

**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**

BWC/AD HOC GROUP/WP.370
1 June 1999

Original: ENGLISH

Fifteenth session
Geneva, 28 June - 23 July 1999

Working paper submitted by South Africa

TEXTUAL PROPOSALS FOR ARTICLE III - INVESTIGATIONS

Delete and replace paragraph 26 with:

The investigation shall proceed:

- a. Unless the Executive Council decides by a three-quarters majority of its members present and voting, against carrying out the investigation in the case of [facility] investigations [of any other alleged breach of obligations under the provisions of the Convention];
- b. If formally approved by a simple majority of its members present and voting in the case of [field] investigations [of alleged use of biological weapons].

Delete and replace paragraph 62 with:

The requesting State Party as well as the State Party on whose territory or in any other place under its jurisdiction or control, the investigation is sought may participate in the Executive Council's consideration of an investigation request, but shall not have the right to vote on the request. A State Party that is a member of the Executive Council shall not have the right to vote on an investigation request if it is either the requesting State Party or the State Party on whose territory or in any other place under its jurisdiction or control, the investigation is sought.

Delete and replace paragraphs 50 and 51 with:

The receiving State Party shall provide access to the investigation team to all potentially affected areas external to buildings or other structures in the investigation area[(s)], without interfering with national measures to contain [and remedy the consequences of the alleged use of biological or toxin weapons] [the outbreak] [or the possible outbreak]. Such areas may include refugee camps and other places, as it considers necessary for the effective conduct of its investigation. The extent and nature of access within a particular area shall be negotiated between the investigation team and the receiving State Party.

The receiving State Party shall provide access within buildings or other structures such as hospitals, for the sole purpose of enabling the investigation team to conduct the specific on-site activities identified in Annex D, section II, paragraphs ... when it is impossible to conduct such activities outside of such buildings or structures. The extent and nature of access to such buildings or structures shall be negotiated between the investigation team and the receiving State Party.

Insert a new paragraph 67 (bis):

If the receiving State Party denies the investigation team's request to access buildings or other structures made pursuant to paragraph ..., it shall provide information to clarify that the building(s) or structure(s) concerned are not relevant to the fulfilment of the investigation mandate. If the investigation team is not satisfied with the explanation, and/or it has sufficient information that such a building or structure may be connected to the alleged non-compliance concern that prompted the field investigation, it may request a facility investigation in accordance with paragraphs 58 (bis) and 60 (bis) of this section.

Delete and replace paragraphs 58 and 59 with:

If the investigation team has gathered sufficient evidence indicating that a facility may be connected to the alleged non-compliance concern that prompted the [field] investigation [of alleged use of biological weapons], it may request the Director-General to submit to the Executive Council a written request for the conduct of a facility investigation in accordance with the provisions regarding facility investigations contained in paragraph ... above and Annex D, sections I and III.

Delete and replace paragraphs 60 and 61 with:

Upon receipt of the receiving State Party's acknowledgement pursuant to paragraph the investigation team may commence the monitoring of the site in accordance with Annex D, section III, paragraphs 12 to 16.
