

New Perspectives in the United Nations for Disarmament

By

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Throughout my years in the diplomatic service of my country, and now as the UN's High Representative for Disarmament Affairs, I have been struck by the ever-increasing complexity of issues on the international policy agenda. The end of the Cold War has left international relations in a state of transition that is still underway, yet nobody is certain of the destination. We seem to agree on what we are running from, but not what we are running to. There is growing interdependence among states, yet also signs of nationalism and reaction – as we have seen, for example, against the various forces of globalization. Our world is also not defined exclusively by the activities of nation states, as non-state actors of all varieties – from terrorists to peaceful religious and lay groups in civil society – are growing both in number and in the scope of their work.

It is precisely in this context that I am gratified that the Clingendael Institute and other highly reputable research establishments exist to help deepen our understanding of the world around us. I am especially pleased that this particular institute – with its longstanding interest in international security studies and the United Nations – would organize this event to consider one of the greatest challenges on the global policy agenda today, namely: the great cause of disarmament.

I have noticed in my travels – and in my discussions both with public officials and members of the public – that there is some misunderstanding of this simple term, disarmament. On first glance, it is quite apparent what disarmament means: it means giving up weapons and destroying them. What is wrong with this definition?

Well, first of all, it is terribly misleading, because it conveys the impression of being wholly detached from reality – who can imagine, for example, that the states comprising our very imperfect world would ever decide to have absolutely no weapons? Would we disarm the police, border patrols, and international peacekeeping forces? Obviously, this is not the definition of disarmament one encounters at the United Nations, nor is it in any way consistent with the use of the term in the UN Charter.

When it comes to weaponry, the United Nations has for over six decades been pursuing two parallel and mutually reinforcing goals. Its member states have agreed – literally from the adoption of the General Assembly's first resolution in 1946 – to pursue the total *elimination* of all weapons of mass destruction – that is, biological, chemical, and nuclear arms. Yet they have also agreed to the goal of the *regulation* of conventional arms. In 1959, the General Assembly adopted another resolution, which effectively unified these approaches into a common framework called “general and complete disarmament under effective international control”. To this very day, the UN continues to pursue the total elimination of all weapons of mass destruction and the reduction or limitation of conventional arms. We refer to this at the UN as our “ultimate goal”.

Of course, limits on conventional arms can, in certain circumstances, involve the prohibition of certain types of weaponry. The Convention on Certain Conventional Weapons, for example, seeks to prohibit laser blinders and mines that release shrapnel that is invisible to X-rays, among other inhumane weapons. The Mine-Ban Treaty similarly tries to outlaw anti-personnel landmines,

while additional efforts are underway to ban or limit the use of cluster munitions. In general, though, these are exceptions to the rule of conventional arms *regulation*, rather than elimination. International efforts to curb the illicit trade in small arms and light weapons are more consistent with this regulatory approach.

I believe these distinctions are quite significant, because it enables a clearer understanding of what the UN is actually trying to accomplish – which means, of course, what its member states wish to pursue. The twin goals of eliminating WMD and regulating conventional arms are not at all unrealistic, utopian, or impractical, as some critics have claimed.

The realism of disarmament and arms regulation becomes most apparent in comparison with their alternatives. These specific goals are, first of all, consistent with agreed multilateral treaty obligations – specifically, those found in the Biological and Chemical Weapons Conventions and the Nuclear Non-Proliferation Treaty. The idea that the disarmament provisions of those treaties can safely be ignored, or their achievement postponed indefinitely, without having profound effects on the future of those treaties is, quite frankly, truly unrealistic. The world wisely has decided that it is not merely seeking fewer wars involving the use of weapons of mass destruction, fewer casualties if such weapons are used, or fewer numbers of such weapons in the arsenals of a handful of states. There is now virtually universal recognition of the many risks that are inherent in the very existence of such weapons, including dangers associated with their theft, terrorist attack, accidental or intentional use, loss, or other such nightmares.

States have chosen to seek the elimination of such weapons not simply out of philanthropy, but because they believe this approach will best serve their security interests. Most of the world is quite aware that alternatives like perpetual reliance on deterrence, missile defense, or preemption will offer far less assurances of security than the careful and deliberate elimination of such weapons. Disarmament is, therefore, not any wild fantasy – as some have asserted – but a practical, realistic response to a security problem that has defied all other solutions.

So this essentially defines the basic objectives of my Office of Disarmament Affairs at the United Nations. Our task in fulfilling these objectives is basically to promote and uphold the rule of law in disarmament and arms control as defined by Member States. With this clarified, I can now turn to the main subject of my remarks today – the issue of “new perspectives” at the United Nations on disarmament.

It goes without saying that much of our work at the United Nations actually changes quite little, year to year. As I have indicated, our most fundamental goals of disarmament and arms regulation have remained largely constant since 1946. Much of the texts of the annual resolutions on disarmament that are adopted by the General Assembly also contain familiar language – as well they should, given the progressive, incremental role of such resolutions in shaping the evolution of international norms. Annual statements by member states in such arenas as the General Assembly’s

First Committee and the UN Disarmament Commission offer well-known and accepted rationales on the need for disarmament and the many benefits of conventional arms regulation.

Yet it would be grossly mistaken to view such constancy and predictability as in any way an accurate description of the deliberative process of disarmament issues at the United Nations. Indeed, our organization is in some respects embroiled in a vortex of changes. Our membership is slowly growing. New issues are appearing on our agenda. New people come to the United Nations to represent their governments. New contributions are being made through the work of non-governmental organizations. Even the organization of the UN Secretariat in the field of disarmament is changing. Let us now examine some of these changes in closer detail.

With respect to nuclear disarmament, our deliberations are proceeding with a new focus and, I must say, a new intensity. Some of the new perceptions of urgency for progress in disarmament have come from initiatives outside the UN, including the report of the international WMD Commission chaired by Hans Blix, the various opinion editorials and conferences of former US officials George Shultz, William Perry, Henry Kissinger, and Sam Nunn and initiatives such as those of former British Foreign Secretary Margaret Becket and current Defence Secretary Des Browne, as well as the recent proposals by Russian Foreign Minister Sergei Lavrov – not to mention the contributions by civil society organizations and academia. The net effect of these proposals is not just to reinforce similar initiatives found in existing resolutions of the General Assembly, but also to bring some new issues to the table for deliberation.

One can indeed identify a new perspective that is emerging on nuclear disarmament. In days past, it was often treated almost as a rhetorical flourish, rather than defined as a set of specific steps, guided by agreed benchmarks or standards. The states parties attending the 1995 NPT Review and Extension Conference agreed – as part of the package deal that led to the indefinite extension of that treaty – to a set of “principles and objectives for nuclear non-proliferation and disarmament” as well as some new procedures to strengthen the treaty’s review process, and a resolution calling for the establishment of a WMD-free zone in the Middle East. At the 2000 NPT Review Conference, the parties agreed on thirteen “practical steps” for pursuing global nuclear disarmament in a systematic and progressive way.

These standards, combined with numerous General Assembly resolutions, have effectively created some new yardsticks for measuring progress in the field of disarmament. Each year, our member states gather in various multilateral arenas, both within and outside the United Nations (for example at the NPT review conferences), and bring out these various yardsticks to measure what has been accomplished. One standard is bindingness: have there been any new binding agreements to reduce stockpiles – or has the focus instead been on just limiting deployments? Another is irreversibility: have there been any arrangements under which fissile materials recovered from dismantled warheads will be effectively prevented from future possible uses in weapons? Then there is the standard of transparency: is the world community being provided with the facts and figures to document the reduction of these arsenals and the destruction of the relevant materials, both nuclear

and non-nuclear? Yet another key standard is verification: how is the world to confirm that states are actually complying with their disarmament commitments?

Answers to these questions establish the difference between real disarmament, and what might be called, declaratory disarmament. So the “new perspective” that I see emerging in the UN in the field of nuclear disarmament could be called – for lack of a better term – the perspective of an objective nuclear auditor. As the IAEA continues to perform its responsibilities of safeguarding the peaceful uses of nuclear energy, member states are using forums in the UN disarmament machinery - - and treaty review conferences – to promote accountability in the process of maintaining and strengthening multilateral norms, that is reinforcing the rule of law.

With respect to the means to deliver nuclear weapons – a key goal cited in the NPT yet rarely addressed at NPT events – there are some preliminary indications that a new perspective is developing in this area as well. In 1999, Secretary-General Kofi Annan called upon the world community to consider the establishment of multilateral norms for missiles. The General Assembly has now adopted several resolutions on the issue of missiles in all of its aspects. It has three times requested the establishment groups of governmental experts to examine this issue. There is a growing awareness among many member states about the need to “do something” about missiles – including their production, testing, trade, or defensive use. Yet we are seeing a multiplicity of new perspectives on this issue, but still no consensus. So the studies and debates continue.

I can see the day, however, when the world may well be able to develop some common understandings on some or perhaps all of these issues. In the short to medium-term, it may take the form of a UN missiles registry, new arrangements for information sharing, or some kind of universal “code of conduct” for missile exports or tests – building on the progress already made by the Hague Code of Conduct – and other such initiatives. I suspect, however, the member states will keep their goal of eventually eliminating such delivery vehicles along with their associated nuclear weapons.

Given that this city hosts the Organisation for the Prohibition of Chemical Weapons (OPCW), I need not dwell upon the profound impact the negotiation of the Chemical Weapons Convention has already had. Just look at how the standards I mentioned above of bindingness, transparency, irreversibility, and verification, apply to chemical weapons. We have an organization that has already verified the destruction of over 26,000 tons of lethal chemical agent, a figure that is growing each year. Chemical weapons are now widely perceived throughout the world community as utterly taboo.

The same taboo exists with respect to biological weapons, but there are different perspectives in the world community over what is needed to achieve their final elimination. Some states believe that the process of biological disarmament must be internationally verified, while others prefer an approach that relies more on actions by specific states – including, for example, measures to increase security of biological agents, tighten controls on relevant production technology, develop medical

defences, enhance preparations for responding to possible uses, and improving controls against bio-terrorism. Still others seek a combination of these activities.

Regardless of how these differences will ultimately get resolved, it is certainly true that the UN will be more active in the years ahead in addressing biological weapons issues. In my Office for Disarmament Affairs, we are upgrading our analytic capability in this and related fields. We are maintaining the roster of experts and laboratories for the Secretary-General's mechanism to investigate allegations of use of biological or chemical weapons. In implementing our responsibilities under the UN's Global Strategy on Counter-Terrorism, we are working with other parts of the UN system to address the threat of terrorist use of weapons of mass destruction, and to promote the implementation of Security Council Resolution 1540, which established a global obligation upon states to prevent the proliferation or terrorist acquisition of all such weapons. Following a decision at the 2006 BWC Review Conference, we have established an Implementation Support Unit, based in our Geneva office, to help in promoting the goals of that Convention. We are also establishing a comprehensive bio-incidents database to assist in implementing the Global Strategy on Counter-Terrorism.

I am providing all these examples merely to demonstrate that the perspectives of our member states are being translated into concrete actions in the UN Secretariat – as best we can, within our limited resources and the support we can obtain from extra-budgetary sources. The Netherlands has been generous in providing their support and we count on its government to continue cooperating in these activities.

Still from the standpoint of new perspectives, some of the most dynamic changes at the UN are occurring in the field of conventional arms. The Programme of Action, adopted at the UN in 2001, has offered a framework to guide state action against the illicit trade in small arms and light weapons. Every two years, the participants get together and consider how these non-binding standards are working and how they can be improved. We have seen the establishment of groups of governmental experts to work on such issues as the control of ammunition stockpiles, illicit brokering, and the marking and tracing of such weapons. With respect to this last issue, the General Assembly adopted in December 2005 an International Instrument to enable states to identify and trace such weapons in a timely and reliable manner. I note here that states can also voluntarily submit data on their exports of small arms to the UN Register of Conventional Arms, which is maintained by the Office for Disarmament Affairs.

Another issue that is generating a lot of attention at the UN relates to the proposal by the United Kingdom – backed by many other member states and groups in civil society – for an arms trade treaty. While negotiating such a treaty will not be easy, and many differences remain among our member states on this proposal, serious deliberation of such an initiative is long overdue – recognizing that over six decades have passed since the General Assembly first indicated the need to do something about conventional arms.

I believe that this new-found interest in conventional arms control is due to a number of reasons. There is a wide awareness of how the unregulated trade in such weapons has hindered economic development, how it has contributed to human rights violations, and otherwise jeopardized many other goals of the Charter. In short, regulating conventional arms is an activity that affects far more than conventional arms per se – it will help to shape what kind of world we and future generations will face. Conventional arms control is no longer a subject reserved to a few weapons experts; it is of growing concern to almost all member states. There has, in short, been a substantial change of perspective in the UN about conventional arms, though it is impossible to predict right now how this new-found interest will ultimately get translated into concrete actions.

There are of course many great benefits of visiting the Hague, especially for someone like myself who actively works in the field of disarmament. One can visit this distinguished institute. One can visit the OPCW. And one can visit the International Court of Justice – the site of the principal juridical organ of the United Nations. I mention the latter because, as I said before, member states are paying increasing attention to the role of the UN in upholding the “rule of law”, especially as it applies to the international legal framework on such issues as disarmament, non-proliferation, and counter-terrorism efforts. It is rather remarkable how much of our substantive deliberations in these fields concern questions relating to the rule of law. I believe what we are witnessing is nothing less than the gradual, progressive development of a bona fide “rule of law for disarmament”.

What is my evidence for such a claim? Consider, first of all, the extent that issues of “compliance” figure in our debates. When I witness discussions about the NPT, I find an almost universal concern among its states parties with the importance of full compliance with all of the key substantive provisions of that treaty – namely, disarmament, non-proliferation, and the peaceful uses of nuclear energy. These discussions make it clear that there is indeed a strong expectation in our world community today that the legal commitments made under that treaty are meant to be observed – in short, there is a strong element of obligation involved in compliance. The same of course applies to the Biological and Chemical Weapons Conventions.

It is this basic perception of a duty to comply with one’s commitments that is expressed in various ways throughout our UN deliberations of disarmament issues. This is actually a very old principle known well to international lawyers as *pacta sunt servanda*. This sense of obligation is, I believe, helping to motivate many states to press for measures to monitor or to ensure compliance. I see these concerns in the review conferences of the relevant multilateral treaties, as well as in the deliberations elsewhere in the UN system. There appears to be a growing sense shared by many states that while political statements are important in developing new norms, they are not at all sufficient in documenting actual compliance with disarmament commitments. While there may well be some times when it is difficult to draw a clear line between politics and international law, I sense that there is a growing respect among our member states for the concrete, security advantages that compliance with international law brings to our member states.

We sometimes forget that one of the most fundamental purposes of the United Nations, as described in the preamble of the Charter, is “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”. I believe that many of our member states are recognizing the indispensability of progress in disarmament and arms regulation in creating precisely those conditions that are needed for the continued development of the rule of law.

We need only to imagine the difficulties of achieving the rule of law in a world in which there were no legal constraints in the production, sale, retention, testing, development, or use of the deadliest weapons ever devised on this planet. The law of the jungle is no substitute for the security offered by the rule of law – and this is nowhere more true than in the case of disarmament.

It is perhaps not at all surprising to see this growing interest among our member states in the positive value of international law in serving their individual and collective security interests. Our nations are, after all, becoming increasingly interconnected – and in many ways also interdependent. This is surely true in the realms of economics and finance, trade, travel, and communications. Accompanying this interdependence is a desire for some order and predictability in the conduct of international relations, with some of it being provided by prudent national policy, but the rest provided by the stability offered by international law.

I believe in the years ahead we will see a continued evolution of the rule of law for disarmament. We will see a growing interest in questions of compliance. We will see calls for the development of new laws governing types of weapons that are either not at all – or are only weakly – covered by legal obligations. We will see a growing interest in the universality of these legal commitments. We may even see some signs of a willingness of states to take more of their chronic disputes to the International Court of Justice, or to submit them to arbitration.

What the future will bring is of course impossible to predict with any precision. But I do hope and believe that the trends will definitely continue to be moving away from past perspectives of disarmament as being some kind of quaint dream or fantasy. I will submit to you today, that the “genie” of disarmament is out of its bottle, and it will not return to its confinement again.