

this may overcome some reticence by the NAM to agree. This approach could be offered as a compromise.

By keeping the inquiry separate from the fact-finding mission and largely obligatory, some authoritative public attention could still be focussed on incidents of non-compliance. If the fact-finding mission is refused, the inquiry will have to rely on evidence from other sources of information for evidence. In the case of such a refusal, a party is still obliged to endeavour to provide "reasonable assurances" (this term is from the CFE Treaty dealing with challenge inspections) keeping some pressure on them to provide an explanation of their refusal. The next evolution of the CCW verification system (ie. at the next RevCon) might attempt to make fact-finding missions non-refusable.]

(d) ~~For the purposes of sub-paragraph (3) (c) of this~~ Article, the Depository shall prepare a list of qualified experts provided by States Parties and constantly keep this list updated. The experts shall be designated in view of the particular fields of expertise that could be required in a fact-finding mission concerning compliance with the provisions of this Protocol. The initial list as well as any subsequent change to it shall be communicated, in writing, to each State Party without delay. Any qualified expert included in this list shall be regarded as designated unless the State Party, not later than thirty days after its receipt of the list declares its non-acceptance, in which event the Commission shall decide whether the expert in question shall be designated.

[Adapted from Article 11 (2) of Alternative "A" (West). To further reduce the confrontational/intrusive optics, this parag as well as (e) through (g) below might be deleted, leaving the detail as to how fact-finding missions are to be conducted and the obligations of the receiving party to be worked out on an ad hoc basis. This approach is a second best one, however, as experience from arms control verification suggests that it is usually best to spell out rights and obligations in advance.]

(e) Upon receiving a request from the Commission, the Depository shall appoint a team of experts for the list of qualified experts, acting in their personal capacity, to conduct a fact-finding mission at the site of an alleged incident. Experts who are nationals of States Parties which requested the inquiry shall not be chosen. The Depository shall dispatch the team of experts at the earliest opportunity taking into account the safety of the team.

[Adapted from Article 11 (3) of Alternative "A" (West).]

(f) The party to a conflict concerned, having granted permission to the Commission to send a team of experts to conduct