

established by Article 90 of Protocol I additional to the Geneva Conventions, *ad hoc* Commissions of Experts established by the UN Secretary-General (to investigate alleged violations of the 1925 Geneva Protocol, for example), the Inter-American Commission on Human Rights, and the *ad hoc* investigative body established by the 1503 Procedure. These fact finding missions vary according to composition and selection.

57. In an operational sense, on-site fact-finding is most effective when:

- missions are composed of members who are serving in their personal capacity and who are respected for their integrity, impartiality, competence and objectivity;
- there is equitable geographic representation among the mission members;
- missions can be quickly assembled and transported to the site of the alleged violation;
- States Parties are not permitted to deny missions access to their territory;
- missions have the freedom to determine their own programme, itinerary and methods;
- missions have freedom of movement;
- the safety and security of members (and their premises, possessions and records) is assured;
- the privacy of interviews is guaranteed; and
- the safety and security of witnesses is ensured.

58. There is some concern that, in order to be effective, fact-finding in the CCW context would necessarily be unduly intrusive. This echoes concerns raised in connection with the negotiation of the Chemical Weapons Convention and other arms limitation and disarmament agreements. In these cases, the view was expressed that the level of intrusiveness required to monitor compliance effectively would (a) constitute unwarranted interference in the internal affairs of states, (b) reveal militarily-relevant information beyond that required by the terms of the agreement, and (c) in the case of verifying limits on production, expose confidential proprietary information not directly related to the terms of the agreement.

59. It should be noted that sovereignty as a legal principle and a political institution has never been an impediment to states entering into binding international agreements. Indeed, such agreements and their verification provisions are an expression (and not a violation) of states' sovereignty. It is, of course, true that, such agreements do constrain states in the conduct of their