

Introduction: verification under challenge

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It was, overall, a bad year for verification. In the arms control and disarmament area the existing verification and compliance regimes suffered troubling setbacks, while support for new or additional verification measures for other internationally agreed bans or restrictions on weaponry dissipated in the face of opposition. The United States, even more than usual, played a seminal role in almost all verification issues. A past champion of verification, the US has, under the administration of President George W. Bush, unfortunately begun to play a spoiler role.

The most dramatic event was the ignominious collapse in July 2001 of the six-year attempt to negotiate a verification system for the 1972 Biological and Toxin Weapons Convention. The US withdrew its support both for a draft protocol to the convention and the entire negotiating process. Later in the year it ventured a motley collection of lame substitutes which collectively would fail to constitute an effective and efficient verification regime. Yet, none of the states purportedly in favour of strong biological weapons (BW) verification—among them Australia, Canada and the members of the European Union—stepped forward to champion the protocol and insist that negotiations proceed with or without the US. Even the United Kingdom, which had expended so much political capital and research effort in attempting to meet US concerns—which careened schizophrenically from desiring unrealistic verifiability to wanting minimal intrusiveness—slunk quietly away from the negotiating table. The treaty review conference in November was clueless about how to proceed.

Meanwhile, the verification regime for chemical weapons, for which the biological weapons regime was meant to be a companion, began to encounter financial and managerial difficulties. The system had been touted as the *crème de la crème* of

multilateral verification in the disarmament field. Negotiated during the 'honeymoon' period following the end of the Cold War, the 1993 Chemical Weapons Convention provides for a standing inspectorate, intrusive on-site inspections, an ambitious timetable for chemical weapon destruction and continuous monitoring of some sections of chemical industry. Its successes to date are unassailable: the Organisation for the Prohibition of Chemical Weapons, located in The Hague in the Netherlands, has established a unique verification system that is global in its reach and in many respects a model of effectiveness. In 2001 it conducted its 1,000th inspection. Nonetheless, if the difficulties it has begun to encounter, some the fault of member states rather than of its own making, are not remedied quickly, the whole reputation of multilateral verification might be tarnished, giving succour to those who oppose the enterprise as an unwarranted and costly intrusion into the sovereignty of the nation-state.

Another verification regime which has been showing great promise, despite the fact that the treaty it is intended to serve has not yet entered into force, is that being established by the Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organisation. Based in Vienna, Austria, a Provisional Technical Secretariat has made impressive advances in putting in place an International Monitoring System and an International Data Centre for verifying the absence of nuclear tests. Again it is the US which has sought to curtail the regime, in this instance by announcing that it will withhold the proportion of its assessed financial contribution that would be devoted to preparing the on-site inspection arrangements. The US delegation has also withdrawn from negotiations on the Operational Manual for such activities. These measures represent a compromise between those in Washington who wish to totally disassociate the US from a treaty that Bush says he will not ratify and those who see value in test ban verification work regardless of the US stance on ratification. While the verification community should perhaps be thankful that more drastic cuts were not made, the withholding of part of an assessed contribution on political grounds is not only illegal but sets a poor example to other states. A number of other countries, like China and Iran, would like to see the verification system weakened on political grounds. Other countries, like Argentina and Brazil, seek to absolve themselves, because of their economic circumstances, of their legal responsibility to help fund the system. Although the immediate

impact on the implementation of the test ban verification regime will be manageable, over the long term the American position is unsustainable.

Two verification situations where the US would justifiably like to see movement have, to Washington's chagrin, remain stymied. The United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), which was intended in 2000 to assume the role of detecting Iraqi attempts to reconstitute their nuclear, chemical, biological or long-range missile programmes, remains confined to headquarters in New York doing desk studies, examining the lessons of its predecessor, the United Nations Special Commission (UNSCOM), and planning for the day when it will be allowed to conduct on-site inspections in Iraq. To date, Iraq has been uncompromising in its refusal to admit UNMOVIC to its territory, despite the attempt to woo it with a less punitive sanctions regime. The United Nations Security Council, largely due to France and Russia, remains shamefully deadlocked over how to deal with Iraq, despite Baghdad's flaunting of the Council's legally-binding demands and its successful torpedoing of UNSCOM.

In the case of North Korea, despite an apparent warming of relations with South Korea and a charm offensive by North Korean President Kim Jong-Il, there has been no notable progress towards Pyongyang meeting its legal obligations to account for all of its nuclear activities and materials as it is obliged to do under its full-scope safeguards agreement with the International Atomic Energy Agency (IAEA). As a result, the deal that was done in the 1994 Agreed Framework to provide North Korea with civil nuclear power plants in return for a renewed, verifiable commitment not to acquire nuclear weapons, faces a crisis in the not too distant future. Adding further complexity, the US has now insisted that North Korean missile activities also be subject to verification before further political progress can be made. Although the Iraqi case and the 11 September terrorist attacks on the US have tended to overshadow the North Korean situation, this verification problem could yet produce a confrontation in North East Asia that will command the world's attention.

The 1997 Ottawa Convention, which bans anti-personnel landmines, will also face a credibility problem with regard to its verification and compliance mechanisms if steps are not taken soon. In 2000 and 2001 the first credible evidence of states parties violating the treaty since it entered into force were raised at annual

meetings of the parties, albeit by a civil society monitoring coalition known as Landmine Monitor. The public insouciance with which the allegations against Uganda and Zimbabwe were greeted by most states parties and the lack of a decision on how to proceed henceforth is of concern for the future of the treaty.

This catalogue of woes does not mean that there were no encouraging verification developments during the year. The IAEA continued to work on ways to strengthen a nuclear safeguards system that Iraq and North Korea had shown to be so wanting. Although the rate at which states are signing and ratifying additional protocols to their safeguards agreements is slow, pioneering work to improve the system is being done by the IAEA and those states, like Australia and Canada, which have been early converts to the additional protocol process. Work on integrated safeguards, both to achieve efficiencies and better target the verification effort, is continuing. For the first time in 10 years the agency has been relieved of the burden of zero-growth budgeting.

Another encouraging development for multilateral verification occurred in 2001 when Russia and Belarus both ratified the 1992 Open Skies Treaty, making entry into force of the agreement likely in early 2002. The treaty will open the entire territory of its parties to aerial observation by unarmed fixed-wing aircraft, using an agreed suite of sensors. Eventually any country will be able to accede to the treaty, paving the way for a global verification regime than can be used to monitor any agreement. Also in 2001, the 13-year on-site inspection regime for the 1987 Intermediate-range Nuclear Forces Agreement (INF) was successfully terminated, while Ukraine verifiably destroyed the last of its nuclear silos under the first Strategic Arms Reduction Treaty (START) of 1991.

Behind the headlines, of course, the implementation of the verification provisions of a wide number of other arms control and disarmament agreements continues to proceed smoothly. Besides the START and INF agreements, the Conventional Armed Forces in Europe Treaty, the Dayton sub-regional and regional agreements for the Balkan states, and the Vienna Documents which the Organisation for Security and Co-operation in Europe (OSCE) helps implement, are all achieving their objectives effectively and verifiably. Indeed, it is easy to forget that the vast majority of states parties to bilateral and multilateral arms control and disarmament agreements abide by their obligations, co-operate fully with their reporting, moni-

toring and verification requirements and thereby demonstrably contribute to the building of international security. Most pay their dues fully, as well as contributing personnel, technology and resources to the monitoring and verification effort, often in an unheralded fashion.

In the environmental arena, the political agreement reached in Bonn, Germany, in July 2001 on outstanding implementation issues related to the 1997 Kyoto Protocol to the 1992 Climate Change Convention paves the way for finalising and beginning implementation of the protocol's complex compliance arrangements. That progress was made despite the decision of the Bush administration to reject the Bonn agreement—and, in a foretaste of what was about to befall the biological weapons protocol, the Kyoto Protocol itself—was a heartening boost for multilateralism. Other environmental treaties, such as the 1973 Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), are seeing a continuing quiet evolution of their compliance systems towards greater transparency and more robust responses to non-compliance. CITES parties are particularly impressive in venturing to impose sanctions for non-compliance on non-parties. Monitoring of implementation of the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer has, meanwhile, revealed a major environmental success story: the hole in the ozone layer is beginning to close as a direct result of near universal compliance with the treaty.

With regard to the monitoring and verification of peace agreements, the presentation of the so-called Brahimi Report to the UN Security Council and UN General Assembly in 2000 raised hopes that these neglected aspects of peace operations, along with many others, would receive due political and financial support from the organisation and member states. Initial substantial increases in funding and staffing resources for the UN Department of Peacekeeping Operations augur well. It remains to be seen what impact these developments will have in the field, where monitoring of compliance has always been a Cinderella undertaking, a world away from the strict verification and compliance measures applied to multilateral arms control and disarmament agreements. The OSCE, for its part, established an Operations Centre in Vienna to professionalise its monitoring missions, while deploying a substantial new operation in Macedonia in 2001. Israel continued to reject international monitoring in its ongoing conflict with the Palestinians. But

Northern Ireland witnessed an historic breakthrough when a substantial act of verified disarmament—in Irish parlance ‘putting weapons permanently and verifiably beyond use’—occurred in October 2001 under the auspices of the International Independent Commission on Decommissioning. Other lesser known missions, such as the International Peace Monitoring Team in the Solomon Islands, and the UN mission in Ethiopia and Eritrea continued to chalk up successes.

It is by now, even a couple of months after the tragic events of 11 September in New York and Washington, DC, a truism to describe them as having affected everything. Yet while the full impact of the attacks and the subsequent ‘war on terrorism’ are still being played out, it seems that the field of verification may be one of those that is little changed. There had been hope that having been cruelly reminded of the need for multilateral co-operation in fighting terrorism and having received the overwhelming support of the international community in doing so, the Bush administration would conclude that multilateralism was essential in other areas like arms control and disarmament and the environment. Those of us involved in the verification ‘business’ hoped that, in turn, the value of effective and efficient verification in all fields of multilateral endeavour would now be self-evident. Alas, this seems not to be the case.

Although the US decision to reject the BW and Kyoto protocols came before 11 September, there has subsequently been no evidence that the events have changed US policies. The US remains outside the Kyoto Protocol and shows no sign of reconsidering its position, despite an explicit call from British Prime Minister Tony Blair for it to do so as a result of the new need for multilateralism. US proposals for tackling the threat of biological weapons—made frighteningly real by the anthrax attacks that followed 11 September—are pitifully inadequate compared with a legally-binding and suitably intrusive international verification agreement. It seems that the September events, unprecedented though they have been, have not been enough to overcome the strong opposition of the US biodefence establishment and biotechnology industry to verification.

Perhaps the greatest verification irony came in November 2001 with the agreement in Crawford, Texas, between Russian President Vladimir Putin and George W. Bush to seek to lower the levels of strategic nuclear weapons to fewer than 2,200 for each country. In a reversal of President Ronald Reagan’s concern to

‘Trust but verify’ in the face of Soviet opposition to intrusive verification, it was the American president who was prepared to settle for the equivalent of an international ‘handshake’, while Putin pressed for effective, co-operative verification of the cuts. The US administration appeared to have given little thought to the possibility that future disputes may arise over the precise size of the smaller nuclear arsenals envisaged or that the current progression towards cosier US–Russian relations may not be linear. US accusations about the existence of tactical nuclear weapons in Kaliningrad, contrary to a long-standing Russian unilateral undertaking that such weapons would all be withdrawn to Russia (matched by a comparable US unilateral undertaking), illustrate the dangers.

In the light of the negative developments witnessed recently it is more important than ever that those involved in advocating, designing, researching, establishing and implementing verification and monitoring regimes not remain mute about the undoubted value of verification. Decades of experience with multilateral regimes has demonstrated that verification does work, that it does permit confidence between states to grow (the success of the bilateral nuclear verification arrangement between Argentina and Brazil being just one glowing example) and that it can detect non-compliance in a timely fashion (the IAEA did detect North Korean non-compliance with its nonproliferation commitments). This is not to ignore the eternal difficulty of verification: that it cannot prove a negative. It therefore remains subject to accusations, often politically motivated, that it is ineffective because ‘one can never know what one does not know’.

There remains much to be done in the verification endeavour. First, efforts need to be made to hold the line against those who seek to roll back or hobble the existing regimes, such as those relating to nuclear testing, nuclear safeguards or chemical weapons. Particularly insidious are attacks made on verification systems in the guise of exaggerated concerns about finance, confidentiality or sovereignty. Verification systems need to be lean and mean, but not so cash-strapped that verification falters, thereby undermining its credibility. Confidentiality concerns are legitimate, but they should not be misused to erect impenetrable international bureaucracies. Sovereignty is important, but states constantly trade away bits of it in return for collective benefits, so verification should not be portrayed as unique in this respect. Verification may strengthen sovereignty by enhancing security.

New verification modalities, techniques and technologies need to be pursued. Some of these will help relieve states' anxieties about verification by delivering reduced costs, more secure data and less intrusiveness. Others will undoubtedly mean greater intrusiveness but will thereby provide greater reassurance where it is required. Long-range thinking about verification is also required, as currently being initiated by the UK in relation to future nuclear disarmament scenarios. Other technologically advanced states, especially those with nuclear weapons, need to become more engaged in such work. Advance preparation for verifying agreements that have not yet seen the light of day has been beneficial in the past, not just in laying the groundwork for treaty implementation but in encouraging the negotiators to conclude their work. Verification advances can hasten political progress. A prime candidate for such verification work in the arms control field is the long-awaited fissile material control treaty, while in the environmental area much work remains to be done to ensure that even adequate verification of compliance with the Kyoto Protocol, especially its greenhouse gas trading mechanisms, is possible. In peace missions monitoring, almost all areas require attention. The emerging co-operation between international organisations and non-governmental organisations in verification matters is, in this respect, a trend to be encouraged. Indeed, the technology revolution and the increasing accessibility of verification-relevant information to anyone who wants it may be the ultimate guarantor of states' compliance with their legally-binding treaty obligations.

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