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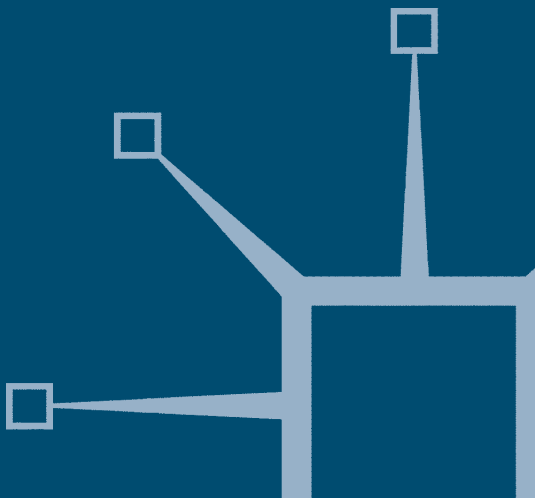
Eliminating Weapons of Mass Destruction

Prospects for Effective International Verification

Berhanykun Andemicael and
John Mathiason



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Eliminating Weapons of Mass Destruction

Prospects for Effective International Verification

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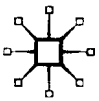

Softcover reprint of the hardcover 1st edition 2005 978-0-333-97034-8

First published in 2005 by
PALGRAVE MACMILLAN
Houndmills, Basingstoke, Hampshire RG21 6XS and
175 Fifth Avenue, New York, N.Y. 10010
Companies and representatives throughout the world.

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ISBN 978-1-349-42931-8 ISBN 978-0-230-00554-9 (eBook)

DOI 10.1057/9780230005549

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources.

A catalogue record for this book is available from the British Library.

Library of Congress Cataloging-in-Publication Data
Andemicael, Berhanykun.
Eliminating weapons of mass destruction: prospects for effective international verification / Berhanykun Andemicael and John Mathiason; foreword by Hans Blix.
p. cm.—(Global issues)
Includes bibliographical references and index.

1. Nuclear nonproliferation. 2. Nuclear arms control. I. Mathiason, John, 1942– II. Title. III. Global issues series (Palgrave Macmillan (Firm))
JZ5675.A53 2005
327.1'745—dc22 2004056899

10 9 8 7 6 5 4 3 2 1
14 13 12 11 10 09 08 07 06 05

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Foreword

This is a timely study and one that has emerged from the combination of an extensive examination of literature and a rich practical experience of how the issue of international verification of the elimination of weapons of mass destruction has been handled in the relevant international organizations and the Security Council. It contains a wealth of information and constructive ideas.

Inspectors – whether examining tax returns, imported articles, or elevators – are rarely loved by the public but as citizens we accept their activity because we know that it is in the public interest. Governments are traditionally rigidly averse to allowing any authorities not under their control to exercise any functions within their territories. They have not taken enthusiastically to international verification of arms control obligations, but as they are keen that neighbours and other states accept verification they have to do so themselves. It is in their interest.

Institutionalized and continuous on-site inspection and verification came only with the Non-Proliferation Treaty. A number of treaty provisions from the end of the nineteenth century and onward prohibited the *use* of specific weapons, which were deemed to cause 'unnecessary suffering' or to have indiscriminate effect, for example the dum-dum bullet. As such, uses would generally be visible and respect for the bans was expected to result from the risk of retaliation, they did not contain specific provisions for inspection or implementation. For the nuclear weapons, it was different. It was deemed that the safest way to prevent a use – by the non-nuclear-weapon States – was through a ban on acquisition and development: no weapon, no use! However, acquisition and development might not be visible but could be achieved in secret. To create confidence against cheating and unpleasant surprises, verification and inspection became necessary. The same pattern was followed later in the Chemical Weapons Convention and in the Comprehensive Test-Ban Treaty.

As this book demonstrates, the development of a professional independent verification system through the IAEA was not easy. It was the world's first modest – some would perhaps say shy – try of on-site inspection and it was geared to give confidence that there was no diversion of fissionable material from peaceful nuclear installations in advanced democratic and open societies. It did not create the means by which the

IAEA could satisfy itself that there were no *undeclared* installations for non-peaceful purposes. The first inspections by the IAEA in Iraq after the Gulf War in 1991 showed that this closed dictatorship had long violated the NPT without being found out. The safeguards inspectors had been limited to declared installations. In any case, in the absence of any intelligence information and satellite imagery, they would not have known where to look for non-declared secret installations in the closed police state.

The discovery in Iraq in 1991 persuaded the Member States of the IAEA that the system had to be drastically strengthened. They realized reluctantly that all had to accept a more intrusive system. Many new techniques, such as the use of automatic real time monitors, environmental sampling, commercial satellite imagery plus information about export and import and from national intelligence services, combined to make the new system more effective. It has yet to be accepted by the whole world community. It certainly is a leap forward from the traditional safeguards. At the same time, there should be no illusions that it could give guarantees about the discovery of small volumes of relevant activities, equipment or material. The laboratory production of gram quantities of enriched uranium or plutonium could easily be overlooked, if no one gives the inspectors information.

Some complain that the verification and inspection systems are without teeth, as they cannot stop illegal production of WMDs. However, on reflection it will be found that this is not really the function of inspectors. Rather, they are watchdogs with instruction to bark and alert governments to violations and even to non-cooperation by an inspected party. The power to intervene – by economic, diplomatic or other pressure – lies with the governments, which should also, as this book rightly stresses, back the inspectors in the performance of their tasks, and ensure that they have adequate resources of personnel and modern equipment.

Government support of international inspection systems should not develop into too close an embrace, however, lest the systems become suspected of being remote controlled instruments of specific States. To be acceptable to States subject to inspection and verification and to be credible, the verification systems must be independent, which, as this book rightly emphasizes, can only occur if they are run by intergovernmental organizations.

It is paradoxical that at a time when independent international inspection has developed into maturity and recently proved to come to rather accurate assessments of the weapons situation in Iraq, where

national intelligence systems went very wrong, the United States, which has done so much to develop the systems, appears to be turning its back on them. During the Cold War the United States and many other States insisted that disarmament required verification. The Soviet Union agreed but took the view that only the destruction of arms should be verified – the 'bonfire'. What might remain in or later be added to the arsenals in the closed empire was no business of other States. No agreement was attainable. Gradually the Soviet Union became more open to inspection, not least in its bilateral arms control agreement with the United States.

Today it is the United States that is averse to verification and inspection! It declined to have a verification arrangement with Russia about the mutual reduction of nuclear warheads and barely accepted placing the measures in a formal agreement. It generally distrusts international verification and inspection mechanisms and prefers and trusts its own eyes and ears in the sky and spies on the ground. The US has rejected the Comprehensive Test-Ban Treaty, arguing, alone among States, that the verification would not be sufficiently reliable. It has rejected any verification mechanism for the Biological Weapons Convention and declared a negative attitude to verification of a convention prohibiting the production of fissile material for nuclear weapons (FMCT). The US has, however, continued to support the safeguards system of the IAEA and in the negotiations with the Democratic People's Republic of Korea it has insisted that an agreement must be verifiable.

It must be hoped that after the realization that the national intelligence, which the US and its allies relied upon before the armed action in Iraq in March 2003, was faulty and that the ignored inspection results of UNMOVIC and the IAEA were generally correct, there will be a reassessment in the US of the use of independent international verification. As the authors of this book stress, the reassessment should go even further. The negative attitude not only to international inspection but also to treaty commitments and to genuine cooperation with other States in the UN system has brought wide pessimism and malaise.

The Cold War is over. There is no risk of another war between great powers over territory or ideology, only of regional conflicts, civil war and of terrorist acts by the weak, disoriented and despairing. These acts do not signal a war of civilizations and we should not by our responses to them lead the world into such a war. It is difficult to understand that in this situation the United States should change to be a lone and angry wolf from being a respected lead wolf. It is not difficult to see how it could constructively lead again. The authors of this book rightly point

to a programme of disarmament and to the use of mature international verification. A ratification of the Comprehensive Test-Ban Treaty would, in all likelihood, lead China, India, Pakistan and Iran and others to renounce all future testing. Not a small gain – also for the United States, which does not need any new types of nuclear weapons and which has no sympathy for other States developing their nuclear capabilities. The authors point further to a treaty to stop the production of more highly enriched uranium and plutonium for weapons. A reduction in the number of nuclear weapons needs to be coupled with an agreement not to make material for more weapons.

The list of possible and desirable measures for a cooperative reduction of the threats posed by weapons of mass destruction is long. This book shows that international verification has come a long way and can be put to good use as a tool to help in this process.

Stockholm

Hans Blix
Former Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission
Director-General Emeritus of the International Atomic Energy Agency
Chairman, Weapons of Mass Destruction Commission

Preface: Will Things Go Boom in the Night?

A belief in the real threat that someone will employ weapons of mass destruction (WMD) is one of the consequences of the events of September 11, 2001. The rhetoric of fear has become pervasive, with the United States declaring a policy of pre-emptive strikes whenever it feels that there is a potential that another State could acquire, develop or use a weapon of mass destruction.

In many respects, it recalls the medieval world that was full of unnamed, uncontrollable fears, towards which a traditional Scottish prayer was addressed:

> From ghoulies and ghosties
> And long-leggedy beasties
> And things that go bump in the night,
> Good Lord, deliver us!

At the beginning of the twenty-first century, the ghoulies, ghosties and long-leggedly beasties are chemical, biological and nuclear weapons, all of which could go *boom* in the night. Deliverance from them is a matter of disarmament, setting the conditions where these weapons can be eliminated from existing arsenals and from any future use.

Times do not seem propitious for optimism. The United States has clearly changed its course away from supporting and encouraging the development of an international regime to deal with WMD. While the real reason for this change is probably the renewed reverence for sovereignty and the desire to have unregulated use of the resources that the world's only remaining superpower could have, the formal argument against the international regime is that the institutions that are created to verify compliance will not work.

The central argument of the United States is that the international institutions that are now established, or could be established, cannot function well or plausibly enough to verify that existing weapons of mass destruction are destroyed or potential weapons are not created. On the other hand, for States like India, Pakistan, Iraq and North Korea, the argument is that disarmament should not only be effectively verified

but should equally apply to the more powerful States that might threaten their own security. Both sides, however, seem to share the argument that international public organizations are not effective in safeguarding their national interests and that they can only rely on old-fashioned nation-state institutions for their security.

At the November 2001 meeting of States Parties to the Biological Weapons Convention. John Bolton, the United States Under-Secretary of State for Non-Proliferation, said:[1]

> The time for 'better than nothing' protocols is over. It is time for us to consider serious measures to address the BW threat. It is time to set aside years of diplomatic inertia. We will not be protected by a 'Maginot treaty' approach to the BW threat.

In rejecting a verification protocol to the Convention, he was asserting a new position: that international organizations were ineffective verifiers. This was the same position taken when the United States announced that it had no intention of ratifying the Comprehensive Nuclear Test-Ban Treaty, thus guaranteeing that it would not enter into force.

The present study tests this fundamental hypothesis: can international organizations realistically verify compliance with conventions to eliminate weapons of mass destruction? If so, can the objective be achieved more effectively by such multilateral means than by reliance predominantly on individual policies and national means for verification? From the answer to these two questions, a sense of what are the real disarmament issues of the day can be drawn. And finally an answer can be found to the question, can we keep things from going boom in the night?

The study presents an insider's view, based on our long experience as international officials and applying our combined research skills and knowledge of both disarmament and management issues within the United Nations system.

As authors, we wish to acknowledge with much appreciation the support and helpful comments we have received at different stages of this study. Hans Blix, and later Mohamed ElBaradei, as successive Directors General of the IAEA supported the idea of the project, and the former has now contributed a foreword to the book. We are most grateful to them. From the UN Department for Disarmament Affairs (DDA), we thank former Under-Secretary-General Jayantha Dhanapala and Randy Rydell for their critical advice on the original design of the project. We are also indebted to the late Professor Oscar Schachter for his inspiring ideas on

the issue of compliance with norms, so central to the study. We also thank Joseph Cirincione of the Carnegie Endowment for International Peace, Patricia Lewis, Director of the UN Institute for Disarmament Research, Amy Smithson of the Henry L. Stimson Center and William C. Potter and Amy Sands from the Monterey Institute for International studies (MIIS), for making available helpful research material as well as for offering initial suggestions. On parts of the manuscript, valuable comments, suggestions and some corrections were received from Lawrence Scheinman and Jonathan B. Tucker of the MIIS Center for Nonproliferation Studies, Ralf Trapp of the Organization for the Prohibition of Chemical Weapons (OPCW), Gerardo Suarez, Daniela Rozgonova and Boris Kvok of the Comprehensive Test Ban Treaty Organization, from Mitchel Wallenstein, Dean of the Maxwell School of Syracuse University and Former Deputy Assistant Secretary of Defence for Counter-Proliferation Policy and also from Michael O. Wheeler of the Scientific Applications International Corporation; we are deeply indebted to them. We also thank Demetrius Perricos of the UN Monitoring, Verification and Inspection Commission (UNMOVIC) and Frank R. Cleminson of Rundle Virtual Research Group (Canada) for their comments on some specific proposals. Helpful corrections were also received from Julian Perry Robinson of the University of Sussex, Ewen Buchanan of UNMOVIC. We also gratefully acknowledge the liaison assistance provided by Gustavo Zlauvinen and Tarig Rauf of the IAEA, Tsutomu Kono of UN/DDA and Rafael M. Gross of the OPCW and the valuable news-clippings on proliferation issues we regularly received from Ewen, his colleague Geffrey Allan as well as Tracy Brown of the IAEA New York Office.

We thank Iobel and Stefan Andemicael for their helpful editing suggestions and Menkerios Andemicael for his design proposed for the book cover. We particularly appreciate Jan Clausen's effective work in preparing the final manuscript. Finally we are grateful to our families for their patience and moral support, especially Lisl Andemicael for her encouragement and passion for peace.

While greatly appreciative of all the help received, we are solely responsible for any remaining errors or inaccuracies in this book and are wholly responsible for the opinions expressed.

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