

**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.410
10 December 1999

Original: ENGLISH

Seventeenth session
Geneva, 22 November - 10 December 1999

Working paper submitted by the United States of America

**PROPOSED CHANGES TO CLARIFICATION VISITS
(BWC/AD HOC GROUP/47 (Part II) pages 40 to 52)**

66. *Modify to read:* Any State Party which has not **submitted its initial declaration and/or** taken any necessary measures it may have been required to take in accordance with a decision of the Executive Council pursuant to paragraphs 117 and 118 of this subsection, shall not have the right to seek clarification from another State Party under this section until **its initial declaration is submitted and** any measures required pursuant to paragraphs 117 and 118 of this subsection are implemented.

73. *Modify the first line of the first sentence to read:* ... [offered], **or if the information is relevant to reports on the status of implementation or verification,** the Director-General ...

86. *Modify to read:* If all of the conditions set out in paragraph 84 above apply, the Director-General shall [request the requested State Party to offer a voluntary clarification visit within a specified time frame. He/she shall also] submit **to the requested State Party** in writing **a proposal to conduct a clarification visit to the facility concerned for the sole purpose of resolving the matter, including an explanation of why it is considered that the clarification procedures have not resolved the matter. If the proposal has been submitted by a State Party, the Director-General shall so inform the requested State Party. The Director-General shall concurrent with his notification to the requested State Party place the proposed visit on the agenda of the next regular Executive Council meeting for review and vote.**

Delete former paragraphs [87. and 88. on pages 44 and 45 and replace with the following:

87. **During the period prior to the next regularly scheduled meeting of the Executive Council, the Technical Secretariat shall prepare a draft implementation plan of clarification visits listing the facilities it proposes to visit. The draft implementation plan shall contain, *inter alia*, the proposed dates of the visit, the specific facility(ies) to be visited, as well as their boundaries; the specific points to be clarified by each visit; and the results of any preceding consultations related to each planned visit. The Technical**

Secretariat shall provide the draft implementation plan to the State Party that is the subject of the visit request [...] days prior to the meeting of the Executive Council that will consider the visit request and such State Party shall have the right to submit comments on the draft implementation plan in writing or any other information it wishes the Executive Council to consider not later than [72] hours prior to the meeting of the Executive Council that will consider the visit request. The Director-General shall submit to the Executive Council the draft implementation plan and any comments received by the Technical Secretariat from the State Party that is the subject of the visit request not later than [...] days prior to the meeting of the Executive Council that will consider the visit request.

Response to proposal for visit

88. The Executive Council shall review all pending requests for clarification visits, including all information in the report of the Technical Secretariat concerning the previous consultations concerning the clarification in question and any information submitted by the requested State Party. The requested visit shall proceed unless the Executive Council decides under Article IX, section C, as a matter of substance, otherwise.

90. *Modify to read:* **The period of visit shall not exceed 48 hours.** The “period of visit” means the consecutive period of time from the arrival of the visiting team at the visited facility until the completion of their visit activities provided for in this section. **The period of visit may be extended once for a period of up to 48 hours by agreement between the visiting team and the representatives of the visited State Party.**

91. *Add a last sentence:* **The visited State Party has the right to inspect the equipment and certify it is approved equipment in accordance with the provisions outlined in Appendix F.**

94. *Modify first sentence to read:* The Director-General shall issue a mandate **to the visit team**, for the visit which shall be limited to the clarification of the specific **points to be clarified** in the declaration of the requested State Party which was the subject of the prior consultations held pursuant to paragraphs 68 to 73 above.

94.(d) *Modify to read:*

(d) The **purpose**, objectives, **specific clarification issue(s)** of the visit and the possible means to resolve the issue(s) related to the declaration of the requested State Party which was the subject of the consultative meeting pursuant to paragraphs 68 to 73 above;

95. *In the second line:* instead of “... seven days ...”, insert “...**10** days ...”.

95. (d) *Add after* “... clarified”: **and the steps taken by the Technical Secretariat to resolve the matter;**

96. *In the second line:* instead of “ ... 48 hours ...”, insert “...**12** hours ...”.

97. *In the second last line:* instead of “... exceed four members. ...”, insert “... exceed **five** members. ...”

CONDUCT OF THE VISIT

Insert the following five new paragraphs before old paragraph 100 on page 48.

100. The State Party to be visited and the visiting team shall agree upon a plan of activities to be conducted during the visit prior to the start of visit activities.

101. Sampling shall not be conducted unless offered by the visited State Party and deemed useful by the visiting team. Any mutually-agreed sampling and analysis shall be performed by facility personnel in the presence of the visiting team and representatives of the visited State Party. The visiting State Party shall not remove samples from the facility.

102. The team shall not be divided into subgroups unless agreed by the visited State Party.

103. Before the completion of the visit, the visiting team, facility personnel, and visited State Party representatives shall meet to discuss the outcome of the visit and, if necessary, to confirm any details of fact for inclusion in the short preliminary report. Such a meeting shall not take place if the visited State Party, visited facility personnel and the visiting team agree that it is not necessary.

104. During a clarification visit, the visited State Party shall have the right and obligation to make every possible effort to clarify the ambiguity, uncertainty, anomaly, or omission related to the facility referred to in the mandate, to enable the visiting team to fulfil its mandate.

112. *In the seventh line:* instead of “ ... 21 days ...”, insert “...**30** days ...”.

114. *In the second line:* instead of “ ... 14 days ...”, insert “...**7** days ...”.
