

Seventh session  
Geneva, 14 July - 1 August 1997

Working paper submitted by Canada

**Canadian views on Non-Challenge Visits**

**Introduction**

1. This paper takes as its starting point the work of VEREX and the recognition, on the one hand, that reliance cannot be placed on any single verification measure to determine compliance; and, on the other hand, that a combination of verification measures can have a synergistic effect in enhancing the capabilities of the measures concerned and the overall effectiveness of the verification effort.

2. It also begins with the viewpoint, as expressed in the Verification Principles endorsed by the United Nations General Assembly in Resolution A/RES/43/81(B) of 7 December 1988, that "Adequate and effective verification is an essential element of all arms limitation and disarmament agreements." Furthermore, the Principles go on to say the following:

"Adequate and effective verification arrangements must be capable of providing, in a timely fashion, clear and convincing evidence of compliance or non-compliance. Continued confirmation of compliance is an essential ingredient to building and maintaining confidence among the parties."

3. It was clear from that Resolution, related work of the Disarmament Commission, and subsequent Resolutions referring to these Principles and verification and passed without a vote, that verification was seen not only in confrontational terms, but also in cooperative terms, where assurance of compliance and possible concerns about non-compliance could be addressed as two sides of the same issue. It was also explicit, both in the above-mentioned Principle in more recent treaties that have been concluded, that verification is seen as an on-going activity.

**Purposes of Verification in general, and  
Non-Challenge Visits in particular**

4. It follows, then, that a BTWC verification regime could be said to have the overall purposes of contributing to:

- assurance of compliance with obligations under the Convention and related obligations under the Protocol;
- deterrence of non-compliance with those obligations; and
- detection of non-compliance should it occur.

5. In a perfect world, only assurance of compliance would be necessary just as, in a perfect world, there would be no need for armed forces to protect the state from international aggression. In a less than perfect world, where the State's security is at stake, measures must be taken to prepare for other possibilities. Hence, one often points to the recognition by the United Nations Charter of the inherent right of self-defence; and one can also point to the more recent but similar recognition by the UN General Assembly, and international treaties themselves, of the acknowledged purposes that verification plays in relation to arms control agreements.

6. It is understood, as reflected in VEREX, that the constituent elements of a verification regime can contribute, in different ways and to different degrees, to each of the overall purposes listed above. Some by their nature -- for example, speed of operation or intrusiveness -- may be seen to be particularly useful in relation to detection and, perhaps by extension, to deterrence. Challenge inspection is usually seen in this way. Other measures, by establishing a "baseline" of State/International Organization relations and interaction, may have particular merit in contributing to assurances of compliance with certain obligations. Non-Challenge Visits (NCVs) and Confidence-Building Measures (CBMs) are often characterized as serving such a purpose. It is generally understood that it is in the totality of the measures that the overall purposes of the verification regime can be achieved through, on the one hand, certain insistent -- perhaps even confrontational -- provisions; and, on the other, through more cooperative provisions.

7. Because it is likely that Challenge Inspections will affect only a few, if any, of the States Parties, the question arises as to how one might conclude that other States Parties are devoting the necessary level of national oversight and effort to fulfilment of obligations upon which the security of each of us would rely to at least some extent. In other words, for the Protocol and its measures to instil any additional confidence, States Parties need to be assured that the Protocol, its measures and its obligations are treated as a "living document" and not only a "paper" commitment. The question also arises as to how to do this in a cost-effective, undisruptive way, with a low political profile in view of the likely procedural nature of the activity.

8. Given the different industrial practices and procedures that vary from one firm to another and one country to another, it should not be taken for granted that an international inspectorate could simply arrive in an unfamiliar country and be able to get on with its work immediately. Add to this linguistic, as well as operational/logistic/travel complexities, and the stage might be set for unnecessary misunderstanding and friction, especially if there is no record of previous successful interaction between the State Party and the inspectorate. Visits in a cooperative, non-confrontational atmosphere have much to offer to both the inspected party and the inspectorate in working through the legal and procedural issues associated with a visit as both sides respect each other's rights and obligations. Visits offer an opportunity for both sides to see the other in action, to understand how and why they do things certain ways, and to understand each other's sensitivities and concerns. All of these are worthy considerations, but one should not lose sight of the principal reason for NCVs: assurance of the fulfilment of the obligation to submit accurate, complete declarations under the Protocol, as but a small part of fulfilling one's national obligations under the Convention itself.

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