

(Mr. Negretto Cambiaso, Italy)

with the convention, including a specification of the relevant provision of the convention about which concerns have arisen, and the nature and circumstances of the suspected non-compliance", failing which one could envisage the return of the incomplete request to the challenging State, with an invitation to insert any missing elements. It would not be a substantive "filter", irreconcilable with the need for tight time-frames, but, rather, a procedural one, which the director-general of the technical secretariat would be called upon to fulfil through a formal evaluation of the admissibility of the request.

Furthermore, another element would seem relevant to the purpose of preventing negative consequences for the inspected State arising from requests not consistent with the scope of the convention: I am referring to the role of the inspection team and to the possibility that, during the conduct of the inspection, or even when drafting the inspection plan, a certain leeway and flexibility may be recognized in implementing the degree or the extension of the intrusiveness of the inspection, whenever it came across manifestly unfounded requests. In such circumstances it could even, in extreme situations, assume the responsibility of suspending or interrupting the inspection, thereby declaring it null and void. We therefore share the views of those who consider that the mandate should be flexible enough for the inspection team to tailor the inspection to the conditions they meet on the site.

The material conduct of the inspection can also provide us with some of the answers for the central dilemma of this system of verification, consisting in the search for the all too famous best balance between protection of confidentiality and the required intrusiveness of the controls. We are of the opinion that it may be possible to include more stringent provisions in the useful approach reflected by the four Western delegations, as far as inspections of undeclared sites are concerned, irrespective of the need to ensure in any case greater intrusiveness for the verification system of declared facilities.

We acknowledge the legitimate concerns of countries that, more than others, may find themselves potentially exposed and at a greater risk of disclosing national-security-related information not relevant to the convention. Concerns of such a nature, according to recent experience with national trial inspections (and as indicated also in the above-mentioned document), may be taken into account, in certain specific and sensitive circumstances, by giving exceptionally only individual inspectors access to certain parts of the inspection site, binding these inspectors with specific commitments about non-disclosure of unrelated confidential information. Furthermore, with regard to the need to secure the site in advance, in order to protect it from tampering of any kind, further thought should be given to the various possibilities of giving the inspection team discretion in checking incoming and outgoing traffic, by means of randomized controls, especially when inspecting large sites, or adopting some criteria in terms of quantitative thresholds (such as the tonnage of vehicles). We are of the view, in other words, that there is still further negotiating "room for manoeuvre" in order to reconcile positions and requirements which we believe will be less constraining in reality than in theory.