

Making arms control treaties stronger

by Douglas S. Scott and A. Walter Dorn

Promising new developments appear to be in the making at the Conference on Disarmament in Geneva. This 40-nation forum is currently negotiating a new international treaty to ban chemical weapons. The intention is to expand the scope and to eliminate the weaknesses of the 1925 Geneva Protocol on Chemical Weapons. The weakest part of the Geneva Protocol is its lack of a verification system. Under the new treaty, the proposed verification system is to be administered by an international agency that will be created specifically for that purpose.

The authors have been following the "rolling text" of the new treaty. These documents are issued periodically by the Conference on Disarmament (CD), and set forth the clauses that have been agreed upon so far — at least provisionally.

The authors are members of The Markland Group, which describes itself as a citizens' organization for the protection and strengthening of arms control treaties. Douglas Scott, after practising law for thirty-two years in Hamilton, retired in 1985 to devote his energies to arms control treaties and their verification regimes. Walter Dorn is a doctoral student at the University of Toronto contributing to the development of chemical sensors for the verification of chemical disarmament.

The Markland Group, although not a research institute, has assembled a collection of documents and other material relating to the institutional aspects of verification. This material is available to students and others with a special interest in the topic.

The biggest unsolved problem in the field of verification of arms control treaties has nothing to do with how to detect violations. It has to do with what comes after — with evaluation and response. This is not to say that the techniques and procedures for detection have no need for further development. The technology of inspection and surveillance is a vast topic. Much work remains to be done in this area, and there will be fresh work to be done as each new proposed item for the arms control treaty lands on the negotiating table.

But these technical problems of inspection and surveillance have been receiving a disproportionate share of attention. The recent arms control treaties already contain long and detailed clauses stipulating various types of inspection procedures and reporting obligations. The ongoing negotiations for new treaties

are already devoting the major portion of their time to clauses dealing inspection and surveillance. But these functions cover only half of the verification process. The other half — evaluation and response — remains an unsolved problem. Essentially, inspection and surveillance clauses deal with the collection of data — data relating to compliance. After this data has been collected, there remains the problem of evaluating it in order to determine whether it indicates a violation. Clauses providing for evaluation are absent from most arms control treaties. After the evaluation process has been completed, if a violation is indicated, there arises the further question of determining what should be the appropriate response in order to achieve compliance. This type of clause, too, is absent from most arms control treaties.

Full-scope verification

This article draws attention to the fact that little effort has been put into constructing a verification system that covers both halves of the process. We shall argue that the need for this full-scope type of verification system is already upon us. We shall point to the new Chemical Weapons Convention, and argue that this much needed system has not already been developed because of the adamant opposition of the superpowers — an opposition which was substantially relaxed in early 1988. That resulted in some important developments in Geneva — developments that involve a start on the construction of a full-scope verification system. In this process it will be argued that it is important for Canada and the other middle powers to make a greater contribution towards the process of designing this new system, and not to allow the superpowers to monopolize the process.

Although most arms control treaties omit any reference to the second half of the verification process, important exceptions are to be found in three treaties, all of which deal with evaluation and response. Two of these treaties are regional: the Treaty for the Prohibition of Nuclear Weapons in Latin American and the South Pacific Nuclear Free Zone Treaty. The most important of the three is the Nuclear Non-Proliferation Treaty (NPT), which was signed in 1968 and now has 136 signatories. This Treaty gives certain responsibilities to an international agency — the International Atomic Energy Agency (IAEA). This agency, under powers conferred by the Treaty, is now administering a full-scope verification system. It functions in all three fields of the verification process.

NPT/IAEA system

In the field of data collection (inspection and surveillance), the IAEA has teams of inspectors which it sends out from its headquarters in Vienna to perform such operations as counting the fuel rods in the nuclear power plants. If any nuclear material