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Explaining Hammarskjöld's "Hardy Perennial"

The Role of the United Nations in Nuclear Disarmament

Nuclear disarmament and non-proliferation background paper

Written by Dr Randy Rydell for the United Nations Association – UK

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About the author

Dr Randy Rydell is Senior Political Affairs Officer in the United Nations Office for Disarmament Affairs, currently led by High Representative Angela Kane. He served from January 2005 to June 2006 as Senior Counsellor and Report Director of the Weapons of Mass Destruction Commission (Blix Commission) and Senior Fellow at the Arms Control Association in Washington D.C. He joined the UN secretariat in 1998, and has served as an adviser to Under-Secretary-General Jayantha Dhanapala and his four successors. He has also served as Secretary of the Secretary-General's Advisory Board on Disarmament Matters (2001) and as a Visiting Lecturer at Princeton University's Woodrow Wilson School (September 1998 to February 1999, and September 2009 to January 2010).

Before joining the UN, he served as a nuclear non-proliferation adviser to Senator John Glenn (1987–1998) and as an international political analyst at the Lawrence Livermore National Laboratory (1980–1987). In 2009, he was recipient of the "Unsung Hero" award, which is presented by the Center for Non-Proliferation Studies, Monterey Institute for International Studies. Dr Rydell is also a member of the UN Symphony Orchestra.

About UNA-UK

The United Nations Association – UK (UNA-UK) is the UK's leading source of independent analysis on the UN and a grassroots movement campaigning for a safer, fairer and more sustainable world. UNA-UK seeks to increase knowledge of the UN and stimulate thought and debate on how to make it stronger, more credible and more effective.

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- influencing decisions-makers and opinion-shapers in the UK;
- working with key individuals and organisations in other nuclear-weapon states;
- collaborating with experts on policy options; and
- re-establishing nuclear disarmament as a central issue for young people.

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Cover photo: 1950s, 1960s atomic bomb symbolic mushroom cloud over a very large crowd of people facing the explosion, 1961. © H. Armstrong Roberts/Alamy Images

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Portrait of Dag Hammarskjöld by Bo Beskow © UN Photo, 5 April 1966.

"I have no doubt that forty years from now we shall ... be engaged in the same pursuit. How could we expect otherwise? World organisation is still a new adventure in human history. It needs much perfecting in the crucible of experience and there is no substitute for time in that respect."

Dag Hammarskjöld
address at New York University, 20 May 1956

1. Introduction

Speaking at a press conference on 19 May 1955, Secretary-General Dag Hammarskjöld referred to nuclear disarmament as a "hardy perennial" at the United Nations, a term he often used on this subject.[1] Fifty-eight years later, efforts are still underway at the UN to address several global challenges relating to nuclear weapons, specifically – nuclear disarmament, nuclear non-proliferation, nuclear terrorism and the physical security of nuclear materials.

Of these, disarmament has the longest UN heritage. The General Assembly's inaugural resolution – Resolution 1(I), adopted in London on 24 January 1946 – established the first UN mandate to pursue the elimination of nuclear weapons and all other weapons "adaptable to mass destruction". This resolution, coupled with others adopted shortly thereafter, distinguished between two terms used in the 'pre-atomic' UN Charter: "disarmament" (i.e. the total elimination of weapons of mass destruction) and the "regulation" of conventional armaments. Together, these are among the earliest and most durable of all UN mandates, and the General Assembly has long made it clear that they are to be pursued simultaneously, not sequentially.

Over the decades to follow, disarmament progressively became part of the very identity of the United Nations as an institution. As Inis Claude tartly put it: "The assertion that disarmament is the key to peace and that its promotion is the foremost task of the world organisation has become a central tenet of the orthodox ideology of the United Nations speech-making and resolution-drafting."[2]

Yet most commentaries about the evolution of disarmament efforts fail to account for why these efforts have persisted for so long at the UN in particular. One possible explanation for the lack of such studies is that the question might appear irrelevant, given that it is not an abstraction called 'the UN' – as a unitary actor – that determines the history of disarmament, but the actions of its member states. The task of explaining the persistence of this hardy perennial is further complicated by the dismal track record of setbacks and unfulfilled commitments in the field of disarmament.[3]

No multilateral nuclear disarmament negotiations have been underway in the 42-year history of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), despite the obligation in Article VI committing each State Party to "pursue negotiations in good faith" on nuclear disarmament and on a treaty on general and complete disarmament. Deep divisions remain within the UN disarmament machinery, especially on issues relating to nuclear weapons. All states with nuclear weapons have well-funded, long-term programmes underway to modernise them or their respective delivery systems.[4] A majority of the world's population still lives in countries that either have nuclear weapons or are members of a nuclear alliance. And the national institutional infrastructure for nuclear disarmament remains notoriously under-developed, especially among the states that possess such weapons – in terms of the lack of disarmament agencies, domestic laws, regulations, policies, timetables, budgets and long-term plans, as well as the lack of public recognition of the need to comply with international disarmament commitments.[5]

1. Secretary-General Dag Hammarskjöld, Transcript of Press Conference, New York, 19 May 1955, in Andrew W. Cordier and Wilder Foote (eds.), *Public Papers of the Secretaries-General of the United Nations: Dag Hammarskjöld*, Vol. II (New York: Columbia University Press, 1972), p. 487.
2. Inis Claude, *The Changing United Nations* (New York: Random House, 1964), p. 7.
3. Hammarskjöld would have probably disagreed with this sentence. He once stated, "it is partly the very fact of the increasing tendency to rearm and arm that is influencing both the public and the governments in their urge toward disarmament... In that way, an armaments race can, psychologically, be self-defeating; it can dig its own grave." Idem, Transcript of Press Conference, New York, 6 February 1958, in Cordier and Foote, Volume IV, p. 35.
4. Ray Acheson (ed.), *Assuring Destruction Forever: Nuclear Weapon Modernization Around the World* (New York: Reaching Critical Will, 2012), available from: www.reachingcriticalwill.org
5. This institutional shortcoming was flagged by Swedish disarmament diplomat Alva Myrdal back in 1976 and it remains valid. She wrote, "Disarmament interests have nowhere had strong organisational backing." Idem, *The Game of Disarmament* (New York: Pantheon Books, 1976), p. 320. Non-proliferation is a different story.

To account for the stubborn persistence of this hardy perennial at the UN in the face of such circumstances, this paper will: focus on the unique contributions of the world body in advancing disarmament goals; identify how the UN has been and remains indispensable for addressing this challenge; and look ahead to the factors and influences that will shape the perennial's future growth.

This focus begs some questions: if the fundamental decisions leading to success in this field are exclusively the responsibility of the UN's member states, what difference does it make if the UN itself is active or inactive in advancing disarmament goals? Has our hardy perennial become simply a pesky weed? Has the failure to achieve disarmament goals rendered the UN obsolete in advancing such goals?

To a surprising extent, the various statements and writings of former Secretary-General Hammarskjöld – on the UN generally or specifically on disarmament – provide the basis for insightful replies to these questions. They provide a useful point of departure in explaining both how and why disarmament has been handled in the UN system.

2. Hammarskjöld's views on the UN and disarmament

a. Relationship between disarmament and peace

Dag Hammarskjöld believed that the relationship between disarmament and peace was mutualistic. In a 1955 press conference, he rejected the view that political *rapprochement* was a prerequisite for disarmament. In his words, "disarmament is never the result only of the political situation; it is also partly instrumental in creating the political situation".[6] A year later he stated in Prague:

> *Now there is a kind of shuttle traffic between improvement in the international atmosphere and disarmament. On the one hand ... disarmament is not likely to come about in an efficient, effective way short of a further improvement in the international situation. On the other hand, I do not think any single policy move will contribute more to an improvement in the international atmosphere than an agreement on even the most modest step in the direction of disarmament.*[7]

His remarks are worth recalling today, given persisting arguments that "peace" is a precondition for the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East,[8] and given the reframing of the disarmament debate in recent years into a discussion of various conditions that must be established before disarmament is possible.[9] Such arguments fail to consider the extent to which the very existence of nuclear weapons has served as a rationale for both the continued possession and the proliferation of such weapons. As stated by former UN Under-Secretary-General for Disarmament Affairs Jayantha Dhanapala: "When all the many roots of nuclear armament and proliferation are finally unearthed and sorted out for systematic analysis – the bomb itself remains."[10]

b. The importance of transparency in confidence-building

Hammarskjöld believed that the lack of mutual trust between adversaries was one of the greatest obstacles to disarmament, and that improvements in transparency could address this issue:

> *The lack of confidence between states in this respect hitherto has been one of the major causes of fear, suspicion and international tension. The General Assembly might wish to consider the value of endorsing the principle of openness of information in the armaments and allied fields as one which could contribute significantly to reduced international tension and promote progress toward disarmament.*[11]

The current Secretary-General, Ban Ki-moon, has also emphasised the importance of transparency. He included it as part of his five-point nuclear disarmament proposal of 24 October 2008 (discussed later), noting "the lack of an authoritative estimate of the total number of nuclear weapons testifies to the need for greater transparency".[12] He has also called upon the nuclear-weapon states to report more information about their disarmament efforts, saying: "Without real transparency, there can be no real accountability."[13]

6. Op.cit., press conference in New York, 19 May 1955, p. 488.
7. Idem, press conference in Prague, 7 July 1956, in Cordier and Foote (eds), Volume III, p. 176–177.
8. US Assistant Secretary of State Thomas Countryman has stated that "we understand that a WMD free zone in the Middle East can only be achieved once essential conditions are in place, most critically a comprehensive and durable peace and full compliance by all countries in the region with their nonproliferation obligations". Idem, statement at first session of the Preparatory Committee for the 2015 NPT Review Conference, Vienna, Austria, 8 May 2012, available from: www.uspolicy.be/headline/assistant-secretary-countryman-middle-east-issues.
9. Commenting on the growth of preconditions for disarmament, former UN High Representative for Disarmament Affairs, Sergio Duarte, once wrote that "an entire cascade of such arguments is easy to observe: we must first eliminate all proliferation risks from all types of weapons of mass destruction; we must first reduce to zero all risks of terrorism involving such weapons; we must first settle all regional disputes; and we must first solve even the wider problem of armed conflict itself. And the conditions go on and on, *ad infinitum*". Idem, in Richard Devetak (et al.), *An Introduction to International Relations* (Melbourne: Cambridge University Press, 2011), p. 183. The first paragraph of the Preamble of UN Security Council Resolution 1887 (2009), adopted after the Council's historic summit meeting (with heads of state and government) on non-proliferation and disarmament issues, indicated that the Council is resolved "to seek a safer world for all and to create the conditions for a world without nuclear weapons ...". The joint P5 statement at the 2010 NPT Review Conference included as a shared commitment: "creating the conditions for a world without nuclear weapons, in accordance with the goals of the NPT, in a way that promotes international stability, and based on the principle of undiminished security for all." The text of this 5 May 2010 statement is available at www.un.org/en/conf/npt/2010/statements/pdf/russia5_en.pdf . There is no comparable debate in the UN over preconditions for compliance with non-proliferation commitments.

c. The limits of compromise

Hammarskjöld encouraged creative, tactical approaches to dealing with current diplomatic challenges, yet he also recognised the need to establish some limits in the search for compromises:

> *It is my firm conviction that any result bought at the price of a compromise with the principles and ideals of the Organisation, either by yielding to force, by disregard of justice, by neglect of common interests or by contempt for human rights, is bought at too high a price. That is so because a compromise with its principles and purposes weakens the Organisation in a way representing a definite loss for the future that cannot be balanced by any immediate advantage achieved.*[14]

At the University of Chicago, he again established some limits for compromise, by citing the need for "steadfastness of purpose and flexibility of approach".[15] In a speech to the General Assembly, he said: "I would rather see that office [of the Secretary-General] break on strict adherence to the principle of independence, impartiality, and objectivity than drift on the basis of compromise."[16]

d. The merits of stubborn persistence, technical approaches, and the prospects and pitfalls of incrementalism

Each day on their way to work, members of the UN Secretariat pass by a statue called "Single Form", created by the British sculptor Barbara Hepworth.

The sculpture was erected at Hammarskjöld's wish, who had a smaller version in his office. While open to differing interpretations, the sculpture represents an object of ill-defined shape, with its surface pitted by numerous little dents, perforated by a perfect circle. One could read it as symbolising numerous efforts at the UN over many years, at the moment they culminate in achieving a common goal – consensus on a new multilateral norm, the solution of an intractable diplomatic problem, or another advancement of a global public good.

Support for such an interpretation comes from Hammarskjöld himself. He repeatedly referred to the metaphor of "dents" in attacking disarmament challenges. On 29 April 1958, he took the unusual step of intervening in a disarmament-related debate in the Security Council. He stated that the "stalemate in the field of disarmament has been permitted to last far too long". Governments, he said, "have been too ambitious, not being satisfied with just making a dent in this intricate and vital problem from which a rift could develop, opening up the possibilities of a true exchange of views". He urged the Council to consider "steps which make a dent in the disarmament problem", as disarmament had been set back by a "crisis of trust" due to the unwillingness of states to "take the first step", out of a "fear of being misled". The limited steps he supported at this meeting were a Soviet proposal for a nuclear test moratorium and an American proposal for a limited inspection system.[17]

He returned to this theme at a press conference a month later. Addressing disarmament issues, he said:

> *... you start with a dent, which leads to a rift in the wall and through which you finally find an opening for discussions. In other words, the line of approach may be one which departs from the package approach, but all the same the target necessarily will be one in which all the various interlocked elements in a disarmament policy will have to be covered within the United Nations – with or without the support of outside diplomatic action.*[18]

Hammarskjöld saw some special merit in breaking down disarmament challenges to their technical components and approaching them objectively and dispassionately. Following the launch of Sputnik in October 1957, he called for the establishment of an experts group to undertake a scientific study of whether a reliable system could be developed to verify compliance with a suspension of nuclear tests.[19]

10. Idem, "The NPT, Nuclear Disarmament, and Terrorism," address at United Nations Headquarters, New York, 9 April 2002, available from: www.un.org/disarmament/HomePage/HR/docs/2002/2002Apr09_NewYork.pdf
11. Idem, Memorandum to the General Assembly, A/3936, 30 September 1958, p. 2
12. Secretary-General Ban Ki-moon, address to a conference hosted by the EastWest Institute, SG/SM/11881, 24 October 2008.
13. Idem, remarks at a conference hosted by the EastWest Institute and Global Security Institute, SG/SM/13900, 24 October 2011.
14. Idem, Annual Report on the Work of the Organization (1959–60), Introduction, A/4390/Add.1, 31 August 1960, p. 7.
15. Idem, Address at University of Chicago, 1 May 1960, in Dag Hammarskjöld, *To Speak for the World* (Stockholm: Atlantis, 2005), p. 79.
16. Idem, speech to the General Assembly, 26 September 1960, ibid., p. 82.
17. Idem, Statement to UN Security Council, 29 April 1958, in Cordier and Foote, Volume IV, p. 70–71.
18. Idem, Transcript of Press Conference, New York, 1 May 1958, in Cordier and Foote, Volume IV, p. 76.
19. Brian Urquhart, *Hammarskjöld* (New York: Alfred Knopf, 1972), p. 317–321.

The tendency in the United Nations is to wear away, or break down, differences, thus helping toward solutions which approach the common interests and application of the principles of the Charter.[20]

© UN Photo/Eskinder Debebe 'Single Form'

"The tendency in the United Nations is to wear away, or break down, differences, thus helping toward solutions which approach the common interests and application of the principles of the Charter"

In June 1958, such a group produced a report confirming a verification system was indeed possible. Hammarskjöld issued a statement praising this finding as a "signal contribution in making an effective dent in the hitherto rather intractable problem of disarmament. It will hereafter lie with the governments concerned and the UN to follow through the opening you have created."[21] He described this approach in a report to the General Assembly in 1958 as follows: "Thus, by isolating certain non-political, scientific elements from the politically controversial elements in the total problem of disarmament, the area of conflict has been somewhat reduced."[22] Hammarskjold's dents on the testing issue found their opening in 1963 (two years after his death) with the entry into force of the Partial Test Ban Treaty.

From 1946, and throughout the 1950s, efforts were underway at the UN to achieve a comprehensive disarmament treaty, covering both the elimination of weapons of mass destruction and the regulation of conventional arms. The failure of these efforts led to the alternative approach of separating this challenge into its constituent components and approaching them as what were then called "partial measures" – activities or commitments falling somewhat short of disarmament per se but contributing to its realisation.[23]

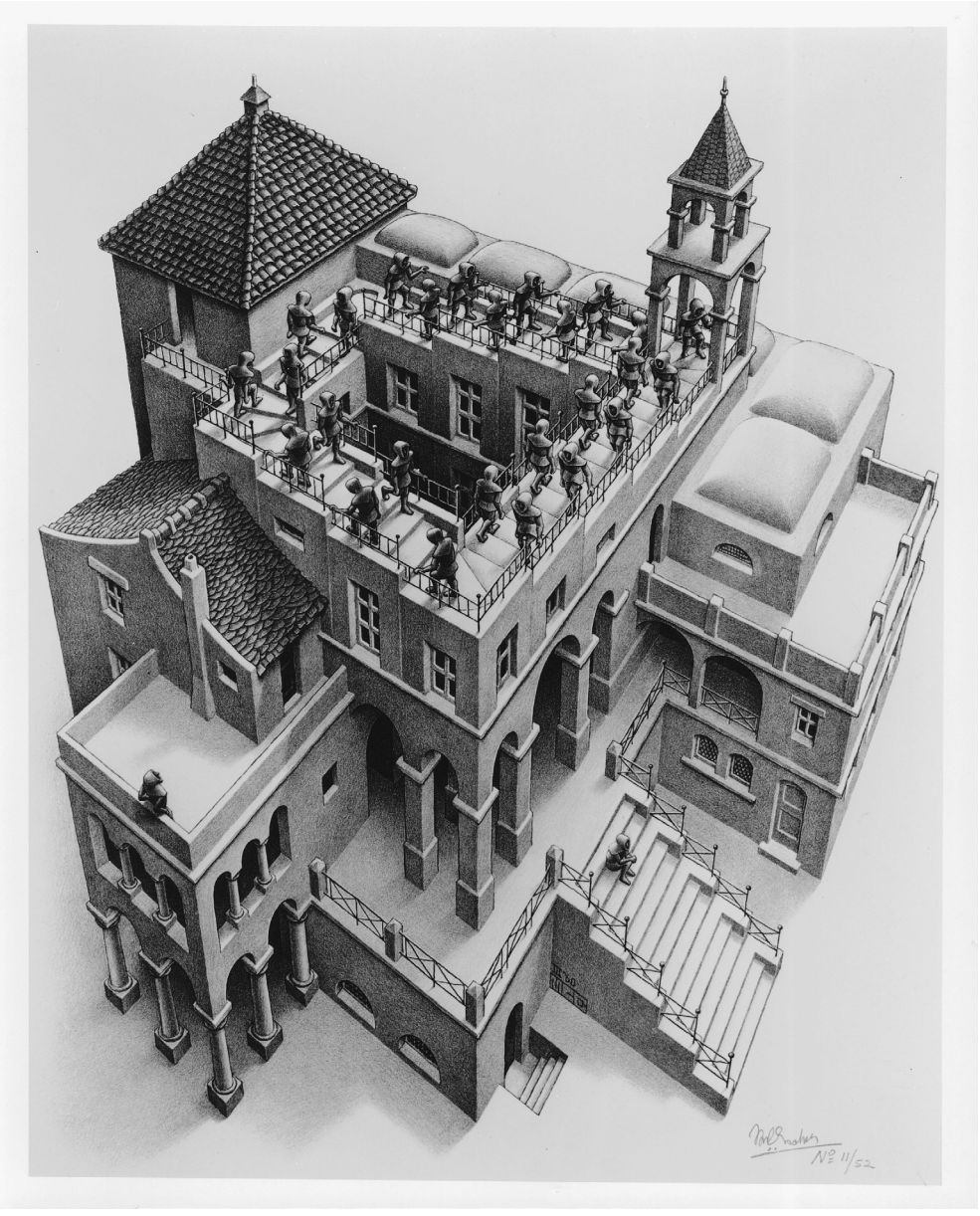
20. Dag Hammarskjöld, Introduction to the Annual Report on the Work of the Organisation, 1956–7 (A/3594/Add.1).
21. Ibid., p. 321.
22. Idem, Introduction to the Annual Report on the Work of the Organization (1957–1958), A/3844/Add.1, 25 August 1958, p. 1.
23. A prominent critic of the "partial measures" approach to disarmament was British Nobel Peace Laureate Philip Noel-Baker, who recalled in his Nobel Lecture an adage of former Prime Minister Lloyd George, "The most dangerous thing in the world is to try to leap a chasm in two jumps." Idem, Noble Peace Lecture, 11 December 1959, available from: www.nobelprize.org/nobel_prizes/peace/laureates/1959/noel-baker-lecture.html

Commenting on disarmament discussions in 1956, Hammarskjöld observed:

> *...there is a greater willingness to consider, let us say, partial solutions. Previously, it has always been a question of some kind of total solution. I do not believe in that kind of package deal ... So we must get to the stage where it is a recognised possibility to approach it pragmatically and step by step.*[24]

He mentioned this incremental process again in his press conference of 7 July 1956[25] and also in his address to both Houses of the British Parliament on 2 April 1958, when he stressed that "the exercise of diplomacy at whatever levels, within or without the United Nations, may be necessary to win agreement upon some first step or steps which would put some brake upon the armaments race and contribute to the real national security of all concerned."[26]

Yet he also, on occasion, cautioned against allowing any of the various steps in this step-by-step process to become ends in themselves, emphasising that they must instead be viewed in relation to the overall objective of disarmament. The classic illustration of a step-by-step process as an end in itself is offered by the graphic artist M.C. Escher, whose "Ascending and Descending"[27] (completed shortly before Hammarskjöld's death) shows faceless figures monotonously stepping up and down a staircase only to find themselves back where they started, ad infinitum.



M.C. Escher's, "Ascending and Descending"

24. Idem, UN Correspondents luncheon, 8 March 1956, Cordier and Foote, Volume III, p. 56–57.
25. Op. Cit., Press Conference, 7 July 1956.
26. Idem, Address to Both Houses of Parliament, 2 April 1958, Cordier and Foote, Volume IV, p. 53.
27. M.C. Escher, "Ascending and Descending" (1960), available at www.mcescher.com

Hammarskjöld was clearly aware of the need to avoid such an approach to disarmament. Thus when asked by a reporter if the "package" approach to disarmament were better broken down, he responded:

> *If the package approach is applied to the question of how to handle the problem negotiation-wise, I think it is a dangerous one and I think you are right in assuming that by breaking it up it might be easier to get somewhere. Breaking it up tactically in that way does not mean, on the other hand, that one dissociates the various elements in the picture and is willing to accept this or that solution irrespective of what happens to the other points ... [Y]ou can have a package objective, a package target, in mind and yet negotiate it bit by bit.*[28]

"[I]n this field, as we well know, a standstill does not exist; if you do not go forward, you do go backward"

He returned to this theme in a Memorandum to the General Assembly in 1958, focused on specific technical challenges in fulfilling a larger disarmament purpose:

> *Even if the subjects largely would seem to be but marginal to the central problem, a technical approach to such subjects as leave[s] room for study of a non-political nature ... would seem to provide possibilities for further progress in disarmament. I believe that all such possibilities should be fully explored.*[29]

Throughout his writings and statements, Hammarskjöld viewed disarmament as a dynamic process that was continually evolving in response to events and interaction among states.

> *[I]n this field, as we well know, a standstill does not exist; if you do not go forward, you do go backward.*[30]

e. The UN as a focal point of disarmament efforts, with the member states as ultimate decision-makers

Hammarskjöld stressed the central role of the UN in disarmament on several occasions in 1958. In his address to the UK Parliament in April of that year, Hammarskjöld said "it is obvious that controlled disarmament will be possible only through the United Nations, because any disarmament system has to be adopted and administered by a world organisation whose members include practically all nations of the world," adding "that does not exclude the use of private diplomacy both within and outside the United Nations".[31]

Later that month, he again underscored his belief that the UN carries the primary responsibility for disarmament[32] in a statement to the short-lived Ten-Nation Committee on Disarmament which had been established in 1959 for negotiations outside the UN. "You are bound to reach a point," he said, "where you will have to study the United Nations Organisation with a view to determining how its machinery can best be used or developed in support of disarmament."[33] He was clearly intending here to defend the central role of the UN in disarmament.

Then in September 1958 he proposed the inclusion of disarmament on the General Assembly's agenda, where it has remained ever since.[34]

Hammarskjöld's concerns in these months about the Committee related, inter alia, to the Committee's limited membership and its exclusion of developing countries and the neutral states of Europe.[35] He also viewed the move as a slight to the UN Disarmament Commission (UNDC) – an entity created in 1952 by the General Assembly under the Security Council. After 1958, the Commission consisted of all member states and was mandated to develop proposals for a treaty to eliminate weapons of mass destruction and to limit other armaments and armed forces. Even though the UNDC was not functioning at the time when the Ten-Nation Committee came into being, Hammarskjöld thought the Committee should at least report to it.[36]

He recognised that disarmament could be advanced outside the UN, which he said should welcome and be associated with all real progress, in whatever forum. Yet, his concerns about the Committee grew when, in 1960, it considered a proposal by Western states to establish an International Disarmament Organisation separate from the UN. He wrote a letter to then

28. Idem, transcript of Press Conference, New York, 6 February 1958, Cordier and Foote, Volume VI, p. 35–36.
29. Op. cit., A/3936, 30 September 1958, p. 2.
30. Dag Hammarskjöld, press conference, New York 19 May 1960.
31. Op.cit., idem, Address to Both Houses of Parliament, 2 April 1958, p. 53.
32. While the Ten-Nation Committee on Disarmament (TNDC) was short-lived (it was established in 1959 but met only in 1960), the notion of a limited-membership multilateral negotiation forum has persisted. The TNDC was succeeded by the Eighteen-Nation Committee on Disarmament (1962–1968), the Conference of the Committee on Disarmament (1969–1978), and the current Conference on Disarmament (established in 1979).
33. Idem, Statement by UN Secretary-General Dag Hammarskjöld to the Conference of the Ten-nation Committee on Disarmament, 28 April 1960, Press Release SG/912, 28 April 1960, p. 1–2.
34. Op. cit., A/3936, 30 September 1958, p. 1.
35. Op. cit., *Hammarskjöld* , p. 323.
36. Op. cit., *Hammarskjöld* , p. 323.

Secretary of State Christian Herter expressing his objections:

> *...an independent agency set up only for control functions will not have a sound life or become an effective member of the family of international organisations ... I am afraid you have tipped the scales in the direction of a specialised agency, and the result, in my view, would undoubtedly be a very weak agency and a hollowing out of the UN of one of its main fields of activity ... If the disarmament control were to be lifted out of the UN ... the UN would be robbed of a main part of its substantive content without new and really viable substitutes being created.*[37]

He echoed such concerns in a letter to US Ambassador Henry Cabot Lodge:[38]

> *I am deeply frustrated to see what strikes me as a mixture of dilettantism and utopianism tainted by what appears to be a predominant desire to get away from the UN while paying lip service to it.*

In his remarks to the Ten-Nation Committee in 1960, however, he argued that the positions of states were even more important than international institutions in shaping the future of disarmament:

> *The United Nations, like other international organisations, of course reflects only the political realities of the moment. Important though organisational arrangements are, they are subordinated in the sense that they do not change realities; what at a given time politically is attainable on one organisational basis, is equally attainable in another one. Essential difficulties encountered within the UN are based on realities and not on the specific constitution of the Organisation.*[39]

These views help to explain why – of all the Secretaries-General of the United Nations – Hammarskjöld was the only one who did not re-organise the Secretariat for handling disarmament issues.[40]

37. Op. cit., *Hammarskjöld*, p. 325, citing an unpublished letter dated 15 March 1960.
38. Ibid., p. 326, citing an unpublished letter dated 25 March 1960.
39. Op.cit., Press Release SG/912, p. 2.
40. Randy Rydell, "The Secretary-General and the Secretariat," in Jane Boulden, Ramesh Thakur, and Thomas G. Weiss, *The United Nations and Nuclear Orders* (Tokyo: United Nations Press, 2009), p. 92.

3. The roles of the UN in disarmament

Secretary-General Ban Ki-moon has stated that "a world free of nuclear weapons would be a global public good of the highest order."[41] It is "global" because it applies to all member states without exception and it is a "public good" insofar as it serves the common interest of all humanity and cannot be owned by any one state or traded as a commodity. In this respect, disarmament is one of a large family of global public goods that are the focus of much of the work of the United Nations and embodied in the Charter. Nuclear non-proliferation is another such global public good.

a. The genesis and implementation of multilateral norms for disarmament

The UN's specific institutional function with respect to disarmament is to establish, maintain, and assist in the adaptation of multilateral norms with respect to the elimination of weapons of mass destruction (nuclear, biological and chemical), and the regulation of conventional arms. Together, these constitute the goal of "general and complete disarmament under effective international control", which the General Assembly has termed the "ultimate objective" of states in the disarmament process.[42]

> *[The UN] remains the world's great 'assembly line' for the construction and maintenance of global disarmament norms.*[43]

These norms, however, are not ends in themselves, and contribute to another global public good that has served as one of the fundamental purposes of the UN: the maintenance of international peace and security. Hammarskjöld viewed disarmament as part of an ensemble of functions that included peaceful settlement of disputes and "action in view of breaches of peace", which together are "inseparable and integrated elements of the policies of member governments within the framework of and through the United Nations".[44]

These norms differ in substantive weight, as the UN is involved in the development and maintenance of both non-binding political norms – such as common standards, guidelines, or principles to guide state behaviour – and legally-binding norms. Member states respect and attach value to these norms – as seen for example in the close attention they pay to their deliberation and approval.

What these norms characteristically possess is the quality of collective legitimacy, which is based on two mutually reinforcing foundations, procedural and substantive. The universal membership of the UN provides an opportunity for each state to participate in the process of developing these norms, which creates a form of procedural due process. And the adopted norms are also substantively fair, to the extent that they do not embody double standards or special privileges for specific countries. This quality of equity is further reinforced by the consensus rule that operates in certain disarmament arenas – with the exception of customary international law, states can hardly be expected to abide by standards or norms that they never approved. Inis Claude long ago identified collective legitimisation as a key political function of the United Nations, saying "the development of the United Nations as custodian of collective legitimacy is an important political phenomenon of our time."[45]

"[The UN] remains the world's great 'assembly line' for the construction and maintenance of global disarmament norms"

Former High Representative for Disarmament Affairs Sergio Duarte

41. Op. cit., SG/SM/11881, 24 October 2008.
42. Randy Rydell, "Nuclear Disarmament and General and Complete Disarmament," in David Krieger (ed.), *The Challenge of Abolishing Nuclear Weapons* (New Brunswick: Transaction Publishers, 2009), p. 227–242.
43. Former High Representative for Disarmament Affairs Sergio Duarte, Remarks opening the First Committee of the General Assembly, 3 October 2011.
44. Op. cit., Press Release SG/912, 28 April 1960, p. 1
45. Inis L. Claude, Jr., "Collective Legitimization as a Political Function of the United Nations," *International Organization*, Summer 1966, p. 367–379.

It is precisely this quality of collective legitimacy that gives the UN an advantage over alternative possible arenas for developing disarmament norms. There simply is no competing arena with the same universal membership and official mandate for the development of global norms. Arrangements by groups of states can certainly set the stage for the emergence of new norms with the potential to achieve global recognition and support, as best seen in the cases of the Mine Ban Convention and the Cluster Munitions Convention, which were negotiated outside the UN but do not have universal membership.

There are many examples of multilateral disarmament norms that have been developed at the United Nations. One set of norms pertains to qualities that should be incorporated into effective disarmament agreements – namely, universality; verification; transparency; irreversibility, and bindingness in law. These are found both in countless General Assembly resolutions and in consensus documents agreed in the Non-proliferation Treaty (NPT) review process. In the case of nuclear disarmament, it is inconceivable that nuclear weapons will ever be eliminated by any measure or combination of measures that fails to incorporate any one of these norms. Without them, states would have little confidence that treaty commitments are being kept – indeed, without these norms, there would be no treaty and no disarmament.

b. The division of labour in the establishment of multilateral disarmament norms

Multilateral disarmament norms have emerged from agreements reached in the three principal institutions that comprise the "UN disarmament machinery," which includes the UN Disarmament Commission (UNDC), the First Committee of the General Assembly, and the Conference on Disarmament (CD). There are other elements of this machinery that make their own contributions, including the UN Secretariat the Office for Disarmament Affairs (UNODA) and the Secretary-General, the Secretary-General's Advisory Board on Disarmament Matters, the UN Institute for Disarmament Research, and the UN's regional centres for peace and disarmament in Lima (Peru), Lomé (Togo), and Kathmandu (Nepal).

While some of these entities existed for decades or evolved from previous institutional incarnations, the basic design of this machinery was established at the General Assembly's first Special Session on Disarmament (SSOD-I) in 1978.[46] As of 2013, all is not well in this machinery, with observers vehemently disagreeing over the reasons why.

c. The UN Disarmament Commission

In brief, the UNDC is the UN's "talk shop." It differs in many ways from the UNDC established in 1952, insofar as it is now under the General Assembly and has a deliberative rather than a negotiating mandate. In accordance with language agreed at the SSOD-I its function is to make non-binding recommendations on meeting disarmament challenges, currently in two generic issue areas: nuclear weapons and conventional arms. It also has a mandate to "follow up" on relevant decisions and recommendations adopted at SSOD-I. The UNDC consists of all member states; it meets for three weeks a year and at the end of three years, it seeks to reach a consensus on specific recommendations or guidelines. Since its establishment in 1979 through 1999, it succeeded in adopting 16 texts of principles, guidelines or recommendations.[47]

Unfortunately, 1999 was the last year in which the UNDC was able to reach such a consensus; the agreed subjects were guidelines for establishing nuclear-weapon-free zones and for conventional arms control.[48] Under the terms of SSOD-I, the UNDC "shall make every effort to ensure that, in so far as possible, decisions on substantive issues be adopted by consensus."[49] Yet as a practical reality, there are no votes in the UNDC and agreements on texts are sought only by consensus. Since 1999, the UNDC has faced deep divisions among member states. Some want urgent action on nuclear disarmament. Others put nuclear non-proliferation as their top priority. Meanwhile, efforts to limit conventional weapons have conflicted with economic and geopolitical interests of States that produce and export such weapons.

46. The Final Document of that conference is available at www.un.org/ga/search/view_doc.asp?symbol=A/S-10/4
47. "A compilation of all texts of principles, guidelines or recommendations on subject items adopted unanimously by the Disarmament Commission," Note by the Secretary-General, A/51/182/Rev.1, 9 June 1999.
48. Report of the Disarmament Commission, A/54/42, 6 May 1999.
49. Op. cit., Final Document, paragraph 118(b).

d. First Committee

The General Assembly's First Committee has experienced similar obstacles. In accordance with SSOD-I, the General Assembly "has been and should remain the main deliberative organ of the United Nations in the field of disarmament"; and it "should make every effort to facilitate the implementation of disarmament measures."[50]

Each year, the First Committee adopts over 50 resolutions, about half of them relating to nuclear weapons. And each year, the votes on resolutions dealing with nuclear weapons have proven to be particularly divisive, at times with over 50 votes in opposition or in abstention. Not surprisingly, opponents of these resolutions have tended to be states that possess nuclear weapons and states that are covered by nuclear alliance commitments – the proverbial nuclear umbrella. Although non-binding, these resolutions receive considerable attention by member states – debates on their content are often repeated year after year. In recent years, the First Committee has made some efforts to enable representatives from civil society to attend some Committee meetings and also to address the Committee in a special meeting.

e. Conference on Disarmament

The 65-member CD is the world's "single multilateral disarmament negotiating forum", as described by the Final Document of SSOD-I, which stipulated that this forum should be "of limited size taking decisions on the basis of consensus."[51] The norms produced by the CD are intended to be legally-binding. Many multilateral treaties were negotiated (in whole or in part) at the CD or its predecessors. These include: the NPT, the Environmental Modification Convention, the seabed treaties, the Biological and Chemical Weapons Conventions, and the Comprehensive Nuclear-Test-Ban Treaty. The CD is officially separate from the UN, though it has a close relationship (e.g., regarding its budget and reports) to the General Assembly, and the CD's Secretary-General is appointed by the UN Secretary-General. The CD also has its own rules of procedure. Its secretariat staff are provided by members of the Geneva Branch of UNODA.

The CD has encountered the same difficulties as other parts of the UN disarmament machinery. Under its own consensus rule, unless everything is agreed, nothing is agreed

The CD has encountered the same difficulties as other parts of the UN disarmament machinery. Under its own consensus rule, unless everything is agreed, nothing is agreed. In recent years, this adage has come to apply to both substantive and procedural issues. Even the administrative issue of adopting a "programme of work" has been subject to the rule of consensus. Hence efforts to commence negotiations on a treaty banning the production of fissile nuclear material have been blocked by the lack of consensus, and there have been no negotiations on nuclear disarmament.

Austria, Mexico and Norway have recently made efforts to engage the General Assembly directly in the negotiation of nuclear disarmament. In a draft resolution, introduced but later withdrawn in 2011, they proposed that if the CD were again unable to adopt a programme of work in its 2012 session, the General Assembly should consider at its next session "alternative ways of taking forward multilateral disarmament negotiations," including the appointment of open-ended working groups that would meet in Geneva.[52] The draft resolution clarified that these working groups would report their recommendations to the Assembly, which would then assess progress made and consider extending the mandates of the working groups, "not excluding the possibility of negotiations on legally binding instruments."

This stalemate, however, continued throughout the 2012 session of the CD. In March 2012, Egypt (serving then as the CD's President) offered a proposed programme of work that featured the establishment of four working groups – two would "deal with" the cessation of the nuclear arms race and nuclear disarmament, and a fissile material treaty; and the other two would "discuss substantively, without limitation" the prevention of an arms race in outer space, and security assurances for non-nuclear-weapon States.[53]

Yet a consensus once again proved elusive. Pakistan, among others, has continued to object to negotiations on a fissile material treaty that does not include the reduction of stocks of fissile materials for nuclear weapons.[54] On 19 June 2012, Finland's Foreign Minister (serving then as

50. Op. cit., Final Document, paragraph 115.
51. Op. cit., Final Document, paragraph 120.
52. A text is available from: www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com11/res/L21Rev1.pdf
53. Statement by the President (Egypt), "Revised draft Decision on a programme of work for the 2012 Session", CD/1933/Rev.1, 14 March 2012.
54. Statement by Ambassador Zamir Akram, Conference on Disarmament, Geneva, 13 March 2012.

the CD's President) warned that the CD's "very existence seems to be jeopardised," adding that "the impasse in the CD is not the result of its procedural rules. Political will is needed to make the Conference to do what it is mandated to do: negotiate".[55]

On 6 November 2012, the First Committee adopted a new resolution on nuclear disarmament negotiations co-sponsored (inter alia) by Austria, Mexico and Norway.[56] It established an open-ended working group to meet in Geneva in 2013 for up to three weeks with a mandate to "develop proposals to take forward multilateral disarmament negotiations." The First Committee adopted it by a vote of 134 to 4 with 34 abstentions. All the P5 voted against it except China, which abstained. A joint statement by France, the United Kingdom and the United States explained their negative votes by saying that the measure conflicted with existing mandates of the UNDC and CD and that it was not consistent with the nuclear disarmament language adopted at the 2010 NPT Review Conference.

Other UN efforts to commence nuclear disarmament negotiations have included personal appeals to the CD by Secretary-General Ban Ki-moon. He also convened in September 2010 a "High-Level Meeting on Revitalising the Work of the Conference on Disarmament and Taking Forward Multilateral Disarmament Negotiations".[57] In July 2011, the General Assembly held a plenary meeting on the same subject.[58] In August 2011, Secretary-General of the CD, Mr. Kassym-Jomart Tokayev, provided his own thoughts on overcoming this stalemate in a "Vision Statement", stressing the need to limit the scope of the consensus rule. He said "the real protection of national security interests should lie in the process of negotiations" and that perceived security concerns "should not keep the rest of the international community idle with regard to real disarmament".[59]

f. The UN and the Non-proliferation Treaty

Not all UN activity related to nuclear weapons takes place within the established institutions of the UN disarmament machinery. Since the NPT does not provide for any agency or secretariat to assist in its implementation, the UN Secretariat has served as the treaty's de facto secretariat. Its responsibilities are both administrative – in arrangements for meetings, managing official documents, etc. – and substantive, in providing advice and assistance to the UN Secretary-General, member states, and the presiding officers of the sessions of the NPT Preparatory Committees and Review Conferences.

Given the NPT's large membership – 190 states have become parties and only one (Democratic People's Republic of Korea) has withdrawn – whenever the five-year Review Conferences are able to reach a consensus on a Final Document, this offers a useful opportunity to strengthen or clarify norms relating to each of the three main objectives of the treaty: nuclear disarmament, nuclear non-proliferation and the peaceful uses of nuclear energy. The Final Documents at the 2000 and 2010 Review Conferences contain detailed language setting forth specific criteria or expectations for future activities by states parties to the treaty.[60] This language offers useful points of reference to guide the work of future sessions of the Preparatory Committee for the next Review Conferences. In short, they provide some tools for holding states accountable for fulfilling specific commitments.

At the 2010 NPT Review Conference, two new themes made their appearance, which suggest some steps forward in the elaboration of the multilateral norms associated with the NPT. The first relates to the framing of NPT obligations in the context of international humanitarian law. The conference report in the Final Document explicitly recognised "the catastrophic humanitarian consequences that would result from the use of nuclear weapons"; in the accompanying "Action Plan" – adopted by consensus – the states parties reaffirmed "the need for all states at all times to comply with applicable international law, including international humanitarian law." [61]

The second development was the inclusion in the Action Plan of some recognition ("the Conference notes") of the Secretary-General's five-point nuclear disarmament proposal, which included a reference to a nuclear weapons convention.[62] In terms of multilateral disarmament norms, this

55. Statement by Foreign Minister Erkki Tuomioja, Conference on Disarmament, Geneva, 19 June 2012.
56. "Taking Forward Multilateral Disarmament Negotiations", A/C.1/67/L.46, introduced 19 October 2012.
57. Statements made at this High-Level Meeting are available at www.reachingcriticalwill.org/disarmament-fora/cd/2010/statements
58. Statements made at this General Assembly plenary are available at www.reachingcriticalwill.org/disarmament-fora/cd/2011/statements
59. Kassym-Jomart Tokayev, "Vision Statement", Conference on Disarmament, Geneva, August 2011.
60. The texts of all of these NPT Final Documents may be found at www.un.org/disarmament/WMD/Nuclear/NPT_Review_Conferences.shtml
61. Final Document, 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.2010/50 (Vol. I), p. 12 (report) and p. 19 (Action Plan).
62. Ibid., p. 20.

was significant in that it helped to register some expectations shared by many of the states parties that nuclear disarmament should be undertaken pursuant to binding legal obligations.

g. Initiatives by Secretary-General Ban Ki-moon

The UN Secretary-General has actively promoted nuclear disarmament and nuclear non-proliferation norms throughout his term of office, as well as the strengthening of security over nuclear materials.

On 24 October 2008, he launched his five-point nuclear disarmament proposal, the most detailed and comprehensive such proposal offered by any Secretary-General.[63] He proposed the following:

I. **Active Engagement**. Parties to the Nuclear Non-Proliferation Treaty should fulfil their obligations to undertake negotiations on nuclear disarmament, focusing on a nuclear-weapon convention or framework of separate, mutually reinforcing legal instruments.
II. **Security Assurances**. Nuclear-weapon states should unambiguously assure non-nuclear-weapon states that they will not be subject to the use, or threat of use, of nuclear weapons. The Security Council should convene a summit on nuclear disarmament.
III. **The "rule of law" for Disarmament**. Key treaty regimes should be strengthened and expanded to universal membership. New efforts are needed to bring the Comprehensive Nuclear-Test-Ban Treaty into force and to negotiate a fissile material treaty.
IV. **Transparency and Accountability**. Nuclear-weapon states should publish more information about their arsenals and fissile material, as well as their specific disarmament efforts and achievements. The UN could be a public repository for such information.
V. **Complementary Measures**. The world should pursue several related measures, including: eliminating other weapons of mass destruction; combating WMD terrorism; establishing limits or bans on missiles, space weapons, and conventional arms.

As noted earlier, Ban convened in September 2010 a "High-Level Meeting on Revitalising the Work of the Conference on Disarmament and Taking Forward Multilateral Disarmament Negotiations". A few months after the tragic nuclear accident at Fukushima, he convened another High-Level meeting on nuclear safety and security.[64]

In 2010, he became the first UN Secretary-General to attend and address the Peace Memorial Ceremony at Hiroshima and to visit Nagasaki.[65] At Semipalatinsk, Kazakhstan in 2010, he became the first Secretary-General to visit a nuclear-weapon test site.[66] A few weeks later, he published an op-ed on nuclear disarmament, saying that "the UN is destined to be at the centre of these efforts."[67] He has also stated the following with respect to nuclear deterrence: "Unfortunately, the doctrine of nuclear deterrence has proven to be contagious. This has made non-proliferation more difficult, which in turn raises new risks that nuclear weapons will be used."[68]

All of these remarks and activities sit well with Hammarskjöld's description of the roles of a Secretary-General, who remarked to the press upon his arrival in New York in 1953 that the Secretary-General's should be "active as an instrument, a catalyst, perhaps an inspirer – he serves."[69] This is precisely the role that Secretary-General Ban has sought to play in promoting the negotiation of a nuclear weapons convention and more broadly in "bringing the rule of law to disarmament". He has reminded the world that the world body "has long stood for the rule of law and disarmament. Yet it also stands for the rule of law in disarmament, which we advance through our various statements, resolutions, and educational efforts".[70]

According to Hammarskjöld, it is also the Secretary-General's job "to explain, interpret and defend" the UN,[71] which he said could be "static conference machinery" or "a dynamic instrument".[72] Ban Ki-moon has personally participated in many deliberations in the conference machinery, especially the CD and the UNDC – efforts perhaps inspired by a desire to make this machinery more "dynamic". Yet his five-point nuclear disarmament proposal and his advocacy

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63. Op. cit., address of 24 October 2008 at EastWest Institute. He later elaborated this proposal as his "Action Plan for Nuclear Disarmament and Nuclear Non-Proliferation", SG/SM 12661, 8 December 2009.
64. Secretary-General Ban Ki-moon, opening statement, High-Level meeting on nuclear safety and security, SG/SM/13834, 22 September 2011.
65. Remarks of the Secretary-General at Hiroshima Peace Memorial Ceremony, 6 August 2010, available from: www.un.org/sg/statements/?nid=4712; Remarks of the Secretary-General at Nagasaki, 5 August 2010, available from: www.un.org/sg/statements/?nid=4710
66. Remarks of the Secretary-General at Semipalatinsk nuclear test site, 6 April 2010, available from: www.un.org/apps/news/infocus/sgspeeches/search_full.asp?statID=781
67. Secretary-General Ban Ki-moon, "A New Ground Zero," *International Herald Tribune*, 28 April 2010.
68. Idem, address at EastWest Institute, op. cit., 24 October 2008.
69. Idem, statement to the press on arrival at New York International Airport, 9 April 1953, in *To Speak for the World*, op.cit., p. 63.
70. Secretary-General Ban Ki-moon, "Securing the Common Good in a Time of Global Crises", speech at JFK School of Government, Harvard University, Cambridge (Massachusetts), 21 October 2008.
71. Secretary-General Dag Hammarskjöld, address to American Association for the United Nations, New York, 14 September 1953, in in *To Speak for the World*, op.cit., p. 74.
72. Secretary-General Dag Hammarskjöld, "Introduction to the Annual Report 1960–1961", 17 August 1961, in Wilder Foote (ed), *Servant of Peace* (New York: Harper & Row, 1962), p. 354.

for nuclear security and for improving nuclear safety worldwide indicate that he also intends to use his office as a pro-active instrument in promoting global norms, not least of which are the principles and objectives of the Charter.

In terms of the UN's role in disarmament, it makes little difference whether one is referring to the role of an individual, an office, or an institution in the UN disarmament machinery – this work is all about the development or strengthening of multilateral norms. This is, in essence, the most important single "role" of the UN in this field.

4. Factors shaping future roles for the UN in disarmament

In a statement in 2011 to the First Committee of the General Assembly, former-High Representative Sergio Duarte identified two trends that have the potential to have a powerful impact upon the future of nuclear disarmament, and the UN's own contributions in helping to achieve that goal.[73]

a. Disarmament and democracy

Citing the "democratic revolution" sweeping across the Middle East, as well as countless disarmament initiatives by mayors, parliamentarians, and civil society groups throughout the world, he stated that "democracy is coming to disarmament" – the first trend.

This is an important development for several reasons. While it is clear that certain administrative or procedural rules have been used to delay or prevent action in various parts of the UN disarmament machinery, that machinery per se is not to blame for this stalemate, which is due exclusively to conflicting priorities and policies of the member states. They are responsible for what transpires inside the machinery. If procedures are a problem – like the consensus rule – it is not the machinery that writes and adopts the procedures, but the states. The various parts of the UN machinery are forums for states to pursue their own ideas on disarmament issues. The products and results of work inside this machinery are directly a function of the degree of agreement between states on relevant priorities and policies. If arena A or B is incapable of producing a consensus, the responsibility for this outcome lies with the states, not the machinery.

The products adopted in this machinery, as well as the issues it fails to address, serve as a refined indicator of the degree of consensus in the world community on a specific disarmament issue. Just as one cannot reasonably blame a thermometer for hot weather, so too is it unreasonable to "blame" the CD as an institution for failing to negotiate new multilateral treaties. After all, member states created the rules and structures of this machinery. The problem is therefore not institutional, but political – the existence of competing priorities and policies among their constituent states, which together is often called, "the lack of political will." Harmonise these, and the institutional problems will rapidly fade away.

It is possible that the democratic trends emphasised by Duarte might well have some positive effect in addressing this question of political will. If present developments continue, and increasingly diverse groups come to recognise how progress in disarmament will serve their own ideals and self interests, this democratic trend could lead to a "multiplier" effect, strengthening the advocacy work of these groups. This will apply all the more if democratic reforms are adopted in each of the institutions of the UN disarmament machinery – reforms that enable closer interaction between national delegations and civil society, greater participation by non-governmental organisations and individuals in deliberations inside the machinery, and greater transparency in the work of those institutions.

It is difficult to see how such developments could not have at least some impact upon this problem of "political will", whether as a result of lobbying efforts from the "grassroots" up,

73. Sergio Duarte, Statement to the First Committee, 3 October 2011, available from: www.un.org/disarmament/HomePage/HR/docs/2011/2011-10-03-First_Committee_opener.pdf

Another "rule of law" trend in recent years has been the growth of interest in considering nuclear weapon issues and doctrines in light of the prohibitions and positive obligations of international humanitarian law

enlightened policy initiatives launched by national leaders (especially in states that possess nuclear weapons), or coalition-building among groups of states at the UN and other multilateral and regional arenas.

b. Disarmament and the rule of law

The other trend identified by Duarte as having some potential to move the global nuclear disarmament agenda forward is the rule of law. He elaborated:

> *[A]s democracy is coming to disarmament, so too is the rule of law. This is apparent in the persisting efforts to gain universal membership in the key multilateral treaties dealing with weapons of mass destruction...It is apparent in the strong and, I believe, growing interest in support of negotiating a nuclear weapons convention, or at least for serious consideration of what types of legal obligations would be necessary to achieve a world free of nuclear weapons. It is apparent in recent meetings by the nuclear-weapon states to consult on ways to improve transparency of their nuclear arsenals and stocks of fissile materials, a longstanding goal of the world community. It is apparent in the importance the entire world attaches to full compliance with disarmament and non-proliferation commitments. It is apparent in preparations to convene a conference next year to conclude an arms trade treaty, and in other efforts to prevent an arms race in outer space, to agree on norms governing missiles and missile defences, and to strengthen international legal obligations in the field of non-proliferation and against terrorism involving weapons of mass destruction. And it is apparent in efforts that have been underway since the 2010 NPT Review Conference to pursue the establishment of a WMD-free zone in the Middle East – and such efforts will hopefully produce progress quite soon.*[74]

Another "rule of law" trend in recent years has been the growth of interest in considering nuclear weapon issues and doctrines in light of the prohibitions and positive obligations of international humanitarian law. The humanitarian consequences of the use of these weapons have been receiving greater recognition – as reflected in the 1996 Advisory Opinion of the International Court of Justice, in statements and work of the International Committee of the Red Cross, and most recently in language adopted by consensus in the 2010 NPT Review Conference.

Yet the road ahead for disarmament will remain difficult, even with these welcome developments. It is an unfortunate fact of life that nuclear disarmament is not the only "hardy perennial" at the UN. There remains a virtual taboo on negotiations on a nuclear weapons convention; a refusal by states possessing such weapons to consider any type of timetable for fulfilling their disarmament commitments; and nuclear deterrence lives on as the prominent doctrine of each state that possesses nuclear weapons (as well as among the states covered by the nuclear umbrella through alliance commitments).

Other hardy perennials take the form of arguments – often little more than slogans – used by critics of disarmament in statements in the UN disarmament machinery and in published commentaries. Over the last six decades of deliberations, there are twelve such arguments that get recycled regularly. Duarte has called these the "dirty dozen"[75] and together, they constitute a mantra comprising its own set of hardy perennials:

74. Sergio Duarte, Opening Statement, General Assembly, First Committee, 3 October 2011, at http://www.un.org/disarmament/HomePage/HR/docs/2011/2011-10-03-First_Committee_opener.pdf

75. Sergio Duarte, "Global Nuclear Disarmament: A Practical Necessity, a Moral Imperative," 2010 Chautauqua Lectures, Week Four: Nuclear Disarmament, Chautauqua, New York, 19 July 2010, available from: www.un.org/disarmament/HomePage/HR/docs/2010/2010July19Chautauqua.pdf

Duarte's 'dirty dozen' – perennial arguments made by disarmament critics

Disarmament is ...

1. Utopian and impractical.

2. Dangerous, undermining nuclear alliances.

3. A lower priority than non-proliferation or counter-terrorism.

4. Irrelevant – certain states or non-state actors will never comply.

5. Best seen as only a distant goal.

6. An attempt to deprives us of nuclear weapons to keep the order and deter war.

7. Unenforceable.

8. Unverifiable, as cheating will occur and go undetected.

9. Likely to open the way for conventional wars.

10. Likely to lead to an expensive increase in conventional arms.

11. Best confined to states that are unreliable.

12. Oblivious to the reality that nuclear weapons cannot be disinvented.

These claims have little to no empirical support, which is not surprising given that the history of eliminating or relinquishing nuclear arsenals has been quite limited. South Africa and Libya abandoned their nuclear weapons programmes, Iraq's was destroyed in two wars, and Belarus, Kazakhstan, and Ukraine returned their nuclear weapons to the Russian Federation. While these rare cases of nuclear disarmament offer little basis for predictions about its implementation globally, this record hardly sustains any of the dire claims of the dirty dozen.

In terms of the most challenging standard of risk – namely, the risk that nuclear weapons will once again be used – the international community has spoken in one voice. In consensus language adopted at the 2000 and 2010 NPT Review Conferences, the states parties agreed that "the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons."[76]

In this light, the dirty dozen may well apply more accurately to the alternatives to disarmament, including the balance of power, arms races, sustaining the endless pursuit of military superiority, and the reliance on non-proliferation and nuclear security measures alone. The dangers inherent in these alternatives help to clarify the greatest contribution of multilateral disarmament norms: their role in eliminating, rather than just regulating, the risk of use.

76. Final Document, 2000 NPT Review Conference, Part I, NPT/CONF.2000/28 (Part I), p. 15; and Final Document, 2010 NPT Review Conference, NPT/CONF.2010/50 (Vol. I), p. 21.

5. Conclusion

Diehard advocates of disarmament understand that it is, or must be, based on a rock foundation, ultimately a foundation of law. Yet what is the foundation of this foundation?

The answer in part comes down to shared beliefs – in particular, beliefs in the collective legitimacy of these norms and their value to each member state and to humanity. Shared beliefs sustain the whole disarmament enterprise – beliefs in its concrete security benefits for the international community, and beliefs in its accordance with venerated UN principles, purposes, and values. Shared beliefs can achieve what appears impossible, just as their absence can cause the enterprise to collapse. The UN has a preeminent role in sustaining precisely these beliefs. It is well on its way to becoming the dynamic instrument that Hammarskjöld wished it to be.

Yet beliefs alone do not constitute the exclusive basis for the merits of disarmament. The other foundation is perceived self-interest – the recognition by leaders and citizens of member states that the elimination of nuclear weapons and other weapons of mass destruction, accompanied by limitations in conventional arms, will enhance the security not just of each and all, but of future generations.

This too is a belief, but a belief grounded in a hard-headed appraisal of self-interest. In this sense, disarmament is not just the right thing to do. It also stands a greater prospect of working, relative to the alternatives of escalating arms races, indefinite increases in military spending, and the presumption that "nuclear deterrence" can be maintained in a world with a growing number of states with nuclear weapons.

In his 2005 Dag Hammarskjöld Lecture at Uppsala University, former IAEA Director General Dr Hans Blix had the following to say about UN instruments – a fitting conclusion for this paper:

> *Many of the reform efforts of the past years have aimed at modifying old or creating new instruments in the UN. If we see the UN as an orchestra the replacement or repair of damaged or missing instruments is important and welcome. However, such action does not help if the first violinist does not want to play or the musicians cannot agree to play from the same score. I have no doubt that the greater problem today does not lie in the instruments but in the will of the musicians to use the full potential of their instruments – and to play by the same score. I also have no doubt that they will come to feel a growing need for music.*[77]

77. Hans Blix, "UN Reform and World Disarmament Where do we go?", 2005 Dag Hammarskjold Lecture, Uppsala University, Uppsala Sweden, 19 September 2005 (Uppsala: 2007), p. 28–9, available from: www.dhf.uu.se/pdffiler/Hans_blix_lecture.pdf

Speaking at a press conference on 19 May 1955, Secretary-General Dag Hammarskjöld referred to nuclear disarmament as a "hardy perennial" at the United Nations, a term he often used on this subject. Fifty-seven years later, efforts are still underway at the UN to address several global challenges relating to nuclear weapons – specifically, nuclear disarmament, nuclear non-proliferation, nuclear terrorism and the physical security of nuclear materials.

To account for the stubborn persistence of this hardy perennial at the UN in the face of such circumstances, this paper will: focus on the unique contributions of the world body in advancing disarmament goals, identify how the UN has been and remains indispensable for addressing this challenge, and look ahead to the factors and influences that will shape the perennial's future growth.

This focus begs the question: if the fundamental decisions leading to success in this field are exclusively the responsibility of the UN's member states, what difference does it make if the UN itself is active or inactive in advancing disarmament goals? Has our hardy perennial become simply a pesky weed? Has the failure to achieve disarmament goals rendered the UN obsolete in advancing such goals?

In this publication Dr Randy Rydell seeks to answer these questions.

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