

requirements generally require a reporting of activities rather than in-depth probing into the biological processes and firms' trade secrets. Moreover, there are many provisions in the Protocol providing for the maintenance of confidentiality. Furthermore, the State Party can manage the access of the inspection team to sensitive areas during visits and investigations. Finally, the industries most likely to be affected are already quite heavily regulated and, as seen in some of the legislation surveyed, more stringent inspection and reporting mechanisms are already in place. Nevertheless, it may be desirable for the State Party to provide for a mechanism of recovery for loss should a breach of confidentiality occur.

A National Authority for the BTWC must be able to implement the compliance regime as outlined in Article III of the Protocol. The dissemination and gathering of declarations will constitute a primary task to this end. The National Authority must also assist in the visit and inspection aspects of Article III. In view of this, proper composition and delineation of tasks have been emphasised by this report. The National Authority should endeavor to play an active, as opposed to reactive, role in this regard. The National Authority must maintain relationships with other Federal institutions, such as Health Canada and the Department of National Defence, that have an interest in the subject matter relevant to the Protocol. Moreover, not only must the National Authority enforce the parts of the Protocol for which it is responsible, but it must also foster compliance by undertaking outreach programmes and providing relevant and up-to-date information via important media sources like the internet. Finally, as a focal point for activities relevant to the Protocol, the National Authority for Canada must play an important role at the international level, given Canada's privileged position in the international community (particularly in the area of disarmament).

To conclude, any legislation that is enacted in order to implement the Protocol will have to take into account the issues raised by this study. Although the success of implementation will not ultimately turn on the legislation passed, a comprehensive and well-drafted document can constitute a good starting point. Over and above the general prohibitions mandated by the Protocol and related penal measures, the legislation should, first, contain an outline of the tasks to be performed by the National Authority, as can be seen in the CNTBTIA. Second, adequate warrant provisions should be included so as to reflect the current requirements for search and seizure. Third, provisions for delegation of some authority to the Minister of Health may be desirable. Fourth, the requirement for an annual report should be contained in the legislation. Finally, provisions to provide for compensation could be included in case of loss incurred pursuant to a disclosure of confidential information. These provisions will reflect the specificity of the Protocol and contribute to its goal: that of an effective domestic verification mechanism.