background. The national home team which took care of the visited State Party’s as well as the facility’s interests, and which also had to ensure that the visiting team was able to fulfil its mandate, also consisted of three persons. The members of the home team had experience from the participation in CWC inspections as well as from the participation in the BTWC negotiations in Geneva. In addition, at the production facility an interpreter participated, provided by the visited State Party.

Both the visiting team and the home team received the same set of documents for the preparation of the visits as the facilities to be visited. In addition, the visiting and the home team were provided with a visit check-list which was used as a working paper for a quick documentation of the visit. Finally, specific trial visit mandates and trial visit notifications were issued for the two facilities.

III. Conduct of the visit

The trial visits were executed according to the concept that all information and access provided during the visit were at the discretion of the visited facility. In this case, the visiting team was not allowed to bring any equipment on site. The home team provided the visiting team with a laptop computer and a printer for preparing their accounts. Protective clothing was provided by the facilities. The visit procedures included:

- A facility briefing, including the presentation of the activities conducted at the facility, a detailed map/blue print of the site and of the facility as well as health and safety information. The briefing at the military facility included in addition a presentation of the past and current biodefence programmes by a representative of the Ministry of Defence;
- A facility tour;
- A question period; and
- The drafting of a factual account.

All documents presented in the briefings as well as a briefing text were handed out to each member of the visiting team. On request of the visiting team, it was agreed by the home team to have a break between the briefing session and the facility tour to give the members of the visiting team some time to discuss the contents of the briefings internally before the start of the tour.

At the production facility, before the start of the visit procedure, the visiting and the home team members signed a secrecy agreement provided by the visited facility to protect confidential proprietary information.

The briefing session started with introductory remarks by the leader of the home team including a statement about the visiting team's and the home team's rights and duties as well as a proposal of a time schedule for the conduct of the visit. The statement and the proposed time schedule were agreed by the visiting team. The following briefings by the representatives of the visited facilities as well as of the Ministry of Defence were thorough and comprehensive and gave an overview on the activities conducted at the facilities, including location, facility features, personnel, equipment, microorganisms used, products or research and development activities and safety features. In both facilities the briefings, including the time requested by the visiting team to assess the contents of the briefings internally, did not exceed two hours.

Both visited facilities rendered unimpeded access to all declared parts of the facilities and agreed to answer questions of the visiting team by the facility representatives during the facility tour in the presence of the members of the home team. Questions to other facility members were not allowed. The facility tours did not exceed the preplanned time frames.

The first day of the visits ended officially in both cases with a question period at which the visiting team had the opportunity to ask questions on the visit briefing, the facility tour and the facility declarations. Generally, the information given during the briefings and the facility tours were judged by the visiting team to be sufficient. In all cases where misunderstandings were identified nonetheless, it was possible to clear these in a non-confrontational discussion between the members of the visiting team, the home team and the facility representatives. In addition, the question period was used to fill in the check-lists and to cross-check these lists between the visiting team, the home team and the facility representatives. After the question period the visiting team began with the preparation of the draft factual account consisting of approximately one page.

On the second day of the visits, the visiting team continued the preparation of the draft factual account and discussed the draft with the home team and the facility representatives. In both trial visits after clearing some presentational language issues agreement on the factual account was reached which was accepted by all participants of the visits. Both factual accounts stated that it was possible to achieve the purpose of the visit as defined in the mandate, i.e. “to enhance transparency of the activities conducted at the facility” and “to promote the accuracy of the declarations”, without compromising confidential proprietary information.

Both trial visits were finished without time pressure within the preplanned schedule of one and a half days.

IV. Conclusion

The two trial visits showed that the concept of transparency visits provides the possibility to obtain additional information on the activities and capabilities of a visited facility, beyond the data which are available from the facility declaration. The trial visits proved in addition that this increase in information can be achieved without intrusive on-site activities, without compromising confidential proprietary or national security information and without checking any quantitative data. All information given was sufficient to reach the aims of the visits as defined in the mandates.

The number of three persons for the visiting team and the maximum time for such a transparency visit of two days seems to be more than adequate and sufficient. From the experience of the trial visits it seems to be possible to reduce the number of persons in the visiting team to two and to reduce the time for conducting the visit to one day, depending on the size of the visited facility.

V. Additional observations

After the end of each visit, the visiting team, the home team, the facility representatives and the observers of the visits had an additional discussion period, where they identified problems which came up from the rolling text documents during the preparation phase or during the conduct of the visit. The problem areas identified were discussed in

detail and proposals were made how to streamline the language so that persons who did not participate in the process of the negotiations can understand what is really addressed by the language in the draft protocol developed up to now. These proposals to improve the trigger and the format language will be introduced when the specific items are addressed in the Ad Hoc Group discussion.
