

## **Introduction: verification in the news for all the wrong and right reasons**

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If some good has come from the crisis over Iraq, which has dominated headlines in 2002, it is renewed worldwide interest in verification. There will be few who have not heard of the United Nations (UN) Security Council's efforts to obtain Iraqi agreement to a campaign of new inspections by the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). Archival footage of white-suited inspectors of its benighted predecessor, the United Nations Special Commission (UNSCOM) on Iraq, has been constantly shown on television around the world. Few will have failed to notice the protracted negotiations in the Security Council on a tougher resolution mandating a significantly more intrusive verification regime for Iraq. There will perhaps be fewer still who missed attempts by senior US officials, notably Secretary of Defense Donald Rumsfeld, to belittle the capabilities of UNMOVIC even before it had set foot in the country, or the quiet reassurances of UNMOVIC Executive Secretary Hans Blix and Mohamed ElBaradei, Director-General of the International Atomic Energy Agency (IAEA), that they can successfully verify Iraqi non-compliance with its obligation not to acquire weapons of mass destruction. All of this has raised the general public's awareness of monitoring and verification to unprecedented levels.

Other issues have also thrust verification into unusual prominence. The April 2002 leadership crisis at the Organisation for the Prohibition of Chemical Weapons (OPCW), which in effect saw the US blackmail its fellow members into sacking Brazilian Director-General José Bustani by withholding its financial support, appeared on the surface to be more about personality than policy. However, there was not only sufficient evidence of mismanagement and poor financial planning to warrant an urgent leadership change (albeit not quite in the manner that the US

achieved it), but also signs of a serious imbalance in the verification effort that needed attention. Essentially, as VERTIC's October 2002 report *Getting Verification Right* documented, verification of the destruction of existing, declared chemical weapons (CW) had gradually taken undue precedence over efforts to verify that new CW stockpiles were not being amassed.

Unlike the UNMOVIC controversy, which as of late November 2002 had yet to be played out, that involving the OPCW has met with a positive outcome, at least to date. A new Director-General, Rogelio Pflirter of Argentina, has been appointed and the US has paid its dues in full. The October 2002 meeting of states parties made some progress on verification issues; but the best opportunity for a thorough assessment of the whole CW verification regime is still to come—the first Review Conference for the Chemical Weapons Convention (CWC) will be held in 2003.

Another verification issue that attracted press attention and simmered throughout 2002 was the wrangle over a future verification mechanism for the currently verification-less 1972 Biological Weapons Convention (BWC), as described by Jenni Rissanen in her contribution to this *Yearbook*. Again, it was the US that was responsible, having not only sabotaged negotiations on a verification protocol at the eleventh hour in late 2001, but also campaigned during 2002 against any moves to initiate meaningful multilateral BW verification. Even its own list of initiatives, which President George W. Bush had paraded as a substitute for a protocol, quietly disappeared—evidence that they had been mere window-dressing designed to lessen the blow of outright US opposition to BW verification. This took on a surreal quality in light of repeated American insistence that BW represent one of the greatest threats to humankind; that they may well be terrorists' future weapons of choice; and that Washington was convinced that at least Iran, Libya, North Korea and Syria already had BW and that it intended to 'name and shame' more suspected possessors.

Ultimately, at the resumed BWC Review Conference in November 2002, total disaster was averted and agreement at least reached on a series of annual meetings of states parties on various verification and compliance issues. Topics will comprise: national implementation legislation; national oversight mechanisms for controlling pathogens and toxins; enhanced international capacities for responding to alleged BW use or suspicious disease outbreaks; strengthening of methods to detect and deal with infectious disease outbreaks; and a code of conduct for scientists.

North Korea threw another verification issue open to public gaze in October 2002 when it admitted to US officials that it was attempting to acquire a uranium enrichment capability in order to have alternative fissionable material for nuclear weapons. Its previous efforts to secure plutonium-based weapons had ended (it is presumed) in 1994 with the signing of the Agreed Framework. This committed it to a verifiable freeze of its nuclear programme in return for fuel oil supplies and relatively less proliferation-prone light-water nuclear power reactors. The revelation that North Korea had illicitly pursued an alternative path initially led uninformed observers to berate the IAEA for being ‘asleep at the wheel’. However, the agency quite rightly pointed out that, since 1994, it had not had been permitted to conduct ‘special’ inspections in North Korea to verify undeclared illegal activities—a capability that it has now acquired in respect of countries that have signed an Additional Protocol to their traditional nuclear safeguards agreements.

Since the proximity and vulnerability of South Korea prevents the US from coercing North Korea in the same way it has coerced Iraq—by threatening the use of force—peaceful means, including verification, will have to be the solution. As in the Iraqi case, verification in North Korea will need to be intrusive and cover all types of weapons of mass destruction, as well as missile capabilities (as discussed by Leon Sigal in this volume), if the US is to feel comfortable enough to afford Pyongyang the recognition and an end to US enmity that, apparently, it so eagerly seeks.

As usual, verification and monitoring developments in the environmental field were decidedly less prominent than those in the arms control and disarmament realm. This was despite the fact that a significant breakthrough occurred in late 2001 in regard to verifying compliance with the 1997 Kyoto Protocol on climate change. As Molly Anderson describes in her chapter, at a conference of the signatories in Marrakech, Morocco, in October–November 2001, agreement was finally reached on the most important details of the compliance system, emphasising reporting and review of implementation.

At the World Summit on Sustainable Development in Johannesburg, South Africa, in August–September 2002, the whole raft of international agreements and arrangements that had been agreed at the United Nations Conference on Environment and Development in Rio de Janeiro, Brazil, in June 1992 was reviewed. Unfortunately, this did not yield the optimal outcome that many non-governmental

organisations had hoped for—new and binding quantitative and qualitative obligations in all areas that would be subject to monitoring and verification. Although some new commitments were made, notably with regard to water resources, fish stocks and protection of the marine environment, even these are unlikely to be subject to rigorous monitoring soon. The Commission on Sustainable Development itself lacks the mandate and the capacity to do so. One bright spot was agreement to set up by 2004 a regular UN process for assessing the state of the marine environment.

Also quietly operationalised in 2002 was the 1992 Open Skies Treaty, which entered into force on 1 January after ratification by Belarus and Russia. As the chapter by Ernst Britting and Hartwig Spitzer indicates, this unexpected event, after so long a hiatus, establishes an aerial monitoring regime that may grow into a significant tool for increasing transparency and building confidence, not just in relation to arms control and disarmament agreements and peace accords, but also for environmental and human rights monitoring.

International election monitoring, covered for the first time in a *Verification Yearbook* chapter, by Gray and Laanela, did hit the news this year, thanks to the controversial Zimbabwe elections.

In one sense increased attention to, and the often rancorous debate over, verification is to be applauded. One of the criticisms of traditional verification posited by the Bush administration is that it tends to have a lulling effect: governments of goodwill become convinced that all others have benign intentions, while inspectors and analysts who never discern evidence of non-compliance become complacent and inattentive. The recent debate over verification, not least thanks to the US, has increased official and public scrutiny of existing and planned verification regimes in a way that is the complete opposite of a lulling effect.

Since no verification system can claim to be perfect, constant attention to implementation is, indeed, essential. Improvements in governance and management are almost always possible. David Kelly, in his chapter, identifies numerous lessons that may be drawn on in future to improve management of future BW inspections.

In addition, it is imperative that the swift advance of technology does not leave verification trailing behind, especially when those who seek to flout it will be looking to employ the most modern technologies and methods for doing so. The way in

which the verification organisation for the Comprehensive Nuclear Test Ban Treaty (CTBT) is incorporating the latest technologies, even those that are not yet completely proven—as with infrasound technology, which is assessed in this volume by Hein Haak and Láslo Evers—is to be applauded. In the environmental realm, Josef Aschbacher examines the increasing value of remote satellite monitoring for verifying compliance with multilateral agreements.

In another sense, though, the more sensationalist and speculative news coverage of verification damages its cause. For verification is inherently vulnerable to accusations that it is failing or is incapable of ever succeeding, especially since 100 percent verifiability is virtually never possible. The US has highlighted such vulnerabilities in attempting to discredit UNMOVIC. It is using the fact that UNSCOM failed to uncover all of Iraq's previous weaponry and weapons-related facilities, most notably in the BW and missile fields, to cast doubt on UNMOVIC's ability to complete its predecessor's work, as well as to expose new Iraqi capabilities. Yet UNMOVIC, like most verification systems, cannot prove a negative: it can never convince complete sceptics that it has uncovered all there is to unearth. Moreover, its work is likely to be painstakingly slow—far too sluggish for military planners keen on launching an attack while favourable political, military and climatic conditions prevail. Slow, methodical detective work that cannot be rushed and long-term monitoring are verification's hallmarks. UNMOVIC will be torn between wanting to do a professional job and being expected to provide early evidence of a 'smoking gun'. In revealing this, it will in addition walk a tightrope between giving the US a *casus belli* and providing reassurance that, ultimately, it can both detect and destroy by peaceful means the most threatening Iraqi capabilities.

The US has also underlined the inherent paradoxes of verification to hold at bay the more ambitious multilateral proposals for BW verification. It was unable to countenance a strong BW verification system for fear that its bio-defence programmes, which skirt close to the defensive/offensive dividing line, might be considered a violation of the convention and that the commercial secrets of its biotechnology industries might be revealed. Yet, it would not agree to a weaker verification system, on the spurious grounds that it would be of no use at all and that it would allegedly give the international community a false sense of security. (Although the latter is hardly credible given the way that the US, with its unsurpassed national technical

means of verification, is always alert to potential treaty violators, regardless of the existence of multilateral regimes). In her chapter Nancy Gallagher examines some of the more valid criticisms of verification in the new strategic environment and explains efforts to devise a new concept that will supplement and enhance verification, known as 'advanced cooperative security'.

None of the above means that the US is the only verification sceptic abroad today; it is simply the most bombastic and insistent. Indeed, many others hide behind its position. Depending on the particular issue and for various reasons, these states include China, India, Iran, Iraq, Israel, North Korea, Pakistan, Russia, Saudi Arabia and Syria. It remains for the generally pro-verification nations—such as Australia, Canada, European Union members, Japan, Norway, New Zealand and South Africa (although occasionally even their support wavers, according to the issue)—along with non-governmental organisations and civil society generally, to take up the cudgels on behalf of effective and efficient verification. The Americans may join them in this endeavour on occasion, but, for the time being, only when it suits their narrow national purposes and sometimes not even then.

One brave new non-governmental verification initiative—launched in 2002—is the BioWeapons Prevention Project (BWPP), which, in the absence of multilateral verification institutions, will attempt to monitor compliance with the BW ban.

Another modest means of keeping the verification flame alight is VERTIC's *Verification Yearbook*. This edition has been, as in past years, a collaborative effort, involving VERTIC staff and external contributors. VERTIC is indebted to all of them, particularly to the co-editor, Oliver Meier, who has now left VERTIC after contributing substantially to the organisation's success over the past three years, to Eve Johansson, the sub-editor, and to Richard Jones, who handled design and production. VERTIC also acknowledges the financial support of the Joseph Rowntree Charitable Trust, the Ford Foundation and the John D. and Catherine T. MacArthur Foundation, which has made continuing publication of the *Verification Yearbook* possible.

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