

(Mr. Kamal, Pakistan)

technical secretariat, which must remain essentially a servicing organ. We all stand for a quick launching of challenge inspections, with minimal realistic time-frames to ensure the maximum degree of effectiveness. What would not be acceptable is the effort to deliberately bypass the sole representative body which can truly have the authority for launching as important an action as a challenge inspection. The legitimate executive authority delegated by the international community of States parties will lie with this executive council, and those who are inclined to see this essential authority as a "filter" can only be trivializing the basic underlying concept of democratic rule of law.

Obviously, this executive conscience of the international community must continue to be seized of the challenge inspection that it has launched, throughout the conduct of the inspection, so that it remains empowered to take whatever action it might decide upon at any time after the launch. Once the inspection has been completed, it is the executive council again which has to close the circle by reviewing the inspection report, and by determining whether any non-compliance has occurred, as well as whether there has been any abuse of the right to request a challenge inspection.

The intrusive nature of the challenge inspection procedure is such that it carries within it the germs of much misuse and abuse. Care has therefore to be taken to ensure that this does not happen. This can be done partly by putting in a clear reference right in the beginning of the article to the need for avoiding abuse, and partly by a provision at the end of the challenge inspection process for the executive council to attempt to determine whether abuse might have occurred. In case of a clear determination of abuse, one might, as has already been suggested, even consider penalties.

The best safeguard against abuse lies however in compelling the State which initiates the challenge to table the evidence, or the supporting documents and information, on the basis of which its suspicions were originally aroused and its concern founded. The purpose of the challenge inspection is obviously to allay this specific concern only. It is certainly not to use the tabled evidence or supporting information regarding a specific and limited suspicion as an open justification for omnibus intrusive actions. We must recall that one of the essential objectives of the proposed convention remains universal adherence. Unless proved to the contrary, potential challenged States have to be treated with the respect that is due to sovereign parties who have willingly accepted the intrusive provisions of the convention, and not as vanquished adversaries or criminals.

Challenge inspection will obviously be carried out by a multilaterally representative international inspection team. The role of the individual State which requested the challenge diminishes once the executive council assumes charge, and the international inspectors begin their task. It is for this reason that we have failed to understand the continued insistence on the obligatory presence of an observer from the initiating State during the entire duration of a challenge inspection. Technically qualified and competent inspectors, proceeding along a mandate defined to address a specific concern, do not need to be observed or supervised by an inspector of inspectors. While