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Working paper submitted by the
United Kingdom

CLARIFICATION AND CONSULTATION PROCEDURES

Purpose and initiation

1. The Organization shall have the right to seek clarification from any State Party of any ambiguity, uncertainty, anomaly, omission or any other issue relating to the declaration obligations of this Protocol, through consultations with the State Party concerned.
2. Each State Party shall also have the right to submit to the Organization a request for clarification of any ambiguity, uncertainty, anomaly, omission or any other issue relating to the declaration obligations of any State Party under this Protocol.

Consultations

3. The Organization and the State Party concerned shall seek to resolve the ambiguity, uncertainty, anomaly, contradiction in, or omission from, the national or individual facility declarations in the first instance through consultations and/or correspondence, as provided for in section ... of this Protocol.

Visits

4. Should the Organization and the State Party concerned be unable to resolve the ambiguity, uncertainty, anomaly, omission or other issue satisfactorily through such consultations, the Organization shall have the right to visit the declared facility or facilities in respect of which the ambiguity, uncertainty, anomaly, omission or other issue has arisen.

5. The Organization may also visit other relevant sites by agreement with the State Party concerned.

6. The objective of any such Clarification Visits shall be to clarify the situation and promote accuracy and comprehensiveness in future declarations.

Numbers of Visits

7. The Organization shall carry out a maximum of [] visits under this Section [Article] during each two year period.

8. Within the overall limit specified in Paragraph 7, the Organization shall carry out a maximum of [] visits under this Section [Article] during each two year period, to States Parties within each of the five regional groups of countries - Africa, Asia, Eastern Europe, Latin America and the Caribbean, and the Western European and other States.

9. The Organization shall carry out no more that [] visits under this Section [Article] to each State Party during each two-year period.

10. A State Party may offer visits in addition to those stipulated above in order to clarify any situation. The Director-General of the Organization shall decide on the implementation of such visits, taking into account the resource implications.

Implementation of Clarification Visits

11. Clarification Visits pursuant to Paragraph 4 shall be conducted within 21 days of receipt by the State Party concerned of notification from the Organization of its intention to conduct such a visit. All on-site activities shall be conducted on a managed access basis, as detailed in the Annex on Investigation/Visit procedures.

12. The focus of a Clarification Visit shall be the declared facilities and activities, especially those aspects connected with the ambiguity, uncertainty, anomaly, contradiction in, or omission from, the declaration.

13. The visiting team shall have the right to ask questions about other parts of the facility and its activities where

these are relevant to improving its understanding of the facility declaration and the specific issues under clarification. The visiting team shall also have the right to request access to other parts of the facility. Access shall be by agreement of the facility personnel.

14. The principal on-site measures shall be interviewing, identification of key equipment, auditing and visual observation as appropriate. Sampling shall only be conducted if offered by the facility and deemed useful by the visiting side. Any mutually agreed sampling and analysis shall be performed by facility personnel, but in the presence of the visiting team.

15. The rights and obligations of the visiting side and visited facility shall be as contained in the Annex on Inspection/Visit procedures.

16. Each Clarification Visit shall last no more than .. working days. This period may be extended by agreement.

17. Each visiting team shall consist of no more than four experts from the Organization. Verification equipment shall be brought onto the facility only with the agreement of the State Party concerned.

Reporting

18. The Organization shall circulate to State Parties a report of the results of clarification and consultation procedures.

19. Where a visit has taken place, the Organization shall circulate to State Parties a report of the visit, including any findings of the visiting team relevant to the issue(s) under clarification.

20. On receipt of such reports, the politically representative body of States Parties shall consider what if any further action is required.
