

Sir Kenneth Bailey Memorial Lecture

Prospects for Nuclear Disarmament

Remarks of Mr. Jayantha Dhanapala

Under-Secretary-General

Department of Disarmament Affairs

United Nations

Commemoration of the Centenary of the 1899 Hague Peace Conference

University of Melbourne, Australia

Faculty of Law

19 February 1999

Introduction

The centenary of the 1899 Hague Peace Conference offers an appropriate occasion to reflect upon the legacy of what came to be called, the "Hague System." I refer to this system to emphasize that the true significance of that conference -- and the one that followed in 1907 -- lay not so much in their immediate achievements in reducing military expenditures or achieving disarmament objectives. These were the years, after all, in which the world witnessed the Boxer Rebellion, the Boer War, the Russo-Japanese War, and dramatic increases in military expenditures by many countries. In such a climate, it is a tribute to the vision and determination of the organizers of those conferences that they were able to convene at all.

I see instead the true significance of these conferences in their lasting imprint upon the subsequent development of international law and organization. Their legacy is especially evident in the principle of the sovereign equality of states, in the existence of permanent international institutions -- truly global institutions -- to encourage the peaceful settlement of disputes, and in the humanitarian constraints that limit the use of force.

It would also serve us well to reflect on the long career of the man in whose memory this lecture has been instituted -- Sir Kenneth Bailey -- whose dedication to the rule of law and the work of the United Nations will be long remembered. The reforms instituted by the Hague System, coupled with the persistent efforts of distinguished scholars and diplomats like Sir Kenneth, provide an excellent prelude to my theme today, the "prospects for nuclear disarmament." This lecture also takes place in Australia -- a founding member of the United Nations -- whose commitment to the cause of disarmament has been both rich and consistent.

The Contemporary Context

The weapons that were the focus of deliberations at the Hague Conferences -- including submarine mines, dumdum bullets, and incendiaries dropped from balloons -- were capable of killing thousands in a matter of hours, with very little discrimination between combatants and civilian populations. The nuclear weapons of today, by contrast, are capable of killing millions in an instant with no discrimination whatsoever between such targets. Such weapons could even destroy the very basis of life on Earth. Since 1945 when these weapons were first used and today a half century later, nuclear weapon technology has increased its destructive power and its accessibility.

The technology of mass destruction, in short, has evolved rapidly in the intervening century, and has inspired the leaders of a small number of countries to believe that they need to acquire such technology for reasons of security, power, or prestige. International law and organization cannot alone prevent leaders from making such choices. They can, however, help to discourage such pursuits by providing avenues for the peaceful settlement of disputes, by providing forums for voicing international concerns about competition involving such arms, and potentially by providing tools for reinforcing international norms against development, acquisition, use, and proliferation of the deadliest of arms.

For the overwhelming majority of members of the world community, nuclear weapons do not offer the route to security, power, or prestige. Of the 187 States party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), 182 have undertaken formal and verifiable legal obligations not to acquire such weapons.

As for the five nuclear-weapon states -- the United States, United Kingdom, France, Russia, and China -- these countries together possessed by published estimates about 39,000 nuclear weapons when that treaty was signed in 1968. Three decades later, these countries reportedly possess about 36,000 of such weapons in various stages of readiness. At this rate of reduction -- 3,000 weapons in 30 years -- these

countries will finally reach zero sometime in the middle of the twenty-fourth century, just a few years short of the UN's 500th anniversary.

The slow pace of this progress took on some juridical significance in 1996, when the International Court of Justice -- another distant legacy of the Hague Peace Conferences -- issued its Advisory Opinion affirming that the threat or use of nuclear weapons would generally be contrary to international law. The Court found unanimously that there exists an international obligation to "*bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.*"

Though the rate of elimination of such weapons has been slow, the cumulative costs of producing, storing, transporting, maintaining, and cleaning up the sites that produce such weapons have been truly astounding. The Brookings Institution has recently estimated that the United States alone has spent well over \$5 trillion on nuclear weapons since World War II. According to their calculations, if \$1 were spent every second, it would take 184,579 years to tally up that amount.

While it is encouraging that all of the current nuclear-weapon states have endorsed the ultimate objective of global nuclear disarmament, they are unwilling to commit to a timetable for achieving this goal. Most also oppose the establishment of an Ad Hoc Committee to deliberate this issue within the Conference on Disarmament -- the international community's sole negotiating forum for multilateral disarmament issues. The UN General Assembly has had similar difficulties reaching a consensus on the objectives and agenda for a much-needed fourth Special Session on Disarmament -- a proposal that the UN Disarmament Commission will address again this year.

At the level of strategic nuclear arms reductions, the START II treaty -- which when implemented would reduce the number of deployed US and Russian strategic nuclear warheads to between 3,000-3,500 each -- remains unratified in the face of significant opposition in the Russian Duma. This stalemate has only further postponed deeper cuts under START III.

Another important treaty, the Comprehensive Nuclear-Test-Ban Treaty (CTBT) -- despite its 152 signatories -- still requires the ratifications of three nuclear-weapon states: the United States, the Russian Federation, and China. The Democratic People's Republic of Korea, India, and Pakistan also remain outside this treaty, though the prime ministers of the last two have announced that their countries would adhere to the treaty by next September.

Meanwhile, arms expenditures in many countries appear to be on the rise again. Defense expenditures in the United States for fiscal year 2001 will reportedly exceed \$300 billion and will rise at some \$12 billion a year for the next six years. According to the UN Development Programme's most recent Human Development Report, arms expenditures in many countries in South Asia, the Middle East, and South-East Asia grew significantly since 1987. These trends are all the more noteworthy given that *global* military spending declined by about a third over this period.

Many of these developments – such as the large capital investments in weapons, the reluctance of many countries to make use of international institutions to settle disputes peacefully, the neglect of disarmament, continuing reports of wartime atrocities, and exclusionary Great Power politics – appear strangely reminiscent of some of the unfortunate conditions that bedeviled the Hague System.

Yet while these trends should by no means drive cynics to rejoice, nor should they inspire optimists to despair, for there is much indeed on the positive side of the ledger – much, that is, that carries forward the hopes that figured so prominently in speeches made a century ago at the Hague.

Even at the level of strategic nuclear armaments, the chronic problems with the START process must not distract attention from some very positive developments in reducing many of the hazards to society of these increasingly anachronistic weapons. I would like to name just a few today.

Last September, for example, the US and Russia announced a joint "Nuclear Cities Initiative" that will work to open up some of the most restricted locations in Russia to peaceful enterprises. In the same month, both countries pledged to remove some 50 metric tons of plutonium from each of their weapons stockpiles so that it can never again be used for weapons purposes. And on January 21st of this year, President Clinton proposed to increase funding for the Cooperative Threat Reduction" program -- which would assist both the disarmament and nonproliferation objectives -- by some 68 percent to a level of \$4.2 billion over the next five years. The more programs get underway of this nature, the greater will grow the mutual confidence that is so vital for future substantive progress on disarmament.

As for the other nuclear-weapon states, the United Kingdom has recently announced that while it would continue to require a nuclear deterrent, it would maintain this force at much lower levels (less than 200 warheads) and would reduce the alert level of such weapons. France has announced similar steps and has eliminated its land-based nuclear missiles, while the British nuclear force will be exclusively deployed at sea. China has pledged that it would not provide any assistance to any unsafeguarded foreign nuclear facilities, has ceased nuclear testing, has reportedly stopped producing nuclear materials for warheads, and has continued to maintain a policy of no-first-use. This last issue is just starting to spark a debate within NATO, as both Germany and Canada have reportedly favored a reexamination of the alliance's first-use doctrine.

World opinion has not, however, been satisfied with these steps alone as milestones on the way to nuclear disarmament. The Canberra Commission, for example, on which I was honored to serve, issued its "Report on the Elimination of Nuclear Weapons" in August 1996. Many of the recommendations of this report – which included proposals for de-alerting, no-first-use, a ban on the deployment of non-strategic nuclear weapons, a fissile material production ban, and deep cuts – have set the parameters of the debate on the future of nuclear weapons in the world today.

In 1997, the Washington-based Stimson Center issued a study chaired by former US General Andrew Goodpaster and other retired military leaders in support of many of the Canberra objectives, including the general goal of nuclear disarmament. The same year, the US National Academy of Sciences issued a

major report echoing these findings, and calling in particular for a substantial limitation in the doctrine justifying the use of such weapons. The study also favored reductions down to a level of a few hundred weapons.

New ground was broken in 1998, when Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa, and Sweden -- collectively known as the "New Agenda Coalition" -- issued their "Eight Nation Joint Declaration." This document called on the nuclear-weapon states to undertake a "clear commitment to the speedy, final and total elimination" of all nuclear weapons. Further support came from a separate but related "Middle Power Initiative" spearheaded by an international network of nongovernmental organizations, also in 1998. And following the nuclear tests by India and Pakistan the same year, the Hiroshima Peace Institute and the Japan Institute of International Affairs convened a series of conferences known as the "Tokyo Forum" with an emphasis on the need for more rapid progress toward nuclear disarmament. Its final report is expected this year.

The considerable weight of world opinion in support of such initiatives was expressed in numerous resolutions that have passed year after year in the UN General Assembly -- an institution that has never lost sight of the goal of nuclear disarmament. Last year, the General Assembly passed a resolution demonstrating its strong support for the goals of the New Agenda coalition. The vote of 114 to 18 (with 38 abstentions) was interesting not just because of the large margin but also because of the significant number of non-nuclear-weapon states from both the Western Group and the Commonwealth of Independent States that voted to abstain.

Strong and consistent support for these basic initiatives has also come from the non-aligned movement. So there is indeed a firm foundation of common values and interests in the world today upon which the security architecture of the twenty-first century may be built. Needless to say, many of these more fundamental values and interests have changed little since the days of the Hague conferences.

CONTRASTING ROUTES TO SECURITY

Despite growing support for the global nuclear disarmament norm, one can still find expressions of doubt over the contributions that disarmament can reasonably be expected to make in enhancing national and international security. I would like now to review just a few of these claims.

One hears, for example, that disarmament is an unrealistic goal and that nuclear weapons should simply be accepted as a fact of international life.

Proponents of this argument, however, often assume that such weapons can remain forever the exclusive possession of the few -- an assumption that defies both logic and historical experience. Is it realistic to assume that such weapons can be safely managed and will promote stability? Such a claim is not easily defended in the face of the hundreds of mishaps and near catastrophes in handling nuclear weapons during the last half century. And just as "good luck" is an unacceptable basis for world order, nor will it suffice to protect domestic societies against the growing risks of nuclear terrorism. In the face of such

harsh realities, it is apparent that it is not nuclear weapons – but *opposition* to such weapons – that is a growing fact of international life.

One also hears the argument that disarmament would only lead to proliferation, as countries that once benefited from nuclear security umbrellas would have no choice but to seek their own nuclear weapons. Yet a nondiscriminatory global ban would strengthen enforcement of the global nonproliferation regime by building its legitimacy. Nuclear disarmament will become viable when such countries are confident that cheaters will be promptly detected and their weapons eliminated. This is not a problem that any one country can solve – it is a problem that requires the cooperation of all countries and the progressive development of international law and organization, another reminder of the legacy of the Hague System.

One sometimes hears that nuclear weapons are stabilizing factors in world affairs, either because of the doctrine of nuclear deterrence or the techniques of strategic defense. Yet there is no technological fix that can with certainty protect a country from a nuclear attack. Nor can the doctrine of deterrence offer such guarantees. Over time, the very existence of nuclear deterrence also sows the seeds of proliferation – as seen in the fact that every country that has acquired the bomb since 1945 has cited the alleged value of such weapons for purposes of deterrence. Where would we be today if every country embraced such logic? Nobody, even the most enthusiastic supporters of nuclear weapons, argues that a fully nuclear-armed world would be stabilizing, with all its attendant risks of theft, terrorism, accidents, and preemptive nuclear war. What is the meaning of stability and deterrence in neighboring nuclear-armed countries where warning times of imminent attack may be reduced to seconds, a question that is -- or at least should be -- on the minds of both citizens and leaders alike in South Asia?

Occasionally one hears the old argument that disarmament is unwise because of the so-called "crazy state" problem – that is, there will always be some risk that a maniacal leader may acquire and use nuclear weapons despite compelling rational arguments against such steps. Yet if this is a genuine prospect, then the doctrine of nuclear deterrence must itself be irrelevant, even dangerous, for it relies heavily upon the presumption of rationality and fail-safe operation. Though the world community cannot of course totally exclude the possibility of such a development, existing international safeguards and verification systems have already made substantial progress in alleviating this threat, and further improvements accompanying progress toward nuclear disarmament will reduce the threat even further.

Then one hears that maybe nuclear disarmament is a good idea after all, but only as a distant, long-term goal. The problem with this claim is that the world will not wait forever for disarmament to be achieved. Implementing a global ban on nuclear weapons will no doubt be difficult, but responsible leaders must weigh those challenges against the nightmares that would attend a world of ever-growing nuclear stockpiles and ever-proliferating nuclear weapons. So framed, our discussion must shift from the question of why disarmament is needed, to how it can be achieved.

THE ROAD AHEAD: Expressway ... or Cul-de-Sac?

I regard the early entry into force of the CTBT and START II as among the top priorities on the global

nuclear disarmament agenda today. Efforts must also focus on reinvigorating the overall START process to permit deeper cuts, the verified destruction of weapons, and participation by other nuclear weapon states in the disarmament process. In the period before this is accomplished, I would surely like to see greater progress on the full de-alerting of existing nuclear arsenals, and additional weapons-usable nuclear materials placed under safeguards. The nuclear-weapon states need to build on the recent progress they have made in these specific areas.

But the subject of my remarks today – the prospects for nuclear disarmament – will be shaped by far more than the fate of individual treaties or endless and inconclusive palaver. In dealing with grave threats to world peace -- as Alfred Zimmern once wrote long ago about the League of Nations -- "*. . . chairs and tables are not enough.*"

The prospective and practical roles for international law and organization in the field of disarmament -- and indeed the prospects for disarmament itself -- will be shaped by both the ideals and self-interests of the members of the world community. Countries will not willingly sacrifice their self-interests unless other self-interests take precedence – nor will countries sacrifice such interests in the name of ideals alone. Yet the prospect of an international society that is devoid of norms or ideals is equally unpalatable from the standpoint of world peace and prosperity. To the extent that disarmament is perceived by all countries as serving both the ideals and self-interests of citizens everywhere, its prospects will brighten. And in fact, I am optimistic that -- despite its many obstacles -- nuclear disarmament does indeed have a bright future, provided that nobody assumes this progress will be automatic.

The task for national leaders and diplomats, therefore, is to use all available national and international resources to weave these ideals and self interests into a program of action for the future benefit of the world community. The task for international organizations is to assist this process along, by providing forums for debate and negotiation, by mobilizing public opinion, and by subjecting the process of disarmament to constant review and assessment. And the task of international law is to register the new consensus into permanent form and to provide the juridical basis both for enforcement and for peaceful change.

The future for disarmament, in short, will involve a lot more than working out the mechanics of activities that are traditionally listed under the rubric of "disarmament," activities like counting or destroying arms or the nuts-and-bolts of verifying treaty compliance. These vital activities will be substantially assisted by the continued progress in fulfilling the broader promise of the UN Charter in such fields as economic and social development, the pacific settlement of disputes, and collective security. Fortunately, the world community already has an institution that is designated in Article 1 of the Charter as "*a centre for harmonizing the actions of nations in the attainment of ... [their] common ends*" -- that institution is the United Nations.

Clearly the starting point for a constructive role by international organization -- as a process -- lies in providing a forum for the deliberation of disarmament and international security issues. A closely-related function concerns the capacity for analysis and assessment -- the world community must have

some tools at its disposal to measure progress in achieving its solemn aims. So what specific practical steps may be taken in these areas that would improve the prospects of nuclear disarmament?

Let me first address the Conference on Disarmament (CD) -- the international community's forum for the negotiation of multilateral disarmament agreements. The CD will soon formally establish two Ad Hoc Committees on nuclear security assurances and on the prohibition of the production of fissile materials for weapons. I hope that both will eventually lead to binding international agreements, though progress will be difficult in both of these areas, as disagreements persist over the doctrine of the first-use of nuclear weapons and the thorny problem of the disposition of stockpiles of fissile materials.

Last February 2nd, the President of the CD announced that a proposal by South Africa to establish an ad hoc committee on nuclear disarmament had not achieved consensus and would require further consultations. The announcement added that the president would undertake consultations in an attempt to appoint a "special coordinator" on this issue. I remain hopeful that the CD has the will -- and will find a way -- to take up the nuclear disarmament issue in earnest in the year ahead.

The representatives from Belgium, Germany, Italy, Norway, and the Netherlands have recently proposed the establishment of a "working group" for the purposes of the exchange of information on nuclear disarmament. I recall that an ad hoc group of experts on seismology worked within the CD for many years prior to the conclusion of the CTBT and I see no reason why a similar technical group could not be organized to work on the problems of verifying an agreement on nuclear disarmament.

Technical issues do not, however, define the entire problem of disarmament. It is vital, therefore, for the international community as a whole to understand both the broader challenges and the potential gains from disarmament, not just in the nuclear field but across the entire gamut of armaments that threaten international peace and security. The appropriate forum for such deliberations would be a Fourth Special Session of the General Assembly on Disarmament. I would regard any gesture of support from the nuclear-weapon states for an SSOD-IV -- following the admirable example of France -- as a responsible way to improve the prospects for disarmament on all fronts. The evolution from arms production, to arms control, and ultimately to disarmament is not driven by any hidden hand of history -- it requires deliberate action by nation states and the support and understanding of the world community. An SSOD-IV is needed to add energy and focus to this process.

The NPT itself provides additional opportunities for the world community to review the progress and setbacks on the road to nuclear disarmament. A preparatory committee meeting of the States party to the NPT will convene later this year at the UN in anticipation of the treaty's five-year Review Conference in the year 2000. Many parties will wish to examine carefully the progress made in implementing the collective decisions that led to the permanent extension of that treaty in 1995. Participants will give particular attention to the progress made in achieving the "full realization and effective implementation" of the nuclear disarmament objective of Article VI of the treaty.

On the one hand, the failure on the part of the nuclear-weapon states to live up to their commitments

under that treaty would surely jeopardize the future of that historic compact. Yet on the other hand, an unequivocal commitment by the nuclear-weapon states to the goal of nuclear disarmament -- coupled with evidence of substantial progress toward achieving this goal -- would unquestionably strengthen the global nonproliferation regime and brighten the prospects for disarmament.

And much as nongovernmental organizations supported the work of the Hague conferences a century ago, I hope that such organizations today -- strengthened in number and armed with the advantages of modern communications technology -- will continue their efforts to educate the general public about disarmament and to rally support for this goal.

The achievement of nuclear disarmament will thus require sustained efforts on a number of fronts. It will require enlightened leadership at the level of the nation state. It will require an informed and active civil society. It will require a universal awareness of the costs of the failure to achieve this goal. It will require an ongoing process of international organization to provide forums for deliberating the issue, monitoring its implementation, and developing mechanisms for enforcement. It will require codification in international law. It will require, in short, a renaissance of the positive legacies of the Hague System, and somber reflection upon the lessons learned from its failures.

CONCLUSION

In conclusion, I must emphasize that disarmament does not have one prospect, but many potential prospects -- the prospect of failure, the prospect of drift, and the prospect of success. Given the threats that even a single nuclear weapon can pose to millions of people -- and in light of the vast quantities of weapons-usable nuclear materials in both civilian and military use worldwide -- there is a strong likelihood that drift will lead to failure. There is therefore only one responsible course of action for the world community and that is the stubborn pursuit of steady progress toward the elimination of all nuclear weapons.

The twentieth century saw the invention of the most horrendously destructive weapon in human history. The twenty-first century must see its delegitimization and elimination if the human race is to survive and flourish for centuries to come.