

PART I

The initiation of a challenge inspection

A possible approach could be the following:

- (1) Each State Party should have the right at any time to request a challenge inspection of any site under the "jurisdiction or control" of a State Party, anywhere, in order to clarify doubts about compliance with the provisions of the Convention. 1/
- (2) The request should be submitted to the Head of the Technical Secretariat. It should as precisely as possible specify the site to be inspected and the matters on which reassurance are required, as well as indicate the relevant provision(s) of the Convention, about which doubts of compliance have arisen. 2/
- (3) The Head of the Technical Secretariat should immediately notify the State Party to be inspected, and inform the members of the Executive Council about the request. 3/
- (4) A team of inspectors should be dispatched as soon as possible and arrive at the site to be inspected not later than ... hours after the request. 4/
- (5) The requested State should be obliged to admit the team of inspectors into the country and assist it so that it can arrive at the site on time. 5/

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1/ Comment: The question of "jurisdiction or control" spans over many parts of the Convention. It is under continuous discussion and the exact formulations remain to be agreed upon.

2/ Comment: The designation of the Head of the Technical Secretariat as the recipient of the request indicates that there is no political "filter". As regards the contents of the request the above mentioned elements appear to be necessary for the identification of the site and the problem. The possible inclusion of further information needs to be discussed. In this context it has been suggested that the request would need to specify where and when the suspected violation has occurred and what it consists of.

3/ Comment: The need for informing the Executive Council could be discussed. However, it appears logical that the representative executive body of the Convention is informed about a development seen as a "rare event" and which implies an activation of the so-called "safety-net" of the Convention.

4/ Comment: The time span of 24-48 hours from the request to the arrival has been discussed.

5/ Comment: Situations could be envisaged, i.a. when the site to be inspected is not on the territory of the requested State Party. Such cases could however be considered in the context of questions related to jurisdiction.