

**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 Japan

PROVISIONS RELATING TO THE HOST STATE PARTY

Proposed text to be incorporated into the Rolling Text

(Explanatory note: In accordance with the suggestion, made by some delegations, that the issue relating to the host State Party be dealt with in one place in the Protocol, Japan proposes that a new section entitled "ADDITIONAL PROVISIONS" be inserted as the last section H of Article III, because the issue is related to and confined to declarations, visits and investigations.)

ARTICLE III

H. ADDITIONAL PROVISIONS (*This section is to be placed as the last section of Article III.*)

In the specific case of a declaration, a visit or an investigation provided for in this Article in which more than one State Party/State is involved, the following provisions shall apply:

I. DECLARATIONS

1. ~~{In cases where the activities or facilities subject to declarations in accordance with the provisions of this Article take place or exist/existed in places on the territory of a State Party, but which are/were under the jurisdiction or control of another State which is not a party to the Protocol, the provision of paragraph 1, section D, of this Article shall not apply to that State Party.}~~

2. In cases where the activities ~~take place~~ or facilities **subject to declarations in accordance with the provisions of this Article exist/existed** in places on the territory of a State Party, but which are/were under the jurisdiction or control of another State Party, **the provision of paragraph 1, section D of this Article shall only apply to the latter State Party. under whose jurisdiction or control those places are.** ~~{Theat latter State Party shall inform provide the former State Party on whose territory those places are, of with~~

information on the presence of such **activities or facilities** ~~or activities and provide to that the former State Party~~ **with** a copy of its declaration relating to ~~in respect of that~~ **such activities or facilities** simultaneously with the submission of the declaration to the Organization. ~~]~~ ~~[The State Party exercising jurisdiction or control over those places on the territory of the aforementioned State Party shall inform this State Party of the presence of such facilities or activities. The State Party on whose territory those aforementioned places are/were shall inform the Organization about the fact of the presence of such activities or facilities or activities in cases where such the fact of their presence is known to this State Party.]~~

(The language of these two paragraphs is taken, with some drafting changes, from paragraph 2, of Article III, section D, subsection I, SUBMISSION OF DECLARATIONS, which will be deleted.)

3. ~~[A State Party hosting a facility owned or controlled by another State Party~~ **In cases where the activities or facilities which are subject to declarations in accordance with the provisions of this Article exist/existed in places on the territory and under the jurisdiction and control of a State Party, but are/were conducted or administered by another State Party, the former** shall have the right to gain access to information and/or to receive such information required to fulfil its obligations under this section, from the **latter** ~~other~~ State Party.]

(The language of this paragraph is taken, with some drafting changes, from paragraph 5, of Article III, section D, subsection I, SUBMISSION OF DECLARATIONS, which will be deleted.)

II. VISITS

Definition of the host State Party/State of a visit

1. In the specific case where a visit is proposed, taking place or has been completed on the territory of a State Party/State, but in a place under the jurisdiction or control of another State Party/State, the former State Party/State shall not be the visited State Party, but shall be defined as the host State Party/State **of a visit**.

(The language of this paragraph is taken from the following sentence and subparagraph in the Rolling Text:

- *Second sentence of paragraph 9, of Article II [Category I:];*
- *Paragraph 9, subparagraph (b) of Article III, section D, subsection II, FOLLOW-UP AFTER SUBMISSION OF DECLARATIONS.*

The sentence and subparagraph as well as subparagraph (a) of paragraph 9, Article III, section D, subsection II, will be deleted.)

{Visits on the territory of a host State Party

2. In cases ~~the case~~ **where** of a facility or facilities in a place under jurisdiction or control of a **visited** State Party ~~but~~ **are** located **on the territory of** in a host State Party's territory, the States Parties concerned shall cooperate and make arrangements to allow the visit to be conducted in accordance with the provisions of this Protocol.}]

(The language of this paragraph is taken, with a drafting change, from paragraph 10 of section D, Article III, subsection II, FOLLOW-UP AFTER SUBMISSION OF DECLARATIONS, which will be deleted.)

3. **In the case of visits on the territory of a host State Party/State, the host State Party shall be notified by the Director-General in the same manner as the visited State Party is, and the host State should be notified in an appropriate manner. In this case, the visit mandate and notification shall contain the name of the host State Party/State.**

(The language of this paragraph is borrowed, with some drafting changes, from paragraph 57 of Article III, section G, INVESTIGATION. Paragraphs 21 (b), 24 (b), 83(b) and 84(b) of section D of Article III, subsection II, FOLLOW-UP AFTER SUBMISSION OF DECLARATIONS will be deleted.)

III. INVESTIGATIONS

Definition of the host State Party/State of an investigation

1. In the specific case where an investigation is proposed, taking place or has been completed on the territory of a State Party/State, but in a place under the jurisdiction or control of another State Party/State, the former State Party/State shall not be the receiving State Party, but shall be defined as the host State Party/State **of an investigation**.

(The language of this paragraph is taken from the following sentences in the Rolling Text:

- *Second sentence in paragraph 9 of Article II, [Category 1:],*
- *Third sentence in paragraph 10 of Article III, section G, INVESTIGATION.*

These sentences as well as the second sentence of paragraph 10 of Article III, section G, will be deleted.)

Access and conduct of investigations involving States other than the receiving State Party

2. In cases where facilities or areas of a receiving State Party are located on the territory of a host State Party or where the transport from the point of entry to the facilities or areas subject to investigation requires transit through the territory of another State Party, the receiving State Party shall exercise the rights and fulfil the obligations concerning such investigations in accordance with this Protocol. The host State Party shall facilitate the investigation of those facilities or areas and shall provide for the necessary support to enable the investigation team to carry out its tasks in a timely and effective manner. States Parties through whose territory transit is required to facilities or areas to be investigated of a receiving State Party, shall facilitate such transit.

3. In cases where facilities or areas of a receiving State Party are located on the territory of a host State not party to this Protocol, the receiving State Party shall take all necessary measures to ensure that investigations of those facilities or areas can be carried out in accordance with the provisions of this Protocol. A State Party that has one or more facilities or areas on the territory of a host State not party to this Protocol shall take all necessary measures to ensure acceptance by the host State of the designated investigation personnel accepted by the receiving State Party in accordance with the provisions set out in Annex D, section I, paragraphs 2 to 16. If a receiving State Party is unable to ensure access, it shall demonstrate that it took all necessary measures to ensure access.

4. In cases where the facilities or areas sought to be investigated are located on the territory of a State Party, but in a place under the jurisdiction or control of a State not party to this Protocol, such a State Party shall take all necessary measures as would be required of a host State Party in accordance with the provisions of paragraph 2 ~~and 3~~ above.

5. In cases where the investigation is related to paragraphs 2 ~~and 3 and 4~~, ~~the Director-General shall notify the host State Party/State~~ **shall be notified by the Director-General** in the same manner as the receiving State Party. ~~is, and the host State should be notified in an appropriate manner. In this case, the investigation mandate and notification shall contain the name of the host State Party/State.~~

(The language of the first three paragraphs (paragraphs 2 to 4) is taken from paragraphs 54, 55 and 56 of Article III, section G, INVESTIGATION. The language of the fourth paragraph (paragraph 5) is taken from paragraph 57 of Article III, section G, INVESTIGATION and some drafting changes are proposed in it to reflect the elements contained in paragraph 5 (b) of subsection II, FIELD INVESTIGATION and paragraphs 5 (b) and 7 (c) of subsection III, FACILITY INVESTIGATION of Annex D, INVESTIGATION. These paragraphs will be deleted.)
