

V. Adversarial and Coercive Verification

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Most arms control treaties have been negotiated among parties who had reasons to be suspicious of some of the other parties, but nevertheless were prepared to offer cooperation and to expect reciprocal cooperation sufficient to obtain and implement an agreement that would produce lasting mutual advantages. In the cases of the earlier multilateral treaties, the provisions for verification were comparatively weak, due in no small part to the unwillingness of the parties to extend effective cooperation or to permit intrusive measures. The only significant exception prior to CFE was the NPT, which did arrange for regular inspections by the IAEA to nuclear facilities declared by the owners. It should be noted that the terms of the IAEA safeguards permit challenge inspection of an undeclared site, but that up to 1992 no such inspection has ever been conducted.

The history of bilateral US/Soviet arms control began with a degree of cooperation so low as to prolong negotiations of major agreements over periods of many years, and to produce treaties in which verification was confined to NTMs. However, there was an increasing trend to protect NTMs against interference, and a remarkable breakthrough in the case of the INF Treaty, in which detailed data exchanges and highly intrusive on-site inspections were accepted. This trend has continued with START, and with the recent practices in the monitoring of nuclear tests.

The example set by INF was followed in the case of the multilateral CFE, which accepted data exchanges and intrusive inspections, and saw successful "mock inspections" in advance of ratification of the treaty. After its provisional coming into force, a large number of "baseline validation phase" on-site inspections have proceeded relatively well.

The conclusion of an Open Skies Treaty and the finalization of the Chemical Weapons Convention indicate willingness to provide

cooperation and accept a considerable degree of intrusion, although it should be noted that Open Skies has been designed for confidence building rather than verification.

In conditions where there is compliance with the agreements, little reason for suspicion of violations, and good cooperation with the inspectors, verification should proceed in a satisfactory manner, and contribute to an ever-growing atmosphere of transparency and confidence. In such conditions, the verification could be described as "cooperative". But one of the main purposes of verification, and of arms control itself, is to contain apprehension and help maintain stability when relations have deteriorated and there is even a perceived prospect of armed conflict. An early sign of the approach of such a situation is likely to be a reduction or even outright refusal of cooperation with verification, although possibly short of blatant disregard of the legal requirements of the treaty.

Another possibility for the occurrence of adversarial conditions of verification could arise in a multilateral treaty involving pairs of states with long-standing bilateral disputes not related to the problems of the other states party to the treaty. Examples could be Hungary and Romania,* Turkey and Greece, or Armenia and Azerbaijan, in CFE. These states could use some of their inspection quotas against their rival, and would be unlikely to receive much cooperation. In circumstances such as these, verification could be described as "adversarial".

If the situation is not one of trust and cooperation, but one of suspicion and obstruction, verification will become much more dependent on NTM and on the synergy provided by combining the evidence from all forms of monitoring. The requirements for verification to be "militarily significant" may become more demanding, and more data may be desired. Obstruction may reveal clues as to what may be being concealed, and other changes in the behaviour of the adversary could be significant.

* The recent bilateral agreement between Hungary and Romania for Open Skies flights bodes well for better co-operation and transparency.

