

Appendix 3:

Visits and Inspections Regime Envisioned by AHG Chairman's Draft Protocol Text¹⁶⁷

To implement the inspections regime the Organisation for the Prohibition of Biological Weapons (OPBW) would be established. It would be located in either the Hague or Geneva and would employ about 250 people.

Visits

The OPBW would not be allowed to conduct more than 120 visits per year. They would be of three types:

'Voluntary assistance visits' – These would be carried out at the invitation of member states to help the requesting state obtain assistance with implementing the protocol, such as in the preparation of declarations.

'Randomly selected transparency visits' – These would be to facilities that the member states had declared and would comprise 50-75 percent of all visits conducted by the OPBW. They would aim to increase confidence in the accuracy of declarations and enhance transparency.

The chairman's text establishes a number of measures to protect the interests of the party hosting the transparency visit. Fourteen days before the visit, the hosting state would receive notice of the visit, including the visiting team's estimated time of arrival in the country and the facility to be visited. During the visit, the hosting party would 'have the right to take measures to protect national security and commercial proprietary information.' In addition, a visiting team, comprised of no more than four people, could only 'normally' bring into the visited facility instant developing cameras, voice recorders, protective equipment, and personal computers. Only the hosting party would operate the cameras, and the use of other equipment would be at the hosting party's discretion. The hosting state would receive copies of all information obtained during the visit.

'Clarification visits' – These could be carried out if, after an extensive consultation process, one state party still wanted to clarify an 'ambiguity, uncertainty, anomaly or omission' in another member state's annual declaration. The director-general would suggest to the state under scrutiny that it offer a visit to the facility in question. If such a visit is not offered within 21 days, the Executive Council of the OPBW could vote to impose it. The hosting state would receive seven days' advance notice, and the rules elaborated above to protect the visited state during transparency visits would apply.

Investigations

States Parties can request two types of investigations: field investigations and facility investigations. Field investigations could be launched in areas where the release or suspected use of biological agents has caused concern about a possible violation of the BTWC. Facility investigations could be conducted if there is concern that a particular facility is violating the convention. If the director-general approves the request, it may still require the Executive Council's approval:

¹⁶⁷ The following information is drawn from 'Executive Summary of the Chairman's Text', Seth Brugger, Arms Control Today, May 2001. This is available at http://www.armscontrol.org/act/2001_05/brugger.asp
Full copy of Chairman's Text available at <http://www.armscontrol.org/pdf/BTWCprotocol.pdf>