Disarmament: The Balance Sheet

*The Disarmament Taboo*

By

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I am very grateful for this opportunity to conclude a series of disarmament speeches that I have been making here in your beautiful country. I wish to thank the University of Otago’s Faculty of Law, the Department of Politics, and the National Centre for Conflict Studies for hosting this event today. These speeches are loosely organized in the form of a balance sheet to shed some light on various achievements and setbacks in this field.

In Auckland, I discussed the prospects, possibilities, and potential pitfalls for disarmament and arms control in the years ahead.

In Wellington, I addressed New Zealand’s “nuclear free” policy in a global context, noting that it represented a model of the consistency or “congruence” between a State’s international commitments and its domestic laws, policies, and institutions. I delivered the 2014 Foreign Policy Lecture at Victoria University of Wellington, where I provided an overview of accomplishments and unfinished business in disarmament. I also discussed with a group of your parliamentarians the roles of Parliaments in advancing this cause.

And most recently in Christchurch, I identified some international security concerns over various emerging technologies and discussed how a humanitarian approach to disarmament could address such concerns.

One common theme of these lectures has been the unique role of the UN in establishing and maintaining multilateral norms in disarmament and conventional arms control. These norms guide the behaviour of States. Indeed, States consent to their establishment because of their role in strengthening international peace and security.

Some of these norms relate to the duties of States to do certain things. A good example is Article VI of the Nuclear Non-Proliferation Treaty (NPT), which obliges its Parties to undertake negotiations in good faith on nuclear disarmament. The new Arms Trade Treaty established criteria to guide transfers of conventional weapons. There are obviously many other such duties in this business relating both to weapons of mass destruction and to conventional arms.

There are also prohibitive norms or taboos, such as the NPT obligation requiring nuclear-weapon States not to assist non-nuclear-weapon States to acquire such weapons, and the commitment by the latter not to seek them. The International Court of Justice concluded in 1996 that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law. Biological and chemical weapons have also been banned outright.

My remarks today, however, will address a different kind of taboo, one that might surprise you. This taboo remains a significant barrier to progress in achieving nuclear disarmament. Discussing it is the first step to overcoming it.

I am referring to what might be called the “disarmament taboo”. It refers to a perception shared by many governments and groups in civil society that disarmament is too difficult, too controversial and too impractical a goal to pursue.

In recent years, I have actually seen two types of disarmament taboos.
The first involves the reluctance of some States to pursue multilateral disarmament objectives inside the established United Nations disarmament forums. Many historical factors have contributed to this, including stalemates in UN bodies that have resulted in initiatives being taken elsewhere. In 1991, a group of States unsuccessfully organized a conference to amend the Partial Nuclear Test Ban Treaty to ban on such tests all together. Other groups of States achieved the negotiation of treaties outlawing landmines and cluster munitions.

More recently, a longstanding deadlock in the Conference on Disarmament—often called the world’s single multilateral disarmament negotiating forum—has inspired calls to pursue a fissile material treaty outside the United Nations. Others have called for a group of countries to conclude—also outside the UN—their own treaty to “ban” nuclear weapons.

There are many factors motivating this perception that somehow the UN disarmament machinery has become dysfunctional and hence should be taboo as a venue for negotiating relevant treaties. Proponents of this view cite instances when outside initiatives have resulted in the conclusion of widely supported instruments. They argue that the processes for concluding such treaties have more flexible rules that can circumvent onerous consensus requirements. These rules can enable proponents to advance more progressive proposals, even if at the expense of immediate universal adherence. Others argue that these alternative routes to developing disarmament norms provide for a greater role for civil society.

It is however important to note that many initiatives have also been pursued within the UN, including the Arms Trade Treaty, the Biological and Chemical Weapons Conventions, the Comprehensive Nuclear-Test-Ban Treaty and the Nuclear Non-Proliferation Treaty, to name a few. It is also noteworthy that many of these achievements occurred even despite the unfavourable political conditions of the Cold War.

Now there is a second disarmament taboo that is also hindering progress. It involves resistance to the very word, “disarmament”. Some States have found it difficult to incorporate it in their domestic and foreign policy lexicons. This is seen in the contrast between the global disarmament commitments of States with nuclear weapons and their prevailing emphasis on nuclear-weapon modernization. In a disarming world, one would expect to see disarmament agencies, disarmament laws, disarmament regulations, disarmament policies, and support from their legislatures. We are seeing none of these. The word “disarmament” is even disappearing from official business cards.

To some extent, this second trend has also been driven by the chronic stalemates that have sent a message that the UN—as though it is an autonomous entity—is unable to deliver on disarmament. Those who dismiss the disarmament concept are by no means been limited to any one segment of the political spectrum. There are of course the familiar examples to be drawn from nationalists and militarists—but somewhat more surprisingly, also from progressive groups in civil society.

Various groups that support human rights or seek to strengthen humanitarian law, for example, often steer clear of disarmament because they see it as controversial and provoking divisions that could jeopardize common action in advancing their own respective causes. They view disarmament as largely a distraction, absorbed with politics and political point scoring rather than with achieving concrete results. I say this with great regret, because I view these groups as our natural allies—we truly have a common cause and should be working together.
Yet the deep divisions that have plagued the key institutions of the UN disarmament machinery—I am referring here to the Disarmament Commission, the General Assembly’s First Committee, and the Conference on Disarmament—have generated intense frustration among concerned States and groups in civil society. This in turn has inspired them to explore alternative routes to advance disarmament goals.

This can have some unfortunate consequences. First, there is the risk that such initiatives will be premature—namely, that States and groups will fail to consider the full range of options available within the United Nations system. Second, these extra-UN coalitions carry the burden of demonstrating how their disarmament measures can be effective if key states remain intransigent or refuse outright to engage. After all, the active participation of the nuclear-armed states and their allies will be necessary to establish appropriate measures for the verified and irreversible elimination of nuclear weapons. Yet, it is also clear that the nuclear disarmament obligation applies to all States, each of which bears individual responsibility for enabling progress. Nuclear disarmament cannot succeed if it continues to be treated as a voluntary endeavour to be pursued only by the nuclear-weapon States.

For outside groups who do wish to continue working with the UN, I have found that some prefer not to work with the disarmament-related parts of this machinery, but instead favour cooperation with their established networks elsewhere in the UN system—in fields such as development, child welfare, humanitarian relief, human rights, and humanitarian relief. There has arisen a kind of “two-culture problem” at the UN with a disarmament community working on one set of challenges with their own constituency, and various other groups working on a wide range of humanitarian issues. Past efforts to conclude the landmines and cluster munitions treaties, for example, involved closer cooperation with UN offices dealing with humanitarian affairs than with disarmament. The taboo, it seems, has spread to the UN itself, and it remains to be seen if disarmament will even be included in the UN’s post-2015 Development Agenda.

One possible explanation for countries and advocacy groups to avoid addressing disarmament at the UN is that some are not in fact seeking a disarmament goal at all, but rather a less ambitious goal of limiting or regulating the use of various types of weapons. A prime example is the recent effort to address the use of explosive weapons in populated areas. This initiative is rightly aimed to be non-political in its early stages as a means of seeking broad engagement from military actors who are often allergic to disarmament—they are the “true believers” in the disarmament taboo and its most devout practitioners.

I view it as part of my job is to find ways of breaking down barriers to cooperation in the field of disarmament. The great goal of nuclear disarmament will not be achieved by the labours of the peace groups alone, despite their heroic efforts. It will be achievable when diverse groups throughout society, and throughout the world, recognize how disarmament would advance their individual and collective interests. And the more diverse, the better.

Getting rid of nuclear weapons should certainly be a goal of environmentalists, given the horrific consequences for our planet of a nuclear war. Groups working to advance human rights and international humanitarian law clearly have an interest in the successful achievement of nuclear disarmament, especially given its intimate connection to the fundamental right to life. Entire professions including physicians, lawyers, engineers, and
educators carry on their daily work on the assumption that nuclear weapons will never be used again—they too can help in bringing disarmament down to earth as a practical and achievable goal. Mayors have a stake in nuclear disarmament because cities would inevitably be involved as ground zero in any future nuclear war. Parliamentarians have their own roles to play, in ratifying treaties, and in funding and overseeing disarmament programmes.

I think what is most needed now in overcoming the disarmament taboo is an outreach strategy to broaden the family of groups that recognize concrete benefits from achieving a world free of nuclear weapons. Such outreach should focus on clarifying where the real taboo lies—not in disarmament, but in failing to seek it. Let me call this our external challenge, focused on rallying support from ever-expanding networks in civil society.

Yet we also have an internal challenge in the UN disarmament machinery—to repair its reputation after years of non-use and misuse, and to rebuild some trust and confidence amongst the Member States. This will require a willingness to attempt some innovative measures to revitalize this machinery. The time has come not to lower expectations about this machinery but to expand its ambitions. It is time for reforms that will open up this machinery much more to participation by civil society. I would also like to see some expanded joint initiatives between my own office and other parts of the UN system. If it is not yet possible to work on a nuclear weapons convention, the Conference on Disarmament should be able to commence discussions on a legal framework for a future convention, at least to get the proverbial ball rolling.

With respect to reforming the UN disarmament machinery, we may well find some insights in examining some classical mechanics, in particular Newton’s first law of motion. It holds that an object either remains at rest or continues to move at a constant velocity, unless acted upon by an external force. The UN disarmament machinery has in effect been at rest for over a decade, or has been drifting toward an uncertain destination. The external force needed to set it to motion toward a specific goal has to come from Member States backed by civil society. I believe that this motion, once started, will be easier to sustain over time, as the benefits of disarmament—the increased security and the resource savings—become more compellingly apparent to all. But motion itself is not enough—it is crucial that this motion be directed toward the right destination: a world free of nuclear weapons.

This is how I believe the disarmament taboo will eventually be overcome. And the only better time to start this motion than yesterday—is today.