

(Mr. García Moritán, Argentina)

global strategic scenario. We believe that if, as negotiators, we have to accept this new scheme for the sake of consensus, it would be useful to strengthen those special aspects which, if not adequately addressed, might weaken the system to the point of irrelevance.

We are referring specifically to questions like securing the inspection site, minimum intervals once inspection is requested, and other elements connected with managed access. There has also been discussion about the question of observers, an integral part of the United States proposal, and about whether it belongs in a convention of this kind. We believe that it should prove possible to agree on a mechanism allowing the presence of observers in consultations with the requested State. Nevertheless, it must be spelled out clearly that it is the team of international inspectors of the Organization for the Prohibition of Chemical Weapons that carries out the inspection in all its aspects. To call into question their impartiality and their technical expertise through the presence of onlookers would create a dangerous precedent which could have repercussions even for the normal functioning of other mechanisms of internationally applied safeguards, such as the case of nuclear safeguards.

The third aspect we should like to deal with this morning is the role of the Executive Council in challenge inspections.

Closely connected with the system of challenge inspections is the question of assigning a role to the Executive Council in the process, both at its beginning - to determine the appropriateness of the request - and at the end of the inspection - to indicate whether or not there has been a violation. The question is extremely complex and the development of the negotiations will no doubt alter or nuance the nature of the controversy.

Be that as it may, we deem it important to keep a basic premise. The Executive Council is a political organ, albeit tinged in this case with major technical elements. That being so, it would be extremely dangerous to try to transform it into a judicial body, able to grant or not to grant a request that might have been submitted for inspection, or to pronounce final judgement concerning the situation that gave rise to the inspection. The Executive Council of the Organization will issue neither good-conduct certificates nor guilty verdicts. That is not its function and it would be unrealistic to claim that it is.

It would be possible, on the other hand, to accept the inclusion of a minimum of provisions whereby the Executive Council could have a rapid preliminary supporting opinion from the Technical Secretariat concerning the request for inspection. That organ should limit itself to confirming the existence of sufficient elements to justify launching the complicated and costly process of a challenge inspection, without entering into a value judgement on those elements, something that would seem a priori unrealistic coming from an office situated far from the place concerned. Otherwise, the Council would become a scene of polemics inconducive to the ultimate purpose of the Convention.