

OUTCOME OF THE OPEN-ENDED CONSULTATIONS ON
ARTICLE IX, PART 2

During the 1989 session, the Chairman of the Ad Hoc Committee carried out private and open-ended consultations on Article IX, Part 2 (on-site inspection on challenge). These consultations were based on the text contained in CD/881, Appendix II, pages 141-144.

This paper contains the outcome of these consultations. The paper is presented with the aim of furthering the process of elaboration of Article IX.

1. Each State Party has the right to request an on-site inspection in any other State Party in order to clarify (and resolve) any matter which causes doubts about compliance with the provisions of the Convention, or any concern about a matter pertaining to the implementation of the Convention and which is considered ambiguous, and to have this inspection conducted anywhere, at any time and without delay by a team of inspectors designated by the Technical Secretariat. The inspection shall be mandatory, with no right of refusal. A requesting State is under the obligation to keep the request within the scope of the Convention. Throughout the inspection, the requested State has the right and is under the obligation to demonstrate its compliance with the Convention.

2. The request shall be submitted by the requesting State to the Director-General of the Technical Secretariat, */**/ who shall immediately notify the State to be inspected and inform the members of the Executive Council (as well as all other States Parties). The requesting State Party shall, as precisely as possible, specify the site to be inspected ***/ and the matters on which reassurance is required, including the nature of the suspected non-compliance, as well as indicate the relevant provisions of the Convention about which doubts of compliance have arisen.

3. The mandate of the team of inspectors for the conduct of the inspection is the request put into operational terms, and must conform with the request. The team shall conduct the requested on-site inspection with the purpose of establishing relevant facts. The inspection team shall have the access to the site it deems necessary for the conduct of the inspection. It shall conduct the inspection in the least intrusive manner consistent with the effective and timely accomplishment of their task. The time-frame within which the team shall arrive at the site, secure it the way it deems necessary, have access

*/ A view was expressed that the request should be channelled through a Fact-finding Panel.

**/ It has been pointed out that there is a need to discuss ways and means to prevent misuse of such requests.

***/ Possible specification of the site in two steps to be further discussed.