

- a suspicion of non-compliance;
- an allegation of non-compliance; or
- a discovery or finding of non-compliance.

A compliance process should enable the parties to successfully address all types of compliance issues and be able to take action or recommend the taking of action to deal with them. In particular, it should be able to:

- distinguish between genuine allegations of non-compliance and those based on ambiguous or misleading information or which are made for political or other purposes;
- determine that actual non-compliance has occurred;
- differentiate between minor (sometimes known as 'technical') non-compliance and substantial non-compliance; and
- determine what non-compliance is unintentional and what is deliberate.

The relationship between verification and compliance

As indicated above, verification and compliance processes cannot always be clearly separated. A verification mechanism may be used to verify ongoing compliance by parties. It should also be able to inform or trigger a compliance process, as well as providing information to confirm or refute an allegation of non-compliance. On-site inspection techniques used regularly in a continuous treaty verification process in one context (such as the taking of samples) may be used in other contexts during a fact-finding mission or challenge inspection to prove or disprove a specific allegation of non-compliance.

Above all, verification and compliance processes should be mutually reinforcing. If conducted well, they should give states increasing levels of confidence about treaty implementation and about the commitment of other parties to the fulfillment of their obligations. As in the case of an effective verification system, the existence of a credible compliance system can be an incentive to states to join a treaty (although in a small number of cases it may be a disincentive).

A verification and compliance system cannot legally deal with states that have chosen not to become party to a treaty. It also cannot substitute for credible enforcement measures. Verification and compliance systems are reliant on continuing political, financial and technical support from treaty parties. Verification, which in large part is a technical undertaking, is only as good as the tools it is provided with. Just as military technology and technology that might be used for both peaceful and non-peaceful purposes (dual-use) constantly advances, verification is also dependent on advances in monitoring and other relevant technologies and techniques in order to remain effective.

This study will provide a snapshot of the current state of the art and science of verification and compliance not just for its own sake, but as background to consideration of future needs in the evolving international security environment.