

(Mr. Nazarkin, USSR)

note that in its statement on 23 April this year the United States delegation also spoke in favour of such a possibility.

It goes without saying that the time-limits for agreeing on the procedure for conducting challenge inspections must be clearly defined. We would not object if this time-limit does not exceed 48 hours. Whether the suggested alternative measures are satisfactory should be decided, in our view, by the State suspecting non-compliance with the Convention.

Apart from the alternative measures, in our view, attention should also be paid to the development of the so-called "managed conduct" of inspections suggested by the United States delegation. To preclude the possibility that challenge inspections might be used for purposes incompatible with the task of verifying compliance by States parties with their obligations, or for disclosing secrets unrelated to chemical weapons, the convention should, in our opinion, envisage concrete procedures for conducting such inspections. It would seem feasible to devise measures which would effectively preclude any possibility of using challenge inspections for obtaining secret data, and in particular, to ensure that the methodologies and instruments used by international inspectors in the course of inspections strictly correspond to their tasks and that the requested State has access to all such instruments for the purpose of testing them. The instruments used in the course of international inspections should be standard and uniform for all States parties. The technical parameters of such instruments must be strictly limited to the purposes of verifying possible violations of the convention.

Should the right of challenge be abused, the requested State would suffer certain material harm related to both the leak of information and the disruption of the normal operation of the facility or plant. In this connection we consider that thought might be given to the desirability of incorporating in the Convention a provision concerning States' liability, including material liability, for abuse of the right to challenge inspections and for any damage suffered by the receiving State as a result of an unjustified inspection. In particular, States parties to the convention might have the right to raise the question of compensation for the financial loss caused as a result of a halt to the operations of a facility or the disclosure of commercial or other secrets because of the conduct of challenge inspections, if the inspection does not confirm non-compliance with the convention.

Each request must obviously contain the necessary data: which provision of the convention has been violated, where and when the suspected violation has occurred or is occurring, the nature of the suspected violation. It is equally clear that without such basic data no request could be met.

In suggesting measures which would prevent abuse of the right of challenge and the use of inspections for purposes incompatible with the tasks of verifying compliance with the obligations under the convention and the disclosure of secrets which have nothing to do with chemical weapons, we consider that such measures should be elaborated within the framework of the principle of mandatory inspections, and not in opposition to it; they must not weaken this principle or make any exceptions to it.