

(Mr. Nazarkin, USSR)

The inclusion of a provision in the convention to the effect that the "final say" on the inspection procedure should belong to the challenging State does not create conditions for a mutually acceptable solution, for the challenging party will thus have no interest in agreeing on alternative measures. After all, in such a case the challenging party will just have to wait until the time-frame for proposing and agreeing on alternatives expires, and then the inspection will go ahead according to its initial demand. Of course, under these circumstances there can be no serious negotiations on alternatives and the very idea of proposing such measures is called into question.

If it were accepted that challenge inspections are to be completely automatic in all cases, then we would achieve clarity in one respect only: a refusal to accept an inspection would mean violation of the convention. But such clarity can prove misleading, for the main question -- whether or not the suspected State has chemical weapons -- will remain unresolved. After all, this should be our task, and not the purely formal accusation against a State of violating any provision of the convention. In our view, such purely formal accusations, particularly if abused, may weaken the convention and undermine its authority.

In our view, in the event that it proves impossible to agree on alternative measures, all facts relevant to the matter and all proposals of the parties should be submitted for consideration to an international authority to be established under the convention which, having considered all the circumstances, would evaluate each party's case and would be in a position to decide that there is a case of non-compliance by a two-thirds majority. We believe that negotiating alternative measures in good faith should constitute one of the obligations under the convention.

One of the elements of challenge inspections is the question whether it would be appropriate to have in this mechanism a body which would decide whether a particular challenge is justified and whether the inspection should be carried out -- in other words, would act, as it were, as sort of a filter.

We appreciate the concern of those countries which are afraid that without a "filter" there would be a possibility for abuse of the right to make a challenge. Presumably, the Fact-Finding Panel proposed in the United States paper (CD/500) is meant to act as such a "filter". One should think that it is hardly to be expected that a body which is so undemocratic in its composition and method of decision-making could have the support of the participants in the negotiations in the Conference on Disarmament. We would prefer to have the Executive Council act as a "filter". At the same time, in the view of the Soviet delegation, the question as to whether or not there will be a "multilateral filter" in the Convention is not an essential issue. If the participants in the negotiations feel that the convention should not provide for any "filters" at all and that, as provided in the British paper,