

Progress at the CD

is unaccounted for, the presumption is that it may have been diverted for military use, which is prohibited by the Treaty.

In the field of evaluation, the IAEA Board of Governors is given the right to determine, on the basis of data submitted by the inspectors, whether any party has failed to account for all of the nuclear material in its possession.

In the field of response, there is provision for the Board of Governors to impose sanctions, albeit rather mild ones, and to refer certain cases to the International Court of Justice.

It will be noted that there is an important difference between the objectives of the two halves of the verification process. The first is directed primarily towards prevention or deterrence and it relies mainly on the fear of detection. The second seeks to deal with situations where a violation has actually occurred, and is directed towards securing a rectification. The second half of the process no doubt also functions as a deterrent: the mere presence of clauses of this type in the Treaty constitutes a type of threat to the would-be violator.

Stalemate prior to 1988

No matter how the response problem may be categorized, the fact remains that it, along with the evaluation problem, has yet to be satisfactorily resolved. The absence of clauses in other treaties dealing with these problems is not very surprising in the case of the bilateral treaties. Since there are only two parties involved, they are likely to prefer handling the matter of evaluation and response themselves — outside the framework of the treaty. Among the various bilateral treaties between the superpowers, the only clauses that provide a method for dealing with violations — suspected or actual — are those that require the parties to refer the problem to a special negotiating process where they can attempt to resolve the problem by agreement. If they fail, there are no further provisions in those treaties for dealing with the problem. (In the ABM Treaty, this special negotiating process was given the inappropriate name, Standing Consultative Commission.) Except for this type of clause, the superpowers have never incorporated the evaluation element or the response element into their bilateral treaties.

In the case of the multilateral treaties, the story is the same. Except for the three treaties mentioned, there are none that contain clauses dealing with evaluation or response. This is especially regrettable because multilateral treaties are of the type that are intended to be signed by as many countries as can be persuaded, and they are also the type of treaty upon which the whole regime of arms control and disarmament will eventually depend. Thirteen such treaties have been signed since World War II (although that figure depends on how one defines an arms control treaty), but only the three noted above have full-scope verification systems.

Problems with the NPT/IAEA system

What is especially disturbing is that the particular systems that have been developed for the three treaties mentioned may be of little use for other treaties. The NPT/IAEA system, it is true, has been in operation for twenty years, apparently without serious problems. But there are important reasons for questioning whether that system could be used for the new multilateral treaties under negotiation without substantial elaboration and modification. If these doubts are valid, it means that the world has not yet devised a verification system that can be used for the type of treaty that is needed for an expanding regime of arms control and disarmament.

One of the doubts about the usefulness of the NPT/IAEA system for other treaties arises from the fact that it is not targeted on the superpowers. Despite its record of success, it offers no experiential evidence that it would be successful in dealing with the superpowers. Even more important, it seems that several of the serious problems encountered by the NPT have been solved not by the operation of its verification system, but by the intervention of one or more of the superpowers. The IAEA Board of Governors itself has never been presented with an allegation of a major violation requiring it to consider using its powers in the area of evaluation and response. It cannot be said, therefore, that either of these processes has received anything like a field test.

Thus, the NPT's 20-year record of success has less to offer than might appear at first sight. Another problem with adopting the NPT/IAEA system is now becoming apparent as the negotiators at the chemical weapons negotiations look at it more carefully. The evaluation and response processes, as laid out in the NPT (and the IAEA Statute), are considered to be too sketchy to be used in the new treaty, and in need of considerable elaboration. We must conclude that the NPT — as well as the other two full-scope treaties — although offering some useful lessons, cannot be taken as a model for other treaties.

Full-scope verification systems

The need for full-scope systems is becoming acute — at least in the case of the new multilateral treaties under negotiation. For instance, there is general agreement that the time has come for a new treaty to be signed banning the production and stockpiling of chemical weapons.

Negotiations for a new Chemical Weapons Convention have been going on for many years in Geneva in a special committee known as the Conference on Disarmament (CD). These negotiations are nearing completion on all points except the matter of the verification system. The negotiators have been working on the verification details for many years, but only on the first half of the process — the data collection procedures. They have only started working on the second half within the last year, and it is becoming apparent just how enormous the task is. It may be some years before that aspect of the treaty is completed.

This is most unfortunate, because it is quite possible that all the other parts of the treaty may soon be ready for signature and the political timing favorable, but until the details of the second half of the verification process have been worked out, it seems unlikely that the Treaty can be signed. It is becoming apparent that work on that aspect of the Treaty should have been started years ago. The same situation could quite easily develop in the near future in the case of the proposed Comprehensive Nuclear Test Ban Treaty.

It is almost incredible to think that the nations of the world might have finally arrived at the point where they are ready to sign important arms control treaties, only to find that a vital part of the treaties is missing, and that the required preparatory work has hardly been started. How did we manage to paint ourselves into this corner? The only satisfactory explanation appears to be the political atmosphere that prevailed in the pre-Gorbachev era.

Superpower opposition

In those days, it seemed hopeless and unrealistic to expect that either one of the superpowers would ever accept the concept of a full-scope verification system — at least for purposes of any treaty in which they were full parties. Any such system seemed to deprive them of a degree of control that they would never