

# Confidentiality and verification: the IAEA and OPCW

Confidentiality is critically important for effective multilateral verification. For a state to agree to disclose sensitive information relating to its national security, or for a business to divulge commercial proprietary information, strong assurances must be offered that such information will be properly protected by the responsible international verification agency. States parties and other stakeholders must be confident that there will be no negligent or intentional breach of confidentiality or misuse of information by the organization or its international employees. Similarly, states need to be reassured that verification bodies, in conducting on-site inspections (OSIs) and other monitoring activities, will not seek or obtain more information than is strictly necessary, that the information they collect will be kept confidential if required, and that any irrelevant sensitive information they come across will be disregarded.

In contrast, and in some respects contrary to, the need for confidentiality in multilateral verification, is the requirement for transparency. The more opaque a state is, the harder it is for verification to succeed. Furthermore, information kept confidential by a verification organization, whether at the request of a state or not, cannot be used to build confidence in the verification regime among treaty members or within the international community more broadly. If a multilateral verification process were to be totally secret it would be impossible for the vast majority of states that do not have their own sophisticated global information-gathering capabilities (basically everyone except the United States) to have confidence that their fellow treaty partners were complying with their obligations.

Yet confidentiality must take precedence over transparency in specific situations where verification would be harmed without it. States must be permitted to use agreed 'managed access' techniques to protect information that is not vital to verification, providing that their compliance can be demonstrated in some other way. A verification organization must establish rules for classifying and systems for protecting confidential information provided by states parties (about themselves or about other parties) and that which the organization itself collects. Even when information appears not to be particularly sensitive, a verification organization may not wish to disclose it if it needs further checking, if a national intelligence agency has supplied it in confidence and fears that its disclosure would jeopardize its collection methods, or if, in trying to prove non-compliance by a particular state party, information needs to be withheld until a convincing case can be built up.

## In this issue . . .

Jessica McLaughlin analyzes arrangements for protecting the confidentiality of verification information, while Kristie Barrow looks at peace monitoring in Northern Ireland. Plus all of the usual features: Verification Watch, Science and Technology Scan, Peace Missions Monitor, Verification Quotes and VERTIC News and Events.

# Trust & Verify

May-June 2004 • Issue Number 114 • ISSN 0966-9221

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The International Atomic Energy Agency (IAEA), which is responsible for implementing nuclear safeguards, including those required by the 1968 Nuclear Non-Proliferation Treaty (NPT), and the Organisation for the Prohibition of Chemical Weapons (OPCW), which verifies compliance with the 1993 Chemical Weapons Convention (CWC), have the most elaborate multilateral arrangements for protecting the confidentiality of verification information. The two organizations have, however, different track records when it comes to transparency about their efforts.

### The IAEA and confidentiality

Although there is no mention of the principle of confidentiality in the IAEA Statute, since its establishment in 1957 the Agency has sought to establish stringent confidentiality standards for sensitive information. Its first multilateral safeguards model agreement, INFCIRC/66, agreed in 1965, obliged the IAEA to 'take every precaution to protect commercial and industrial secrets' (military secrets were notably absent because safeguards only applied to peaceful nuclear facilities). Furthermore, the model agreement stipulated that no member of the Agency's staff should disclose any confidential information acquired during his/her work to anyone but the IAEA Director General or other authorized staff member.

In 1972, the new full-scope safeguards system, based on INFCIRC/153 model agreements, saw only minor evolution in the IAEA's confidentiality regime. The Agency's right to collect information during inspections was balanced by the stipulation that this should be restricted to the 'minimum amount of information and data consistent with carrying out its responsibilities'. Specifically, at a state's request, the IAEA should only examine design information relating to nuclear facilities in-country, rather than transmitting it to its headquarters in Vienna, Austria. But INFCIRC/153 agreements also gave the IAEA the right to conduct 'special inspections' in case of suspicions of non-compliance at specified locations, raising the potential for the Agency to come across sensitive information related to illicit nuclear weapons programmes or to that not strictly related to its mandate. Nonetheless, INFCIRC/153 did not repeat or add to the confidentiality language of INFCIRC/66, nor did it contain specific provisions for handling information procured during special inspections. In any event no special inspections occurred.

The crisis caused by the violation of the NPT and IAEA safeguards agreements by Iraq and North Korea in the early 1990s led to strengthened safeguards. New measures, including the 1997 Additional Protocol, gave inspectors increased authority to moni-

tor the nuclear activity of states, including 'complimentary access' to suspect sites and the use of environmental sampling, and obliged states to provide information on the entire life cycle of their nuclear programmes. These changes again raised concerns among states over confidentiality. Article 15 of the Additional Protocol thus requires the Agency to 'maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets and other confidential information coming to its knowledge'. In addition it included general principles for the handling of confidential information, conditions of staff employment regarding the protection of confidential information and procedures for dealing with a breach or alleged breach of confidentiality.

The IAEA has over the years also needed to put in place procedures to protect confidential information provided by states about alleged non-compliance by others. Intelligence received about Iran, Iraq, Libya and North Korea from states and even opposition groups must be handled sensitively. Moreover, the IAEA's involvement in verifying South Africa's nuclear disarmament in 1993–94 and the dismantlement by Libya of its nascent nuclear capabilities in early 2004 have required sensitive handling of information that could lead to the proliferation of knowledge about nuclear weapons. This adds another dimension to the IAEA's need for discretion and sensitivity. In the case of South Africa, the Agency reportedly permitted only personnel from nuclear weapon states to have access to certain information, while in the case of Libya, sensitive documentation and equipment was shipped, under IAEA seal, to the US.

Although still wary, states seem to have become accustomed to the IAEA handling confidential information and have been reassured by its track record. In its 47-year history, the Agency

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has reported only one major breach of confidentiality, that of an inspector who, after having provided confidential safeguards information to the legislative branch of his country's government, was summarily dismissed by the Director General and financially penalized. The implementation of strengthened safeguards appears not to have led to increased difficulties in managing confidentiality.

### The OPCW and confidentiality

Perhaps because of their awareness of the need to reassure private industry that their commercial proprietary information would be protected, the negotiators of the CWC were much more concerned about confidentiality than their counterparts in discussions on the future nuclear safeguards regime have been. Confidentiality is in fact one of four central pillars of the CWC. This is reflected in its Confidentiality Annex, which, unlike nuclear safeguards agreements, provides great detail about the extensive system for maintaining confidentiality at every level.

Hence the OPCW has an Office of Confidentiality and Security, a *Manual of Confidentiality Procedure* (which has been almost continuously updated) and a Confidentiality Commission to monitor the maintenance of confidentiality, settle disputes about confidentiality and make recommendations on improvements. An Archive Management System registers and tracks electronically all confidential documents and materials received. Paralleling the work it does in verifying compliance by states with the CWC, the OPCW conducts internal random, unannounced checks to ensure that Secretariat staff are adhering to confidentiality procedures.

Initially the OPCW was much more transparent than the IAEA in reporting on confidentiality issues, both in respect of methods and results. In 2000, for instance, the OPCW's then Director General, José Bustani, gave a surprisingly detailed statement to the Conference of States Parties. He noted that 19 confidentiality incidents were recorded in 1999, most of them minor procedural breaches. Three were determined to require further investigation, which concluded that none constituted a breach of confidentiality. The OPCW also has a laudably detailed section on confidentiality in its annual reports.

Since 2000, though, there has been decreasing transparency on the part of the OPCW about its confidentiality arrangements. Reportedly due to 'budgetary reasons' the Confidentiality Commission has not met since early 2001 (although also, apparently, because there were no confidentiality disputes to be settled). While detailed reports have been compiled annually

## Verification Quotes

*'One of the most worrisome things that emerges from the thick intelligence file we have on Iraq's biological weapons is the existence of mobile production facilities used to make biological agents . . . We have firsthand descriptions of biological weapons factories on wheels and on rails . . . We know that Iraq has at least seven of these mobile biological agents factories... This is evidence, not conjecture. This is true. This is well documented.'*

Colin Powell, US Secretary of State, speech to the UN Security Council, New York, 5 February 2003.

*'It turned out that the sourcing was inaccurate and wrong and, in some cases, deliberately misleading. And for that, I am disappointed, and I regret it.'*

Colin Powell, US Secretary of State, interview with NBC television's 'Meet the Press', 24 May 2004, quoted by Reuters, 16 May 2004.

*'This is the one that's damning. This is the one that has the potential for causing the largest havoc in the sense that it really looks like a lack of due diligence and care in going forward.'*

Former UN and Iraq Survey Group inspector David Kay on revelations that the BW mobile laboratory allegations came from an 'out-and-out fabricator', codenamed Curveball, provided by the Iraqi National Congress, quoted in 'Iraqi defector provided now-discredited information on alleged Iraqi mobile biological facilities', Global Security Newswire, 29 March 2004.

on confidentiality incidents, these have, for reasons unknown, not been publicly released. Perhaps it was felt that the Director General had previously been too transparent.

A significant problem that the OPCW is facing is the tendency of states to over-classify information that they provide to the organization. The height of absurdity in this respect is South Korea's attempt to classify its own name: it requires the OPCW to refer to 'A State Party' when mentioning the country's declared chemical weapon stockpile—even though this is the worst kept secret in international diplomacy.

### Evaluation: so far so good?

Although their systems established by the IAEA and OPCW are by no means perfect and there is always room for improvement, both have achieved a creditable record in information protection, while maintaining effectiveness in verification. The way they go about this could be more transparent to the international community. But at least on the basis of these two significant cases, it is time to dispel the persistent myth that multilateral verification organizations are inherently unable to manage confidentiality.

Jessica McLaughlin, VERTIC Intern

# Monitoring peace in Northern Ireland

In its first ever report, released in April 2004, the Independent Monitoring Commission (IMC) for Northern Ireland has denounced continuing paramilitary activity. The Commission was established in April 2003 to promote public confidence in the Northern Ireland peace process by independently monitoring, identifying and exposing serious acts of non-compliance by paramilitaries and their associated political parties. In its report the Commission found that the level of paramilitary activity in Northern Ireland is actually higher now than in 1998, when the Good Friday Agreement was signed.

## The International Monitoring Commission

Not to be confused with the Independent International Commission on Decommissioning, which has been operating since September 1997, the IMC emerged in 2003 as part of a package of proposals by the British and Irish governments to shore up patchy compliance by Northern Ireland's paramilitaries with certain aspects of the Good Friday Agreement. While terrorist bombings had ceased, some verified decommissioning of weapons had taken place, and a certain level of peace had returned to the province, there remained widespread concern about continuing violence both within the sectarian communities themselves and across the sectarian divide.

The Commission has three functions. The first is to monitor and report on alleged paramilitary activity. The second is, at the Commission's discretion, to investigate claims by Northern Ireland Assembly parties that individual Assembly members or parties are in breach of their commitments under the Good Friday Agreement. Third, the IMC is also tasked with 'reporting on the progress of any formal programme of security normalisation undertaken by the British Government in the context of acts of completion by paramilitaries'.

The Commission reports directly to the British and Irish governments at least once every six months. Each government may request that the body investigate a particular incident or aspect of alleged non-compliance—in the present report, for example, the kidnapping of a dissident republican, Robert Tohill, was investigated. Unlike most monitoring bodies in other peace processes, the Commission can recommend that action be taken against violators. Various measures may be

imposed on a member of the Northern Ireland Assembly, ranging from censure to exclusion from the Assembly, revocation of salary, and the withdrawal of financial support for the entire party.

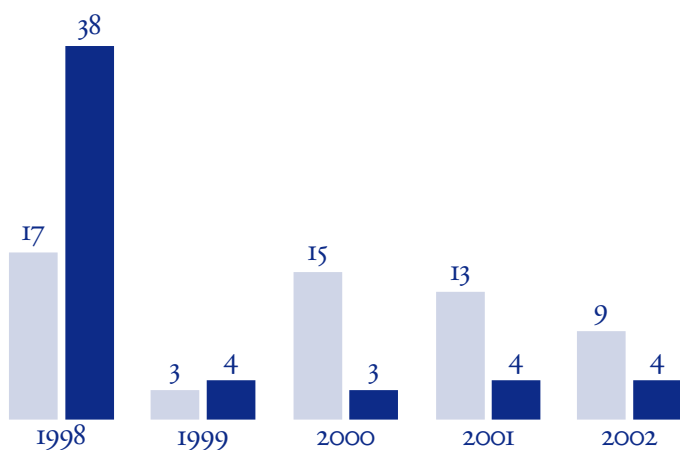
There are four Commissioners, two nominated by the United Kingdom (including one from Northern Ireland), one by the Republic of Ireland, and one by the US. The British appointees are Lord Allardice, former leader of the Alliance Party and Presiding Officer of the suspended Northern Ireland Assembly, and John Grieve, a former senior officer with the London Metropolitan Police, most recently Director of the Racial and Violent Crimes Task Force. The Irish nominee, Joseph Brosnan, was previously Secretary-General of the Irish Department of Justice, Chef de Cabinet in the European Commission and Director-General of the Institute of European Affairs. The US appointee is Richard J. Kerr, an international consultant and former Deputy Director of the Central Intelligence Agency.

The four members of the IMC undertake investigations themselves, primarily by means of interview. Information is also gathered from a variety of sources, including official channels, journalists, political parties, business people and academics, as well as from private individuals, including the bereaved and those who have suffered directly at the hands of paramilitary groups. The IMC reports that people have been extremely forthcoming with information; many have volunteered information and the names of terrorist group members, which, although common knowledge in local communities, could put them at risk of retaliation. Commissioner Grieve was quoted in *The Times* on 21 April 2004 as saying 'there are people out there who will tell you the names of these people [terrorists]. The dogs in the street have the names of these people'. This public support is also echoed in the local media, indicating that the IMC is regarded as a legitimate and constructive step in the peace process, despite the discord of local politicians.

## The first report: findings and follow-up

The IMC's first report condemned continued breaches of the ceasefire agreement by the paramilitaries and the intrinsic links between these groups and political parties. The Commission

## Deaths attributable to paramilitaries 1998–2002



Key ■ Loyalist ■ Republican

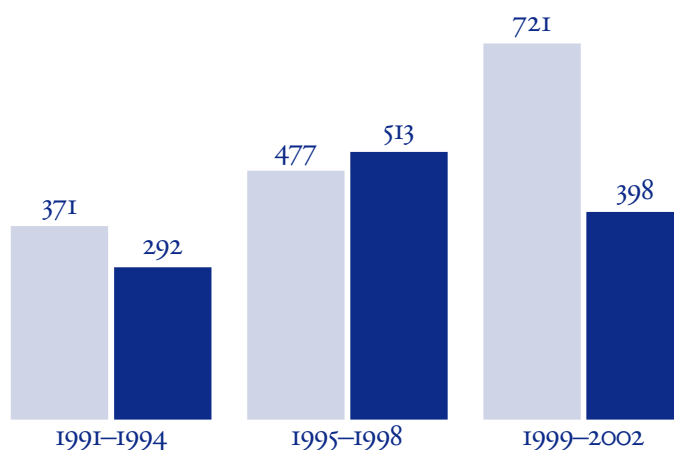
Source 'First Report of the Independent Monitoring Commission', presented to the government of the United Kingdom and the government of Ireland under Articles 4 and 7 of the International Agreement establishing the Independent Monitoring Commission, House of Commons, London, April 2004, [www.nio.gov.uk/pdf/imcreport.pdf](http://www.nio.gov.uk/pdf/imcreport.pdf).

asserts that prominent political leaders have failed to use their influence to stop paramilitary violence. The report details seven different terrorist organizations, assessing their connections to political parties, their terrorist capabilities, and their current activities. Some are tightly and strategically controlled, with a sophisticated set up, while others are diffuse. The report unequivocally states that the groups' leaderships are directing operations rather than attempting, as they claim, to dampen down outbreaks of crime and violence instigated by enthused local 'volunteers'.

Even more damning revelations show how these groups are inextricably linked to the elected political parties in the suspended Assembly, most prominent of which are Sinn Féin and the Loyalist Progressive Unionist Party (PUP). The report divulges the connections between Sinn Féin and the Provisional Irish Republican Army (IRA), including overlapping membership. Senior members of Sinn Féin are said to be able to exert considerable pressure on major IRA policy decisions, even to determine what strategies or policies to adopt. In the case of the PUP, the party's leadership has significant personal ties with the heads of Loyalist terrorist groups. Although perhaps not in a position to ensure that paramilitary activity is ended, it can wield appreciable influence.

The Commission concludes that paramilitary activity is at a disturbingly high level. Although murder rates have fallen since the zenith of 1998, violence short of murder has risen to nearly double the figures of the early 1990s. Such activities include paramilitary-style shootings, punishment beatings, sectarian incidents and attacks on security forces. Many groups retain

## Paramilitary-style shootings and assaults: totals in four-year period



an active terrorist capacity and are ready to recommence operations if they so decide.

Also emphasized was the organized crime element of paramilitary activity, identified as the greatest long-term threat to the rule of law in Northern Ireland, since paramilitary groups continue to maintain a stranglehold on their communities through intimidation and violence. Most paramilitary groups generate income to arm themselves and to support their actions and those of their political parties through crime, including extortion, drug dealing, black-market trading, smuggling and bank robberies. Many politicians, rather than making efforts to uphold the rule of law, are exacerbating this problem through their implicit acceptance of the situation.

Northern Ireland Secretary Paul Murphy has already acted on the recommendations of the first IMC report by fining Sinn Féin £120,000 and the PUP £27,000. Although the amounts may seem meagre (Sinn Féin, for example, is reported to be the wealthiest political party in Europe), the resulting publicity is damaging.

Apart from verified decommissioning, this is the first international effort to monitor independently compliance by the paramilitaries with the Northern Ireland peace settlement—something that was long resisted by the British government. Its success will depend on the political support that the IMC receives from those charged with heeding its findings and implementing its recommendations.

**Kristie Barrow**, VERTIC Intern



### NPT PrepCom fizzles

The final Preparatory Committee (PrepCom) meeting for the 2005 NPT Review Conference sputtered to an inconclusive ending on 7 May. There was no agreed final document, but simply a summary by the conference chair, Indonesian Ambassador Sudjadnan Parnohadiningrat. The US not only refused to endorse the 1996 Comprehensive Nuclear Test Ban Treaty (CTBT) at the meeting, but essentially disavowed the ground-breaking so-called Thirteen Step Plan of Action agreed by the 2000 NPT Review Conference. Belittling US obligations under Article VI to work towards nuclear disarmament, US Under Secretary of State for Arms Control and International Security John Bolton told the conference that 'we cannot divert attention from the violations we face by focusing on [disarmament] issues that do not exist'. Needless to say, nothing new on monitoring, verification or compliance emerged from the bad-tempered two-week talk-fest. For a full report, see Rebecca Johnson, 'Confusion and anger as NPT meeting closes in New York', *News in Review*, no. 11, pp. 6 and 8, [www.reachingcriticalwill.org/legal/npt/NIR2003/FINAL.pdf](http://www.reachingcriticalwill.org/legal/npt/NIR2003/FINAL.pdf). For a non-governmental assessment of compliance by states parties to the NPT see *The NGO Shadow Report on Nuclear Disarmament: Accountability is Democracy; Transparency is Security* at [www.reachingcriticalwill.org/legal/npt/shadowreport/ngoshadrepindex.html](http://www.reachingcriticalwill.org/legal/npt/shadowreport/ngoshadrepindex.html).

### Mixed nonproliferation events in Asia

On 26 March Pakistan refused an IAEA request to inspect its nuclear facilities. The request arose following claims by Iran that traces of high enriched uranium identified by IAEA inspectors at two of its declared sites (the Kalaye Electric Company workshop in Tehran and the Natanz pilot fuel enrichment plant 150 miles south of the capital) were from contaminated equipment imported from Pakistan. The Pakistani Ambassador to the US, Ashraf Qazi, said that the requested sites were 'off-limits' and that the inspections constituted a threat to sovereign independence, but that, '[w]ithin those parameters', Pakistan would cooperate with the Agency.

China and the US have concluded an agreement to facilitate monitoring of the end use of dual-use exports to China. The agreement gives the US Department of Commerce the authority to conduct an end-use verification visit to ensure that any US-controlled export of dual-use items or technologies is not

diverted for unintended purposes. It also describes specific procedures for these visits, as well as a bilateral mechanism for discussing them. The US has claimed that, in the past, China has imposed restrictions on the number of visits and the manner in which they take place.

In addition to attending for the first time, as an observer, a meeting of the Missile Technology Control Regime (MTCR) in February, China was admitted to the 40-nation Nuclear Suppliers Group (NSG) on 28 May 2004. These developments demonstrate a marked shift in China's position on multilateral coalitions that aim to strengthen nonproliferation through improved export controls for dual-use materials and technologies. US legislators, though, continue to express concern over China's commitment to nuclear nonproliferation, citing its plan to construct a second 300-megawatt civilian nuclear reactor in the Pakistani city of Chashma. They are especially worried about information exchanges between Chinese and Pakistani scientists during construction. Still, China's entry into the NSG may give the United States and other countries more influence over its nuclear exports, as well as its enforcement of export controls.

Meanwhile, Japan and Singapore have signed a bilateral agreement designed to prevent nuclear weapons-related materials from being transferred to 'countries of concern'. The two sides pledged to inform one another of suspicious companies that could be involved in nuclear trade and to share information on 'specifications of controlled items and technologies'. Japan is looking to sign a similar agreement with Hong Kong.

**Sources** 'Pakistan rejects request to inspect nuclear sites', Global Security Newswire, 2 April 2004, [www.nti.org](http://www.nti.org); 'US, China, agree on new end-use verification visit procedures', Global Security Newswire, 28 April 2004, [www.nti.org](http://www.nti.org); 'China poised to join nuclear supplier group', *Financial Times*, 12 April 2004, <http://news.ft.com>; 'House committee questions US support for Chinese membership in nuclear export control group', Global Security Newswire, 19 May 2004, [www.nti.org](http://www.nti.org); 'Japan, Singapore sign nuclear nonproliferation pact', Global Security Newswire, 22 April 2004, [www.nti.org](http://www.nti.org).

### 15 EU states ratify Additional Protocol, US set to follow

On 30 April 2004, Additional Protocols to IAEA safeguards agreements for all 15 existing European Union (EU) states entered into force. This brings the total number of states with

## EU states whose Additional Protocols entered into force on 30 April 2004

Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom

## New EU member states with Additional Protocols

Cyprus, Czech Republic, Hungary, Latvia, Lithuania, Poland, Slovenia

## New EU member states without Additional Protocols

Estonia, Malta, Slovakia

Additional Protocols in force to 55 out of 189 states parties to the NPT. France and the UK now join China as nuclear weapon states that have ratified their Protocols. Seven of the 10 countries that joined the EU on 1 May 2004 have already brought their agreements into force. The Additional Protocol was agreed in 1997 to strengthen nuclear safeguards following revelations that Iraq and North Korea had violated the NPT.

While the US Senate approved the ratification of the US Additional Protocol on 31 March 2004, national implementation legislation has yet to be passed by Congress.

**Sources** 'IAEA to implement safeguards Additional Protocols in the EU', IAEA Press Release, 30 April 2004, [www.iaea.org](http://www.iaea.org); 'IAEA protocol would require US to declare many more nuclear activities, official says', Global Security Newswire, 4 February 2004, [www.nti.org](http://www.nti.org).

## Africa, Latin America act on small arms

On 21 April 2004, 11 African nations of the Great Lakes and Horn of Africa regions—Burundi, Democratic Republic of the Congo (DRC), Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Sudan, Tanzania and Uganda—signed the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons, the first such binding agreement in this part of Africa. The accord formalises earlier pledges to strengthen national gun laws. States must pass national measures requiring: a ban on civilian ownership of automatic and semi-automatic rifles; mandatory gun registration; regulation of gun storage and competency testing for prospective owners; uniform minimum standards for the manufacture, control, possession, import, export, transit, transport and transfer of small arms and light weapons; and sanctions for unlicensed gun possession. States must also create and maintain complete

inventories of state-owned small arms and light weapons sufficient to trace their movement. Requirements for the secure disposal or destruction of surplus and confiscated hardware are also included.

A Regional Centre on Small Arms will be set up to ensure coordinated implementation of the Protocol. A Civil Society Dialogue Forum will also help to coordinate small arms and light weapons activities among non-governmental organizations (NGOs), National Focal Points—required under the 2001 United Nations (UN) Programme of Action on Small Arms and Light Weapons—and the Protocol Secretariat. The governments involved have announced their intention to ratify the Protocol by the end of 2004.

Meanwhile, several Latin American countries are also confronting the issue of small arms trafficking. Seventy representatives from the armed forces of Argentina, Brazil, Paraguay and Uruguay participated in a two-week UN course in Brasilia, Brazil, on combating illegal trafficking. The course covered 10 topics, including legislation, investigation, and national and international cooperation.

**Sources** 'Protocol curbing illegal gun trade signed by 11 African nations', UN Wire, 22 April 2004, [www.unwire.org](http://www.unwire.org); 'East Africa unites against small arms', International Action Network on Small Arms (IANSA), [www.iansa.org](http://www.iansa.org); 'UN launches course on arms trafficking in Latin America', UN Wire, 4 May 2004, [www.unwire.org](http://www.unwire.org).

## POPs, PICs and COPs: all go on environmental treaties

The past few months have seen new multilateral environmental agreements enter into force alongside advances in pre-existing agreements.

- The 2001 Stockholm Convention on Persistent Organic Pollutants (POPs) entered into force on 17 May. To date 50 countries have ratified the accord, banning the use of 12 highly toxic chemicals that can kill or injure people and wildlife. The treaty contains provisions for implementation monitoring, while the POPs Intergovernmental Negotiating Committee has also requested that the Chemicals Programme of the United Nations Environment Programme (UNEP) set up the POPs Global Monitoring Programme.
- The 1998 Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade entered into force on 24 February. So far the treaty covers 27 listed chemicals and aims to provide governments with tools for improving their management of chemicals, including through prior informed

- consent (PIC) for imports of listed chemicals. Under the treaty, the Conference of Parties (COP) is to develop procedures for determining and dealing with instances of non-compliance.
- The 2001 International Treaty on Plant Genetic Resources for Food and Agriculture will enter into force on 29 June. The purpose of the agreement is to prevent plant biodiversity loss by ensuring that plant genetic resources for food and agriculture are conserved. The UN Food and Agriculture Organization (FAO), the body responsible for administering the treaty, is currently collecting comments on compliance issues from states.
  - The 2003 Framework Convention for the Protection of the Marine Environment of the Caspian Sea, between Azerbaijan, Iran, Kazakhstan, Russia and Turkmenistan, achieved its full roster of signatories when Turkmenistan, after initial hesitation, decided to sign it in November 2003. The treaty is intended to halt environmental degradation in the area and requires that states parties monitor the environmental condition of the Caspian Sea. A COP will review implementation of the accord. However, ratification and entry into force of the agreement is expected to take many years.

### Disarming Hans Blix

*Disarming Iraq: The Search for Weapons of Mass Destruction* by Hans Blix, Bloomsbury, London, 2004, pp. 285, £16.99 (hard cover), ISBN 0-7475-7345-9

Reading Hans Blix's book you can see why he made such a good UN chief weapons inspector. In his disarming Swedish way he recounts, calmly and without rancour, the triumph and tragedy of efforts by his United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to verify Iraqi disarmament—before the dogs of war were unleashed in March 2003. What many readers may take to be naïveté is rather Blix's lawyerly habit of approaching all of the players in his saga in good faith—not a bad characteristic for an international civil servant who is supposed to represent the interests of all UN member states. Another Swedish luminary, UN Secretary-General Dag Hammarskjöld, had the same quality.

Blix applies this attribute scrupulously, as did Hammarskjöld, giving both American and Iraqi motives the benefit of the doubt. He is no pushover for the Iraqis, insisting to the end that the country prove that it no longer has chemical or biological weapons as opposed simply to asserting that it does not, while also entertaining the possibility that Iraqi pride, disorganization and ingrained secretiveness may be a real, rather than feigned, barrier to compliance. Nor is he a pacifist, recognizing that it was the relentless build-up of US military pressure on Iraq that induced it to approach UNMOVIC quite differently to its predecessor, the United Nations Special Commission (UNSCOM). Similarly, he expresses no doubts, at least publicly, about the good faith of British Prime Minister Tony Blair and US President George W. Bush, preferring to portray them as misguided and misled (in part by the poor performance of Western intelligence agencies), rather than duplicitous and manipulative, as many now believe.

There are some surprises: Blix clearly admires US National Security Advisor Condoleezza Rice for her analytical as opposed to political inclinations. Blix reassures us that at no point did the US (or any other country) attempt blatantly to tell him what to say or do. He is puzzled by, but leaves largely unanalyzed, the turncoat behaviour of David Kay, a decorated UN inspector who later became head of the US-led Iraq Survey Group (ISG), only to discover himself what UNMOVIC had effectively been on the way to concluding: that Iraq had no weapons of mass destruction (WMD) left.

Methodically and logically, as if confronted by a bunch of rowdy schoolboys (viz. US Secretary of Defense Donald Rumsfeld, US Vice-President Dick Cheney and Deputy Secretary of Defense Paul Wolfowitz), Blix unpicks the ridiculous succession of US claims about Iraqi capabilities and activities that inspectors had to sort through: aluminium tubes (which turned out to be for rockets, not nuclear centrifuges); Nigerien yellowcake (just falsified documents); unmanned aerial vehicles for delivering WMD (a plywood toy that could fly for only 30 minutes); mobile biological weapons laboratories (that apparently existed only in the imagination of a serial liar in the employ of the Iraqi National Congress). All of this would be comical if Americans, Britons, Iraqis and others were not dying in an illegal, ill-conceived war. The great tragedy is that had Blix and his team been given a few more months this disaster could have been avoided.

**Trevor Findlay**, Executive Director, VERTIC



- More immediate results were seen at the Seventh COP to the 1992 Convention on Biological Diversity (CBD), held from 9–20 February in Kuala Lumpur, Malaysia, with 33 decisions adopted, including on monitoring, indicators and national reporting. The COP also served as the first Meeting of the Parties (MOP) to the 2000 Cartagena Protocol on Biosafety (COP/MOP1), which convened immediately afterwards. Thirteen decisions were adopted, including one on monitoring and compliance. A compliance committee was also established.

Sources Stockholm Convention on Persistent Organic Pollutants website, [www.pops.int](http://www.pops.int); 'UN treaty banning pollutants to enter into force in May', UN Wire, 19 February 2004, [www.unwire.org](http://www.unwire.org); Rotterdam Convention on the

Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade website, [www.pic.int](http://www.pic.int); 'Treaty on chemicals, pesticides gets final ratification', UN Wire, 1 December 2003, [www.unwire.org](http://www.unwire.org); 'Treaty on agricultural biodiversity to enter into force in June', UN Wire, 31 March 2004, [www.unwire.org](http://www.unwire.org); Commission on Genetic Resources for Food and Agriculture website, [www.fao.org](http://www.fao.org); 'Framework Convention for the Protection of the Marine Environment of the Caspian Sea', personal communication from UNEP Regional Office for Europe, 19 February 2004; 'Ministers to sign new environmental treaty on protecting the Caspian Sea', UNEP Press Release, 6 January 2004, [www.unep.ch](http://www.unep.ch); 'Clash of interests in the Caspian', *New Scientist*, 15 November 2003, no. 2421, p. 5; 'COP 7—Summary and Analysis', *Earth Negotiations Bulletin*, vol. 9, no. 284, 23 February 2004, p.1; 'COP/MOP 1—Summary and Analysis', *Earth Negotiations Bulletin*, vol. 9, no. 289, 1 March 2004, pp. 1, 4 and 8.

## Peace Missions Monitor

### Sudan: two conflicts, two monitoring regimes

On 26 May 2004 a peace agreement was reached after decades of conflict between the Muslim government and the Christian Sudanese People's Liberation Movement/Army (SPLM/A), which has reportedly led to the deaths of more than two million people. No international monitoring of the new agreement has yet been mooted. A Kenya-led Verification and Monitoring Team (VMT), dispatched by the Inter-Governmental Authority on Development (IGAD), continues to monitor the October 2002 Memorandum of Understanding on the cessation of hostilities and humanitarian access. The VMT's mandate has expanded since its inception in February 2003 from pure investigative work into mapping, liaising with commanders, monitoring the movement and location of troops, building confidence among government forces and militia groups and informing them of their responsibilities under the cessation of hostilities agreement. The team has experienced numerous setbacks, including refusal of visas, lack of funding and manpower, burdensome bureaucratic and diplomatic processes, and four changes of leadership.

Meanwhile, a separate conflict erupted in the past year in Sudan's western Darfur region between Arab militias (the Janjaweed), backed by the Sudanese government, and black African farmers. It has already resulted in the outpouring of around 110,000 refugees into Chad and the internal displacement of more than one million citizens. The UN Security Council is considering a peacekeeping force of around 8,500 troops and has called on the Sudanese government to pave the way for such a mission. Although the African Union resolved in early April to send a group of around a dozen unarmed observers to the region to monitor a 45-day ceasefire agreement signed on 8 April, it has not yet arrived and the fighting rages on.

Sources 'African Union to send peace monitors to western Sudan', UN Wire, 16 April 2004, [www.unwire.org](http://www.unwire.org); 'Fleeing the horsemen who kill for Khartoum', *The Economist*, 26 May 2004, [www.economist.com](http://www.economist.com); 'Report on the parties' participation in and commitment to the Sudan peace act', US Department of State, 2 March 2004, [www.state.gov](http://www.state.gov); 'Monitoring team resuming work', Integrated Regional Information Networks, 29 October 2003, [www.reliefweb.int](http://www.reliefweb.int); Michael Dynes, 'Sudanese thrash out peace deal', *The Times*, 27 May 2004, p. 35; John Donnelly, 'Sudan, rebels reach a peace deal', *Boston Globe*, [www.boston.com](http://www.boston.com).

### Back to the future in Haiti

On 30 April 2004 the UN Security Council unanimously approved a peacekeeping mission to help stabilize the situation in Haiti, establish democratic institutions and eventually organize free and fair elections. The United Nations Stabilization Mission in Haiti (MINUSTAH) took over on 1 June from the 3,700-strong US-led Multinational Interim Force (MIF). The MIF was established after the resignation and departure of President Jean-Bertrand Aristide, Haiti's first democratically elected leader, in February 2004. Ten international missions have been deployed to Haiti in the past decade. With an initial six-month mandate, and led by Brazil, the latest mission will comprise up to 6,700 troops and 1,622 civilian police officers. Its objectives include: helping the Transitional Government to organize, monitor and hold free and fair municipal, parliamentary and presidential elections 'at the earliest possible date'; monitoring, restructuring and reforming the national police; and monitoring and reporting on human rights.

Sources 'Security Council approves UN peacekeeping mission in Haiti', UN Wire, 30 April 2004, [www.unwire.org](http://www.unwire.org); Resolution 1542 (2004), UN Security Council, 30 April 2004.



### Earth observation plan approved

A framework document developed by the ad hoc Group on Earth Observations (GEO) for a 10-year implementation plan to establish a global climate monitoring system was approved at the Earth Observation Summit in Tokyo, Japan, on 25 April (see *Trust & Verify* no. 113 for background). The initiative is intended to create a comprehensive and coordinated Earth observation system.

Sources Group on Earth Observations website, <http://earthobservations.org>; 'Plan for Global Monitoring System approved', *UN Wire*, 26 April 2004, [www.unwire.org](http://www.unwire.org).

### GPS to help monitor climate change

When Global Positioning System (GPS) signals are reflected back into space they contain useful information about environmental aspects of the Earth. In addition to providing measurements of soil moisture content and ocean salinity and currents, they could reduce the amount of expensive equipment currently required on remote-sensing satellites that measure sea surface height, a vital element in determining the extent of climate change. Researchers at the University of Colorado will propose in the July edition of the *Acta Astronomica* journal that a network of four satellites is sufficient to provide this capability.

Source 'GPS echoes help monitor earth', *New Scientist*, 1 May 2004, p. 23.

### Revolution in signal processing

Recent advances in electronics have allowed for the combination of several detection technologies into one detection instrument. Such combination devices permit integrated monitoring for chemical, biological and radiological weapons, providing significant advantages over previous technologies. For example, the M93AI Nuclear Biological and Chemical Reconnaissance System (NBCRS), in service with the US army, automatically integrates chemical and nuclear contamination information from sensors with data from navigation and meteorological systems and rapidly transmits hazard warnings via a central data processor. UK forces are also using novel identification systems: the NBCerberus is a new stand-alone detection and identification technology that constantly monitors the atmosphere around a site. The system assimilates the results of its various instruments and relays details back to a command centre or central coordinating facility. Data can be

sent from the NBCerberus by any one of a number of data links, such as radio, microwave, hard wire or fibre cable. The entire system can be fitted into an environmental container or a small van or trailer.

Sources Andy Oppenheimer, 'To detect and protect', *Jane's Defence Weekly*, 14 April 2004, p. 23; 'Smith Detection develops NBCerberus', 14 March 2003, Army Technology Press Release, [www.army-technology.com](http://www.army-technology.com); 'Nuclear Biological and Chemical Reconnaissance System M93AI', *Army Fact File*, [www.army.mil/fact\\_files\\_site/nbcers/](http://www.army.mil/fact_files_site/nbcers/).

### Tracing nuclear bombs . . .

The US government is currently developing a programme to identify the perpetrators of a nuclear attack. One method is based on clues derived from small samples of radioactive fallout retrieved in the aftermath of an attack. Such fallout can reveal certain signatures, allowing identification of a bomb's type and country of origin. These techniques of 'nuclear attribution' or 'post-event forensics' are based on capabilities prevalent during the Cold War but which had, until recently, fallen from prominence. The programme covers standard nuclear weapons as well as radiological dispersal devices (RDDs). If a bomb has been stolen it may be possible to match debris signatures with data on nuclear weapons from classified libraries of information in order to identify its origin. An improvised device may, however, be less amenable to this form of investigation. To build capacity the programme is identifying experts and holding drills. In addition a robot is being created that can collect sample fallout and a new type of aircraft for atmospheric sampling is also being developed.

### . . . and conventional bombs

Techniques also exist to permit post-event identification of conventional bombs that use ammonium nitrate, a common fertiliser. Such explosives have been used in a number of terrorist attacks. It is possible to chemically tag fertilizer, which would help in an investigation to identify the source of a bomb, since traces of a tag can be found up to five kilometres from an explosion. Such a technique has been available for some time but has not yet been taken up by fertilizer companies.

Sources 'Making bomb-building harder for terrorists', *New Scientist*, 20 March 2004, p. 9; 'Addressing the unthinkable, US revives study of fallout', *New York Times*, 19 March 2004, [www.nytimes.com/2004/03/19/national/19NUKE](http://www.nytimes.com/2004/03/19/national/19NUKE).

## VERTIC BW verification workshop

VERTIC held a closed workshop in London on 13–14 May, as part of its project on ‘Strengthened mechanisms and tools for verifying biological weapons compliance’. The 20 participants, who between them have vast experience of BW verification issues, comprised former BW inspectors, arms control analysts, academics, scientists, industry representatives, and current and former government officials in the fields of defence, bio-defence and foreign affairs. The discussions centred on the following topics: Biological Weapons Convention (BWC) non-compliance scenarios; the American/British/Russian trilateral BW inspection experience; on-site BW inspections in Iraq; investigation of alleged BW and CW use under the auspices of the UN Secretary-General; and alternative mechanisms for verifying BW norms. The workshop discussions will inform VERTIC’s study on BW verification, which will be published in July 2004 in advance of the next BWC Experts Meeting, which is scheduled to discuss international investigations of alleged BW use and suspicious disease outbreaks. VERTIC is grateful to the UK Foreign and Commonwealth Office (FCO), the John D. and Catherine T. MacArthur Foundation and the Ploughshares Fund for financing the workshop. VERTIC invites anyone with an interest in the issue to contact its Legal Researcher, Angela Woodward ([angela@vertic.org](mailto:angela@vertic.org)).

Angela was elected Chair of the Board of the BioWeapons Prevention Project (BWPP) on 11 May.

## New grants

The Ploughshares Fund, based in San Francisco, California, has awarded VERTIC a one-year grant of US\$50,000 to continue its research into nuclear verification, including the CTBT, the NPT and IAEA nuclear safeguards. VERTIC has also been awarded £20,000 by the Global Opportunities Fund of the FCO to begin a project on national implementation of treaty commitments relating to weapons of mass destruction (nuclear, chemical and biological). The project will build on VERTIC’s work on national implementation legislation for the BWC. VERTIC is grateful to both bodies for their generous financial support.

## New intern

Jessica McLaughlin joined VERTIC on 8 April for a 10-week internship. Jessica is an Honours student at the Center for International Security and Cooperation, Stanford University,

US, studying Management Science and Engineering. At VERTIC she is researching the role of confidentiality in verification and analyzing current US verification research programmes. She is also working with fellow intern Kristie Barrow on the online Verification Organizations Directory (VOD). Along with Kristie, she served as a rapporteur at VERTIC’s BW workshop.

## Staff news

TREVOR FINDLAY, along with Angela Woodward, met with Alexander Coker, former UNMOVIC inspector, on 26 March. From 29–31 March he participated in an IAEA regional seminar in Windhoek, Namibia, where he gave a presentation on verification of a nuclear weapon-free world. On 21 April he met with Professor David Hafmeister of the California Polytechnic State University, San Luis Obispo, California, US, to discuss VERTIC’s work. On 7 May Trevor, along with Angela Woodward, participated in a roundtable in London convened by the British Red Cross and the International Committee of the Red Cross (ICRC) on ‘Preventing hostile use of the life sciences’. He gave a presentation on ‘The BWC and national implementation’. On 10 May, along with VERTIC Board members Lee Chadwick and Sue Willett, he met with trustees of the Joseph Rowntree Charitable Trust to discuss future funding. He represented VERTIC at the BWPP Board meeting on 11 May, also attended by Angela Woodward as an observer. On 27 May he gave a seminar on nuclear nonproliferation to students from the California Polytechnic State University who are undertaking courses at the University of London. Trevor’s publications during the period included an article for the March/April edition of *Disarmament Diplomacy* on ‘Preserving UNMOVIC: the institutional possibilities’.

JANE AWFORD attended the Library + information Show (LIS) at ExCel on 21 April to learn about future UK legal deposit requirements for online publications. During April she paid courtesy calls on her counterparts at the British American Security Information Council (BASIS), the Royal Institute for International Affairs (RIIA), the International Institute for Strategic Studies (IISS) and Saferworld. She coordinated the administrative arrangements for VERTIC’s BW workshop.

KRISTIE BARROW helped Angela Woodward to compile a dataset on ‘UN Secretary-General fact-finding missions into alleged use

of chemical and biological weapons'. On 10 May she presented a paper on networking, based on the landmine and similar campaigns, to BWPP Board members in a meeting at VERTIC.

**BEN HANDLEY** dealt with the day-to-day administration of VERTIC's office and compiled financial statements for VERTIC's funders and trustees. Ben is also preparing for VERTIC's relocation in October, including by attending meetings with future landlord Ethical Properties. Ben also helped to administer VERTIC's BW workshop.

**LARRY MACFAUL** attended a seminar at Freshfields Bruckhaus Deringer in London on the 'EU Emissions Trading Scheme—perspectives on the proposals of the EU member states' on 27 April. On 11 May he was involved in a meeting at Chatham House on 'Moving forward on climate change: state level action and opportunities for international co-operation'. He participated in a meeting on 24 May at the UK Department of Environment, Food and Rural Affairs (DEFRA) to discuss issues at forthcoming meetings of the Subsidiary Bodies of the

United Nations Framework Convention on Climate Change. On 27 May he attended the meeting of the International Emissions Trading Association (IETA) on 'A harmonized way forward on verification within the EU Emissions Trading Scheme' in Brussels, Belgium.

**ANGELA WOODWARD** was interviewed by Chris Schneidmiller of Global Security Newswire on 1 April for an article on BW verification issues. Angela visited the London office of BASIC on 2 April to consult with Ian Davis and Andreas Persbo on their project on the Proliferation Security Initiative (PSI). Along with Kristie Barrow, Angela met with fellow BWPP Board members, Ian Davis and Chandré Gould, as well as with BWPP Executive Director Jean Pascal Zanders, to discuss BWPP advocacy initiatives. Together with Jane Awford and Ben Handley, she organized VERTIC's BW workshop. She has also been writing a monograph on BW verification for VERTIC's *Verification Matters* series and a chapter on national implementation legislation for the BWC for the BWPP's *Bio Weapons Report*. In addition Angela has been assisting in planning the *Verification Yearbook 2004*.

## building trust through verification

VERTIC is the Verification Research, Training and Information Centre, an independent, non-profit making, non-governmental organisation. Its mission is to promote effective and efficient verification as a means of ensuring confidence in the implementation of international agreements and intra-national agreements with international involvement. VERTIC aims to achieve its mission through research, training, dissemination of information, and interaction with the relevant political, diplomatic, technical, scientific and non-governmental communities.

**PERSONNEL** Dr Trevor Findlay, *Executive Director*; Jane Awford MA, *Information Officer & Networker*; Kristie Barrow, *Intern*; Ben Handley, *Administrator*; Larry MacFaul, *Environment Researcher*; Jessica McLaughlin, *Intern*; Angela Woodward BA (Hons), LL.B., LL.M., *Legal Researcher*.

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**CURRENT FUNDERS** Esmée Fairbairn Foundation, Global Opportunities Fund of the UK Foreign and Commonwealth Office, John D. and Catherine T. MacArthur Foundation, Joseph Rowntree Charitable Trust, Oak Foundation, Ploughshares Fund, Polden-Puckham Charitable Trust.

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**EDITOR** Trevor Findlay.

**DESIGN, PRODUCTION & SUB-EDITING** Richard Jones.

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**PRINTED IN THE UK** by Linkway CCP Communications Limited, 5-8 Helmet Row, London EC1V 3QJ.

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