

**MEETING 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**

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PAPER ON INVESTIGATION¹

Submitted by the Islamic Republic of Iran

The Islamic Republic of Iran is of the belief that the most effective universally acceptable investigation mechanism could only be established on the basis of a multilaterally negotiated legally binding instrument based on the BWC. This was the approach which was most broadly supported for a decade in preparation of and in the course of Ad Hoc Group negotiations whose work was abruptly suspended in 24 July 2001 due to objection by a single State Party.

In drafting the United Nations Secretary General's investigation mechanism, instead of participation of all members of the BWC, only representatives of six UN members were engaged and therefore the main concerns of all State Parties of the BWC are not taken into consideration or duly covered. As not all members of the United Nations are parties to the Convention and do not have equal rights and obligations arising from the Convention, it is not logical to have outsiders deciding for the States Parties which have already undertaken obligations under the Convention. This mechanism suffers from ambiguities and lack of a clear framework and definitions.

This mechanism was devised in the special situation following the use of chemical weapons by Iraq in the imposed war against Iran and its own citizens in 1980s and was endorsed by the UN General Assembly in 1990.

This mechanism was not devised taking into account all aspects of the Convention and has been selective in its approach.

This mechanism does not fit the subsequent scientific and legal developments. While it mainly focuses on chemical weapons, the Chemical Weapons Convention was negotiated, finalized and entered into force after its being endorsed by the UNGA. Today the OPCW, being the sole internationally recognized body on prohibition of chemical weapons, covers all aspects of international ban on chemical weapons including investigation.

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This mechanism has not ever been implemented and in spite of provisions on its revision, its fundamental deficiencies do not permit making it workable through a simple revision.

The rights of the inspected state and the inspection team, timeframes, scope of the inspection and ..., have not been defined in the UNSG's investigation mechanism. It also lacks the Clarification, Consultation and Cooperation process stipulated in the CWC and the draft protocol on strengthening the implementation of the BWC.

Attempts to engage international organizations, such as WHO, FAO or OIE, in investigational aspects of the BWC, would certainly not yield any fruits either. There again the question of competencies would arise. On one hand selective approaches have proven to be incapable of strengthening the BWC and on the other hand such missions do not fall within the humanitarian mandate of such organizations and would also be detrimental their impartiality.

The international community is still in a dire need of a mechanism to strengthen the implementation of the BWC. This was exactly what States Parties to the BWC were following during the suspended Ad Hoc Group negotiations on a protocol strengthening the implementation of the BWC. Any real and sincere attempt to strengthen the implementation of the Convention could only be successful through reverting back to the multilateral track and achievement of a multilaterally negotiated legally binding instrument based on the BWC.
