

(Mr. van Schaik, Netherlands)

However, we are still faced with the essential problem of how to act in case stocks or facilities have not been registered and challenge inspections are refused. Especially in countries with a large territory and with traditionally less open systems of communication, this can present a major problem, if no adequate verification régime is established.

Since this problem goes to the heart of the convention, I think it may be useful to explain what we see as the crux of challenge inspections.

When the convention enters into force the envisaged system of routine inspection will in general give adequate assurances that existing stockpiles of chemical weapons are destroyed and no new stockpiles are built. However, doubts may arise, in particular about places and facilities that are not declared. The root of the problem may in such cases be misunderstanding, perhaps of a technical nature, and it is obvious that a challenge inspection can most effectively dissipate any misgivings.

But the doubts expressed may also be based on suspicion that a State Party is in fact deliberately not properly implementing the convention. Cases such as clandestine stockpiling and production of chemical weapons should indeed also be covered by the convention.

It is of crucial importance that in cases of such malevolent practices no legal, procedural or other obstacle can be put in the way of a justified request for challenge inspection. For the effective functioning of the convention, confidence in its implementation is essential. Confidence can only be instilled if intrusive on-site inspection is, in those cases of supposed malpractices, guaranteed.

The United States delegation has, now three years ago, in its proposal under article X (CD/500) rightly pointed out the way in which we should find a solution. We feel the British approach, as presented in CD/715, building on the United States proposal, to be a realistic one. The British Working Paper advanced the idea that in exceptional circumstances, in particular for national security reasons, alternative measures may be proposed by the challenged State, but those should be to the satisfaction of the challenging State. If the latter State is not satisfied and if the challenged State cannot in time advance other alternative measures, contracting parties will face a situation in which the challenged State may be declared as violating the convention.

It is clear that all parties have an interest that such a crisis will never break out. It could in fact undermine the overall functioning of the treaty as such. It is therefore of the greatest importance that in the coming months we seek a solution which minimizes the risk that such a crisis situation will in fact lead to the breaking down of the convention. But the rule should remain that the complaining party has the right to international challenge inspection on the spot.