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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