

# Ukraine: election observation matters

On 23 January 2005 Viktor Yushchenko was sworn in as Ukraine's new president, ending a bruising election marathon that involved three rounds of voting. The first, on 31 October 2004, was condemned by international observers for heavy government interference that bolstered the chances of its favoured candidate, Viktor Yanukovich, but this was a mere portent of the coming crisis. The 21 November run-off between Yanukovich and Yushchenko was so marred by allegations of electoral fraud that the Supreme Court declared Yanukovich's apparent victory void. In response to the political stalemate, massive street demonstrations by opposition supporters brought the capital, Kiev, to a virtual standstill. Only through a complete rerun on 26 December was this most bitterly disputed of polls resolved.

While Ukraine's political machinations garnered widespread coverage, less well acknowledged was precisely how international observers deemed the contested run-off to be democratically deficient, and why the rerun managed to avoid this fate. International election observation can be considered a form of verification because it places the integrity of the election under scrutiny, evaluating adherence to predetermined norms of transparency and even-handedness. The following discussion will look at the monitoring methodologies employed, how the resulting evidence was evaluated according to the principles of free elections and the extent to which these activities contributed to the resolution of the crisis in Ukraine.

## Anatomy of an electoral observation mission

Although several international organizations sent observers to monitor the Ukrainian elections, the most significant was the Election Observation Mission (EOM) of the Organization for Security and Co-operation in Europe (OSCE). While the European Union (EU), the North Atlantic Treaty Organisation (NATO) and the OSCE pooled expertise in preparing for the task, it was the latter that put the greatest number of people on the ground: over 1,000 observers were deployed for the December rerun, making it the largest EOM in the history of the OSCE.

Election observation has traditionally been a one-day affair focused entirely on the act of voting. The OSCE EOM in Ukraine, however, illustrates the degree to which this concept has evolved in recent decades. The multi-tiered structure of the EOM encompassed the entire election cycle, beginning with the registration of voters and candidates, the pre-election campaign, the acts of voting and counting ballots, the declaration of results, and, finally, the instalment of the winner in office.

Long-term media and campaign monitoring is vital, since citizens can only cast an informed vote if all candidates have conveyed their messages to them on an equal basis. Media analysts

## In this issue . . .

Samir Puri examines international election observation in Ukraine, while Larry MacFaul looks at progress made at COP10 and future climate change challenges. Plus Verification Watch, Peace Missions Monitor, Verification Quotes and VERTIC News and Events.

January–February 2005 • Issue Number 118 • ISSN 0966-9221

# Trust & Verify

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## Valedictory

After seven years as editor of *Trust & Verify* it is time to hand my keyboard to someone else. During this time multilateral verification has come under greater political, media and popular scrutiny than ever before, most notably with respect to Iraq and the weapons of mass destruction fiasco and climate change and its naysayers. It has been a matter of great regret that the former champion and most generous underwriter of verification, the United States, has become in many fields, particularly biological weapons control, its nemesis. My parting wish is that the second administration of US President George W. Bush will reacquire the spirit inherent in our masthead, inspired by the late President Ronald Reagan in another era. I thank all of the contributors to my 42 editions, especially the unsung VERTIC staff members and interns who filled its pages with anonymous gems, our talented copy editor and designer Richard Jones, and our faithful readers.

**Trevor Findlay**, Editor

monitored the column inches and broadcast time dedicated to each candidate prior to the poll, and gauged whether this was positive, neutral or negative coverage. The findings of the OSCE were damning in this regard, as Yanukovich eclipsed his competitors in terms of access to state-owned media outlets, while the opposition Channel 5 could only transmit to one-third of the country and was even, at one point, taken off the air. Improvements were detected prior to the December rerun: Kiev's 'orange revolution' became so big a story that the propagation of coverage simply could not be stemmed. Landmark victories were consequently won in respect of freedom of the press.

At the regional level, teams of short-term observers (STOs) were dispatched to Ukraine's 27 electoral zones to assess fairness in the basic act of voting. On arrival they were briefed on conditions specific to their region and then assigned a cluster of polling stations to monitor. Given Ukraine's vast expanse (47 million people spread over 600,000 square kilometres) complete coverage was impossible. Instead, the STOs visited a sample of polling stations on election day to observe whether proceedings adhered to Ukrainian electoral law and international norms. It is important to distinguish electoral observation from electoral assistance: members of the EOM were not mandated to instruct local election staff on how best to run operations. Observation is an entirely passive task and the STOs evaluated polling activities simply by speaking to election representatives and watching from the sidelines.

This grassroots work detected significant cases of electoral fraud in the first two rounds, a notorious example being abuse of the absentee ballot system. Each polling station stored extra ballots for voters who were not local residents, but a superfluous number were printed and used by zealous supporters who were bussed between polling stations to cast multiple votes. Voter list inaccuracies were also observed, and some citizens were disenfranchised when their names were absent. Other lists included multiple entries for some voters and even names of the deceased, resulting in suspicious turnouts of nearly 100 per cent in eastern regions like Donetsk. Another example was pressure placed on state employees to vote a certain way. Soldiers and members of the police had their vote 'approved' by officers, while some hospital staff even pressed patients on how they should vote. The final focus for the STOs was ballot counting and tabulation of results, and mathematical checks were employed to monitor whether results added up and all ballots had been counted.

At the national level the OSCE core team in Kiev collated the STO reports, while statisticians scrutinized the data to produce a country-wide picture. The core team also monitored fairness at the highest levels of activity. Legal analysts observed developments in the 15-member Central Election Commission (CEC) that interprets and enacts Ukrainian electoral law. After Yanukovich was proclaimed the winner in November, it was Yushchenko's lodging of an official complaint against the CEC for presiding over so many electoral misdeeds that spurred his orange-clad supporters into action. While these massive street protests gained the lion's share of attention, the real battleground was in the Supreme Court, where the CEC was effectively placed on trial. Witness testimonies and evidence of electoral fraud were presented to the court. OSCE officials observing this process praised its transparency.

## Resolution of the crisis

The Supreme Court concluded its ruminations in early December, dismissing several CEC members and scheduling a rerun of the disputed run-off for 26 December. In order to avoid another fiasco, electoral law amendments were made to address some areas of concern highlighted by international observers. In particular the supply of absentee ballots was capped, and the procedure tightened so that just one specially designated polling station per constituency could accept them. This virtually eradicated absentee ballot fraud. In addition the rerun was praised for reduced reports of coercion by state employees, and for a greater plurality of views being presented by the media.

Inaccurate voter lists and implausible turnouts persisted, but, overall, the rerun was deemed to be far closer to meeting international standards than its troubled predecessor. Ukraine's political crisis had been resolved by legal means.

Quantifying the extent to which international monitoring contributed to this resolution is difficult. Certainly without an international presence no third-party observation would have occurred. A major shortcoming in Ukrainian electoral law was the lack of provision for non-partisan domestic observers. The Committee of Voters of Ukraine (CVU), a leading indepen-

dent non-governmental organization (NGO), had to register its personnel as journalists in order to gain access to polling stations. By contrast, partisan observers representing either Yanukovich or Yushchenko were regular fixtures in all polling stations. Addressing the imbalance between partisan and non-partisan domestic observers is one of the recommendations on the OSCE's list of proposals for the sound running of future elections.

It would, however, be incorrect to portray all international monitoring efforts as equally laudable. The Commonwealth of Independent States (CIS) deployed its own observation mission, but, according to Bruce George, head of the OSCE Parliamentary Assembly, they appeared 'to be observing an entirely different set of elections to us!' Both the initial rounds were declared perfectly democratic by CIS Executive Secretary Vladimir Rushailo, while the rerun incurred criticisms of fraud. This sequence was so perfectly in tune with Moscow's unequivocal backing of Yanukovich that the mission's independence is questionable.

One must also be sceptical of observers from countries that are themselves in varying stages of democratic transition. Given the criticism of Russia's own 2004 election, and the utter farce of a referendum held in Belarus on 17 October 2004, it seems absurd that such nations would pass judgement on the democratic standards of others.

These issues aside, international monitoring played a telling part in resolving Ukraine's political crisis. Generating clear empirical proof of electoral fraud was perhaps its most direct accomplishment. The visible presence of third-party observers in polling stations enhanced confidence among voters that their ballots would count. It also increased the level of attention Ukraine received in the wider world. Monitoring added factual credence to the demands of the international community for the Ukrainian authorities to resolve the crisis peacefully.

On the whole, international observation mattered in the Ukrainian election because it contributed third-party credibility to what would otherwise have been an entirely internal and hence unregulated exercise.

**Samir Puri**, VERTIC Intern, who was an OSCE observer in all three rounds of the election. He was joined by fellow VERTIC intern Andy Piner for the rerun on 26 December.

For further analysis of electoral monitoring challenges, see the chapter in the *Verification Yearbook 2002* by Bill Gray and Therese Laanela entitled 'International election observation' (VERTIC, London, 2002, pp. 189–204).

### Monitoring the Iraqi election from a (safe) distance

International observation boosted the credibility of the recent Afghan, Palestinian and Ukrainian elections, but Iraq will not be joining this list because continuing violence precluded the deployment of foreign observers to polling stations. At a December 2004 international forum of electoral experts in Ottawa, Canada, convened to assess alternative observation methods, Jean-Pierre Kingsley, Canada's chief electoral officer, concluded that 'We are not calling this an observation mission . . . it is an assessment mission'.

The International Mission for Iraqi Elections (IMIE) was thus based in Jordan and judged the validity of the elections by monitoring independent media reports and interviewing political party representatives to determine if all partisan interests were equally represented.

The task of monitoring voting activities in the field fell to some 5,000 Iraqi electoral officials trained under US government contract by the National Democratic Institute, a Washington-based electoral assistance organization headed by former US Secretary of State Madeleine Albright.

Immediately following the election the IMIE published a preliminary report that keenly praised the quality and extent of election planning, particularly given the appalling security conditions. Room for improvement was suggested in voter registration and transparency of party funding. The IMIE will continue its observations as preparations for the next two stages of voting, currently scheduled for later in 2005, proceed.

**Sources** 'Establishment of an international mission for Iraq elections', Elections Canada, [www.elections.ca](http://www.elections.ca); 'Foreign team will watch vote in Iraq from Jordan', *New York Times*, 23 December 2004, [www.nytimes.com](http://www.nytimes.com); 'Observers will stay out of Iraq', *International Herald Tribune*, 24 December 2004, [www.iht.com](http://www.iht.com).

# Kyoto Protocol: imminent entry into force, but still work-in-progress

The Tenth Conference of Parties (COPI0) to the 1992 United Nations Framework Convention on Climate Change (UNFCCC) took place from 6–17 December 2004 in Buenos Aires, Argentina. The context was fundamentally different to any previous COP, since the long-awaited entry into force of the convention's 1997 Kyoto Protocol had been assured by Russia's ratification two weeks earlier, on 18 November. The protocol, which will come into effect on 16 February 2005, places binding commitments on parties to reduce greenhouse gas (GHG) emissions. Entry into force accords new validity and potency to continuing negotiations on implementation of the protocol and the convention. The commencement of the EU Emissions Trading Scheme on 1 January 2005, less than a month after COPI0, heightened the sense that action on climate change was advancing. These signs of progress, though, were tempered by familiar disagreements at COPI0 over the shape of the current and future climate change regime.

## Negotiations

Negotiations at COPI0 covered a variety of issues, ranging from technology to reporting and capacity-building. There were also four high-level panel discussions on: 'The Convention after 10 years: accomplishments and future challenges'; 'Impacts of climate change, adaptation measures and sustainable development'; 'Technology and climate change'; and 'Mitigation of climate change: policies and their impacts'. Three inter-sessional workshops on mitigation, adaptation and organization of the intergovernmental process also took place.

For VERTIC, three main issues stole the limelight at COPI0:

- the most appropriate apparatus to ensure effective functioning of the Kyoto Protocol;
- how to conclude an 'adaptation package' agreement; and
- how to begin discussions on the next steps towards tackling climate change.

## Apparatus

Negotiations on the nuts and bolts of the UNFCCC and the Kyoto Protocol saw progress in several areas and stalemate in others. The UNFCCC and especially the Kyoto Protocol have complex

verification systems with extensive monitoring, reporting, review and compliance procedures. Much of the 'unfinished business' concerning the effective functioning of the protocol relates to the detail of monitoring and accounting issues.

Due to inherent complexity and associated levels of uncertainty, agreement on the intricate systems needed to monitor and account for GHG emissions and removals in the Land-Use, Land-use Change and Forestry (LULUCF) sector had hitherto proved particularly elusive. However, COPI0 saw strong advances as to how parties estimate and report in their GHG inventories on emissions and removals of GHGs in this sector. Progress was also made on how monitoring of small-scale forestry projects should be carried out under the Clean Development Mechanism (CDM)—which allows developed nations to carry out projects that reduce GHG emissions in developing countries and thereby earn emissions credits.

In addition a standard electronic format was established for parties to report on their various protocol emissions trading units. Decisions were also made to facilitate implementation of registry systems (which account for parties' units) and the international transaction log (which checks the trading of units against certain criteria). It is important that these systems are up and running as soon as possible considering the proximity of the protocol's first commitment period—2008–12—since they are vital for the effective functioning of the GHG accounting system and emissions trading. The UNFCCC's Subsidiary Body for Scientific and Technological Advice (SBSTA) noted that parties have improved substantially the quality, timeliness and completeness of their GHG inventories. This is encouraging, as inventories form the backbone of efforts to tackle climate change. The difficulties involved in making accurate emissions projections were also discussed and recommendations made to improve parties' reporting in this area. Emissions from international aviation and marine transport were also discussed, including consideration of methodological issues for the allocation of emissions.

Little progress was made on the contentious issue of the timing and frequency of non-Annex I national communications (the main format for parties to report on their climate change activities to the UNFCCC Secretariat) or on their national GHG

inventories. The second review of adequacy of commitments under the UNFCCC was also discussed. The first review took place in 1995 and resulted in the negotiations that led to the adoption of the Kyoto Protocol. The second review was meant to take place no later than 1998. Yet again, though, no agreement was arrived at, since a decision could have far-reaching consequences for the future of the climate change regime and views on this subject are currently widely divergent.

### *Adaptation*

Negotiations on the best way to deal with adaptation have been thorny. While some developing countries were primarily concerned with adaptation to the adverse impacts of climate change, members of the Organization of Petroleum Exporting Countries (OPEC) were concerned with adaptation to mitigation and response measures to climate change, notably lower revenues from oil sales. Negotiators had to work through the last night of the conference and into the following morning to secure agreement: a package was eventually adopted that covers both aspects.

### *Seminar of governmental experts*

Delegates also debated during the course of the final night the future structures for tackling climate change: perhaps the most

divisive issue of any on the climate change agenda. Opinions differed widely and strongly, mainly between, on the one hand, several EU countries, which wanted a stronger text that mentioned future actions, and, on the other, several developing countries and also, for different reasons, the US, which wanted no mention of future negotiations or frameworks. However, parties managed to agree to hold a seminar in May 2005 to promote an informal exchange of information on mitigation and adaptation in order to assist parties in developing effective responses to climate change and policies and measures to support implementation of the UNFCCC and the Kyoto Protocol. As the seminar will not 'open any negotiations leading to new commitments', what impact it will have remains to be seen.

Subsequent to COP10, the European Parliament decided that the EU should present a proposal for a future regime to the seminar and has insisted that the seminar focus on future-oriented discussions of the protocol within the framework of the UNFCCC. The aim should be to develop 'effective and appropriate response measures to climate change' in a written report that should feed back into the negotiations.

## **COP10 and the future of the climate change regime**

COP10 made valuable progress on implementing the Kyoto Protocol system. Nonetheless, parties still have to find a way to engage states that have not ratified (primarily Australia and the US) and to deal with the issue of developing country emissions. Under the protocol, parties must begin considering post-2012 commitments in 2005. Climate change is set to receive a great deal of attention this year, since the United Kingdom is according it high priority during its presidency of the EU and as chair of the Group of Eight (G8) industrialized countries. There has also been steady amplification with regard to media coverage of the issue. The two events that will have the greatest effect on action to address climate change in the near future are the inception of the ETS and the entry into force of the protocol. These events give clear signals to business, society and states that are not engaged that many governments are serious about tackling climate change. However, since the transition to a low carbon economy requires long-term planning by business and governments, greater certainty about the post-2012 period and a clear, inclusive and long-term strategy are needed as soon as possible to stimulate effective action now.

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VERTIC Environment Researcher

### **It's back, it's better and it's online: the Verification Organizations Directory!**

The Verification Organizations Directory (VOD) is now available online at [www.vertic.org/datasets.html](http://www.vertic.org/datasets.html). It contains the latest contact details for, and basic information on the verification-related activities of, over 500 arms control and disarmament organizations located in countries ranging from Afghanistan to Zimbabwe and operating at the international, bilateral, regional and national levels.

Find out which government department is responsible for implementing nuclear safeguards in Canada, or the National Point of Contact for the 2001 UN Programme of Action on Small Arms and Light Weapons in Oman, or which ministry in Uganda submits annual landmine reports to the United Nations Department for Disarmament Affairs. The VOD also contains information on non-governmental organizations and university and other research centres active in the field.

VERTIC wishes to thank the John D. and Catherine T. MacArthur Foundation and the Joseph Rowntree Charitable Trust for their generous support for the VOD. VERTIC welcomes the submission of additions and amendments. Contact Jane Awford at [jane.awford@vertic.org](mailto:jane.awford@vertic.org).



### Verification of Iraq's WMD fizzles out

The search for Iraq's weapons of mass destruction (WMD) is over. In December 2004, the Iraq Survey Group (ISG) left Iraq, citing as reasons the escalating violence and the lack of new information on the country's long-alleged WMD programme. The ISG's final report, which will be published as a book, is therefore likely to be based largely on its interim report, which was made public on 30 September 2004. The interim report concluded that Iraq possessed no weapons of mass destruction prior to the war, nor active programmes or even written plans to develop and build nuclear, chemical or biological weapons. Charles Duelfer, the group's leader, suggested after the release of the interim report that WMD may have been transferred out of Iraq. No news has emerged, though, to suggest that the ISG found any evidence to confirm this claim.

Sources 'US WMD hunters leave Iraq', Global Security Newswire, 12 January 2005, [www.nti.org](http://www.nti.org); 'Final ISG report to address whether banned weapons were moved from Iraq prior to war', Global Security Newswire, 18 January 2005, [www.nti.org](http://www.nti.org); 'Bush and Rice insist on prewar Iraqi threat despite ISG report', Global Security Newswire, 26 January 2005; see also 'Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD', Central Intelligence Agency, 30 September 2004, [www.cia.gov/cia/reports/iraq\\_wmd\\_2004/](http://www.cia.gov/cia/reports/iraq_wmd_2004/).

### Ottawa Landmine Treaty: progress praised and reviewed

The 1997 Ottawa Landmine Treaty held its first review conference from 29 November–3 December 2004 in Nairobi, Kenya. A significant outcome was the Nairobi Action Plan 2005–2009, which offered suggestions on how to improve state compliance with the agreement before the next review conference in 2009. According to the plan, states parties have an impressive record of compliance in particular areas. For example, all states have destroyed their stockpiles of anti-personal landmines within the four-year period specified by the treaty. However, only 37 out of 144 states have implemented robust national legislation to prevent and suppress prohibited activities. Furthermore, five states have failed to submit initial transparency reports on steps taken to implement the accord.

Some progress did occur with respect to fact-finding missions. The United Nations Department for Disarmament Affairs produced a list of qualified experts to serve with fact-finding missions tasked with examining alleged cases of non-compliance.

Source 'Final Report of first review conference on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction, Nairobi', APLC/CONF/2004/5, 8 December 2004, [www.review-conference.org](http://www.review-conference.org).

### WMD 1540 reports trickling in

Compliance by UN member states with the reporting requirements of UN Security Council resolution 1540 of 28 April 2004 (see *Trust & Verify* no. 115) has been poor. The resolution required UN member states to report by 28 October 2004 on the steps they have taken to implement and enforce effective national laws to prevent non-state actors from acquiring, manufacturing, developing or transferring nuclear, chemical and biological weapons and their means of delivery. The Council's 1540 Committee, chaired by Mihnea Motoc of Romania, has revealed that by 7 December 2004 only 86 states—located predominantly in the Americas and Europe—had submitted reports. Most of the states that have not filed reports are in Africa and the Middle East. The 1540 Committee has launched a website and appointed four experts as advisors: Volker Beck (Germany), Richard T. Cupitt (US), Roque Monteleone-Neto (Brazil) and Victor S. Slipchenko (Russia). There are plans to add two more experts, most likely from Africa and Asia.

Sources 'Letter dated 8 December 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council', UN Statement S/2004/958, [www.un.org/webcast/sc2004.htm](http://www.un.org/webcast/sc2004.htm); 'Security Council briefed by chair of monitoring body created to combat the proliferation of mass destruction weapons', SC/8265, UN Information Service, 10 December 2004, [www.unis.unvienna.org](http://www.unis.unvienna.org); 'Four experts named to help Security Council prevent WMDs from falling into terrorists hands', UN News Service, 11 January 2005, [www.un.org/News/](http://www.un.org/News/).

### US bureaus merging but verification safe?

In January 2005 Secretary of State Colin Powell endorsed the recommendation of an internal review that the Arms Control Bureau and the Non-Proliferation Bureau of the US Department of State be merged, as their responsibilities and work overlap. The Verification Bureau will apparently remain separate. The Arms Control Bureau has concentrated on developing policy on conventional and unconventional forces, supporting arms control negotiations and implementing existing agreements. The Non-Proliferation Bureau has focused on efforts to curb

the proliferation of weapons of mass destruction and their delivery systems, as well as of advanced conventional weapons. Not all are convinced of the wisdom of the move: Daryl Kimball, Executive Director of the Arms Control Association, sees the amalgamation as ‘a further diminishing of the importance of US arms-control policy within the larger federal bureaucracy’.

**Source** Nicholas Kravev, ‘Powell OKs merging arms-focused bureaus’, *Washington Times*, 12 January 2005, [www.washingtontimes.com/world](http://www.washingtontimes.com/world).

### India and Pakistan creep in right direction

The Foreign Secretaries of India and Pakistan, Shyam Saran and Riaz Khokhar, met in Islamabad, Pakistan, from 27–28 December 2004 to continue talks on peace and security. They reviewed progress made during meetings of experts on nuclear and conventional confidence-building measures. They also discussed the draft bilateral agreement on pre-notification of flight testing of ballistic missiles, but failed, despite converging views, to reach a conclusion. On 1 January 2005, the two countries exchanged lists of nuclear facilities that they have agreed should not be targeted in the event of war.

Meanwhile, Pakistan has taken steps to strengthen its export control legislation. On 14 September 2004 the National Assembly passed a bill tightening controls on the export of nuclear and biological weapons-related technology and missile delivery systems. The Senate passed the bill five days later and the legislation has since entered into force. During the Senate debate Foreign Minister Khurshid Kasuri said the legislation would not affect the legal cases brought against scientists involved in the A.Q. Khan nuclear smuggling network, which is accused of helping Iran, Libya and North Korea to acquire nuclear weapons. While Kasuri claimed that the legislation was the result of two years of meetings between the ministries of commerce, customs, defence, foreign affairs and others, it was undoubtedly expedited due to US pressure aimed at ending Pakistan’s role as the world’s greatest serial proliferator.

**Sources** Miriam Rajkumar, ‘Peace process in South Asia’, *Carnegie Analysis*, Carnegie Endowment for International Peace, 19 February 2004; ‘Nuke hotline for India, Pakistan’, *CNN News*, 20 June 2004, [www.cnn.com](http://www.cnn.com); ‘United States working with Pakistan to strengthen export control system, State Department official says’, *Global Security Newswire*, 23 June 2004, [www.nti.org](http://www.nti.org); ‘Pakistani lawmakers pass nuclear export controls’, *Global Security Newswire*, 14 September 2004, [www.nti.org](http://www.nti.org); ‘Senate endorses nuke exports control law’, *Daily Mail* (online edition), 19 September 2004, <http://dailymailnews.com>; ‘Pakistani ambassador outlines new nuclear security measures imposed after Khan scandal’, *Global Security Newswire*, 16 December 2004, [www.nti.org](http://www.nti.org); ‘India and Pakistan swap list of nuclear facilities’, *Agence France-Presse*, 1 January 2005, [www.spacedaily.com/news/nuclear-india-pakistan](http://www.spacedaily.com/news/nuclear-india-pakistan).

### Don’t trust, but verify: US intelligence agencies on SORT

Shortly after the 2002 Russia–US Strategic Offensive Reductions Treaty (SORT) was signed, US intelligence agencies reported that they would not be able to verify Russian compliance. This conclusion is hardly surprising since the treaty is devoid of verification provisions. It simply provides that the parties convene a bilateral implementation commission at least twice a year. By contrast, the 1991 Strategic Arms Reduction Treaty (START) employs both national technical means of verification and on-site inspections to provide assurances of compliance. The abandoned 1993 START II treaty contained essentially the same verification rules as START.

The intelligence agencies suggested that warhead deployments could be verified if the START verification rules were extended beyond that agreement’s expiration in 2009. The current US position, though, is that the START rules do not apply to SORT, and that SORT does not terminate, extend or in any other way affect the status of START.

Meanwhile, the Consultative Group for Strategic Security, established after SORT’s signature and chaired by the two parties’ respective foreign and defence ministers, failed to meet in 2004. The US would like to use the forum to discuss increased personnel exchanges and briefings, as well as Russia’s tactical nuclear arsenal, whereas Russia would rather discuss heavy bomber deployments, submarine operations and a sea-launched cruise missile limit. US President George W. Bush has said that there is a need to improve cooperation with Russia to secure stockpiles of nuclear materials. He offered Russia equal access to US nuclear storage sites in order to build confidence between the two states.

**Sources** ‘US cannot verify Russian SORT compliance’, *Global Security Newswire*, 21 December 2004, [www.nti.org](http://www.nti.org); ‘Bush seeks more Russian access to US nuclear sites’, *Global Security Newswire*, 21 December 2004, [www.nti.org](http://www.nti.org); ‘US-Russian nuclear group did not meet last year’, *Global Security Newswire*, 21 January 2005, [www.nti.org](http://www.nti.org).

### CTBT: acquiring global reach

On 16 September 2004, the Executive Secretary of the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO), Wolfgang Hoffman, declared that the International Monitoring System (IMS) now covers all areas of the planet. He added that he had not previously been as explicit about the system’s global reach since that would have pointed would-be violators in the direction of places where they might clandestinely conduct testing. While designed to garner media attention rather than being a scientific evaluation of the system’s capabilities, it is

nonetheless true that global reach is gradually being acquired. On 23 September 2004, for example, Israel signed a facility agreement with the CTBTO to allow work to commence on IMS installations on its territory.

Meanwhile, the devastating tsunami of 26 December 2004 has awoken strong interest in the capabilities of the IMS. While the IMS as now configured would be unable to detect conclusively a tsunami—it would need to be supplemented with deep water buoys, tidal gauges and a regional tsunami alert centre—its seismic and hydroacoustic technologies would register and classify any seismological event capable of generating such huge waves. The CTBTO sent two representatives to the United Nations Educational, Scientific and Cultural Organization (UNESCO)'s World Disaster Reduction Conference in Kobe, Japan, on 18–22 January 2005, to describe its capabilities. Perhaps the tsunami's tragic effects will convince doubters that the IMS can produce great scientific and civilian benefits, an argument that the CTBTO and supportive states like the UK have been making for some time.

Entry into force of the agreement that the IMS is intended to verify, the 1996 Comprehensive Nuclear Test Ban Treaty (CTBT), drew a little nearer when the Democratic Republic of the Congo (DRC) ratified on 28 September 2004. As of 27 January 2005, 41 of the 44 Annex II states that must become parties to the treaty to bring it into force have signed—but only 33 of them have ratified. The treaty is unlikely to enter into force in the immediate future, since the Bush administration says that the US will not ratify, while India, North Korea and Pakistan have indicated that they will not even sign.

**Sources** Ben Mines, 'The Comprehensive Nuclear Test Ban Treaty: virtually verifiable now', VERTIC Brief, no. 3, April 2004; 'Earth fully covered by nuclear test surveillance system, official says', Global Security Newswire, 17 September 2004, [www.nti.org](http://www.nti.org); 'Israel signs CTBT facility agreement', Global Security Newswire, 23 September 2004, [www.nti.org](http://www.nti.org). For an update on CTBT verifiability see David Hafemeister, 'Effective CTBT verification: the evidence accumulates', *Verification Yearbook 2004*, VERTIC, London, December 2004, pp. 29–44.

## Strengthened safeguards do their stuff

Over the past few months two cases have demonstrated the effectiveness of the Additional Protocol and highlighted the importance of its widest possible adoption as the 'gold standard' of nuclear safeguards. On 23 August 2004, South Korea admitted that four years ago it conducted laboratory-scale uranium enrichment experiments. An International Atomic Energy Agency (IAEA) fact-finding mission subsequently discovered that South Korea had also studied uranium and plutonium isotope separation in the early 1980s. At its 25–26 November 2004

meeting, the IAEA Board of Governors noted that South Korea's failure to report these activities was of serious concern, but also that the quantities of nuclear material involved were not significant. It welcomed the corrective action taken by South Korea and its active cooperation with the agency.

The IAEA conducted one special inspection in December 2004 and routine inspections will reportedly resume this year. The scale of South Korea's nuclear programme and its associated verification costs had made it a prime candidate for integrated safeguards, whereby measures may be applied at reduced levels at certain facilities once its Additional Protocol has been fully implemented. However, this non-compliance incident casts doubt over the wisdom of applying integrated safeguards in the country any time soon. Meanwhile, the IAEA has been investigating the small, undeclared experiments involving the separation of plutonium and uranium enrichment in Egypt. IAEA officials contend that discoveries like those in Egypt and South Korea illustrate the effectiveness of the strengthened safeguards system and the Additional Protocol.

On 12 January 2005, the Ukrainian legislature, the *Verkhovna Rada*, decided not to ratify the Additional Protocol. Its decision was reportedly motivated by the failure of Western states to live up to their financial commitments relating to the shutdown of the Chernobyl nuclear power station. This is unwelcome, since the application of safeguards should not be used as a bargaining chip. The election of a new government that is eager to have Ukraine join the West will hopefully lead to reconsideration of this decision.

Finally, the IAEA's ability to detect infringements of nuclear safeguards is likely to be enhanced by a US\$40 million computer upgrade. The computers used to support agency inspections were installed in the 1970s and supplement a largely paper-based system. The upgrade will provide inspectors in the field with secure online access to previous inspection data, design blueprints and even satellite images. So far, the UK and the US have together contributed around US\$10 million.

**Sources** IAEA, *Annual Report 2003*, GCL/48/3, Annex, Table A24, pp. 17, 21, 23, 26 and 28; 'The agency's budget update for 2005', IAEA document GC(48)/2, August 2004; Tracy Logan, 'Nuclear body seeks new technology', BBC News, 26 October 2004, <http://news.bbc.co.uk>; 'Implementation of the NPT Safeguards Agreement in the Republic of Korea', IAEA document GOV/2004/84, 11 November 2004; Ryu Jin, 'IAEA completes special inspections', *The Korea Times*, 16 December 2004, <http://times.hankooki.com>; 'UN nuclear watchdog investigating Egypt for atomic experiments', Agence France-Presse, 5 January 2005, [www.spacewar.com](http://www.spacewar.com); Paul Kerr, 'Ukrainian lawmakers refuse to ratify protocol to IAEA agreement', ITAR-TASS, 12 January 2005, [www.itar-tass.com](http://www.itar-tass.com); 'IAEA investigating Egypt and Taiwan', *Arms Control Today*, January/February 2005, [www.armscontrol.org/act/2005](http://www.armscontrol.org/act/2005).

## Peace Missions Monitor

### Democratic Republic of Congo: from observation to intervention?

Continuing clashes in December 2004 between government soldiers and rebels previously backed by Rwanda have displaced thousands of civilians in the DRC. The United Nations Organization Mission in the Democratic Republic of Congo (MONUC) has responded by declaring a ten-kilometre no-go area between the forces deployed north of Kanyabayonga, the eastern Congo town where fighting has been most intense. In an unusually strong statement, MONUC said that: 'Any unapproved attempt by one side or the other to cross this buffer zone is strictly banned and will be immediately pushed back'. A combination of ground patrols and airborne helicopter monitoring was initiated to ensure compliance, while Pakistani peacekeepers actively repelled incursions from Rwanda. By late December the tactical effect of the buffer zone could be felt as fighting eased, although tensions remain and many refugees are yet to return.

With over 12,000 uniformed personnel, MONUC is currently the largest UN peacekeeping force. Initially deployed in 1999 to monitor compliance with the ceasefire agreements that ended the five-year conflict in the DRC, it has faced constant criticism for allegedly allowing militias a free hand. In October 2004 its mandate was strengthened by the Security Council, which authorized 'MONUC to use all necessary means, within its capacity and in the areas where its armed units are deployed'.

**Sources** UN Security Council resolution 1565, 1 October 2004, [www.un.org/Depts/dpko/missions/monuc/mandate.html](http://www.un.org/Depts/dpko/missions/monuc/mandate.html); MONUC website, [www.monuc.org](http://www.monuc.org); 'UN sets up buffer zone in Congo', *Guardian Unlimited*, 22 December 2004, [www.guardian.co.uk](http://www.guardian.co.uk); 'Congo dissidents pull back from UN buffer zone', Reuters, 26 December 2004, [www.alertnet.org](http://www.alertnet.org).

### Challenges of monitoring southern Sudan's new peace agreement

On 9 January 2005 a landmark deal signed between the northern Arab government and the southern Sudan People's Liberation Movement (SPLM) ended 21 bloody years of civil war. Both sides have committed to a national power-sharing administration for a six-year transition period, after which a referendum will be held on southern secession. In addition, wealth-sharing measures will seek an equal distribution of oil revenue between north and south, and the government will desist from spreading Sharia Law to the largely Christian south. Jan Pronk, the Special Representative of the UN Secretary-General in Sudan, has already proposed that the '9,000 troops, plus military observers . . . be spread throughout south Sudan' to monitor the ceasefire. The requisite mandate is expected to receive Security Council approval in February.

As the composition and remit of this force is thrashed out, it is worth considering the precedent set by a ceasefire brokered by Switzerland and the US that ended fighting over a key central Sudan front in 2002. The Nuba Mountain deal has been overseen by a Joint Monitoring Mission (JMC) for three increasingly successful years. JMC teams are made up of a mixture of government, SPLM and international personnel and conduct patrols that investigate complaints, inspect humanitarian aid deliveries and facilitate the free movement of civilians and goods across ceasefire lines. With the JMC soon to hand over responsibilities to the UN, it is hoped that its success in establishing a consensus-based monitoring regime will also be imparted to the world body.

**Sources** 'Large UN force for southern Sudan', BBC News, 18 January 2005, <http://news.bbc.co.uk>; Sudan People's Liberation Movement (SPLM) website, <http://splmtoday.com/index.php>; 'Nuba ceasefire experience suggests points to ponder', UN Information Network, [www.irinnews.org](http://www.irinnews.org).

### Senegal: new peace agreement ends 22 years of conflict?

On 30 December 2004 President Abdoulaye Wade signed a peace deal with separatist rebels of the Casamance Movement of Democratic Forces (MFDC), ending their 22 year-old struggle to detach free the southern Casamance region from central control. Under the terms of the agreement, the MFDC 'solemnly decides once and for all to give up armed struggle and the use of violence', while the government has pledged to grant an amnesty to fighters and to integrate them into government paramilitary units on a voluntary basis.

The demobilization process is likely to be complicated by the factionalized nature of the MFDC, sections of which have refused to renounce violence. A joint peace monitoring committee, including representatives of all parties, will monitor and oversee the demobilization of fighters and stockpiling of arms, reportedly under the supervision of the International Committee of the Red Cross (ICRC) and La Rencontre Africaine pour la Défense des Droits de l'Homme (African Forum for the Defence of Human Rights) (RADDHO).

**Sources** 'Crowds cheer Senegal peace deal', BBC News, 30 December 2004, <http://news.bbc.co.uk>; 'Casamance looks forward to more prosperous 2005 after peace deal', Reuters, 31 December 2004, [www.alertnet.org](http://www.alertnet.org).

### Deputy Director and new Board chairs

Angela Woodward has been appointed Deputy Director, a new position in the organization. She will continue her research on chemical and biological weapons control. Before a new Executive Director is recruited Angela will serve as Acting Director. Meanwhile, Susan Willett has stepped down as Chair of VERTIC's Board. Pending a new appointment, the position is to be jointly handled by Hugh Beach and Owen Greene. The Board has expressed its appreciation for Sue's contribution and welcomed the fact that she will remain a Board member.

### Executive Director recruitment

VERTIC is seeking a new Executive Director. A job description and details of how to apply can be found in the employment section of the VERTIC website. The deadline for receipt of applications by post, e-mail or fax is 18 February 2005. Applications should be mailed or faxed to Ben Handley, Administrator, or e-mailed to [ben.handley@vertic.org](mailto:ben.handley@vertic.org).

### Verification Yearbook 2004 launched

VERTIC launched the *Verification Yearbook 2004* at a lunchtime seminar on 15 December at its new headquarters in London. Some 30 members of the London-based government, diplomatic, academic, NGO and media communities heard Wyn Bowen discuss 'Iran and nuclear safeguards: establishing the

facts' and Brian Jones examine 'Intelligence, verification and Iraq's WMD'. The *Verification Yearbook 2004* may be ordered now from VERTIC for £25 or US\$40, plus postage and packing. E-mail [info@vertic.org](mailto:info@vertic.org) or visit [www.vertic.org](http://www.vertic.org).

### VERTIC submission to House of Lords inquiry on EU WMD strategy

At the request of the House of Lords Select Committee on the European Union, VERTIC has submitted comments on the EU Strategy Against Proliferation of Weapons of Mass Destruction. The submission is available on VERTIC's website.

### UNIDIR commissions SALW study

The United Nations Institute for Disarmament Research (UNIDIR) has commissioned VERTIC to write a paper on EU arms embargoes as part of a larger project for the European Commission entitled 'European Action on Small Arms and Light Weapons and Explosive Remnants of War'. Vanessa Shields has been hired on a short-term consultancy contract to produce VERTIC's contribution. Before joining VERTIC, Vanessa was an intern at the Oxford Research Group (ORG). She has an MA in International Politics and Security Studies from the University of Bradford and a BA (Hons) in Communications Studies from Fairleigh Dickinson University in the US.

### Note from the Board

VERTIC Executive Director Trevor Findlay is to leave the Centre on 11 February to take up a professorial post at the Norman Paterson School of International Affairs (NPSIA) at Carleton University in Ottawa, Canada. On behalf of the Board I would like to thank Trevor for the constancy and professionalism with which he has executed his responsibilities over the past seven years. The organization has flourished under his guidance and its national and international reputation has been greatly enhanced.

Trevor joined VERTIC when its very existence was under threat. With calm perseverance he rebuilt the Centre, placed it on a sound financial footing, and gathered around him a young professional team, whose members have gone from strength to strength under his direction. In so doing he has bestowed a legacy that will guarantee VERTIC's future. For this we cannot thank him enough.

His presence will be sorely missed by the staff and Board alike. However, the verification community can rest assured that it is not losing one of its best advocates. Trevor is leaving VERTIC to set up and head a new centre for academic research on treaty compliance. We wish him the best of luck in this exciting endeavour and look forward to cooperating with his new enterprise.

**Susan Willett**, Chair of the Board

## Staff news

**TREVOR FINDLAY** presided over the *Verification Yearbook 2004* launch on 15 December. On 14 January he briefed Michael Hopper of *Nature* on the 2005 Nuclear Non-Proliferation Treaty (NPT) Review Conference. Also in January he submitted a joint article (with Andreas Persbo) to the *Bulletin of Atomic Scientists* on the nuclear test ban issue for publication in its January–February edition. In addition he submitted final versions of several contributions to edited volumes that will appear in 2005: ‘Monitoring, verification and compliance’, in Natalie Pauwels (ed.), *Dimensions of Peace and Security*, to be published by Encyclopaedia of Life Support Systems (ELOSS) and UNESCO; ‘Lessons of UNSCOM and UNMOVIC’, in *The Iraq Crisis and World Order*, to be published by the International Peace Academy (IPA) and the United Nations University (UNU); and ‘Weapons of Mass Destruction’ in *Multilateralism Under Challenge? Power, International Order and Structural Change*, to be published by the Social Science Research Council (SSRC) and the UNU. Trevor also completed reports for VERTIC’s annual audit and the Annual General Meeting of its Board on 21 January, as well as VERTIC Annual Reports for 2003 and 2004.

**JANE AWFORD** coordinated the launch of the *Verification Yearbook 2004* as well as the distribution of the book to all UN permanent missions in Geneva, New York and Vienna. Jane attended the media group and steering committee meetings of the WMD Awareness Programme on 12 and 18 January respectively. She oversaw the final stages of the launch of the Verification Organizations Directory (VOD) in February.

**MALIKA GOONASEKERA** completed her paper on verification of a Fissile Material Cut-Off Treaty (FMCT), which is to be published as a VERTIC Brief. Her three-month VERTIC Science Fellowship ended in mid-January. We are grateful to Malika for beginning what VERTIC hopes will be a continuing programme so successfully and wish her well in her future career.

**BEN HANDLEY** worked closely with VERTIC’s auditors in December to produce the year end accounts. He also prepared a financial report for the John D. and Catherine T. MacArthur Foundation, as well as helping with arrangements for the FMCT seminar on 8 December and the *Verification Yearbook 2004* launch on 15 December. Ben represented VERTIC at two Development House management group meetings. He organized the Annual General Meeting of the VERTIC Board on 21 January and produced a cash flow forecast and financial statements for the meeting. Ben is coordinating the administrative side of the recruitment process for the new Executive Director.

**LARRY MACFAUL** attended COPIO in Buenos Aires, Argentina, from 6–17 December, where he gave a presentation at a side event organized by the International Institute of Applied Systems Analysis (IIASA) under its Processes of International Negotiation (PIN) Program. From 9–10 January 2005 he participated in a workshop run by the IIASA, again under the PIN Program, in Vienna, Austria. During the workshop, held to discuss the PIN book project on facilitation of the climate change negotiations, Larry presented the outline of his chapter on verification.

**ANDREAS PERSBO** chaired VERTIC’s FMCT seminar on 8 December and on 11 January attended the British American Security Information Council (BASIC)/ORG seminar on the 2005 NPT Review Conference, held at BASIC. On 25 January, he attended a roundtable discussion with Ambassador John Freeman, head of the UK delegation to the NPT Review Conference. He contributed to Reaching Critical Will’s forthcoming booklet on the conference. He is currently working with Malika Goonasekera on verification options for the FMCT and on the national WMD legislation project with Angela Woodward.

## Verification Quotes

*‘[The discrepancy had] come to light [following a] detailed verification exercise to ensure that all cases were being properly investigated and centrally reported’.*

Adam Ingram, British Armed Services minister, on the government’s admission in June 2004 that the number of investigations into killings, woundings and ill-treatment by British soldiers in Iraq was twice what it had reported the previous month, ‘Inquiries into conduct of British troops soar’, *The Times*, 9 June 2004.

*‘They had hoods on them and they had their arms bound . . . They put them over there to hide them from inspection’.*

A military interrogator at Abu Ghraib prison in Iraq on prisoners being hidden from the International Committee of the Red Cross, quoted in ‘Abu Ghraib inquiry is said to focus on head of its interrogation center’, *New York Times*, www.nytimes.com, 4 June 2004.

*‘[My presentation at the UN] was based on the best information that the Central Intelligence Agency made available to me . . . In the case of the mobile trucks and trains, there was multiple sourcing for that. Unfortunately that multiple sourcing over time has turned out to be not accurate . . . At the time I made the presentation, it reflected the collective judgement, the sound judgement of the intelligence community. But it turned out that the sourcing was inaccurate and wrong and, in some cases, deliberately misleading’.*

US Secretary of State, Colin Powell on NBC’s ‘Meet the Press’, on his speech to the UN Security Council on 5 February 2003, quoted in ‘Powell: some Iraq intelligence was wrong’, www.guardian.co.uk, 17 May 2004.

**ANDREW PINER**, in addition to assisting with the *Verification Yearbook* launch and the FMCT workshop arrangements, helped finalize data for the VOD. He completed his paper on verification options for a Middle East peace settlement, which is to be published as a VERTIC Brief. Andy's internship came to an end in mid-January. We are grateful for his contribution and wish him well in his future career.

**SAMIR PURI** was an OSCE election observer in Ukraine during the disputed presidential election in late 2004. Prior to his departure Samir attended a Chatham House seminar on 14 December on election fraud in the Ukraine addressed by Bruce George, head of the OSCE Parliamentary Assembly. He assisted Jane Awford with the VOD and with arrangements for the launch of the *Verification Yearbook 2004*.

**ANGELA WOODWARD** participated in the twenty-first workshop of the Pugwash Study Group on implementation of the Biological Weapons Convention (BWC) and the Chemical Weapons

Convention (CWC), held in Geneva, Switzerland, from 4–5 December. She presented a model law to prohibit biological weapons (BW), developed jointly by VERTIC and the ICRC. Angela attended the BWC Meeting of States Parties in Geneva from 6–10 December and delivered VERTIC's statement on 7 December. She presented VERTIC's paper on 'Enhancing BWC implementation: a modular approach' at a BioWeapons Prevention Project (BWPP) seminar on 7 December. On 9 December, in Geneva, she gave a presentation at the launch of the BWPP's *BioWeapons Report 2004* on the sections dealing with 'Strengthening the BWC regime'. She participated in a roundtable in London on 17 January on 'The threat of bio-terrorism: information tools for first-responders', organized by BASIC. Angela wrote a chapter for the BWPP's *BioWeapons Report 2004* on 'National implementation legislation for the BTWC' and continued to revise VERTIC's study on BW verification techniques and tools, following expert review. She is organizing a VERTIC roundtable on 'The road to 2006: objectives for the BWC Sixth Review Conference', which will take place in March.

## building trust through verification

VERTIC is the Verification Research, Training and Information Centre, an independent, non-profit making, non-governmental organization. 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 BA (Hons), MA, MA, *Information Officer and Networker*; Ben Handley, *Administrator*; Larry MacFaul, BA (Hons), MSc, *Environment Researcher*; Andreas Persbo, LL.M., *Arms Control and Disarmament Researcher (Nuclear)*; Andrew Piner, *Intern*; Samir Puri, *Intern*; Angela Woodward BA (Hons), LL.B., LL.M., *Deputy Director and Arms Control and Disarmament Researcher (Chemical and Biological)*.

**BOARD OF DIRECTORS** Gen. Sir Hugh Beach GBE KCB MC (Co-chair); Duncan Brack, BA, MSc; Lee Chadwick MA; Dr Owen Greene (Co-chair); Nicholas A. Sims, BSc (Econ); Susan Willett BA (Hons), MPhil.

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*verification*); Dr Jozef Goldblat (*arms control and disarmament agreements*); Dr Edward Ifft (*arms control and disarmament agreements*); Dr Patricia Lewis (*arms control and disarmament agreements*); Peter Marshall CMG OBE (*seismic verification*); Dr Robert Mathews (*chemical and biological disarmament*); Dr Colin McInnes (*Northern Ireland decommissioning*); Dr Graham Pearson (*chemical and biological disarmament*); Dr Arian Pregenzer (*co-operative monitoring*); Dr Rosalind Reeve (*environmental law*).

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

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**EDITOR** Trevor Findlay.

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

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