Designing *Nuclear Weapon* Disarmament

Verification Insights from the
Chemical Weapons Convention

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What does 'disarmament' entail?

- Comprehensive prohibition on the (research?), development, acquisition, possession and use of a discrete weapon category
  - Zero: no residual stockpiles allowed (e.g., for deterrence)
  - **Backward dimension**: destruction of existing weapon holdings
  - **Forward dimension**: prevention of future armament

- Equal rights and obligations for all States Parties
  - Balance between disarmament and development ⇨ Universalisation
  - Security guarantees (defence, protection, assistance)

- Mechanisms to enhance transparency and ensure compliance with treaty provisions
  - International, treaty specific organisation with own inspectorate
  - Shared responsibilities between IO and States Parties (national authority)
  - Domestic legislation for verification implementation

What do you wish to verify?

- **Weapon destruction**
  - Warheads + fissile materials
  - Delivery systems ⇨ will require demarcation (what is specific to NW?)
  - Specifically designed equipment for use with weapons

- **Facilities and installations**
  - Storage and launch sites
  - Research & production facilities
  - Testing sites
  - Any other elements to ensure termination of the weapon programmes

  - Conversion of facilities to peaceful uses ⇨ may require special verification provisions

- **Non-military nuclear activities worldwide**
  - Essential for prevention of future armament
  - Universalisation principle
  - Not just transfer of fissile materials

Scope of verification

- **Scope of treaty**
  - State weapon programmes?
  - Non-state actor activities (terrorism; crime)?

- **CWC approach**
  - Focus on state-run weapon programmes
  - Recognition of potential role of private industry in CW armament
  - Terrorism and crime are State Party responsibility
    - Domestication of international prohibitions and obligations
    - Domestic criminal and penal legislation (+ other regulations, e.g., technology transfer controls)
      - Covers *all* activities by *any* natural or legal person on territory of State Party
      - Principle of extra-territoriality applied to own nationals

- **Clarity of definitions**
  - Precise, treaty-specific definitions required to organise verification
  - Certain terms (e.g., terrorism) impossible to define internationally
    - Added reason for shared responsibility between IO and State party

CWC: organisation of compliance

- **OPCW**
  - International organisation overseeing implementation of and compliance with **all** treaty articles
  - Has **autonomous responsibility** for detecting non-compliance and restoring compliance
- **Mechanisms to:**
  - Generate transparency ⇒ declarations + inspections
    - States parties must declare all past and present CW-related activities within treaty-specified parameters
    - Any unreported or erroneously reported activity is violation of CWC (but not necessarily deliberate)
  - Address anomalies
    - Consultations
    - Clarification requests
    - Challenge inspections
    - Investigation of alleged use of CW

Enforcing compliance

- **Measures to be taken by OPCW EC and CSP**
  - Unspecified; the CWC only offers some recommendations without imposing limitations
  - May include sanctions (to be determined)
  - Throughout the process, the engaged or challenged State Party retains rights that preserve the integrity of the CWC process
  - A state cannot be denied membership of the OPCW

- **Reporting non-compliance to UNGA and UNSC**
  - Can (*not: must*) be done by either EC or CSP
  - Conscious & autonomous decision rather than automatic requirement
    - P5 will be on board
    - Most likely outcome: endorsement of decisions by OPCW bodies, resulting in their enhanced authority as regards State Party with compliance concerns

Added complications since 1990s

- **Paradigm shift from disarmament to non-proliferation**
  - Focus shift from weapon elimination to prevention of capability building
    - Technology rather than the weapon itself becomes central concern
    - Potential possessor rather than the weapon becomes the issue
    - Impact on BTWC (Protocol) and CWC
  - Objective vs. subjective goals
    - Disarmament: goals specified in treaty and apply equally to all parties
    - Non-proliferation: Different approaches to different countries based on subjective judgment of intent
  - Non-proliferation: CBW threat can never disappear
    - Resolution of one proliferation threat does not affect other ones
    - Even if all resolved today, there is tomorrow's threat

- **Consequences:**
  - Framing of the threat is in function of the dominant power
    - Limited consensus on nature and size of threat
    - Threat appreciation differs according to
      - view of state as global, regional, or local power
      - Acceptance of security dependency (e.g., participation in security alliances)
    - Different perceptions of urgency to take measures and nature of those measures
  - 'Traditional' verification mechanisms no longer seen as adequate

Some thoughts on the CWC

- **Preference is clearly for resolving anomalies at the lowest level of confrontation**
  - Through its implementation, the CWC has become a cooperative regime
  - Intrusive tools were designed in great detail (Cold War), but have never been used
  - Inclusion of those intrusive tools have arguably been instrumental, even crucial to achieve the cooperative atmosphere

- **Challenges remain**
  - Changes in the nature of the verification requirements after CW destruction has been completed
    - Mostly affects the future organisation of routine verification of industry and trade
  - In verification, ultimate decisions always remain political even if the inspection process is to a large extent shielded from political interference
    - e.g., what if a challenge inspection confirms only *marginal* non-compliance?

Nuclear weapons: Where to start?

- **Fundamental research into the role of arms control and disarmament in an evolving security environment**
  - What is its purpose?
    - Recovery of the arms control / disarmament paradigm
  - What can it achieve?
  - What are the preconditions for success?
  - How do we incorporate global and regional dimensions of security?

- **With regard to future disarmament**
  - Reinstitution of traditional functions of verification in disarmament
    - Focus on weapons and weapon-related programmes
    - Reconnect underlying technologies with the weapon rather than the possessor
  - Development of new tools and procedures for verification
    - Greater appreciation of the intangible nature of much of the technology involved
    - Focus on the generation of transparency
    - Actively involve larger number of actors (incl. industry & science community, civil society)
  - Restoration of the principle of non-exceptionalism

- **Transparency is critical in communicating purpose**
  - Complexities in interpreting purpose of many activities and technologies are central to difficulties concerning future disarmament

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