

disease. In order to measure and ensure compliance, procedures are described for the carrying out of randomly selected visits, clarification visits, request visits, voluntary visits, and investigations.

Article IV provides for the confidentiality of information acquired through implementation of the Protocol. Article V describes measures to be taken in order to redress a situation and to ensure compliance under the Protocol. Article VI contains measures for assistance and protection in the event of the use of biological and toxin weapons and reaffirms the right of the States Parties to undertake activities not prohibited by the Convention. Article VII requires States Parties to participate in the exchange of materials, equipment, and technology for peaceful purposes. It contains specific measures to foster and encourage cooperation. Article IX describes the structure and composition of the Organisation for the Prohibition of Biological and Toxin Weapons.²⁰ It describes such organs as the Conference of States Parties, the Executive Council, and the Technical Secretariat, together with their powers and functions, and the privileges and immunities of their staff.

National implementation measures are found in Article X. This Article requires States Parties to take the proper and necessary measures to implement its obligations under the Protocol. In particular, States Parties must prohibit natural and legal persons from undertaking activities prohibited by the Convention. Furthermore, a National Authority must be designated as a focal point for liaison with the Organisation and with other States Parties.

The subsequent Articles of the Protocol deal with administrative measures regarding the settlement of disputes, the review of the Protocol, questions pertaining to amendments, duration and withdrawal, the status of the annexes and appendices, signatures, ratification, accession, entry into force, reservations, depositaries, and authentic texts. The appendices and annexes contain a considerable amount of detail regarding declarations, visits, measures to strengthen the terms of Article III, investigations, confidentiality, and scientific and technological exchange for peaceful purposes and technical cooperation.

Although the Protocol contains an intrusive and comprehensive verification mechanism and constitutes an important step forward in ensuring the eradication of biological weaponry, many preliminary issues arise as to the constitutionality of implementing the terms of this document within the framework of Canadian law. This issue is dealt with in the following section.

²⁰ Hereinafter OPBTW or Organisation.