

VERIFICATION RESEARCH, TRAINING AND INFORMATION CENTRE

Development House, 56–64 Leonard Street
London EC2A 4LT, United Kingdom

Tel +44 (0)20 7065 0880

Fax +44 (0)20 7065 0890

Website www.vertic.org

STATE OF PLAY OF MULTILATERAL VERIFICATION

Open Ended Working Group on Multilateral Nuclear Disarmament Negotiations

Andreas Persbo, Geneva, 17 May 2013

Introduction

Thank you Mr Chairman.

It gives me great pleasure to be back in Geneva. Believe it or not, it has been two years since my last visit. Last time I was here, it was sunny and warm. Yesterday, walking to the hotel from the train station, it was anything but. In any case, it is good to see so many familiar faces again. It is also good to appear on a panel alongside my old friend and colleague Pavel Podvig. I know that he has done some exciting work on START verification recently—in particular how it would apply to the smaller nuclear weapon states—and I am looking forward to hearing more about that in this session.

My talk is structured along three lines. First, I intend to say a few words about non-proliferation and disarmament in general. I intend to present some thoughts I have had lately about the nature of this debate, and how it guides our thinking on verifiability. Second, I will talk a little bit about the status of present multilateral verification systems, and the challenges facing them. I will then attempt to bring it all together into a forward-looking conclusion.

Before I begin, though, allow me to say that we at VERTIC welcomed the establishment of this open-ended working group, and are supportive of its mandate. Multilateralism is ingrained in one of the most influential documents of the nuclear age: the [1946 Acheson-Lilienthal report](#).

I believe that it was as true then as it is today that the logical conclusion on our journey toward nuclear abolition is an end-state where nuclear power is used exclusively for peaceful purposes. Nuclear abolition will have been achieved when all states are, for all intents and purposes, non-nuclear-weapon states under the Nuclear Non-Proliferation Treaty (NPT) and treated accordingly in international law.

It is difficult to see how this can be done in any other way than multilaterally. Hence, it is unfortunate that the philosophy permeating resolution 67/56 was not appealing to all member states of the United Nations, allowing it to be adopted by consensus. That does not mean that your work is less important. Far from it. I trust that the conclusions and recommendations of this group will be strong, and that they will form a sturdy baseline for future work. I wish you well in your deliberations.

Controls on disarmament and non-proliferation

It is important to think about the objectives for any verification regime. They exist because parties to an agreement would like to have some assurance that their fellow parties adhere to its terms. In many cases, they exist simply because parties would want to demonstrate that they *are* adhering to the rules faithfully. How these systems are constructed is a function of the objective of the treaty, its terms, and the relationship



between the parties. Take the Moon treaty, or the Antarctic treaty, for example. Both of these have remarkably wide-ranging inspection regimes, and very broad sets of prohibitions. Why? Because when they were negotiated, no one but science fiction writers believed that people would actually settle on the Moon or on the outer bodies. Antarctica is the most remote place on Earth. While it may be a rich continent in terms of natural resources, it had little strategic value at the time

In arms control, treaties have been negotiated without verification provisions altogether. The Moscow treaty of 2002 stands out. Some would say that it had no verification since the relationship between Russia and the United States was trustful at the time. Others would say that it was because the subject of the treaty had little strategic value. It was not worth the time or money to agree to and then implement a verification regime. Others still would say that START verification was sufficient at the time.

In the nuclear field, the most stringent verification arrangements revolve around the non-proliferation of nuclear weapons. I understand that it is tempting to separate issues of non-proliferation and disarmament, to argue that comparing the two is a bit like comparing apples and oranges. After all, over the last 50 years or so, non-nuclear-weapon states have accepted controls on their own nuclear activities, while pointing out that the destructive capabilities of the nuclear-armed states appears undiminished. And there is much truth in that. As a consequence, the two issues have been dealt with separately.

For instance, the NPT review cycle separates the two into distinct ‘clusters’, with a third cluster addressing the peaceful uses of nuclear energy. For the first days, the meeting discusses disarmament. After that cluster is done, the debate turns to non-proliferation, before finishing with peaceful uses. It’s interesting to note that the Twitter feeds of NGOs attending these meetings showers us with a deluge of updates early on in proceedings, but that this hailstorm of tweets tapers off toward the end. By simply observing the behaviour of the observers, it is clear that the disarmament cluster receives much more attention than any other part of the debate. Really, they should each be receiving equal attention.

In Vienna, the situation is reversed. Take for instance the IAEA’s annual safeguards resolution which, according to prevailing wisdom, should not delve into broader verification issues. After all, it deals with safeguards—read non-proliferation—and bringing disarmament verification into the debate threatens, in the view of some, to ‘muddy the waters’.

It is sometimes said that disarmament discussions do not belong in Vienna: that the International Atomic Energy Agency’s business has nothing to do with achieving a world without nuclear weapons. Yet, the Agency’s very foundation was based on the 1946 Acheson-Lilienthal report. This report, as I pointed out earlier, has its very foundation in multilateralism.

I believe that armament and disarmament represent two facets of the same problem. If a state decides to arm itself in contradiction to its international obligations, disarmament fails as much as when an already armed state will not give up its weapons. Today, more than 40 sovereign states could, if they wanted to, pursue the nuclear weapons option. But they do not. Remaining disarmed is, again in my view, the greatest contribution that non-nuclear-weapon states make, every day and every hour, to fulfil the aspirations of Article VI of the NPT. I believe that this is a display of leadership, not a burden assumed due to legal obligations. I also think that by not signing up to stronger verification measures—such as the IAEA Additional Protocol—non-nuclear weapon states fail in that leadership. But perhaps I am naïve in so thinking.

There are real political concerns as well. The Acheson-Lilienthal report calls nuclear weapons ‘an instrument of war so terrible that its uncontrolled development would not only intensify the ferocity of warfare, but might directly contribute to the outbreak of war.’ These conclusions ring true, even today. The solution outlined in the Acheson-Lilienthal report envision, as we all know, an all-encompassing system of control, supplemented by an ambitious programme of technical and scientific assistance and cooperation. Personally, I have yet to encounter such a clear-headed formulation of the problems facing the nuclear world—or a more elegant set of solutions.

Current state of the art in verification

The report did not view verification as a panacea. On the contrary, it clearly outlined the limitations of any verification regime. International monitoring can not lock-in proliferation; neither can it compel those who have weapons to disarm. I for one do not believe for a second that states would give up the nuclear option simply because it can be done so verifiably. However, effective verification will make any future disarmament regime more accountable, as is the case with non-proliferation today.

It is clear to me that multilateral verification systems, especially those developed over the last two decades, have been exceptionally successful. In the nuclear field, two systems stand out above others: namely the safeguards system administered by the International Atomic Energy Agency, and the International Monitoring System run by the Comprehensive Nuclear Test Ban Treaty Organisation.

The safeguards system is well-established. It is a regime developed over many decades, and it has gone through many reforms over its lifetime. It pre-dates the Nuclear Non-Proliferation Treaty, starting out small with site-specific safeguards on small reactors, and then growing over time. The system itself is, as we all know, rather simple. It is based on common accountancy ideas. The IAEA, as a result, operates a bit like a taxman or an auditor. A state declares what material it has in its possession at any given time, and the Agency makes an on-site inspection to verify that declaration. The Agency is primarily interested in two things: is the declaration *correct* and is it *complete*. It then draws conclusions as to the compliance of a state with its safeguards agreement. But it does not make any judgement as to whether this constitutes non-compliance with the NPT. After all, the IAEA is not a party to the NPT, and hence cannot make judgement on the treaty.

As we all know, taxmen and auditors are universally loved. We all love to pay taxes and we all love a good audit, do we not? This is part of the problem. Ever since the establishment of the safeguards system, those subject to it have wanted to make it less intrusive. But this wish defeats the very purpose of the safeguards system to begin with.

The main challenge facing the safeguards regime today appears to be a backlash against intrusive monitoring. This has reflected itself in the debate at the IAEA Board of Governors as well as at the General Conference. True, the debate is to a large extent driven by the proliferation crises of the day—chiefly Iran and North Korea—but it has larger ramifications. Lately, concepts developed over decades are being challenged. The entire system is facing a risk of regression.

This is unfortunate, as the end state of disarmament requires a strong safeguards regime able to handle the large quantities of material remaining after nuclear abolition. Consider how long it would take to draw what the IAEA calls a ‘broader conclusion’ (as to the purely peaceful applications of nuclear energy within

a state) for countries such as the United States or the Russian Federation. If it takes five years for a country such as Norway, how long would it take for countries far larger, with far more expansive nuclear complexes? Decades perhaps? Is it even possible?

One thing is certain, though. Challenging the safeguards system is the same as drilling into or removing load bearing walls in a large building. How can one confidently expect the building to stand, let alone to stand as further stories are added to it? Nuclear abolition starts at home—and it begins with ensuring that the International Atomic Energy Agency is properly equipped, properly funded and properly supported.

The CTBT's International Monitoring System, for its part, is probably the most beautiful verification regime ever constructed. And it was negotiated right here, in Geneva. It was dreamt up in an era when the fastest computer on the planet was slower than your games consoles or your iPhones. It envisioned a system of near-real-time sharing of data in a world when the internet was hardly even thought of. The vision of those who negotiated it is remarkable, and deeply impressive.

Today, the IMS nears completion. Several hundred seismic stations are connected to the system, transmitting data in real-time to Vienna, from where this information is sent straight out to state parties. Hydroacoustic stations can detect very small (kilogram) detonations under the waves. Infrasound stations dot the planet, and the radionuclide network has proven its worth not only by providing information about nuclear tests but also about nuclear accidents. The IMS has stood the test of time, but more than this: it has become more sophisticated and sensitive than those in the beginning ever imagined.

The problem, of course, is that it monitors a treaty that yet has to become legal reality. What point is the most wonderful verification system in the world if it doesn't actually provide the service it was designed to provide? We really need to think about ways of bringing the test ban into law, if only partially, or provisionally.

Conclusions

So what about the future? If one is serious about multilateralism, one has to be serious about supporting and strengthening those multilateral institutions we already have. I am not necessarily talking about the Conference on Disarmament now, but also about those organisations in Vienna that continues to provide technical services every day, and which continue to perfect the art of verification.

This involves giving the IAEA a clear indication that, yes, its member states *do* expect it to take up future verification challenges. Its member states *do* want it to deal with disarmament verification. Its member states *do* want it to deal with the disposition of weapons usable material, and ensure that no more such material gets produced for weapons purposes, anytime, anywhere. An IAEA, in other words, that realises the ambitions of its founders.

This involves finally bringing the test ban treaty into law. I, for one, do not care so much if the treaty as such comes into force, or if UN members agree that nuclear testing is against customary law. But the present situation is not satisfactory, and should not be allowed to stand.