

Statement

Other Weapons of Mass Destruction

By

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The topic for today's panel is broad indeed, for it will cover "other" weapons of mass destruction. Perhaps coincidentally, the subjects of this Seminar have been ordered in a manner that is consistent with the basic priorities at the United Nations, with the highest priority devoted to nuclear disarmament, followed by other weapons of mass destruction and conventional armaments.

These priorities were officially agreed at the General Assembly's first special session on disarmament in 1978, though they actually had a legacy dating back to the General Assembly's first resolution, which called for "the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction." (Resolution 1(I) of 24 January 1946)

The earliest effort at the United Nations to state more precisely what this term "weapons of mass destruction" means came on 12 August 1948, when the UN Commission for Conventional Armaments adopted a resolution containing the following definition:

... weapons of mass destruction should be defined to include atomic explosive weapons, radioactive material weapons, lethal chemical and biological weapons, and any weapons developed in the future which have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above.¹

Over the years, customary practice came to define WMD, as a practical matter, as consisting of only nuclear, chemical, and biological weapons.

I believe it is important to recall this early history, for a number of reasons. First, it reflects an early awareness at the United Nations of the need to eliminate weapons that are uniquely indiscriminate in their effects. It is the very repugnance of such weapons that led the United Nations, since its earliest years, not simply to try to "regulate" but to eliminate them outright.

Conventional arms can of course also produce massively destructive effects, as we know from the horrific wars during the last century. What makes WMD different, however, is that they are developed, produced and used with the specific intent to produce such indiscriminate effects, on military and civilian targets alike. In 2006, the WMD Commission chaired by Hans Blix, appropriately labelled these as "weapons of terror"—which became the title of the Commission's final report. The world community, for several decades now, has increasingly come to recognize the inconsistency between the existence, use,

¹ UN doc. S/C.3/30, 13 August 1948.

or threat of use of such weapons, and some of the most fundamental laws of war and of international humanitarian law. While this inconsistency arises first and foremost from the indiscriminate quality of such weapons, it also stems from their unusually cruel and inhuman effects, their tendency to produce suffering far out of proportion to any legitimate military purpose, their inability to respect the rights of neutrals, and their unique hazards for the environment.

A second reason why this early definition of WMD is worth recalling is that as early as 1948 the world community reached the troubling conclusion that the label “WMD” might be best viewed as open-ended, at least in recognizing the possibility that at some time in the future, new types of weapons—perhaps based on new physical principles—might come into existence that may also prove to be just as indiscriminate and lethal as nuclear, chemical, and biological weapons.

For our purposes today, however, I will focus on what might be called our “next highest” priorities after nuclear weapons in the field of disarmament: namely, biological and chemical weapons.

It has been a remarkable achievement that the world community has succeeded in establishing strong multilateral norms against the very existence of such weapons. The Biological and Toxic Weapons Convention (BTWC) and the Chemical Weapons Convention (CWC) ban these weapons outright and the membership in these conventions continues to approach universality—with 163 parties to the BTWC and 188 parties to the CWC, as of this month. Only seven UN Member States currently are not parties to the CWC—Angola, the DPRK, Egypt, Israel, Myanmar, Somalia, and Syria.

The strength of these norms could not be better illustrated than by the absence of any claims by governments heralding the existence of either biological or chemical weapons for purposes of deterrence or as regular instruments of war. We do not see governments touting such weapons as vital, indispensable, or essential to their security—which only helps to remind us all of the work that remains ahead in establishing an equivalent approach to nuclear weapons.

The commitments in these treaties against biological and chemical weapons are reinforced by deliberations that take place in regular review conferences for the parties to the respective conventions. The CWC also established an intrusive verification regime maintained by the Organisation for the Prohibition of Chemical Weapons (OPCW) in The Hague, to monitor compliance with the obligations under that convention and to provide technical assistance to States Parties. Such a verification regime does not exist with respect to

the BTWC, despite past efforts by many States to establish a verification Protocol to that convention. Parties to the BTWC are being assisted now by an Implementation Support Unit located in Geneva, which provides administrative support during the Review Conferences, while promoting the universal membership in the Convention and the exchange of confidence-building measures.

What I find most impressive, and most encouraging, is the extent that the multilateral disarmament and non-proliferation norms found in the BTCW and CWC have been progressively incorporated into national laws, regulations, policies, and institutions. Using the language of political scientists, they have, to a remarkable extent, been “internalized”. We are seeing these norms, for example, serving as practical guidance for customs officers and for officials involved in the processing of trade control licenses.

In addition, I am very impressed with the extent that regional political organizations have also expanded cooperation in strengthening implementation of these norms, which is done by a variety of means. Here in this region, I would like to note in particular the Declaration on Security in the Americas, which was signed in 2003, with the goal “to make the Americas a region free of biological and chemical weapons.” The General Assembly of the Organization of American States adopted a similar goal in its Resolution 2107 of 2005. Late last month, MERCOSUR and Associated States held a seminar in Brazil to train customs authorities in identifying chemical weapons and products prohibited by the CWC.

Yet such activities are by no means unique to this region. The European Union has long been working to promote universal membership in both of these conventions, through the convening of workshops, training seminars, expert visits, and a wide variety of other forms of assistance. In addition, I would like to note that the 2010 NPT Review Conference established a mandate for the Secretary-General—and the three co-sponsors of the 1995 Resolution on the Middle East—to convene a conference in 2012 concerning the establishment of a WMD-free zone in the Middle East, and I know that the OPCW will be contributing to this endeavour.

Now, achieving a world without any biological and chemical weapons, even despite the existence of a strong norm against such weapons, will still not be easy and there remains much work to do over the years ahead.

First, greater efforts are needed to encourage all states to join these two treaties.

Second, it is important for States to comply fully with their commitments, especially in meeting deadlines for the completion of their disarmament commitments. The States

with the largest stockpiles of chemical weapons—the Russian Federation and the United States—have made significant progress in eliminating a large proportion of their respective chemical arsenals, but both have indicated that they will not be able to meet the final destruction deadline in April 2012 as set under the CWC. The work of destroying these dangerous materials is costly, potentially hazardous to the environment, and at times influenced by difficult domestic political issues surrounding the storage, transport, and destruction of the relevant weapons materials. It is extremely important for this work to proceed, however, if we are ever to achieve a world free of such weapons.

Third, while there is widespread agreement in the world on the fundamental norm against the very existence of either biological or chemical weapons, there remain significant differences among States on issues relating to trade controls. There are significant variations in the abilities of States to regulate their own foreign commerce, especially in dealing with the black market and the countless avenues that remain open for the illicit trade in controlled commodities. A coalition of like-minded States has formed the Australia Group to elaborate common agreed standards for controlling this trade relating to both biological and chemical materials, but these standards do not enjoy universal support, the Group has a limited membership, and the control standards are of a voluntary nature.

A fourth challenge ahead concerns efforts to prevent terrorists from acquiring biological or chemical weapons. It is widely understood that universal membership in the relevant WMD treaties and their full compliance will also contribute enormously to reducing the risk of WMD terrorism. Yet there is no substitute for strict national laws, regulations, and policies when it comes to achieving such goals. In 2004, the Security Council adopted resolution 1540, which obliges each State to have domestic controls against the proliferation or terrorist acquisition of WMD, and efforts have been underway under the 1540 Committee to assist States in implementing these solemn responsibilities. The UN's Office for Disarmament Affairs (UNODA) has been actively participating in this work, working closely with Member States, regional organizations, the OPCW, and the IAEA, especially through the organization of workshops and seminars.

I also would like to mention today that the UNODA has additional responsibilities concerning the United Nations Global Counter-Terrorism Strategy, which was adopted by General Assembly in 2006. We are a member of the UN-system-wide Counter-Terrorism Implementation Task Force and a leading member of its working group on preventing and responding to weapons of mass destruction attacks. ODA is working with Member States to update the roster of experts and laboratories, which are available to the Secretary-General for timely and efficient investigations of alleged use.

We also work with the OPCW in the context of investigations of the alleged use of chemical weapons, in cases where such alleged uses take place in a State not party to the CWC or on territory not controlled by a State Party. UNODA is participating with OPCW in joint exercises and meetings to assist States in confronting WMD terrorist challenges.

Though I have just covered a lot of ground, I do not wish for my remarks to be misinterpreted by any conclusion that UNODA or UN Member States are not giving conventional armaments the attention they deserve as well. According to the General Assembly, our “ultimate objective” at the United Nations is to promote “general and complete disarmament under effective international control,” a goal created at the first Special Session on disarmament in 1978. This goal consists of two responsibilities, which are pursued simultaneously: promoting the elimination of all WMD, and limiting conventional armaments.

It is unfortunately true that the rule of law has evolved very unevenly in the field of disarmament, and is especially weak when it comes to international legal restraints dealing with conventional arms. Fortunately, efforts are underway to negotiate an Arms Trade Treaty, and a major international conference will be convened in 2012 for this purpose. There is also the Convention on Certain Conventional Weapons, which outlaws certain specific types of conventional arms that are uniquely inhumane in their effects, such as laser blinding weapons. This is an interesting treaty, because it draws heavily upon the basic principles of international humanitarian law that many of our Member States are currently trying to extend to nuclear weapons, as seen most recently at the 2010 NPT Review Conference.

But legal norms are not the only controls that require mentioning in this context. There is also the 2001 Programme of Action against the illicit trade in small arms and light weapons, which has led to a series of biennial meetings of States and agreement on certain non-binding guidelines and standards for controlling this trade, including controls against illicit brokering, as well as additional controls over ammunition.

Again, as was the case with WMD controls, it is absolutely clear that there is no substitute for effective national systems of control when it comes to all of these various weapons.

I am convinced that the greater the public understands the urgency of implementing these controls, both in terms of their own self interest and their wider ideals, the better will be the quality of actions by States in fulfilling these responsibilities. Together, UN Member States are, to a remarkable extent, pursuing the same fundamental goals of eliminating

WMD and regulating conventional armaments. While we are quite far from achieving the ambitious goals of “general and complete disarmament”, we at least have a clear idea of our basic goals, and this is an important foundation upon which to build.

I will conclude by inviting all here today to contribute in any way they can to the achievement of these honourable ends. Let us all build on this great common foundation.