



Disarmament: The Balance Sheet

Is the World Listening to Secretary-General Ban Ki-moon's Calls for Progress?

By

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It is indeed a great honour for me to have been invited to deliver the 2014 Foreign Policy Lecture here at Victoria University. I wish to thank the New Zealand Institute of International Affairs and the United Nations Association of New Zealand for hosting this event. I am also grateful to the Ministry of Foreign Affairs and Trade not just for facilitating this gathering, but for its dedicated commitment to advance the great cause of disarmament, a lodestar of New Zealand's foreign policy for many decades. And of course it is also a privilege for one to visit this beautiful and distinguished university.

My subject today concerns a balance sheet—a balance sheet for disarmament to be precise. I am told that the British scientist, Dame Mary Archer, once said, “It sounds extraordinary but it's a fact that balance sheets can make fascinating reading.”

Well, the balance sheet for disarmament is no exception to this rule. Readers find themselves riding a roller coaster, soaring to lofty heights only to plunge to the deepest depths. There is motion—always motion—but the direction is often unclear and, unfortunately, at the end one finds oneself right back where one started. But oh what a ride.

Before I became the UN's High Representative for Disarmament Affairs I served as the Under-Secretary-General for Management, where I acquired plenty of experience in dealing with balance sheets. The balance sheet for disarmament, however, consists of a lot more than numbers—as important as numbers can be, especially when it comes to weapon stockpiles. A fair assessment of such a balance sheet would have to take into account not just where things stand now, but how we got to where we are, and where we are likely to go next.

Allow me first of all to clarify some terms before I get into trouble. The UN Charter refers to “disarmament” and to the “regulation of armaments” and these are among the oldest and most durable goals of the United Nations Organization. In practice, “disarmament” refers to the abolition and elimination of nuclear weapons and other weapons of mass destruction, namely biological and chemical weapons. Though these weapons have radically different effects, they do share a common characteristic: they are inherently indiscriminate—they cannot differentiate between military and civilian targets, so their use becomes extremely difficult if not impossible to justify under international laws of war. This is essentially what the International Court of Justice ruled in its 1996 Advisory Opinion on the threat or use of nuclear weapons. The United Nations has not sought to regulate—but to eliminate—nuclear weapons precisely because of their uniquely indiscriminate effects, in both space and time.

The goal for conventional arms is different. The Charter clearly recognizes the right of its Member States to self-defense, which includes the policing of borders, the maintenance of internal order, and the supply of armed forces for international peacekeeping purposes. There is of course a danger that such weapons can also be used indiscriminately, as was amply demonstrated during the Second World War and in countless armed conflicts that followed. Yet the UN does not seek to eliminate conventional weapons, but to limit, to reduce, and to regulate them. There are exceptions to this rule in which certain categories of conventional weapons deemed excessively injurious or inhumane have been prohibited through the Convention on Certain Conventional Weapons (CCW). The CCW is mandated to regulate or ban the use of specific categories of conventional weapons that have uniquely horrific effects—effects that

trouble the conscience of humanity. These include, for example, laser blinding weapons and explosives that release shrapnel that is invisible to medical x-rays.

These definitions are important in constructing any balance sheet for disarmament. They help us to recognize what it is we are measuring.

The problem with disarmament is that it is very much like beauty—it appears differently in the eyes of its beholders, and this makes measurement of progress difficult. Let us take two of these beholders: the optimist and the pessimist.

The optimist looks at the global record with respect to weapons of mass destruction (WMD) and marvels at how much extraordinary progress has been made. Just consider the whole system of national and international norms that has evolved to designate such weapons as taboos, both to use and to possess. How many States today boast that they are “biological weapon states” or “chemical weapon States”? Who is arguing now that bubonic plague or polio are legitimate to use as weapons under any circumstance, whether in an attack or in retaliation? Who speaks of a bio-weapon umbrella? It is of course true that neither the Biological Weapon Convention (BWC) nor the Chemical Weapons Convention (CWC) has universal membership—but 168 States have joined the BWC and the CWC has 190 parties, almost as many as the UN Charter itself. And since the use of such weapons has long since been recognized as prohibited under customary international law, even the non-parties cannot legally use such weapons.

The track record of chemical weapons disarmament is especially impressive, says the optimist. Consider the numbers. The Organisation for the Prohibition of Chemical Weapons reports that it has verified the destruction of over 80% of the world's declared stockpile of 72,531 metric tonnes of chemical agent. It has also announced the verified destruction of about 57% of the 8.67 million chemical munitions and containers covered by the CWC.

With respect to biological weapons, there is no international agency to verify their elimination. Thanks to Security Council Resolution 1540 (2004), each UN Member State is now legally obliged to have laws and policies to prevent the global proliferation of WMD or their acquisition by non-State actors. The Council has repeatedly declared the proliferation of such weapons to be a threat to international peace and security, and has done so even at meetings held at the level of heads of state and government. So in the case of biological weapons, even though there is no verification agency, there is a widely recognized global norm against the possession, use or proliferation of such weapons—and very little proof that this norm is being flaunted. In terms of investigations, the General Assembly has authorized the Secretary-General to investigate claimed uses of biological and chemical weapons—it was this “SG’s mechanism” that was used to investigate alleged uses of chemical weapons in Syria.

As for nuclear weapons, the optimist reminds us to consider how far we have come in the nuclear disarmament process. In 1987, when New Zealand adopted its historic law making the country “nuclear free”, there were reportedly about 62,000 nuclear weapons in the world. Today that number is believed to be less than 20,000—a reduction of about 70 percent.¹ There are now

¹ Hans M. Kristensen and Robert S. Norris, “Global Nuclear Weapons Inventories, 1945-2013”, Bulletin of the Atomic Scientists, September/October 2013, p. 75-81.

five regional nuclear-weapon-free zones covering virtually the entire Southern Hemisphere plus Central Asia, and Mongolia's nuclear-weapon-free status has also been internationally recognized. New zones are being proposed, including a Middle East zone free of nuclear weapons and other WMD, and additional zones in northeast Asia and the Arctic. And let us not forget, says the optimist, that 190 States have joined the Nuclear Non-Proliferation Treaty, recognizing that the Democratic People's Republic of Korea (DPRK) has announced its withdrawal. The norm of non-proliferation has also held up rather well, given the scarcity of States that are clamoring to acquire their own nuclear arsenals—far from it, the world's 182 non-nuclear-weapon States support getting rid of them all.

The optimist then cites the tidal wave of support worldwide for a strategy of nuclear disarmament based on the catastrophic humanitarian effects of such weapons. Language to this effect was included in the consensus Final Document of the 2010 NPT Review Conference and in resolutions and speeches of the General Assembly. Major international conferences have been held in Oslo and Nayarit to educate the public about these effects and to promote nuclear disarmament and Austria will host another such conference later this year. The International Committee of the Red Cross and Red Crescent movement have strongly endorsed nuclear disarmament as needed precisely because of the effects of using such weapons.

But the optimist is not yet finished: there has also been great progress in the limitation and regulation of conventional arms. Consider, for example, what was accomplished under the Treaty on Conventional Armed Forces in Europe (CFE Treaty). By 1995, the 30 States Parties verified the destruction or conversion of over 52,000 battle tanks, armored combat vehicles, artillery pieces, combat aircraft and attack helicopters. In 1998, the Mine Ban Convention entered into force. In 2001, the international community adopted a Programme of Action to prevent the illicit trade in such weapons and participating States meet biennially to monitor and improve its implementation. In 2010, the Convention on Cluster Munitions entered into force. And in April last year, the General Assembly adopted the Arms Trade Treaty which at long last set for some standards to prevent the flow of destabilizing arms into conflict regions.

The pessimist, at this point, demands to be heard, and raises the following arguments.

While it is true that there has been some progress in reducing weapons of mass destruction, the track record is actually quite uneven. We have already recognized that the BWC did not establish any verification agency so our facts about such weapons are questionable. There continue to be various reports of individuals or groups seeking or acquiring lethal pathogens and some countries are still suspected of having or seeking to have such weapons. We just do not know for sure if such reports are accurate so it is best premature to pronounce the bio threat problem as having been solved.

With respect to chemical weapons, the headlines being read by the pessimist relate not to the triumphant elimination of such weapons but to their actual use in Syria. If the norm against such weapons were so robust and so universally observed, then such weapons would not have existed in the first place for any party to this dispute to use. We have learned a lot since the UN, OPCW and World Health Organization—the SG's mechanism—investigated the various allegations of chemical weapon use in Syria, and we are continuing to learn about the difficult

process of eliminating an entire class of weaponry—including munitions, delivery systems, agent material, and related facilities—in a country experiencing a brutal internal war. This is, to say the least, not easy work. The two countries with the largest stockpiles of chemical weapons—the Russian Federation and the United States—have encountered numerous delays in implementing their disarmament commitments under the CWC and still have a long way to go to zero CW.

Now what does the pessimist say about nuclear weapons? The mere fact that many thousands of them still exist is itself significant, given that efforts have been underway at the UN since 1946 not to limit but to eliminate them. And while the Nuclear Non-Proliferation Treaty has been in force for 44 years, which obliges its Parties to undertake negotiations in good faith on nuclear disarmament, such negotiations have never taken place—in fact, no nuclear weapon has ever been physically destroyed pursuant to a treaty, bilateral or multilateral.

Furthermore, robust, well-funded, long-term plans are in place to modernize existing nuclear weapons or their delivery systems. If one considers the total populations living in States that possess such weapons—and add to this the population of those States belonging to a nuclear alliance—then literally most of humanity still lives in States that include nuclear deterrence in their security policies.

Some of these weapons are still on high alert. Some are ready for “first use”. And some continue to be deployed abroad in what are still called non-nuclear-weapon States.

And as for those deep reductions, the fact remains that nobody seems to know exactly how many nuclear weapons really exist in the world. Some countries report essentially nothing about their weapons capabilities, in terms of numbers of weapons, delivery vehicles, amounts of fissile material, and other relevant items. We have some bilateral treaties that set limits on deployments of strategic nuclear weapons of the Russian Federation and the United States, but no requirements for verified destruction, and no treaties addressing the possession, production, or foreign deployment of non-strategic nuclear weapons.

In terms of the rule of law in nuclear disarmament per se—well, there scarcely is any. The Comprehensive Nuclear-Test-Ban Treaty has still not entered into force and will in all likelihood not do so for the foreseeable future. There are no negotiations underway on a multilateral fissile material treaty. The UN disarmament machinery has essentially been in gridlock for many years, as the UN Disarmament Commission, the General Assembly’s First Committee and the 65-member Conference on Disarmament in Geneva all remain deeply divided on nuclear weapons issues in particular. And most of the States possessing such weapons refuse to consider even discussing a nuclear weapons convention.

The pessimist also dismisses the optimist’s judgment on non-proliferation, citing the nuclear weapons and missile activities in the DPRK, the concerns over Iran’s nuclear activities, the nuclear and missile races underway in South Asia, the chronic difficulties encountered in establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction, the lack of action to limit Israel’s nuclear capabilities, and the absence of any treaties addressing missile proliferation. The pessimist reminds us that both Iraq and Libya had nuclear-weapons programme underway when they were parties to the NPT. And in 2011, the Board of the

International Atomic Energy Agency found that another NPT Party—Syria—was constructing an undeclared nuclear reactor, which constituted non-compliance with its safeguards agreement. So, the pessimist argues, the picture on nuclear-weapon proliferation is not quite so rosy.

With respect to conventional arms, the pessimist points to the fact that it took until 2013 for the world community to conclude such a treaty suggests that multilateral conventional arms control still is in its infancy. Controls over the illicit trade in small arms are welcome, but still non-binding and outside of any treaty framework. The UN Security Council has never implemented its mandate under Article 26 of the Charter to formulate plans “for the establishment of a system for the regulation of armaments”. The CFE Treaty is currently in suspended animation and its fate was certainly not brightened by the recent crisis in Crimea. The Mine Ban Convention and the Cluster Munitions Convention are steps forward in curbing the use of two very dangerous classes of conventional weaponry—but they fall short of universal membership and many non-parties are possessor States.

So, while the optimist and pessimist continue their endless debate—raising new arguments that they had neglected to mention on both sides—I would like to step in and say a few words relating to the subtitle of my lecture today: “Is the World Listening to Secretary-General Ban Ki-moon’s Calls for Progress?”

Let me say I am proud to work in an Organization that has designated global nuclear disarmament as one of its top priorities, so it does not surprise me to find that this goal has been strongly supported by each of our Secretaries-General. In this distinguished company, however, Secretary-General Ban Ki-moon has been the most outspoken of them all on this issue.

He is probably best known for his five-point nuclear disarmament proposal announced on 24 October 2008, a speech in which he referred to nuclear deterrence as a “contagious” doctrine virtually inviting proliferation. It was the most detailed proposal of its kind by any Secretary-General, so I will only summarize it briefly.

First, he called upon NPT Parties, especially the nuclear-weapon States, to undertake negotiations on a nuclear weapons convention or a framework of separate, mutually reinforcing instruments with the same goal. He urged the Russian Federation and the United States to resume bilateral negotiations aimed at deep and verifiable reductions of their arsenals. Second, he called on the Security Council to convene a summit on nuclear disarmament and to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Third, he identified several ways to strengthen the rule of law in disarmament, including the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction. Fourth, he pointed to the need for greater accountability and transparency in nuclear disarmament. And last, he urged a series of what he called “complementary measures”—these included the elimination of other types of WMD and limits on the production and trade in conventional arms.

The Secretary-General has demonstrated his interest in nuclear disarmament and non-proliferation in many other ways as well. He was the first in his office to visit Hiroshima and Nagasaki. He was the first to visit a nuclear-weapons test site—the huge area near Semipalatinsk, Kazakhstan. He has often pled the case for negotiations on nuclear disarmament

in the Conference on Disarmament. In January last year, he delivered a lengthy speech on nuclear disarmament and non-proliferation at the Monterey Institute of International Studies, and later that year addressed the General Assembly's High-Level Meeting on nuclear disarmament.

And despite the lack of progress on nuclear disarmament, I do believe that the world is indeed listening to the Secretary-General. I see evidence of this in the resolutions that have been adopted by the Inter-Parliamentary Union in support of his initiative—and this support certainly includes the Parliament of New Zealand. Civil society groups have incorporated his proposal into their advocacy initiatives. One remarkable organization, Mayors for Peace, consists of representatives from 6,000 city governments around the world—they are promoting the negotiation of a nuclear weapons convention. In June 2012, the US Council of Mayors adopted a resolution endorsing the Secretary-General's five-point proposal. His proposal is often cited in speeches in the General Assembly and other multilateral arenas both inside and outside the UN.

I believe that the growing support for a humanitarian approach to disarmament will also help to advance the Secretary-General's five-point proposal, especially given his emphasis on the relevance of the rule of law in disarmament. After all, if weapons are to be prohibited globally, surely this must entail some legal commitments. It is hard to imagine getting to zero nuclear weapons without having a means to verify compliance, without transparency, without controls to prevent disarmament reversals, without universal membership, and without any legal commitments. Since it is already widely agreed that the elimination of nuclear weapons is the most reliable way to prevent their future use, the world will eventually come to grasp the wisdom in achieving this goal by means of a multilateral convention much along the lines proposed by the Secretary-General.

I cannot conclude this Lecture without saying a few words on another theme that the Secretary-General has been voicing in recent years—global military expenditure. He has repeatedly stated that “the world is over-armed and peace is under-funded”. It is, to say the least, troubling to the conscience that global military spending exceeded \$1.7 trillion last year. That comes down to about \$4.6 billion a day, which is almost twice the UN's annual regular budget. Do we not have alternative uses for even a fraction of that \$1.7 trillion, to meet basic human needs, and to achieve the Millennium Development Goals?

Whether one is discussing the Secretary-General's five-point nuclear disarmament proposal or his call for reductions in military spending, neither of these goals will be achieved without a strong base of support from civil society and from large coalitions of States. Ideally, the “perfect storm” for advancing these goals would involve cooperative action on three levels: civil society pressure from *the bottom-up*; diplomatic engagement by diverse coalitions of States from the *outside-in*; and some enlightened leadership from the States with the largest weapons stockpiles and military expenditure, from the *top-down*.

One thing is for sure, none of these goals will be achieved without hard work, persistence, and a sustained effort to broaden the political constituency base for disarmament. The peace groups cannot carry all the burdens here. They need help. Help from mayors and parliamentarians. Help from doctors, lawyers, and other professional groups. Help from some improved coverage of disarmament issues by the news media and journalists. Help from

students of all ages. And help from countless other sectors of our societies—women, environmentalists, human rights activists, and literally every organized group that can appreciate how their own *special interests* would be advanced through the achievement of our *common interest* in a world free of nuclear weapons.

It will take the combined efforts of all the above to tilt the great balance sheet on disarmament in the direction of reason and common sense. I hope the arguments of the pessimists amongst us will temper the more extreme cases of blind-faith optimism. Yet I believe that optimism—a belief in the achievability of a better world—will also be needed as a guide to action. It is not sufficient to know what we are *fleeing*—we must know what we are *seeking*: a safer world free of nuclear weapons threats.

Ladies and gentlemen, the great Eleanor Roosevelt once said, “It isn't enough to talk about peace. One must believe in it. And it isn't enough to believe in it. One must work at it.” Of course, the same is true about nuclear disarmament.

I have talked today about disarmament, a subject that I deeply believe will serve the ideals and interests of humanity. My work in this field depends heavily upon the support of Member States and civil society. I will therefore close with a word of thanks to the people and government of New Zealand for all they have already done to advance this great cause. Together, let's get on with the noble work of building a post-nuclear-weapon world.