

(Mr. Evans, Australia)

The very heart of the convention for which we are all striving will be, necessarily, an effective verification regime. Central to our text is the verification annex which we have created, bringing together elements from a number of parts of the "rolling text": its significance is demonstrated not least by its relative bulk. In it, as in all of our text, we have sought to strike a balance - here between effective verification, which must be the hallmark of this treaty, and on the other hand excessive intrusiveness, which sound reasons of sovereign interest demand that we guard against.

We believe that there is a broad measure of agreement that new ground needs to be broken to ensure the effectiveness of the verification regime we want to put in place. Our consultations have indicated that member countries of the CD are not questioning the fundamental direction in which we are heading, but are now looking in a very practical way to see how their concerns either about effectiveness or intrusiveness are protected.

We have retained what is a basic, non-negotiable requirement for many, namely the spontaneity and immediacy of challenge inspection. But we have also written in very specific provisions which would deter a State party from any casual abuse of the uniquely intrusive regime which challenge inspection represents. We should not be frightened of intrusiveness, which ultimately is the best guarantee of effectiveness and the best guarantee therefore of the security of us all: after all, it is only those countries which are in breach of the convention who will have anything to fear from properly conducted intrusive inspections. But at the same time we have to avoid creating a monster which allows States parties to use the convention for purposes for which it is not designed. I hope, and believe, that those competing objectives can be accommodated, and have been in our drafting.

On challenge inspection, for example, and taking the CD's working paper 352 as a basis, our approach envisages shortened time lines, improved measures for securing the site, strengthened managed access procedures and the elimination of the concept that access is circumscribed by reference to national security concerns, legal obligations and proprietary rights. These are all concerns of those whose preoccupations are, properly enough, with the effectiveness of the regime.

But we have, of course, in our consultations, encountered continuing concern over the possibility of abuse of the challenge inspection regime. Accordingly we have introduced in our draft specific measures designed to ensure that there is no abuse. We have, in article IX.12, empowered the executive council to meet at the same time as the challenge is mounted to discuss, as fully and publicly as desired, the circumstances of the challenge. We have also, in article IX.18, provided for the executive council to issue an opinion after the challenge as to whether it was initiated and conducted in conformity with the obligation to keep the challenge within the scope of the convention. The text also provides limits on the number and duration of challenge inspections. And it contains quite specific language on abuse. We believe that these provisions provide the sort of balance which ought to be acceptable to all parties.