

# **The Role of the United Nations System in Arms Control and the Relevance of International Mechanisms**

By

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I wish to begin by thanking Jorge Chediek and the UN Country Team here in Brazil, both for inviting me to speak today and for selecting such an appropriate theme for this Seminar on “Disarmament, Arms Control and Violence Prevention.” This theme is especially timely given that this Seminar is occurring during international commemorations of Human Rights Day, marking the anniversary of the Universal Declaration of Human Rights.

This anniversary provides a good opportunity for all of us to reflect upon the role of the United Nations in controlling conventional arms and in eliminating weapons of mass destruction. My goal today is to explain why the various multilateral treaties and institutions that have emerged in this period to address these challenges remain not just useful, but indispensable in ongoing efforts to strengthen international peace and security.

As I speak today, over three generations of humanity have come into this world since the end of World War II. Many may not know how devastating that war actually was, and why it was so important to create the United Nations to help in the establishment of a more just, peaceful, predictable, and secure world order. It has been estimated that over 60 million people died during that horrible conflict—and over 40 million of them were civilians. This was “total war” by any sense of the term—a war in which entire cities were targets of military attacks, involving both conventional bombs and nuclear weapons, despite the impossibility of distinguishing between civilians and military forces. Many millions of additional innocent civilians lost their lives during the Holocaust and other crimes against humanity committed during that war.

Unfortunately, we have other forms of total war occurring right now in many of our cities and countries around the world, as seen in headlines every day about the pandemic of armed violence that continues to plague this troubled planet. Armed violence can flourish easily and become endemic where the availability of weapons is high, small arms controls are lax, and the rule of law is not upheld. In such conditions, armed violence can become not just another way to die, but a way of life—what some have called a culture of violence.

The scale of all the various forms of armed violence is vast indeed and much wider than the casualties from war alone. Between 2004 and 2009, an average of over a half a million people (526,000) suffered violent deaths each year in this period—and 75 per cent of these (some 396,000 annual deaths) were due to intentional homicides. Only one in every ten of all such reported deaths around the world occurs in direct conflict settings.<sup>1</sup> All of us here today know well the impacts that gangs and organized crime violence have had in Central and South America. Small arms and light weapons are disproportionately used to commit this violence. They are commonly reported in between 70 and 80 per cent of all fatal violence, and the costs associated with gun-related injuries—as in injury treatment, rehabilitation, loss of livelihood—are generally higher than for other times of injuries from violence.<sup>2</sup>

Last year, global military spending, overall, was reported to be over \$1.6 trillion. All of this expenditure coincided with a global financial crisis. What an extraordinary waste of national treasure—including the most treasured of all, the lives of our fellow human beings who have died through the use of some of these weapons throughout the world.

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<sup>1</sup> Global Burden of Armed Violence, 2011, [www.genevadeclaration.org](http://www.genevadeclaration.org)

<sup>2</sup> Small Arms Survey yearbook 2006, 2005

Not surprisingly, lethal violence also hinders progress in social and economic development, including the achievement of the Millennium Development Goals. Yet even today, one can still occasionally hear arguments that there is no connection whatsoever between disarmament and development.

Fortunately, this is not the prevailing view in the world community. In 2006, the Geneva Declaration on Armed Violence and Development was signed, which today has over 100 signatories. It was a diplomatic initiative by the Swiss Government and the United Nations Development Programme to address the interrelationship between armed violence and development. The Declaration is a call for action focused on three types of activities: advocacy, measurability, and programming—namely, activities that are tailored to national and local realities and needs. Last month, the second ministerial review conference adopted an outcome document reaffirming support for the Declaration and the importance of implementing existing national, regional and international agreements to deal effectively with the supply and demand of small arms.

While the Declaration is a welcome step forward, there is still much work ahead amid the frenzy of armed violence we continue to witness around us. So what else has been going on at the United Nations to confront this challenge?

Let me start with the UN Charter. Having been negotiated near the end of the most devastating war in history, the UN Charter left little doubt about the need for certain norms and standards that would serve the entire world community—to advance the common interests of strengthening international peace and security, promoting justice and the rule of law, and enabling new progress in social and economic development. And while the type of security addressed in the Charter is largely that of its Member States, it is also true that the Charter was intended to serve the security interests of humanity as a whole, as well as the security of each person—let us not forget that the first words of the Charter are, “we the *peoples* of the United Nations”.

Other historic instruments have extended this whole normative security framework down to the level of individual human beings. Adopted in 1945, the Constitution of the UN Educational, Scientific and Cultural Organization solemnly stated “That since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed.” The 1948 Universal Declaration of Human Rights declared that “Everyone has a right to life, liberty and security of person.” And in 1949, the Geneva Conventions (and later their Additional Protocols) were adopted to regulate the conduct of armed conflict and to limit its effects—specifically, to protect people who are not taking part in or who are no longer participating in the hostilities.

Today, one of the most promising developments has been the growing international recognition that these fundamental norms of international humanitarian law and human rights law apply to the use of nuclear weapons, making it extremely unlikely—indeed incomprehensible—that any such weapons could be used without violating such norms. At their 2010 Review Conference, the States Parties to the Nuclear Non-Proliferation Treaty (NPT) expressed their “deep concern at the catastrophic humanitarian consequences” resulting from “any use” of nuclear weapons, and reaffirmed “the need for all States at all times to comply with applicable international law, including international humanitarian law.”

So it is clear that the world community has for many decades been moving forward with agreements both on norms governing the behaviour of States and addressing the rights of civilians and non-combatants. With respect to armaments themselves, the Charter and early postwar negotiations focused on the following goals. First, the Charter established a mandate for the “regulation of armaments”, a term that has come to mean the limitation and regulation of conventional arms. The idea here was to limit conventional arms exclusively for such purposes as maintaining the right of self-defence, as affirmed in the Charter, and for international peacekeeping activities. Next year, the UN will host a major international conference to negotiate an Arms Trade Treaty, a historic opportunity to develop some international standards to guide international trade in conventional arms.

Second, the Charter also identified the goal of “disarmament”, which has been interpreted over the years as applying to the elimination of all weapons of mass destruction, although some uniquely inhumane conventional weapons have also been prohibited, including antipersonnel landmines, cluster munitions, laser blinding weapons, among others. None of these prohibitions, however, has yet gained universal adherence.

As I said, these two mandates—which are amongst the oldest and enduring goals of the United Nations organization—relate to certain types of weaponry. Agreement on these norms suggests an understanding throughout the world that the very existence of indiscriminate weapons of war sows its own seeds of mistrust among nations, which can lead—intentionally or un-intentionally—to arms races and war. The Charter recognized how progress in both disarmament and arms control would make their own contributions to strengthening international peace and security.

Yet the Charter also contained two additional fundamental norms that—together with disarmament and arms control—serve as the broad foundation for global security in the postwar era. These include the obligation to pursue the peaceful settlement of disputes and the prohibition on the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations. Meanwhile, progress in the fields of justice, the rule of law and social and economic development would further strengthen international peace and security, by making war increasingly unacceptable and unthinkable in an increasingly interdependent world.

I want to emphasize here that there has never been any suggestion in the UN Charter that all of these various norms should be pursued sequentially, with one serving as a precondition or “stepping stone” for another. The idea at the heart of the Charter is that these norms should and must be pursued concurrently, because they are mutually reinforcing. This helps to explain why the UN General Assembly, from its early resolutions in 1945 and 1946 to this very day, has made a clear distinction between “*disarmament*”—the total elimination of certain types of weapons, in particular nuclear weapons and other weapons of mass destruction—and the “*regulation*” of conventional arms.

In 1959, the General Assembly for the first time placed on its agenda the subject of “general and complete disarmament under effective international control”—which combined these two distinct goals of disarmament and arms control into a common, integrated framework. In 1978, the General Assembly’s first Special Session on disarmament declared general and complete disarmament to be the world community’s “ultimate objective.” There are today about a dozen multilateral treaties that identify general and complete disarmament

as a goal, including each of the treaties establishing regional nuclear-weapon-free zones—starting with the Tlatelolco Treaty of 1967.

These standards have long guided the work of the United Nations. There has never, for example, been any intention at the UN simply to “regulate” nuclear weapons, nor merely to reduce the risk that such weapons will be used. Instead, the world has long agreed that the total elimination of nuclear weapons is the “only absolute guarantee” against their use, a theme that has certainly been long accepted among States Parties to the NPT—as demonstrated in language included in the Final Documents of the 2000 and 2010 NPT Review Conferences, which has also been reaffirmed by the General Assembly.

So far, my review of the role of the UN system and international mechanisms has been limited to the UN Charter, the NPT, and fundamental instruments of international humanitarian and human rights law. Yet the contributions of the United Nations have actually been far broader, in particular through its efforts to promote the negotiation of multilateral treaties and other normative standards to govern the relations between States. On 24 October 2008, Secretary-General Ban Ki-moon launched his five-point proposal, which stressed the need to bring the “rule of law” to disarmament.

Over the last 65 years, the General Assembly has adopted literally hundreds of resolutions on various aspects of these fundamental goals. While these resolutions are not legally binding, they still have gone far in establishing a climate of international expectations for progress in very specific areas, as well as in laying a foundation for the future negotiation of new agreements for disarmament and arms control.

For its part, the Security Council has often declared the *proliferation* of weapons of mass destruction to be a threat to international peace and security. Yet on 24 September 2009, it held a summit meeting—its first ever entirely on disarmament issues—and called upon all States to join in undertaking to pursue negotiations in good faith on effective measures relating to nuclear arms reduction and disarmament.

Unfortunately, no nuclear weapons have ever been physically eliminated pursuant to a treaty commitment. The declared reductions that have reportedly occurred have not been independently verified and have been undertaken unilaterally, typically through the retirement of obsolete weapons, a process accompanied by various “modernization” activities involving both nuclear weapons and their delivery vehicles. Despite its past successes in negotiating other treaties, the Conference on Disarmament (CD) in Geneva has been unable to commence negotiations on any new multilateral disarmament treaty since 1996, due to deep differences among the policies and priorities of its Member States. An additional hurdle has been the expansive interpretation of the CD’s consensus rule to cover even procedural and administrative issues. Secretary-General Ban Ki-moon has personally visited the CD on numerous occasions and appealed for it to commence its substantive work. In September last year, he convened a High-level Meeting on Revitalizing the Work of the Conference on Disarmament and Taking Forward Multilateral Disarmament Negotiations. Yet the stalemate continues.

At this point, I would like to point out that the entire history of the UN’s work in disarmament and arms control has fluctuated between the pursuit of comprehensive treaties focused on achieving general and complete disarmament, and what have come to be called

“partial measures”—agreements that fall short of disarmament but are viewed as contributing to its later achievement.

Here are some examples of how this has worked. In 1961, the announcement of the McCloy/Zorin joint statement in the United Nations showed that it was possible, even during the Cold War, for the two Superpowers to agree on a common framework for achieving general and complete disarmament. As the Cold War conditions worsened, however, especially after the Cuban Missile Crisis of 1962, the world community increasingly turned to the alternative of pursuing partial measures. These included the Partial Nuclear Test Ban Treaty, the Seabed Treaty, the Antarctic Treaty, the Outer Space Treaty, the NPT, the Chemical and Biological Weapons Conventions, and treaties establishing nuclear-weapon-free zones in five inhabited regions of the world.

Besides these multilateral instruments, the United States and Soviet Union negotiated treaties eliminating intermediate range nuclear missiles and limiting strategic nuclear arms. Recently, another instrument of this kind—called “New Start”—entered into force, by which the United States and Russian Federation agreed to limit the number of deployed strategic offensive nuclear weapons. The international community expects these two powers to continue making reductions and that the other possessors of nuclear weapons will join in this effort.

None of these multilateral treaties, I must emphasize, was ever intended as an end in itself. Consistent with their existence as “partial measures”, these treaties were intended to serve the longer term goals of general and complete disarmament. This point is worth emphasizing, given the abundance of political statements and commentaries that refer especially to nuclear disarmament as a mere “vision” or “ultimate goal”.

In this respect, the United Nations plays an important role not just in establishing and maintaining global norms, but in holding States accountable for living up to their legal and political commitments to achieve agreed goals. As the world’s largest common meeting ground, the annual sessions of the General Assembly provide a useful opportunity for States to consider their respective track records of accomplishments and setbacks in achieving such goals across the full gamut of disarmament and arms control—a role also performed during review conferences of multilateral treaties with respect to specific types of weapons.

In providing a common international forum for promoting accountability in fulfilling disarmament and arms control commitments, the United Nations also offers many possibilities for participation by individuals and groups from civil society. This constitutes yet another role for the United Nations—the provision of a common international arena for the representation of views of the people.

All together, these various functions of the United Nations—including norm building, norm promotion and maintenance, accountability, and representation—play an indispensable role in establishing the “rule of law” in both arms control and disarmament. Yet the institution does more than this. It also helps to develop political understandings and commitments that—while falling short of constituting binding legal commitments—nevertheless contribute to the development of new norms governing the behaviour of States.

Perhaps the best example of this has been the efforts at the United Nations against the illicit trade in small arms and light weapons. In 2001, the UN hosted a historic meeting of

States to deliberate and adopt a Programme of Action to combat this deadly illicit trade. This has led to several Biennial Meetings of States and next year the UN will host a Review Conference of this Programme of Action, the second such gathering, which will follow the disappointing Review Conference in 2006. These events provide an opportunity for participating States both to deliberate past implementation of the Programme of Action as well as to identify possible new initiatives to achieve agreed results, including such activities as promoting capacity building among States to achieve such goals.

While the responsibility for regulating small arms and light weapons remains the sole responsibility of States, and while recognizing that there are not yet any multilateral treaty obligations governing the production or transfer of such weaponry, the Programme of Action stands as a symbol of the world community's recognition of the need for some common understandings and guidelines to regulate such arms.

Another example of this determined commitment is the Firearms Protocol, which supplements the UN Convention against Transnational Organized Crime. By ratifying this treaty, governments make a commitment to adopt a series of crime-control measures, and implement in their domestic legal order three sets of normative provisions on firearms. These relate to the establishment of a licensing system relating to manufacture and trade, the enactment of criminal offences on illegal manufacture and trade, and certain activities relating to the marking and tracing of such weapons.

Here in Brazil, the importance of such work can hardly be doubted, given the impacts that the illicit trade in small arms and light weapons have had on our fellow citizens and on our economic development. Clearly, Brazil cannot solve this problem through its own efforts alone—it must work closely with other nations in preventing this illicit trade. And both as a citizen of Brazil and as the UN's High Representative for Disarmament Affairs, I am proud that the United Nations and Brazil have been working in partnership to confront many of these challenges.

Over the past decade, the UN has partnered with several government institutions such as the Secretaria Nacional de Segurança Pública, the Secretaria de Segurança Pública do Estado do Rio de Janeiro, the Ministry of Defence and related institutions such as the Sérgio Vieira de Mello Training Centre for Peacekeeping Operations, as well as non-governmental organizations such as Viva Rio to assist in the implementation of arms regulation and disarmament instruments. We do so by supporting the destruction of small arms, training law enforcement officials in many states of Brazil, and facilitating multi-country cross-border training. And the UN is working on many similar activities elsewhere in this region, through the work of the UN's Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, based in Lima.

It is also clear that the multidisciplinary nature of disarmament—as seen in its relationships to public security, counter drug policies, health, urban planning, development and other areas of social interaction—calls for a strong partnership between several UN entities with civil society in order to address all angles of disarmament and arms regulation in a meaningful way, placing countries in a better position to address armed violence, while taking into account age and gender factors. With respect to the latter, I note that the Security Council—following its review on 28 October this year of the landmark resolution 1325 on Women in Peace and Security—has again strongly reaffirmed the important role of women in conflict prevention, resolution, mediation and peace building.

There is yet another area of UN cooperation with Brazil that I would like to mention today.

In September 2011, the UN completed the development of the International Ammunition Technical Guidelines mandated by the General Assembly, to prevent the illicit diversion of ammunition stockpiles, while promoting their safe management. The Brazilian Ministry of Defence—particularly the Sérgio Vieira de Mello Training Centre for Peacekeeping Operations—has provided strong support to the development of the Guidelines for the past two years. The Brazilian armed forces have now established an official working group to analyse each of the 12 volumes of the Guidelines with a view to their translation into Portuguese and future adoption.

These Guidelines address a major issue which Brazil and many other countries face in ammunition storage—some ammunition and explosives, for example, are stored in the middle of cities. These items are difficult to secure and could be stolen, giving additional impetus to the armed violence that already rife in this country.

This is one possible area for future cooperation between UN agencies and Brazil, as it confronts this difficult challenge. In particular, full implementation of the Ammunition Guidelines would reinforce the work being done on public security strategies and re-planning of urban areas, addressing diversion of ammunition from Government and private storage facilities within cities, feeding into the development-related work of the government, which is supported by each UN agency in Brazil.

The more one thinks about all these many activities to address challenges of armed violence, and the contributions from disarmament and arms control measures, the more apparent it becomes that these issues have implications far beyond our own national borders. What we are witnessing in Brazil's own efforts to prevent the illicit trade in small arms and light weapons could well be viewed as a single case study of a broader international effort underway worldwide to harmonize domestic and foreign policies.

The actions that Brazil is taking, in other words, help to ensure that Brazil's international commitments are reflected in domestic laws, regulations, and institutions. Solemn international commitments are worth little unless they are firmly rooted in domestic policies and practices, and this requires such commitments to be widely accepted as legitimate goals of the State. Of course, this is true not just with respect to Brazil and small arms, but also to all States throughout the disarmament field, including in the field of nuclear disarmament. I believe that one of the most important challenges of the years ahead will be to overcome a gap that has grown between international disarmament commitments on the one hand, and the lack of domestic policies, laws, regulations, budgets, and institutions to implement them, on the other.

Now, I want to emphasize here that while the United Nations has many roles to play in advancing disarmament and arms control goals, it is entirely up to the Member States to ensure that their own official commitments are well reflected in their own policies. Thus, when international forums like the Conference on Disarmament, or the UN Disarmament Commission, are unable to reach agreement on substantive issues, or when votes on certain General Assembly resolutions remain deeply divided—as they have been for many years in the field of nuclear disarmament—I would urge great caution in blaming those institutions for

difficulties that have arisen due to deep and chronic differences of policies and priorities of their Member States.

Ironically, even when there is no consensus in these arenas, they still remain useful—they are telling us all something about the state of international relations at any given time in the fields of disarmament and arms control. I have come to believe that the best way to overcome problems encountered in the various parts of the UN disarmament “machinery” is to achieve a closer alignment of the policies and priorities of the Member States of those institutions.

Before concluding, I would like to come back briefly to the official title of this seminar: “disarmament, arms control and violence prevention”. By now, this audience should have little doubt that I am quite sceptical of the view that the problem of armed violence must be solved first before disarmament is possible, especially nuclear disarmament. I see a genuine risk that such a position would only serve to postpone concrete disarmament measures indefinitely, or even to rationalize re-armament given the persistence of armed violence. There is a much better path to follow—and that is to remain true to the purposes and principles of the Charter.

The formula offered by the Charter offers a combined approach of eliminating the world’s most dangerous weapons, limiting the rest, while solving conflicts peacefully without threats or the use of force. Each of these is an important priority that needs to be practiced by States and understood by the public. Though it will likely never be possible to eliminate all violence everywhere, at least it is surely a responsible goal to ensure that violence does not place in jeopardy civilized life as we know it, or the lives of future generations.

This is why I personally view nuclear disarmament as having an especially important role in responding to this challenge. And recognizing it as global challenge that it is, I am confident that the United Nations will continue to have indispensable roles to play in achieving this great goal, and in harmonizing—at long last—the global and the domestic.

As we move ahead both in disarmament and arms control, let us, above all, dare to imagine a better world that is achievable through hard work and cooperation both within and across national borders. Let us take some inspiration from Mario Vargas Llosa, who concluded his lecture upon receiving the 2010 Nobel Prize in Literature, with these words—

*... we have to continue dreaming, reading, and writing, the most effective way we have found to alleviate our mortal condition, to defeat the corrosion of time, and to transform the impossible into possibility.<sup>3</sup>*

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<sup>3</sup> “... tenemos que seguir soñando, leyendo y escribiendo, la más eficaz manera que hayamos encontrado de aliviar nuestra condición perecedera, de derrotar a la carcoma del tiempo y de convertir en posible lo imposible.” ([http://www.nobelprize.org/nobel\\_prizes/literature/laureates/2010/vargas\\_llosa-lecture\\_sp.html](http://www.nobelprize.org/nobel_prizes/literature/laureates/2010/vargas_llosa-lecture_sp.html))