

Tamper-proof seals, and various types of fixed remote sensing devices also offer useful potential. A critical factor for aerial inspection will be the types of sensors allowed.

Verification of CFE should profit from two kinds of synergy. One is the fusing of data obtained by a variety of methods (NTM, OSIs, data exchanges, eventually aerial inspection). Verification of personnel will be especially dependent on data exchanges and synergy available from comparison with the evidence collected regarding the TLE.

The other kind of synergy to be expected is the cooperation among participating countries in scheduling their inspections, and in combining the results of their monitoring activities. Three different levels of interested participants are present: national, alliance, and inter-alliance (or "treaty level"). At the alliance level NATO has established a Verification Coordinating Committee with a Verification Support Staff to distribute inspection quotas and coordinate a data base. CFE has a Joint Consultative Group, comprising all the parties, to promote the objectives and implementation of the provisions of the Treaty (although this has no specific task regarding verification).

In the future, negotiations in the Forum for Security Cooperation* will seek to "harmonize" the obligations under various CSCE agreements with those of the CFE Treaty. This harmonization process will have a significant impact on verification aspects of both processes.

Lessons Learned from Bilateral Regimes *Sidney N. Graybeal and Patricia Bliss McFate*

While early multilateral agreements, such as the Antarctic and Outer Space Treaties, contain provisions allowing on-site inspection — but not on the national territory of the parties — verification of the ABM Treaty (1972) is solely by national technical means (NTM). The Soviet Union was unwilling to agree to inspections on

its territory, and the United States agreed to this regime because the NTMs of the two countries were sophisticated enough to allow for adequate verification. The provisions of the agreement were designed to be consistent with verification by the NTMs.

The unique aspect of the ABM Treaty verification regime was that it prohibited each party from interfering with the NTM of the other party, and it prohibited the use of deliberate concealment measures which would impede verification by this method. The Treaty also states that "each Party shall use national technical means of verification at its disposal in a manner *consistent with generally recognized principles of international law*" (emphasis added). This statement recognizes that spies and espionage are not consistent with these principles and thus the non-interference clause does not endorse or protect such activities. The substantive content of these provisions were later incorporated into multilateral agreements, for example, the CFE Treaty (1990).

The Reagan Administration ushered in the era of intrusive verification, and the Bush Administration continued in that pattern. Despite the fact that there have been no militarily significant violations of the ABM Treaty, NTM by itself was not considered sufficient for effective verification of agreements related to nuclear forces. Therefore the INF, START, and TTBT/PNET agreements contain provisions for extensive data exchanges, numerous notifications, and intrusive on-site inspections in addition to NTM.

In June 1992, a mutual decision was taken by Presidents Bush and Yeltsin to cut Russian and American strategic nuclear forces significantly lower than START levels. The agreement which will be negotiated based on this decision will presumably rely for its verification requirements upon the stringent verification regime already negotiated for START. However, the mutual

* Established under the CSCE Vienna Document of 10 July 1992.

