

JAPAN

Verification and Compliance
of a nuclear test ban

The fundamental thinking of Japan on verification of arms control and disarmament agreements is stated in the Working Paper CD/379 which Japan submitted on 26 April 1983. On the basis of this Working Paper we would like to state here our basic position on the verification and compliance of a nuclear test ban in accordance with the Programme of Work of the Ad Hoc Working Group on a Nuclear Test Ban (CD/NTB/CRP.3). We would like to make our standpoint clear at the outset that it is practically impossible at the present stage to make a distinction between a nuclear weapon test explosion and a peaceful nuclear explosion, and that in view of this fact the peaceful nuclear explosion should be prohibited unless an international agreement is reached on an international supervision and control system which will ensure that no nuclear weapon test explosion be carried out in the name of a peaceful nuclear explosion.

1. Requirements and elements of verification

(1) Verification in general should have the following basic functions:

(a) to ensure constantly the compliance of agreements, and to contribute to confidence building between States Parties in the sense that an effective implementation of agreements will be facilitated in an atmosphere of co-operation in the field of verification;

(b) to deter a violation of agreements by providing the technical means to detect evidence of actions which run counter to the provisions;

(c) to provide a forum for consultation and co-operation to prevent unnecessary conflicts between States Parties.

In order to fulfil these functions, we have to upgrade the level of technical capabilities of detection which would enable us to avoid subjective judgements and to conduct an as objective verification as possible.

(2) From this viewpoint the Ad Hoc Working Group on a Nuclear Test Ban should now undertake to examine on the basis of the previous work of the Ad Hoc Group of Scientific Experts the following technical items in concrete terms in preparation for the appropriate verification scheme of a future Comprehensive Nuclear Test Ban Treaty.

(a) What kind of verification techniques do we have at present and which of these techniques should be applied in our case?

(b) What is the present level of capabilities of the verification techniques to be applied?

(c) What is the required level of capabilities to verify the compliance of a nuclear test ban?

(d) What kind of measures should be taken if there is a gap between the present level and the required level of verification?

(3) Verification of a nuclear test ban should have at least the following objectives:

(a) to maintain surveillance on whether there is a nuclear explosion or not and to ascertain its absence;

(b) in case of detection of an event indicating a nuclear explosion, to make a judgement on whether there is a violation and where (was the event really a nuclear explosion or caused by something else?).

In order to attain these objectives we have to introduce the following measures (2 to 7) and to see to it that they work properly, complementing each other.

2. Means of verification

(1) National Technical Means

As in other arms control and disarmament agreements, the National Technical Means have in our view an important role to play also in verifying the compliance of a Comprehensive Test Ban Treaty. Nothing should be undertaken to interfere with the National Technical Means used in a manner consistent with generally recognized principles of international law. It is appropriate to provide on a voluntary basis the information thus obtained to the other States Parties as much as possible together with the relevant data concerning the credibility of the provided information.

(2) International Exchange of Seismic Data

From the viewpoint of ensuring objectivity of verification, it is very important to detect and identify seismic events by means of international co-operation. A system of International Exchange of Seismic Data forms an indispensable part of this international co-operation. We will submit a separate Working Paper stating our views on such a system.

3. Procedures and Mechanism for Consultation and Co-operation

(1) It is necessary for States Parties to consult mutually and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of the Treaty. Such problems can be solved in the following way:

(a) by consultation in a "Consultative Committee of States Parties" to be established within the framework of this Treaty;

(b) on the basis of bilateral consultation between States Parties;

(c) by consultation through international procedures within the framework of the United Nations and in accordance with its Charter, as is actually provided for in some of the past disarmament agreements (Biological Weapons Convention, Environmental Modification Convention).

(2) States Parties should be in a position to make a choice from among these three procedures, depending upon the nature of the problems as well as upon the importance and urgency they attach to the problems. However, it is most desirable to resolve the issues within the framework of the Treaty. Therefore, a request for consultation should be made first to the Consultative Committee, and, if there should be further need to do so, States Parties can have recourse to the procedures mentioned in (b) or (c).

(3) The Consultative Committee of States Parties should consist of representatives of all States Parties, and hold a yearly conference. It can also meet in the event of an emergency. The decision of the Committee will be made in principle on the basis of consensus.

(4) A Committee of Experts and a Secretariat have to be established to assist the work of the Consultative Committee. A serious consideration should be given to the question of how to keep the maintenance costs of these bodies to the minimum extent possible.

4. Committee of Experts

(1) The Committee of Experts should be composed of technical experts from all States Parties with expertise in seismic detection. In its capacity as a body of experts, it will assist the Consultative Committee only in subject matters of technical nature, and should not play any political role.

(2) The Committee of Experts will perform mainly the following tasks:

(a) to oversee the operation of the System of International Exchange of Seismic Data;

(b) to recommend to the Consultative Committee on effective means to cope with any technical difficulties in implementing the System;

(c) to recommend scientific and technical criteria for different stages of action including identification of on-site inspection techniques which correspond to a specific suspicion by challenge;

(d) to perform on-site inspections.

5. Procedures for Complaints

(1) There are conceptually two kinds of complaints:

(a) complaints relating to problems which may arise from obstacles standing in the way of an effective implementation of the Treaty, mainly owing to a lack or insufficiency of co-operation on the part of States Parties;

(b) complaints relating to problems which would indicate the case of a grave violation of the provisions of the Treaty.

In the actual situation, there may be manifold reasons which give rise to a particular complaint, and it is hard to make a clear-cut demarcation between these two categories of complaints. Nevertheless, we think the difference can have an important practical bearing on the question of how we proceed to settle the complaints.

(2) We hold the view that the complaints of the first category should be brought to the Consultative Committee.

(3) As to the complaints of a more serious nature, we propose to proceed in two stages. First, a State Party which may entertain any suspicions concerning compliance of the Treaty will request the Consultative Committee to undertake factual investigations, including, as the case may be, an on-site inspection. Should the results of the investigations fail to meet the concern of the State Party, and should its complaints still persist, we think such complaints should be further directed to an organ with a full measure of competence and authority to deal with them. Taking into account the relevant provisions of the Biological Weapons Convention, Seabed Treaty, Environmental Modification Convention, which all open the way in such cases for referring the matter to the Security Council of the United Nations, we think it would be proper also for a Comprehensive Test Ban Treaty to have a similar procedure for this kind of complaint.

6. On-site inspection

(1) At the request of States Parties, the Consultative Committee should make arrangements for conducting on-site inspections. It should make decisions on the following items, inter alia, in consultation with the State Party in whose territory an on-site inspection will be carried out:

- composition of an inspection team, (in principle members of the Committee of Experts),
- time and duration,
- area,
- activities.

(2) The inspection team will present a report to the Consultative Committee on the results of its fact-finding activities. The Committee will thereupon provide States Parties with this report.

(3) It is of crucial importance that the request for an on-site inspection will not meet with a refusal on the part of a State Party in whose territory it should be conducted. An attempt to leave room for the possibility of such a refusal would stand in the way of an early realization of a nuclear test ban.

(4) The details relating to the implementation of on-site inspection should be worked out on the basis of a thorough examination regarding appropriate verification techniques to be applied. In this regard, a full measure of co-operation is expected especially of those countries which possess experience in nuclear weapon test explosion.