



Lecture

**Disarmament:
Prospects, Possibilities, and Potential Pitfalls**

By

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Tena koutou, tena koutou, tena koutou katoa.

In my business of disarmament, we are familiar with many taboos, and one of the most inviolable is the failure to express one's gratitude to those who host events such as this one. I do not intend to deviate from that norm this evening.

Accordingly, I wish to express my sincere thanks to the University of Auckland's Faculty of Law and the Department of International Relations, the Auckland branch of the New Zealand Institute of International Affairs, and the Auckland sub-branch of the International Law Association. I thank them not just for inviting me, but for their genuine interest in disarmament.

For reasons you are no doubt aware, I feel quite at home here in New Zealand. Your commitment to pursuing a world free of nuclear weapons—and to supporting the United Nations—has been virtually boundless. Your leadership has inspired initiatives by many other countries and has earned the support of an expansive network of groups in civil society, not just here in New Zealand but throughout the world. I am both happy and proud to be here with you tonight, in a country that views disarmament as part of its national identity.

This is in fact my subject tonight, but I have noticed that people seem to have quite different interpretations of the meaning of this term.

I'm reminded of this famous dialogue between Humpty Dumpty and Alice in Through the Looking Glass:

"When I use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean—neither more nor less."

"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be master—that's all."

Well, tonight, I am master. Disarmament and a separate goal "the regulation of armaments" are found in the UN Charter, which was signed before nuclear weapons even existed. So the term needed to be clarified. In January 1946, the General Assembly adopted its first resolution and it identified the goal of eliminating all nuclear weapons and all weapons "adaptable to mass destruction", in the words of Resolution 1(I). The UN had its first specific disarmament goal.

Later that year the General Assembly adopted another resolution on the general regulation of armaments. Since then, these have been two of the most stubbornly durable goals of the United Nations. Both of these goals—the prohibition and elimination of weapons of mass destruction and the limitation and reduction of conventional arms—remain our common objective today. If I may say, they too have become part of the identity of the United Nations.

These are not terms, however, that we should substitute for each other. There is a fundamental difference between eliminating and merely regulating something. The UN is not seeking either to *regulate* nuclear weapons or to *eliminate* conventional arms. We—and here I

mean both our Member States and the Secretariat—recognize that States have a right to defend themselves—within, of course, the other constraints of the Charter. These include the prohibition on threats or use of force and the duty to resolve disputes peacefully.

I am dwelling on this issue of definitions because it is important in fulfilling my responsibilities in this talk this evening of addressing the “prospects, possibilities and potential pitfalls” of disarmament.

Since this is the first of six statements I will be making in New Zealand, I will limit my remarks today to nuclear disarmament because of my audience’s natural interest in this subject.

On the one hand, one could argue that its prospects right now are rather dismal. The crisis in Crimea has exposed and aggravated some deep divisions between the two States that possess over 90 percent of the world’s nuclear weapons. Cooperation between those States is absolutely essential for future deep reductions in their nuclear stockpiles and for expanding the disarmament enterprise to include additional countries.

Crimea, of course, is but a case in point. Some 44 years ago the Nuclear Non-Proliferation Treaty entered into force, and it created an obligation for all of its Parties to undertake negotiations in good faith on nuclear disarmament. These have not occurred and most nuclear-weapon States today are strongly opposed to even the notion of a nuclear weapons convention, let alone express their readiness to commence such negotiations. To this day, not one single nuclear weapon has been physically eliminated pursuant to a treaty, bilateral or multilateral. And, astonishingly enough, a majority of the world’s population today lives in countries that either have nuclear weapons or are covered by the proverbial nuclear umbrella.

This is just extraordinary. We have, to be sure, seen declared (but not verified) reductions in stockpiles—by some reports, the global nuclear weapon stockpile has declined from over 70,000 in the mid 1980s to less than 20,000 today. We have also seen the closure of nuclear material production and nuclear test sites. We have seen the unilateral elimination of various classes of nuclear weapons and missiles that were no longer viewed as serving a useful purpose. We have seen reductions in deployments of strategic nuclear weapons by the Russian Federation and the United States. But we have seen no signs of any retreat in the doctrine of nuclear deterrence that is now being practiced by literally every State that either has or is believed to have nuclear weapons.

We see long-term, well-funded nuclear weapon modernization programmes underway, yet do not see any plans for achieving nuclear disarmament. One cannot even find a disarmament agency in any state that currently possesses such weapons, and a search for domestic legislation requiring the implementation of international treaty commitments on nuclear disarmament will also produce a negative result. In the year 2014—over six decades after World War II and a generation after the end of the Cold War—we still find nuclear weapons deployed in Europe. We see nuclear weapons still on high-alert status, subject to “first-use” strategic nuclear doctrines.

Does any of this sound consistent with the goal of achieving a world free of nuclear

weapons? If anything, stubborn arguments for the legality of the possession and use of nuclear weapons offer an enticing invitation to proliferation. After all, if such weapons are indeed indispensable, vital to national security, a source of status and prestige, and the ultimate insurance policy against nuclear attacks, then by what reason should not every country have a right to defend themselves by similar means?

This is why UN Secretary-General Ban Ki-moon has justifiably referred to the “contagious” doctrine of nuclear deterrence. See his five-point nuclear disarmament proposal of 24 October 2008 and you will find this term, as well as a detailed discussion of what the world should do about it.

Now, before this audience falls into complete despair, I must say that I began this account with the words, “one could argue” that the future of nuclear disarmament is dismal. These are not necessarily my arguments, yet they merit some attention.

When looking to the future, one should consider all possibilities not just some that appear to be useful in making some political point. Indeed, I think there are enormous possibilities for progress in this field—yes, enormous.

First, in recent years States and groups in civil society have persistently advocated a focus on the humanitarian consequences of the use of nuclear weapons. They have looked closely at the human and environmental effects of even a small, localized nuclear war. Physicians and climate experts have concluded that the resulting “nuclear famine” from even a limited regional nuclear war could kill over a billion people. This raises serious questions about the legitimacy of nuclear weapons, given their inherently indiscriminate effects and their fundamental inconsistency with the most solemn principles of international humanitarian law—principles that have a heritage dating back not many decades but centuries.

Second, nuclear weapons are expensive, and during an international financial crisis, this may well open up new opportunities to advance the nuclear disarmament agenda. Fifteen years ago, the US think tank the Brookings Institution calculated the total historical US expenditure on nuclear weapons at \$5.6 trillion. In a stack of dollar bills, they concluded that such a stack would reach from Earth to the moon and almost all the way back. That was just for one country, 14 years ago. The Brookings authors calculated that if you paid one dollar every second, it would take over 184,000 years to pay that bill.

This begs the question: can society not imagine alternative purposes to which such resources could have been invested?

Since I am clearly expected to look ahead in these remarks, I can sketch three alternative futures for the world community when it comes to the future of nuclear weapons.

The first is evolution.

This is essentially the prescription of “business as usual”. It relies on the logic that since nuclear disarmament is a terribly difficult goal to achieve, prudence requires slow, incremental

progress towards this goal. Of course, people disagree over such preconditions. Some say we must have world peace as a prerequisite. Others require an end to the “problem of war”. Some prescribe “world government” . . . or an end to all regional disputes . . . or a “fundamental transformation” in human consciousness.

Advocates of an evolutionary approach include the nuclear-weapon States, who lately have been arguing that what is needed is a “step-by-step process” that may lead eventually to a nuclear-weapon-free world. They view nuclear disarmament as an “ultimate goal”—something to be achieved only after many preconditions are first satisfied. Unfortunately, there is no end to the list of preconditions, and no commitments as to a date when disarmament will actually be achieved. In the eyes of many countries and groups in civil society, this “partial measure” approach will never reach the goal of zero nuclear weapons—they view this approach as a de facto recipe for perpetuating nuclear arsenals indefinitely rather than a serious effort to eliminate such weapons globally.

To be fair, there is some merit in the evolutionary approach, at least to the extent that disarmament agreements should indeed satisfy certain standards to be regarded as reliable, effective, and legitimate. Over the years, the UN through its various resolutions and treaties and other consensus documents adopted in multilateral treaty arenas has elaborated five classic standards that a multilateral disarmament treaty should meet. Such a treaty should provide a means to verify compliance. It should contain transparency requirements so everybody knows who possesses what and what has really been destroyed. It should be irreversible. It should be universal in the sense that it should include all countries without exception. And it should be legally binding.

A disarmament treaty fully encompassing all these standards would literally work wonders in strengthening international peace and security, by building confidence and mutual trust, by dispelling doubts and threat perceptions, and by opening up vast new areas for possible cooperation, while liberating resources for social and economic development.

The second possible future would be devolution. This is what would occur if the world reached a point when it simply lost faith in the existing multilateral process for pursuing the goals of disarmament and arms control. This could happen in many ways. After all, the UN disarmament machinery is facing some significant obstacles right now. The Conference on Disarmament has not negotiated a treaty since 1996, despite its role as the world’s single multilateral disarmament negotiating body. The UN Disarmament Commission—which is supposed to deliberate nuclear weapons and conventional arms issues and adopt guidelines and recommendations concerning such weapons—has not adopted any such guidelines since 1999. And the First Committee remains deeply divided on nuclear-weapon resolutions in particular.

There is at present a campaign underway to gather a group of states together and sign a “ban the bomb” type of treaty. Supporters of such an initiative can certainly not be criticized for voicing their frustrations over the lack of productivity of the traditional multilateral deliberating and negotiating arenas. No one is more frustrated than I. Yet I believe strongly that disarmament norms should have universal scope and I think it is well worth the effort to keep striving to achieve it. A ban-the-bomb treaty signed by several States would indeed represent a

strong symbolic statement on their part, but which State possessing nuclear weapons or belonging to a nuclear alliance would join such a treaty? And if none would, what would have been gained, given that all the signers would already be parties to the Nuclear Non-Proliferation Treaty, which prohibits non-nuclear-weapon States from acquiring nuclear weapons? Some say, well you have to start somewhere. Yes, that may be true. But on what basis can anyone conclude that a ban-the-bomb treaty would eventually achieve universal membership? It seems to be all based on a matter of faith mixed with a bit of wishful thinking.

This is why I do not think such a treaty can effectively by-pass the need to pursue a nuclear weapons convention or a framework of multilateral instruments with the same objective, which is exactly what Secretary-General Ban Ki-moon has proposed. Universality is not an expendable standard when it comes to achieving global nuclear disarmament. So, personally, while I strongly support the existence of coalitions of states pursuing disarmament, I also believe that the nuclear-weapon States and their allies also need to be engaged, and engaged persistently.

Another possible form of devolution would be to shift the primary arena for disarmament and arms control to the regional level. After all, there are already five regional nuclear-weapon-free zones. There are also serious proposals to establish a Middle East zone free of nuclear weapons and other weapons of mass destruction. Other nuclear-weapon-free zones have been discussed for northeast Asia and the Arctic, among other areas. I do not at all believe that the zonal approach has fully run its course. Whether this approach will suffice in taking us to a nuclear-weapon-free world is another matter. What these zones do, however, and do rather well, is to help considerably in de-legitimizing nuclear weapons and other weapons of mass destruction.

To this extent, New Zealand's membership in the Rarotonga Treaty has served three important purposes: it clarified exactly where the country stands on nuclear weapons, it ensured that its neighbors were also nuclear-weapon-free, and it reaffirmed that the longer term goal of the zone is to contribute to global nuclear disarmament.

Now, the third possible future would be what might be called a revolution in disarmament affairs. This could take many forms. A world disarmament organization could be established one day, perhaps one that consolidates many of the various treaties and regimes that have been created on a piecemeal basis to deal with particular types of weaponry. I could see such an organization staffed with professionals who would be trained as international civil servants to work on disarmament as a career. Such individuals could be trained at a new world disarmament academy. Verification would likely be an important function of that world disarmament organization, which could also become a centre for the reporting of data on weapons, the destruction process, quantities of fissile material, the status of potential delivery systems, and other useful statistics that would enhance transparency.

I would not rule out the possibility that the UN Security Council might one day take seriously and actually implement its mandate under Article 26 of the Charter to formulate plans "for the establishment of a system for the regulation of armaments." Its inactive Military Staff Committee could one day be activated, as authorized in Article 47 of the Charter, to advise and assist the Council on matters relating to disarmament. If the public and Member States persist in

demanding it, I would not be surprised if the Council could find itself convening summits at the level of heads of state and government, summits devoted specifically to disarmament issues. This may not sound like a terribly revolutionary development, but it would be significant indeed in getting the Council closer to recognizing the very existence—not just the proliferation—of nuclear weapons as a threat to international peace and security.

I have covered a lot of ground today and probably gazed a bit too long into my crystal ball, for nobody of course can confidently predict the future.

Yet I do wish to conclude my remarks to you this evening on a positive note. Despite all that is wrong in this world—all the armed conflicts, the arms races, the orgy of military spending, the weapons improvements, the non-implementation of disarmament commitments—despite all of these, I believe disarmament does have a future. One could say that the “genie” of disarmament is out of its bottle, or as some like to say about nuclear weapons, it cannot be dis-invented. It’s here to stay.

I say this because of how unattractive the alternatives are. If the most reliable and effective way to prevent another use of a nuclear weapon is disarmament, then why would the world community ever settle for anything less? Do we really want to pretend that nuclear deterrence will last forever? That there will never be a catastrophic accident involving a nuclear weapon? That nuclear non-proliferation policies will forever keep additional countries from acquiring prohibited weaponry? That taxpayers will eternally support endlessly rising military expenditures, at the expense of unmet social and economic needs?

Disarmament will survive for two reasons: it works, and it is the right thing to do. It fuses together into an integrated whole the two forces that make the world go round: self-interest and idealism. And it does so better than any other approach for dealing with weapons.

In the days ahead, I will be speaking elsewhere throughout your beautiful country. I will address many other issues relating to disarmament in more detail. My goals tonight were to offer some food for thought, to provoke some discussion, to reassure the worried, and to flatter your citizens and government for their wise views on nuclear weapons. Please accept my best wishes for the success of all your initiatives in this field.