

ARTICLE IX - THE REALITY

(New language as compared to pages 131-133 of CD/1116 is marked by underlining; subparagraphs are numbered by (a), (b) etc.)

Procedure for Challenge Inspections

8. (a) Each State Party has the right to request [the Executive Council for] an on-site challenge inspection of any facility or location in any other State Party 1/ for the sole purpose of clarifying and resolving any questions concerning compliance with the provisions of the Convention, and to have this inspection conducted anywhere without delay by an inspection team designated by the Director-General of the Technical Secretariat and in accordance with the Protocol on Inspection Procedures.

(b) Each State Party is under the obligation to keep the request within the scope of the Convention and to provide in the request all appropriate information [evidence] [supporting the suspicion of non-compliance] [on the concern regarding compliance] with the Convention as specified in the Protocol on Inspection Procedures. [Each State Party shall refrain from unfounded requests, care being taken to avoid abuse.] The challenge inspection shall be carried out for the sole purpose of determining facts relating to compliance.

9. For the purpose of verifying compliance with the provisions of this Convention, each State Party shall permit the Technical Secretariat to conduct on-site challenge inspections pursuant to paragraph 8.

10. Pursuant to a challenge of its facility or location, and in accordance with the procedures provided for in the Protocol on Inspection Procedures, a State Party has:

- the right and the obligation [to make every reasonable effort] to demonstrate its compliance with the Convention and, to this end, to enable the inspection team to fulfil its mandate;
- the obligation to provide access within the requested site for the sole purpose of establishing facts relevant to the request; and

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1/ It is understood that issues relating to "jurisdiction and control" in the context of challenge inspections need to be considered further.