

**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/49/Add.2  
13 December 1999

Original: ENGLISH

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Seventeenth session  
Geneva, 22 November - 10 December 1999

PROCEDURAL REPORT OF THE 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

Addendum

ANNEX I

**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/L.74  
13 December 1999

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Seventeenth session  
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**Outcome of discussions by the Chairman  
on Organization/Implementational Arrangements**

ARTICLE IX

THE ORGANIZATION

[(A) GENERAL PROVISIONS

1. The States Parties to this Protocol hereby establish the Organization for the Prohibition of Bacteriological (Biological) and Toxin Weapons (hereinafter referred to as “the Organization”) in order to strengthen the effectiveness and improve the implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (hereinafter referred to as “the Convention”) and to ensure the implementation of this Protocol, and to provide a forum for consultation and cooperation among States Parties.
2. All States Parties shall be members of the Organization. A State Party shall not be deprived of its membership in the Organization.
3. The seat of the Organization shall be ... .
4. There are hereby established as organs of the Organization: the Conference of the States Parties, the Executive Council and the Technical Secretariat.
5. Each State Party shall cooperate with the Organization in the exercise of its functions in accordance with this Protocol. States Parties shall consult directly among themselves or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the goal and purpose of the Convention or the implementation of this Protocol.
6. The Organization, as an independent body, shall seek to utilize existing expertise and facilities, as appropriate, and to maximize cost efficiencies, through cooperative arrangements with

other international organizations as referred to in Article VII, section E, including, but not limited to, FAO, ICGEB, IVI, OIE, OPCW, UNEP, UNIDO, WHO. Such arrangements, excluding those of a minor and normal commercial and contractual nature, shall be set out in agreements to be submitted to the Conference of the States Parties for approval.

7. The costs of the activities of the Organization shall be met annually by the States Parties in accordance with the United Nations scale of assessments, adjusted to take into account differences in membership between the United Nations and the Organization. [Notwithstanding the above, no State Party shall be required to meet more than 25 per cent of the costs of the Organization.]

8. A member of the Organization which is in arrears in the payment of its assessed contribution to the Organization shall have no vote in the Conference or the Executive Council, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Conference of the States Parties may, nevertheless, permit such a State Party to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

(B) THE CONFERENCE OF THE STATES PARTIES

Composition, procedures and decision-making

9. The Conference of the States Parties (hereinafter referred to as “the Conference”) shall be composed of all States Parties. Each State Party shall have one representative in the Conference, who may be accompanied by alternates and advisers.

10. The initial session of the Conference shall be convened by the Depositary<sup>[y]</sup><sup>[ies]</sup> no later than 30 days after the entry into force of this Protocol.

11. The Conference shall meet in regular sessions, which shall be held annually, unless it decides otherwise.

12. A special session of the Conference shall be convened:

- (a) When decided by the Conference;
- (b) When requested by the Executive Council; or
- (c) When requested by any State Party and supported by a majority of the States Parties.

The special session shall be convened no later than 30 days after the decision of the Conference, the request of the Executive Council, or the attainment of the necessary support, unless specified otherwise in the decision or request.

13. The Conference may also be convened in the form of a Review Conference, in accordance with Article ... .

14. The Conference may also be convened in the form of an Amendment Conference, in accordance with Article ... .

15. Sessions shall take place at the seat of the Organization unless the Conference decides otherwise.

16. The Conference shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its President and such other officers as may be required. They shall hold office until a new President and other officers are elected at the next session.

17. A majority of the States Parties shall constitute a quorum.

18. Each State Party shall have one vote.

19. The Conference shall take decisions on matters of procedure by a simple majority of members present and voting. Decisions on matters of substance shall be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the President of the Conference shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take a decision by a two-thirds majority of members present and voting unless specified otherwise in this Protocol. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.

#### Powers and functions

20. The Conference shall be the principal organ of the Organization. It shall consider any questions, matters or issues relevant to the provisions of this Protocol, including those relating to the powers and functions of the Executive Council and the Technical Secretariat, in accordance with this Protocol. It may make recommendations and take decisions on any questions, matters or issues relevant to the provisions of this Protocol raised by a State Party or brought to its attention by the Executive Council.

21. The Conference shall oversee the implementation of this Protocol, and review compliance with, the Convention and this Protocol and act in order to promote their object and purpose. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines to either of them for the exercise of their functions.

22. The Conference shall:

(a) Consider and adopt the report of the Organization on the implementation of this Protocol and the programme and budget of the Organization, submitted by the Executive Council, as well as consider other reports;

(b) Decide on the scale of financial contributions to be paid by States Parties in accordance with paragraph 7;

(c) Elect the members of the Executive Council;

(d) Appoint the Director-General of the Technical Secretariat (hereinafter referred to as “the Director-General”);

(e) Consider and approve the rules of procedure of the Executive Council submitted by the latter;

(f) Establish such subsidiary organs [, including the Cooperation Committee,] as it finds necessary for the exercise of its functions in accordance with this Protocol;

(g) Consider and review scientific and technological developments that could affect the operation of this Protocol. [Where necessary, establish such subsidiary bodies as are considered necessary for the effective implementation of this Protocol] [In this context, the Conference may direct the Director-General to establish a Scientific Advisory Board to render specialized advice in areas of science and technology relevant to this Protocol to the Conference, the Executive Council or to States Parties. In that case, the Scientific Advisory Board shall be composed of independent experts and appointed, in accordance with terms of reference adopted by the Conference, on the basis of their expertise and experience in the particular scientific fields relevant to the implementation of this Protocol and on as wide an equitable geographic basis as possible];

(h) Take the necessary measures to ensure compliance with the Convention and this Protocol and to redress and remedy any situation that contravenes the provisions of the Convention and this Protocol, in accordance with Article ...;

(i) Consider and approve at its first session any draft agreements, provisions, procedures, operational manuals, guidelines and any other documents;

(j) Consider and approve agreements or arrangements negotiated by the Technical Secretariat with States Parties, other States and international organizations to be concluded by the Executive Council on behalf of the Organization in accordance with paragraph 32 (k);

(k) Establish at its first session the Voluntary Fund in accordance with Article VI, [VII, ...];

(l) Promote scientific and technological exchange for peaceful purposes and technical cooperation among States Parties in accordance with Article VII.

#### [(C) THE EXECUTIVE COUNCIL

##### Composition, procedures and decision-making<sup>1</sup>

[23. The Executive Council shall consist of ... members. Each State Party shall have the right, in accordance with the principle of rotation, to serve on the Executive Council. The members of the Executive Council shall be elected by the Conference for a term of two years. In order to ensure the effective functioning of this Protocol, due regard being specially paid to equitable geographical distribution, to the importance of the biotechnological industry and biotechnology related pharmaceutical industry sectors, as well as to political and security interests, the Executive Council shall be composed as follows:

(a) ... States Parties from Africa to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these ... States Parties, ... members shall be the States Parties with the most significant national biotechnological industry and biotechnology related pharmaceutical industry sectors in the region as determined by internationally reported and published data [as well as with the highest number of declared facilities]; in addition, the regional group shall agree also to take into account other regional factors in designating these ... members;

(b) ... States Parties from Asia to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these ... States Parties, ... members shall be the States Parties with the most significant national biotechnological industry and biotechnology related pharmaceutical industry sectors in the region as determined by internationally reported and published data [as well as with the highest number of declared facilities]; in addition, the regional group shall agree also to take into account other regional factors in designating these ... members;

OR

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1. A delegation expressed the view that this issue needs further consideration, and reserved the right to come back to it.

(b) ... States Parties from East Asia and the Pacific to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these ... States Parties, ... members shall be the States Parties with the most significant national biotechnological industry and biotechnology related pharmaceutical industry sectors in the region as determined by internationally reported and published data [as well as with the highest number of declared facilities]; in addition, the regional group shall agree also to take into account other regional factors in designating these ... members;

(b) *bis* ... States Parties from West and South Asia to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these ... States Parties, ... members shall be the States Parties with the most significant national biotechnological industry and biotechnology related pharmaceutical industry sectors in the region as determined by internationally reported and published data [as well as with the highest number of declared facilities]; in addition, the regional group shall agree also to take into account other regional factors in designating these ... members;

(c) ... States Parties from Eastern Europe to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these ... States Parties, ... members shall be the States Parties with the most significant national biotechnological industry and biotechnology related pharmaceutical industry sectors in the region as determined by internationally reported and published data [as well as with the highest number of declared facilities]; in addition, the regional group shall agree also to take into account other regional factors in designating these ... members;

(d) ... States Parties from Latin America and the Caribbean to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these ... States Parties, ... members shall be the States Parties with the most significant national biotechnological industry and biotechnology related pharmaceutical industry sectors in the region as determined by internationally reported and published data [as well as with the highest number of declared facilities]; in addition, the regional group shall agree also to take into account other regional factors in designating these ... members;

(e) ... States Parties from among Western European and other States to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these ... States Parties, ... members shall be the States Parties with the most significant national biotechnological industry and biotechnology related pharmaceutical industry sectors in the region as determined by internationally reported and published data [as well as with the highest number of declared facilities]; in addition, the regional group shall agree also to take into account other regional factors in designating these ... members.]

24. For the first election of the Executive Council ... members shall be elected for a term of one year, due regard being paid to the established numerical proportions as described in paragraph 23.
25. Each member of the Executive Council shall have one representative on the Executive Council, who may be accompanied by alternates and advisers.
26. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.
27. The Executive Council shall elect its Chairman from among its members.
28. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as may be required for the fulfilment of its powers and functions.
29. Each member of the Executive Council shall have one vote.
30. The Executive Council shall take decisions on matters of procedure by a majority of all its members. The Executive Council shall take decisions on matters of substance by a two-thirds majority of all its members unless specified otherwise in this Protocol. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.

#### Powers and functions

31. The Executive Council shall be the executive organ of the Organization. It shall carry out the powers and functions entrusted to it in accordance with this Protocol. It shall be responsible to the Conference. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and ensure their proper and continuous implementation.
32. The Executive Council shall:
  - (a) Promote effective implementation of, and compliance with, this Protocol;
  - (b) Supervise the activities of the Technical Secretariat;
  - (c) Supervise the scientific and technological exchange for peaceful purposes and technical cooperation activities and measures stipulated in Article VII;
  - (d) Facilitate cooperation among States Parties, and between States Parties and the Technical Secretariat, relating to the implementation of this Protocol through information exchanges;

- (e) Facilitate, as appropriate, consultation and clarification among States Parties in accordance with Article III, section E;
- (f) Receive, consider and [take action] [decide] on requests for, and reports on, [visits and] investigations in accordance with Article III, sections D and G;
- [(g) Receive, consider and take necessary action on the recommendations made by the Cooperation Committee;]
- (h) Make recommendations as necessary to the Conference for consideration of further proposals for promoting the object and purpose of this Protocol;
- (i) Cooperate with the National Authority of each State Party;
- (j) Consider and submit to the Conference the draft programme and budget of the Organization, the draft report of the Organization on the implementation of this Protocol, the report on the performance of its own activities and such other reports as it deems necessary or that the Conference may request;
- (k) Make arrangements for the sessions of the Conference, including the preparation of the draft agenda;
- (l) Conclude, subject to prior approval of the Conference, agreements or arrangements with States Parties, other States and international organizations on behalf of the Organization and supervise their implementation; and
- (m) Consider and recommend to the Conference for approval any new operational manuals and any substantive changes to the existing operational manuals that may be proposed by the Technical Secretariat.

33. The Executive Council may request a special session of the Conference.

34. The Executive Council shall consider concerns raised by a State Party regarding compliance and cases of possible non-compliance and abuse of the rights established by this Protocol. In doing so, the Executive Council shall consult with the States Parties involved and, as appropriate, request a State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, *inter alia*, one or more of the following measures:

- (a) Notify all States Parties of the issue or matter;

(b) Bring the issue or matter to the attention of the Conference;

[(c) Make recommendations to the Conference regarding measures to redress the situation and to ensure compliance in accordance with Article V.]

The Executive Council may, in cases of particular gravity and urgency, bring the issue or matter, including relevant information and conclusions, directly to the attention of the United Nations General Assembly and the United Nations Security Council. It shall at the same time inform all States Parties of this step.]

(D) THE TECHNICAL SECRETARIAT

[35. The Technical Secretariat shall assist States Parties in the implementation of this Protocol. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. It shall carry out the functions entrusted to it by this Protocol, as well as those functions delegated to it by the Conference or the Executive Council in accordance with this Protocol.

36. The functions of the Technical Secretariat with regard to the implementation of Article III and Annexes ... shall include, *inter alia*:

(a) Receiving and processing of declarations submitted by the States Parties to the Organization in accordance with the provisions of Article III, section D;

[(b) Receiving, collecting, processing, analyzing and storing data and all relevant information relating to the appearance of outbreaks of diseases or epidemics supplied by States Parties and relevant international organizations. [Such functions shall be discharged by the Technical Secretariat through an international epidemiological monitoring network];]

[(c) Supplying, at the request of the Organization or any State Party, any relevant information drawn up on the basis of collected and processed data, *inter alia*, to help distinguish outbreaks of diseases and epidemics deemed to have a natural cause from outbreaks of diseases and epidemics which might be the result of a violation or attempted violation of the Convention. [Such functions shall be discharged by the Technical Secretariat through an international epidemiological monitoring network];]

(d) Assisting the Executive Council in facilitating consultation, clarification and cooperation among States Parties;

[(e) Processing requests or invitations for visits, carrying out the preparations for, providing technical support during the conduct of, and conducting visits in accordance with the

provisions of Article III, section D, and reporting, where relevant, the outcome to the Executive Council;]

(f) Receiving requests for investigations to address non-compliance concerns, making technical evaluations of those requests, submitting the requests to the Executive Council for consideration, carrying out the preparations for, providing technical support during the conduct of, and conducting investigations in accordance with the provisions of Article III, section G, and of Annex D, and reporting the outcome to the Executive Council;

(g) Maintaining and updating a list of ad hoc experts as investigation personnel and notifying all States Parties of any additions to or alterations in the list in accordance with paragraphs 11 to 16 of Annex D, section I;

(h) Negotiating on behalf of the Organization, subject to the prior authorization of the Executive Council, draft agreements and arrangements, as appropriate, between the Organization and States Parties, other States and international organizations. Such draft agreements and arrangements shall be submitted to the Executive Council for consideration and to the Conference for approval;

(i) Assisting the States Parties through their National Authorities on other matters relating to the implementation of this Protocol.

37. The Technical Secretariat shall develop and maintain, subject to approval by the Executive Council and, if required, by the Conference, operational manuals in accordance with Article III and the Annexes. These manuals shall not constitute integral parts of this Protocol or the Annexes and may be changed by the Technical Secretariat. Such substantive changes shall be subject to approval by the Executive Council and, if required, by the Conference. The Technical Secretariat shall promptly inform the States Parties of any changes in the operational manuals.

[38.<sup>2</sup> The functions of the Technical Secretariat with regard to scientific and technological exchange for peaceful purposes and technical cooperation shall in accordance with Article VII include, *inter alia*:

(a) Administer the Voluntary Fund pursuant to ...;

(b) Create a framework for the promotion and facilitation of scientific and technological exchange for peaceful purposes, technical cooperation and assistance among States Parties;

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2. The language in this paragraph needs to be brought into conformity with the respective language in Article VII. This paragraph will need to be revisited.

(c) Receive, consider and, if possible, take action on requests by States Parties for assistance for the improvement of knowledge, practices and cooperation in the peaceful uses of biological agents and toxins;

(d) Provide and/or coordinate the provision of advice and assistance to States Parties with the implementation of, and compliance with the Protocol;

(e) Maintain a record of cooperative activities funded and/or promoted by other international organizations;

(f) Make recommendations, as appropriate, to States Parties for further practical steps to implement the provisions of Article VII.]

39. The functions of the Technical Secretariat with respect to administrative matters shall include, *inter alia*:

(a) Preparing and submitting to the Executive Council the draft programme and budget of the Organization;

(b) Preparing and submitting to the Executive Council the draft report of the Organization on the implementation of this Protocol and such other reports as the Conference or the Executive Council may request;

(c) Providing administrative and technical support to the Conference, the Executive Council and other subsidiary organs;

(d) Addressing and receiving communications on behalf of the Organization relating to the implementation of this Protocol;

(e) Carrying out the administrative responsibilities related to any agreements between the Organization and other international organizations; and

(f) Ensuring that the confidentiality provisions of the Protocol as applied to the Technical Secretariat are observed.

40. The Technical Secretariat shall promptly inform the Executive Council of any problems that have arisen with regard to the discharge of its functions that have come to its notice in the performance of its activities and that it has been unable to resolve through consultations with the State Party concerned.

41. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and such scientific, technical, administrative and other personnel as may be required. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for only one further term.

42. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and for the organization and functioning of the Technical Secretariat. Only citizens of States Parties shall serve as the Director-General or as members of the professional and clerical staff. In the employment of the staff and in the determination of the conditions of service, due regard shall be paid to the necessity of securing the highest standards of efficiency, competence and integrity, and the importance of selecting personnel on as wide an equitable geographic basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to the minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

43. The Director-General shall be responsible for the organization and functioning of [the Scientific Advisory Board], referred to in paragraph 22 (g), and shall, in consultation with States Parties, appoint members of [the Scientific Advisory Board], who shall serve in their individual capacity. The members of the Board shall be appointed on the basis of the expertise in the particular scientific fields relevant to the implementation of this Protocol paying due regard to the importance of selecting personnel on as wide an equitable geographic basis as possible. The Director-General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may, if they deem it necessary, submit lists of experts to the Director-General.

44. In the performance of their duties, the Director-General and the other members of the staff shall not seek or receive instructions from any government or from any other source external to the Organization. They shall refrain from any action that might reflect adversely on their positions as international officers responsible only to the Organization.

45. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General and the other members of the staff and shall not seek to influence them in the discharge of their responsibilities.

46. All requests and notifications by States Parties to the Organization shall be transmitted to the Director-General. Requests and notifications shall be in one of the official languages of this Protocol. In response the Director-General shall use the language of the transmitted request or notification.]

(E) PRIVILEGES AND IMMUNITIES

47. The Organization shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

48. Delegates of States Parties, together with their alternates and advisers, representatives of members elected to the Executive Council, together with their alternates and advisers, the Director-General and the staff of the Organization shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Organization.

49. The legal capacity, privileges and immunities referred to in this Article shall be defined in an agreement on the privileges and immunities of the Organization to be concluded between the Organization and the States Parties as well as in an agreement between the Organization and the State in which the Organization is seated. Such agreements shall be considered and approved in accordance with paragraph 22 (i) and (j).

50. The immunities enjoyed by [the Organization,] the Director-General and the staff of the Organization may be waived in accordance with the provisions of this Protocol and its Annexes as well as of the agreements referred to in paragraph 49 above.<sup>3</sup>

[51. The Organization shall not be held liable for any breach of confidentiality committed by members of the Technical Secretariat.]

52. The Conference shall take the decision on the waiver of immunity of [the Organization and of] the Director-General of the Organization. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary. [The Conference shall take its decisions on the waiver of immunity of the Organization from both jurisdiction and execution of judgement by unanimous consent of States Parties present and voting.] The Conference shall take its decisions on the waiver of immunity of the Director-General from both jurisdiction and execution of judgement as a matter of substance in accordance with paragraph 19 above, by consensus. Waiver shall always be express.<sup>4</sup>

53. The Director-General shall have the right to waive the immunity of any member of an investigation [or visiting] team or the other staff of the Technical Secretariat in any case where, in his

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3. The view was expressed that the question of the possibility of waiver of the privileges and immunities of the Organization and the Director-General may need to be reviewed at the next session.

4. Ibid.

or her opinion, the immunity would impede the course of justice and can be waived without prejudice to the implementation of the provisions of this Protocol. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary. Waiver shall always be express.

54. Notwithstanding paragraph 49, the privileges and immunities enjoyed by the members of an investigation [or visiting] team during the conduct of an investigation [or visit] shall be those set forth in paragraphs ... of this Article.

55. In deciding whether to waive immunity in cases of breach of confidentiality, the Director-General or the Conference of the States Parties, as appropriate, shall request and take into consideration the views of the Confidentiality Commission.

56. Following acceptance of the initial list of investigation [and visit] personnel as provided for in paragraph ... or as subsequently altered in accordance with paragraph ..., each State Party shall be obliged to issue, in conformity with its national visa-related laws and regulations and upon application by an investigator [or visitor] or investigation [or visit] assistant, multiple entry/exit and/or transit visas and other relevant documents to enable each investigator [or visitor] or investigation [or visit] assistant to enter, to remain on, or to transit its territory for the sole purpose of carrying out investigation activities [or visits] on the territory of the receiving State Party. Each State Party shall issue the necessary visa or travel documents for this purpose no later than [48] [120] hours after receipt of the application. Such documents issued by the receiving State Party shall be valid for as long as is necessary to enable the investigation [and visit] personnel to remain on, or to transit its territory for the sole purpose of carrying out the investigation activities [or visits]. [These documents shall be valid for at least two years after their provision and shall be reissued, if needed.]

57. To exercise their functions effectively, members of the investigation [or visiting] team shall be accorded by the receiving State Party and the host State Party privileges and immunities as set forth in subparagraphs (a) to (i). Privileges and immunities shall be granted to members of the investigation [or visiting] team for the sake of this Protocol and not for the personal benefit of the individuals themselves. Such privileges and immunities shall be accorded to them for the entire period between arrival on and departure from the territory of the receiving State Party and host State Party, and thereafter with respect to acts previously performed in the exercise of their official functions in accordance with their mandate.

(a) The members of the investigation [or visiting] team shall be accorded the same inviolability as is enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961.

(b) The living quarters and office premises occupied by the investigation [or visiting] team carrying out investigation [or visit] activities pursuant to this Protocol shall be accorded the

same inviolability and protection as are accorded to the premises of diplomatic agents pursuant to Article 30, paragraph 1, of the Vienna Convention on Diplomatic Relations.

(c) The papers and correspondence, including records, of the investigation [or visiting] team shall enjoy the same inviolability as is accorded to all papers and correspondence of diplomatic agents pursuant to Article 30, paragraph 2, of the Vienna Convention on Diplomatic Relations. The investigation [or visiting] team shall have the right to use codes for their communications with the Technical Secretariat [, in accordance with relevant national regulations and procedures of the receiving State Party and the host State Party].

(d) [Samples and] approved equipment carried by members of the investigation [or visiting] team shall be inviolable subject to provisions contained in this Protocol and exempt from all customs duties.

(e) The members of the investigation [or visiting] team shall be accorded the same immunities as are accorded to diplomatic agents pursuant to Article 31, paragraphs 1, 2 and 3, of the Vienna Convention on Diplomatic Relations.

(f) The members of the investigation [or visiting] team carrying out prescribed activities pursuant to this Protocol shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations.

(g) The members of the investigation [or visiting] team shall be permitted to bring into the territory of the receiving State Party or host State Party, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.

(h) The members of the investigation [or visiting] team shall be accorded the same currency and exchange facilities as are accorded to representatives of foreign governments on temporary official missions.

(i) The members of the investigation [or visiting] team shall not engage in any professional or commercial activity for personal profit on the territory of the receiving State Party or the host State.

58. When transiting the territory of States Parties other than the receiving State Party, the members of the investigation [or visiting] team shall be accorded the same privileges and immunities as are enjoyed by diplomatic agents pursuant to Article 40, paragraph 1, of the Vienna Convention on Diplomatic Relations. Papers and correspondence, including records [and samples] and approved equipment, carried by them, shall be accorded the privileges and immunities set forth in paragraph 57 (c) and (d), without prejudice to Annex D, section I, paragraph 40.

59. Without prejudice to their privileges and immunities the members of the investigation [or visiting] team shall be obliged to respect the laws and regulations of the receiving State Party or host State as well as the transited State Party and, to the extent that is consistent with the investigation [or visit] mandate, shall be obliged not to interfere in the internal affairs of that State. If the receiving State Party or host State Party considers that there has been an abuse of privileges and immunities by the members of the investigation [or visiting] team, consultations shall be held between the State Party and the Director-General to determine whether such an abuse has occurred and, if so determined, to prevent a repetition of such abuse.

[60. Observers shall be accorded the same privileges and immunities accorded to investigators pursuant to this section, except for those accorded pursuant to paragraph 57 (d).]

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