

# 5

Basic Facts: Booklet 5

## On-Site Inspections





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Comprehensive Nuclear-Test-Ban Treaty  
Organization (CTBTO)

Basic Facts:  
On-Site Inspections  
ISBN for the series: 92-95021-03-7  
ISBN for this volume: 92-95021-08-8

# Basic Facts 5

## On-Site Inspections

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The On-Site Inspection (OSI) regime prescribed by the Treaty is designed to meet inspection needs that are unique to the circumstances surrounding a possible violation of the CTBT. Because some of the evidence—for example, seismic aftershock data—that could resolve uncertainty dissipate quickly and become lost among the ‘noise’, the OSI regime requires that the inspection team (IT) arrive at the site of the triggering event within a few days. Because some of the other evidence—for example, radionuclide data—that could resolve the uncertainty may take weeks or even months to propagate to where they might be detectable, the Treaty permits inspections to last for as long as 130 days. And because the inherent uncertainty in the location estimate of certain triggering events may be large, the area that may be inspected under the CTBT OSI regime is large—up to 1000 square kilometers. As it is possible that other physical signatures may shed light on the ambiguous event, the Treaty permits the inspection team to use a variety of technical equipment to seek those signatures, including passive and active seismic equipment, soil-gas and environmental radionuclide detectors, and several advanced geophysical techniques, all complemented by visual observation both from the ground and from aerial overflight. In order to balance the work of the team with the legitimate needs of the inspected State Party to preserve the confidentiality of sensitive information unrelated to the Treaty, all of the above activities are subject within the Treaty to certain restrictions on overflight, photography and managed access measures. Finally, because the above inspection requirements are quite demanding, the Treaty provides that the IT may comprise up to 40 inspectors at the same time on the territory of the inspected State Party, drawn from around the world.



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## 1 Introduction

Under the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the verification regime to monitor compliance needs to be operational at entry into force. This regime shall be capable of detecting nuclear explosions in all environments - underground, in water and in the atmosphere. The regime monitors the world for such events as may point to a possible nuclear explosion. If such an event were to occur, concerns about possible non-compliance with the Treaty may be addressed through a consultation and clarification process. Notwithstanding, States can request an on-site inspection (OSI). An on-site inspection is the final verification measure under the Treaty.

The purpose of an on-site inspection is to clarify whether a nuclear weapon test or any other nuclear explosion has been carried out in violation of the Treaty and to gather facts, as far as possible, which might assist in identifying any possible violator.

## 2 Procedures

### **Request**

In the event that a possible nuclear explosion is detected by the International Monitoring System (IMS) or by national technical means of verification in a manner consistent with generally recognized principles of international law, a State Party may request an on-site inspection. The request must contain specific information, including the location of the event triggering the request, the State Party or States Parties to be inspected, and the probable environment of the triggering event. The OSI request must also include the estimated time of the event, all data upon which the request is based and the personal details of the proposed observer, if any, to the inspection process. The OSI request should also include the results of the consultation and clarification process carried out prior to the OSI request, or an explanation, if relevant, as to why such a process has not taken place.



INFRASOUND SIGNAL, MINING EXPLOSION

Requests for on-site inspections are presented to the Executive Council and at the same time to the Director-General of the Technical Secretariat of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO). If a frivolous or abusive request is found to have been made, the Executive Council can decide to implement measures set out in the Treaty to redress the situation.

### **Follow-up to a request**

Once an on-site inspection request is received, the Executive Council immediately begins consideration. Concurrently, the Director-General acknowledges receipt of the request to the requesting State Party and communicates the request to the State Party sought to be inspected within six hours. If necessary, the Director-General also assists the requesting State Party to file its request as required. The Director-General shall communicate the request to the Executive Council and all other States Parties within 24 hours.

The Director-General seeks clarification immediately from the State Party that is the subject of the inspection request in order to clarify and resolve the concern raised in the request. That State Party has 72 hours within which to provide the Director-General with explanations and other relevant information available. The Director-General immediately transmits any additional information available from the IMS or provided by any State Party, as well as any other relevant information from within the Technical Secretariat, to the Executive Council. Unless the requesting State Party considers the concerns raised in the on-site inspection request to be resolved and withdraws the request, the Executive Council shall take a decision whether to approve an on-site inspection or not.

### **Executive Council decisions**

The Executive Council shall take a decision within 96 hours of receipt of the inspection request. Approval of an on-site inspection requires at least 30 affirmative votes of the 51-member Executive Council. The Council is also responsible for subsequent decisions on the execution, duration and termination of the OSI. The requesting State Party and the State Party sought to be inspected may participate in the deliberations of the Executive Council on the on-site inspection request without voting. The requesting State Party and the inspected State Party also participate without voting in any subsequent deliberations of the Executive Council related to the inspection.



### **Follow-up after Executive Council approval**

An on-site inspection approved by the Executive Council shall be conducted without delay by a team designated by the Director-General in accordance with the Treaty. The Director-General issues an inspection mandate for the conduct of the on-site inspection, which mandate contains specified information including the decision of the Executive Council on the on-site inspection request, the name of the State Party or State Parties to be inspected, the location and boundaries of the inspection area, and the planned types of activity of the inspection team in the inspection area. The inspection mandate also contains the point of entry to be used by the inspection team, together with any transit or basing points, the names of the head of the inspection team, the inspection team members and the proposed observer, if any, and a list of the equipment to be used in the inspection area.

The Director-General shall notify the inspected State Party of the inspection no less than 24 hours before the planned arrival of the inspection team at the point of entry.

### **Conduct of an on-site inspection**

States Parties shall permit the Organization to conduct an on-site inspection on their territories or at places under their jurisdiction or control in accordance with the provisions of the Treaty and the Protocol. However, no State Party has to accept simultaneous on-site inspections on its territory or at places under its jurisdiction or control.

The inspected State Party:

- Must make every reasonable effort to demonstrate its compliance with the Treaty and to enable the inspection team to fulfil its mandate;
- Has the right to take measures it deems necessary to protect national security interests and to prevent disclosure of confidential information not related to the purpose of the inspection;
- Is obliged to provide access within the inspection area, taking into account its rights to protect national security interests and any constitutional obligations it may have with regard to proprietary rights or searches and seizures;



THE REPUBLIC OF KAZAKHSTAN HAS HOSTED AN ON-SITE INSPECTION EXPERIMENT

- Is obliged not to invoke its rights under the Treaty in order to conceal any violation of its obligations under Article I;
- Must not impede the ability of the inspection team to move within the inspection area and to carry out inspection activities which are in accordance with the Treaty and the Protocol.

On-site inspections are to be conducted in the least intrusive manner possible, consistent with the efficient and timely accomplishment of the inspection mandate, and in accordance with the procedures set forth in the Protocol. Wherever possible, the inspection team shall begin with the least intrusive procedures and then proceed to more intrusive procedures only as it deems necessary. Only the information and data necessary for the purpose of the inspection shall be sought, and interference with normal operations of the inspected State Party will be kept to a minimum. The inspected State Party shall assist and facilitate the inspection team throughout the on-site inspection. If, in accordance with its rights as specified in the Treaty, the inspected State Party restricts access within the inspection area to protect national security interests and to comply with its constitutional obligations, it must make every reasonable effort in consultations with the inspection team to demonstrate through alternative means its compliance with the Treaty.

The inspected State Party provides for or arranges amenities necessary for the inspection team, such as communication means, interpretation services, transportation, working space, lodging, meals and medical care. All expenses related to the stay and the functional activities of the inspection team will be reimbursed by the Organization to the inspected State Party.

### **Observers**

A State Party requesting an inspection may send a representative to observe the conduct of the on-site inspection, subject to the agreement of the inspected State Party. There shall be no more than three observers from an aggregate of requesting States Parties.

### **On-site inspection reports**

On-site inspection reports shall contain:

- A description of the activities conducted by the inspection team;



- The factual findings of the inspection team relevant to the purpose of the inspection;
- An account of the cooperation granted during the on-site inspection;
- A factual description of the extent of the access granted, including the alternative means provided to the team, during the on-site inspection;
- Any other details relevant to the purpose of the inspection.

Differing observations made by inspectors may be attached to the report.

The inspected State Party has 48 hours within which to make comments or explanations to the draft inspection report, and to identify any information and data which, in its view, are not related to the purpose of the inspection and should not be circulated outside the Technical Secretariat. Wherever possible these changes shall be incorporated. The Director-General shall also annex the comments and explanations provided by the inspected State Party to the inspection report.

The results of the inspection - the report, any results of sample analysis in designated laboratories, relevant data from the International Monitoring System, the assessments of the requesting and inspected States Parties, as well as any other information that the Director-General deems relevant - shall be transmitted promptly by the Director-General to the requesting State Party, the inspected State Party, the Executive Council and to all other States Parties. The Executive Council, in accordance with its powers and functions, reviews the inspection report and any material provided, and addresses any concerns as to whether any non-compliance with the Treaty has occurred, and whether the right to request an on-site inspection has been abused.

If the Executive Council reaches the conclusion that further action may be necessary, it shall take the appropriate measures in accordance with Article V of the Treaty. This Article provides for measures to redress a situation and to ensure compliance, including sanctions.



### 3 Operational Manual

An OSI Operational Manual (OM) is being developed to guide the actions of the Inspection Team, focusing on a description of procedures that could lead to an effective OSI. Among the issues to be addressed are: procedures for overflights; deployment and re-deployment of seismic, radionuclide and soil-gas sensors; and collection, handling and analysis of samples. The Manual will also contain a list of core and auxiliary inspection equipment, together with procedures for calibrating, checking and protecting such equipment. Further, the Manual will address such issues as communications between the inspection team and the CTBTO Director-General, health and safety provisions for team members, managed access and other measures for appropriately protecting the confidentiality of data, findings and information that are not related to the purpose of the inspection.

### 4 Acquisition of Equipment

The Treaty stipulates the technologies which may be used for an on-site inspection. During the initial phase -up to 25 days- they include position-finding from the air and at the surface, visual observation, measurements of radioactivity, environmental sampling and passive seismological monitoring for aftershocks

Later in the OSI process, as the active search area(s) may be narrowed, the Treaty allows the use of active seismic surveys, magnetic and gravitational field mapping, electrical conductivity measurements, etc.

PUBLISHED BY:

Public Information  
Preparatory Commission for the  
Comprehensive Nuclear-Test-Ban  
Treaty Organization (CTBTO)

Vienna International Centre, P.O.Box 1200  
A-1400 Vienna, Austria

T +43 1 26030 6200  
F +43 1 26030 5823  
E [info@ctbto.org](mailto:info@ctbto.org)  
I [www.ctbto.org](http://www.ctbto.org)

Printed in Austria, August 2001