General Assembly

SUGGESTIONS FOR ADDITIONAL PRINCIPLES RESPECTING VERIFICATION

Working paper submitted by Canada

Introduction

1. It is fair to say that there now exists an international consensus that adequate and appropriate verification provisions form an essential element in all arms control and disarmament agreements. There is also an increasing awareness of the significance of the role which multilateral verification is likely to play in international arms limitation and disarmament negotiations. However, the form in which this role will unfold remains unclear. To gain a better appreciation it is necessary to recognize the utility of a broader examination in order to create a universally acceptable series of principles and to benefit from the collective wisdom of a broadly based forum such as the United Nations. In this regard it is useful to identify those features of the United Nations which might facilitate the verification process. Such features include the open-ended concept of United Nations membership and the freedom of thought which is provided by a non-negotiating type of mandate for its deliberations. Because of this universal membership and its emphasis on consensus-building, the United Nations is able to provide a number of unique services and to help to foster authoritative guidelines for arms control verification.

2. Discussions on general principles of multilateral verification can help order the mind on this critical subject. They can elucidate genuine differences of viewpoints and bridge gaps in understanding. The process of engaging in such discussions in itself can also help in the confidence-building process. Arms control, including verification, is a collective and increasingly co-operative activity which must be fostered through a commitment to diligent research and frank discussions. The recently concluded United Nations Conference of Verification Experts in Dagomys, Union of Soviet Socialist Republics, reinforces this latter point.
3. In 1987 the Working Group on Verification of the Disarmament Commission initiated this process. Its final report reaffirmed the continuing relevance of the basic principles on verification as enunciated in paragraphs 31, 91 and 92 of the Final Document of the Tenth Special Session of the General Assembly (resolution S-10/2), which was adopted by consensus in July 1978. The Working Group agreed that these principles should be elaborated upon and added to in order to gain the benefits of the experience which has accrued since July 1978. Pursuant to this requirement, the Working Group on Verification was able to adopt by consensus an illustrative, non-exhaustive list of ten principles that elaborate upon or add to the basic principles of the Final Document. 1/

The 1987 ten principles

4. At that time the identification and elaboration of these ten principles was described by some as a modest contribution to the overall arms limitation and disarmament process. A review of these principles after a full year, however, indicates that they constitute a significant achievement particularly from the multilateral perspective. They represent an initial and practical approach to achieving a broader understanding of that process. These ten principles, representing a common sense approach to the verification process, are as valid today as they were when drafted:

"(1) Adequate and effective verification is an essential element of all arms limitation and disarmament agreements.

"(2) Verification is not an aim in itself, but an essential element in the process of achieving arms limitation and disarmament agreements.

"(3) Verification should promote the implementation of arms limitation and disarmament measures, build confidence among States and ensure that agreements are being observed by all Parties.

"(4) Adequate and effective verification requires employment of different techniques, such as national technical means, international technical means and international procedures, including on-site inspections.

"(5) Verification in the arms limitation and disarmament process will benefit from greater openness.

"(6) Arms limitation and disarmament agreements should include explicit provisions whereby each party undertakes not to interfere with the agreed methods, procedures and techniques of verification, when these are operating in a manner consistent with the provisions of the agreement and generally recognized principles of international law.

"(7) Arms limitation and disarmament agreements should include explicit provisions whereby each party undertakes not to use deliberate concealment measures which impede verification of compliance with the agreement.
"(8) To assess the continuing adequacy and effectiveness of the verification system, an arms limitation and disarmament agreement should provide for procedures and mechanisms for review and evaluation. Where possible, time-frames for such reviews should be agreed in order to facilitate this assessment.

"(9) Verification arrangements should be addressed at the outset and at every stage of negotiations on specific arms limitations and disarmament agreements.

"(10) All States have equal rights to participate in the process of international verification of agreements to which they are parties."

These principles were described in 1987 as preliminary and non-exhaustive because the Disarmament Commission was unable to conclude its consideration of the subject. We should all strive to ensure that 1988 will see such a successful conclusion.

Additional principles

5. In the view of the Chairman in his earlier working paper, the list of ten verification principles adopted by consensus at the 1987 session of the Disarmament Commission should form the foundation for further work by the Working Group this year. He has suggested that this Working Group might now focus its attention on the possibility of developing a number of additional principles.

6. In order to facilitate the deliberations of the Working Group, and following from a review of the discussions at and submissions to the 1987 Working Group on Verification, as well as on the basis of the developments which have accrued since then, the Chairman has put forward for the consideration of this Working Group a number of principles which might be added to the list of ten principles adopted in 1987.

7. In undertaking this consideration, it would be prudent to draw from the experience which has accumulated during the period which has elapsed since the 1987 session. This period has been in many ways an exceptional one in terms of the arms limitation and disarmament process. It is a period from which much can be learned from the standpoint of the practical aspects of verification. For example, the bilateral relationship between the United States of America and the Union of Soviet Socialist Republics provides a valuable source of verification principles which can be applied in a multilateral context. Here, of course, the INF treaty with its unprecedented right of on-site inspection, including short notice and portal monitoring, is paramount. Co-operative measures will be an essential element in this process. From the regional perspective, useful and practical lessons can now be learned from the actual implementation of the verification provisions of the 1986 Stockholm Document. Up to April 1988, nine challenge inspections have been successfully carried out with positive results, particularly in the building and maintaining of confidence between all parties in this multilateral agreement. From the global perspective, the significant progress in
terms of the verification provisions of a chemical weapons convention has been noted by the Conference on Disarmament in its report to the third special session of the General Assembly on disarmament. 2/ Certainly, the elaboration of the rolling text in the chemical weapons committee has been recognized as the joint responsibility of all members of the Conference.

8. Therefore, while all of the principles suggested by the Chairman deserve due consideration, there are several which seem to have been reinforced by this recent practical experience in the bilateral, regional and global negotiations. The following principles therefore seem to hold a special relevance for the 1988 session of the Disarmament Commission:

(1) Co-operative measures to enhance the effectiveness of verification by the national technical means of the parties to an arms limitation and disarmament agreement should be considered when negotiating verification provisions.

(2) Requests for inspections or further information pursuant to the provisions of an arms limitation and disarmament agreement should be considered as a normal component of the verification process and not as provocative acts. Continued confirmation of compliance is an essential ingredient to building and maintaining confidence between parties.

(3) The elaboration and implementation of an effective verification system are the joint responsibility of all parties to an agreement.

(4) Verification is an activity conducted by the parties to an arms limitation and disarmament agreement or by an organization with the explicit consent of the parties. Monitoring by non-parties without the explicit consent of the parties to an arms limitation and disarmament agreement does not constitute treaty verification.

Multilateralism

9. In proposing that one principle to be drawn from experience in each of the bilateral, regional and global negotiating forums, there is a substantive as well as a symbolic point for doing so. Multilateralism does not exist in a vacuum. The verification process is not a zero-sum game. Rather, progress achieved in unilateral, regional or multilateral negotiations should be mutually reinforcing. All of these activities are recognized by and in consonance with the Charter of the United Nations.

10. This fact was made clear in a speech to a Quaker Seminar in New York by United Nations Under-Secretary-General for Disarmament Affairs on 18 March 1988. He perceived bilateral, regional and global multilateral efforts as being "three strands of the same rope, deliberately intertwined, complementing and reinforcing one another, and contributing to the strength of the whole." He suggested that each must play its part since "the rope will only be as strong as the weakest strand." He identified multilateralism as the weak element of disarmament.

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11. His remarks were made from the perspective of international arms control and disarmament, and particularly the third special session of the General Assembly on disarmament scheduled for next month. In this regard he suggested that the theme of the special session should be one of setting multilateralism in a fresh perspective. In order to do it, he urged that the international community agree on the main direction in which the process should be heading, and that the primary areas to be addressed should be identified. He warned against getting bogged down in details. There seems to be a lesson here for us all.

Conclusion

12. Ten years have passed since the Final Document of the first special session on disarmament was concluded. While the principles in that Document remain relevant, it is no longer sufficient to repeat what was agreed 10 years ago. We must move on, as we did in 1987, to identify and elaborate upon the positive progress that has to be realized during the interim period. The United Nations has a critical leadership role to play in this context. The importance of this role is underlined by the upcoming third special session on disarmament, at which progress in developing a new and agreed authoritative statement on principles relating to multilateral verification would be a very significant accomplishment. The Working Group on Verification can help this 1988 session of the Disarmament Commission to contribute to the achievement of that goal.

Notes


2/ Ibid., Fifteenth Special Session, Supplement No. 2 (A/S-15/2).