

# Strengthening the Biological Weapons Convention Briefing Paper No 26:

## Visits: The Emerging Portfolio

### Executive Summary

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This Briefing Paper considers the encouraging developments in respect of visits during the last few months. Following the September/October AHG Session, it is now clear that the concept of a portfolio of visits, comprising randomly-selected visits, declaration clarification procedures and voluntary assistance visits, is supported by the majority of the States engaged in the negotiations. This is a significant and welcome step forward. This Briefing Paper examines the emerging portfolio of visits and concludes that randomly-selected visits must be to **all categories** of declared facilities in order to achieve complete and accurate declarations for all declared facilities. However, the frequency with which declared facilities receive such visits could with advantage vary between the different **categories** of declared facility. Furthermore, there are benefits in keeping declaration clarification procedures in respect of both declarations and regarding facilities that appear to meet the requirements for declaration but have not been declared **separate** from the Section *E Consultation, Clarification and Cooperation* provisions.

### THE VISITS PORTFOLIO

The proposals in the NAM and Other States WP. 402 are examined together with the developments in the latest version of the draft Protocol issued following the September/October AHG session. Each of the three different types of visits are considered:

- a. Randomly-selected visits;
- b. Declaration clarification procedures;
- c. Voluntary assistance visits.

In respect of randomly-selected visits, information from the OPCW regime of routine inspections is used to show how the randomly-selected visits regime needs to extend to all categories of declared facilities although the frequency of such visits could logically reflect the different risk to the Convention of the different categories of declared facilities. It is further shown that the draft Protocol is much more restrictive than the corresponding OPCW regime. There would be benefits in incorporating flexibility into the Protocol regime.

Declaration clarification procedures with clarification visits should these be necessary to resolve ambiguities, uncertainties, anomalies and omissions in **declarations** should form part of the Follow-Up After Submission of Declarations. OPCW experience from routine inspections to Schedule 1, Schedule 2 and Schedule 3 facilities has shown that need for **amended** declarations is the main issue requiring further attention.

For voluntary assistance visits, it is desirable to avoid undue constraints. There would be benefits in reference being to Article VII

## CONCLUSIONS

It is a significant step forward that the Protocol now includes provision for a portfolio of visits -- comprising randomly-selected visits, declaration clarification procedures and voluntary assistance visits -- which are supported by the majority of the States engaged in the negotiations. Insofar as randomly-selected visits are concerned these must be to **all categories** of declared facilities. Limitation to one or more categories would significantly impair the benefits from such visits of ensuring that all declarations are both accurate and complete and would also curtail the benefits from extension of such visits to enable technical information, advice and assistance to be provided. However, the **frequency** with which declared facilities receive randomly-selected visits could with advantage vary between the different **categories** of declared facilities -- with past biological weapons facilities still remaining in government ownership and biodefence facilities receiving the highest frequency of visits and other facilities, such as the BL4 facilities, receiving the lowest frequency of visits.

There are also advantages in keeping declaration clarification procedures **separate** from the provisions of Section *E Consultation, Clarification and Cooperation* which are best regarded as being concerned with non-compliance aspects and the forerunner of a possible investigation. It needs to be recognised that initially States Parties will inadvertently make errors and omissions in compiling their declarations. A low key non-confrontational non-accusatory process is the best way of resolving such errors and omissions whether relating to declarations or to what appear to meet the requirements for declaration but have not been declared. After all, having such a low key declaration clarification procedure does not in any way remove from any State Party the right that it has to raise a matter under Section *E Consultation, Clarification and Cooperation* should it feel that it has a concern about non-compliance.