

(Mr. Nazarkin, USSR)

We believe that a request for inspection can be made by any State party to the convention without exception. Everybody must have equal rights. Similarly, there should be no discrimination as regards the form of ownership of those locations and facilities for which an inspection is sought. A request for inspection, in our opinion, can be submitted in relation to any facility or location on the territory of a State party, or under its jurisdiction or control, or belonging to any natural or legal person of a State party, wherever they may be situated. This, in our view, is a necessary condition to make challenge inspections a genuinely effective instrument.

We cannot accept the United States concept of a "fact-finding panel" made up of representatives of a limited number of States, which would play the role of a "filter". This concept seems to us to be undemocratic and would not ensure equal rights for all parties to the convention. We understood the United States delegation's statement on 23 April this year to mean that the United States side is ready to consider the possibility of abandoning this concept. We would like to learn the outcome of such consideration.

Furthermore, we are not quite clear about the status of article XI of the United States draft convention contained in document CD/500. In his statement on 23 July this year, United States Ambassador Friedersdorf said in response to our question that in the opinion of the United States side "challenge inspection should cover all relevant locations and facilities of a State party without distinction between private property or government ownership". In so doing he referred to the amendment made by the United States delegation in April last year to its draft convention (CD/685). That amendment, however, concerns article X, which deals with special inspections, and has nothing to do with article XI, which provides for ad hoc inspections. If the United States delegation continues to regard article XI as part of its position, we would like to know in which cases it allows for the application of this article envisaging the right to refuse challenge inspections.

To sum up the above, our view of the challenge inspections provisions is as follows:

Firstly, challenge inspections should be mandatory, without the right for the requested State to refuse such inspections.

Secondly, the period between the time of request and the arrival of the inspectors at the inspection site should not exceed 48 hours.

Thirdly, all States parties to the convention should have equal rights and obligations as regards both submitting a request and accommodating it.

Fourthly, the request should contain the necessary basic data (what, where, when, how).

Fifthly, it is necessary to adopt measures in order to prevent the use of challenge inspection for purposes incompatible with the task of verifying compliance with the convention.

Sixthly, the requested State may suggest alternative measures. Whether they are satisfactory shall be decided by the requesting State.