Designing Nuclear Weapon Disarmament

Verification Insights from the Chemical Weapons Convention

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What does 'disarmament' entail?

- Comprehensive prohibition on (research), development, acquisition, possession and use of CW
- Zero: no residual stocks 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 (diplomacy, protection, assistance)

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

What do you wish to verify?

- Weapon destruction
  - Weapons + fissile materials
  - Delivery systems (will require destruction and what is specific to NW?)
  - Specificially 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 procedures

- 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
  - Domestic political control (e.g., technology transfer controls)
  - Can be utilised by any national or legal person on territory of State Party
  - People of unassailability applied to few materials

- 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 raising compliance

- Mechanisms to:
  - Generate transparency = declarations + inspections
  - States parties must declare all past and present CW-related activities within treaty-specified parameters
  - Any unexplained or erroneously reported activity is violation of CWC (but not necessarily dual use)

- Address anomalous:
  - 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
  - PE will be on board
  - Most likely outcome: enforcement 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 control concern
  - Potential possessor rather than the weapon becomes control concern
  - Interpretation of the CWC becomes more subjective
- Objective vs. subjective goals
  - Disarmament: given nuclear is purely and simply non-proliferation
  - Non-proliferation: different countries have different needs based on national, political, and economic needs

Consequences:
- Framing of the threat is in function of the dominant power
  - Limited consensus on nature and scale of threat
  - Threat perception differs according to:
    - Intentions of the possessor
    - Perception of the threat
    - 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
  - Intricate tasks were designed to work as a "Cold War" but have never been used
  - Inclusion of non-nuclear threats has arguably been instrumental, even crucial to achieve the cooperative atmosphere

- Challenges remain
  - Changes in the nature of the verification requirements after CWC destruction has been completed
  - Monitoring the future organisation of routine verification of industry and trade
  - Accountability, 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?
  - Is there evidence of arms control/dismantlement paradigm
  - How do we incorporate global and regional dimensions of security?
- Effectiveness and future disarmament
  - Rebuilding of traditional functions of verification in disarmament
  - Development of new tools and procedures for verification
  - New technologies and understanding of the potential use of weapons
  - Restoration of the principle of non-exceptionalism

Transparency is critical in communicating purpose
- Complexities in interpreting purpose of disarmament and technologies are central to difficulties convincing states to disarmament

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